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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

Lord God Almighty, Creator and sustainer of the universe, accept our praise and thanksgiving for all You have done for us. Father, on this anniversary of 9/11, continue to comfort those for whom this day rekindles a sense of sadness and loss. Console those whose lives are imprinted with the shocking images of that season of distress and grief. Today, may all citizens of this land incline their hearts to You in prayer as You release Your continuing mercies over us.

Lord, we acknowledge that in spite of challenges, we still have much for which to thank You. Thank You for our Senators, who daily give themselves to You and country. Thank You for family and friends and for loving care which surrounds us on every side. Above all, we thank You for Your gift of salvation and for the opportunities You have given us to honor You with our lives.

To You be glory forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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, September 11, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning, following any remarks of Senator MCCONNELL and myself, the Senate will immediately resume consideration of the Transportation Appropriations bill. There are no votes presently scheduled.

Last night, there were discussions about the possibility of the Republicans offering an amendment on the subject of Mexican trucks, which is the subject of the pending Dorgan amendment. We are all hopeful we can work something out on that this morning regarding the Dorgan amendment and the so-called alternative amendment to that.

It is my understanding Senator COBURN is going to arrive about 10:30 this morning to start offering amendments on problems he has with this legislation. As I mentioned last night, he tends not to speak for long periods of time, but he does have a number of amendments. He hasn't decided how many that will be. We hope we can proceed on that as quickly as possible.

At 12 noon today, the Senate will observe a moment of silence in commemoration of the sixth anniversary of the September 11 attack. Both the Republican leader and I encourage Members to come to the floor for this observance.

Also, the Senate will recess from 12:30 to 2:15 for the regular party conference meetings.

Yesterday, I indicated that today would be a late night as we work toward completing this legislation. There is no reason we can't complete this bill tonight. If we complete it tonight, of course, there will be no votes tomorrow. As indicated, there would be no votes after 1 o'clock anyway, so we should do our best to complete this legislation tonight.

It could be a very late night, but we have two of our most competent, experienced legislators doing this bill—Senator MURRAY and Senator BOND—and we do hope we can move forward on this legislation.

ORDER OF PROCEDURE

Mr. REID. Mr. President, following the moment of silence at noon, I ask unanimous consent that the two leaders be recognized for whatever time they may consume.

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

MEASURE PLACED ON THE CALENDAR—H.R. 1908

Mr. REID. Mr. President, I understand H.R. 1908 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 1908) to amend title 35, United States Code, to provide for patent reform.

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

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

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

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UNANIMOUS-CONSENT REQUEST—H.R. 1538

Mr. REID. Mr. President, I ask unanimous consent that if the Senate receives the message from the House on H.R. 1538, the Wounded Warrior legislation, with a request for a conference with the Senate, the Senate agree to the request and the Chair be authorized to appoint conferees.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CORNYN. Reserving the right to object, Mr. President, I am in support of this. I know we all are in favor of the Wounded Warrior legislation, as well as the troop COLA amendment, which I am proud to say passed by unanimous consent of the Senate. But it is not technically in order for the Senate to act at this time, as the bill is over on the House side. Therefore, I would object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I say to my friend, if he heard my request—maybe he was diverted momentarily—I said that ''if'' the Senate receives a message from the House on H.R. 1538, the Wounded Warrior bill, with the request for conference, then the Senate agree to the request.

Mr. CORNYN. Mr. President, I appreciate the clarification. However, the objection still stands, inasmuch as it is premature to pose that unanimous consent request at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

RESERVATION OF LEADER TIME

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

DEPARTMENTS OF TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 3074, which the clerk will report.

The assistant legislative clerk read as follows:

An act (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Dorgan amendment No. 2797, to prohibit the establishment of a program that allows Mexican truck drivers to operate beyond the commercial zones near the Mexican border.

Inhofe amendment No. 2796, to prohibit the use of funds to implement the proposed Air Traffic Control Optimum Training Solution of the Federal Aviation Administration.

AMENDMENT NO. 2808

Mr. CORNYN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk and ask for its immediate consideration.

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

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN], for himself and Mr. INHOFE, proposes an amendment numbered 2808.

The amendment is as follows:

(Purpose: To express the sense of the Senate that General David H. Petraeus, Commanding General, Multi-National Force-Iraq, deserves the full support of the Senate and strongly condemn personal attacks on the honor and integrity of General Petraeus and all the members of the United States Armed Forces)

At the appropriate place, insert the following:

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

(1) The Senate unanimously confirmed General David H. Petraeus as Commanding General, Multi-National Force-Iraq, by a vote of 81-0 on January 26, 2007.

(2) General Petraeus graduated first in his class at the United States Army Command and General Staff College.

(3) General Petraeus earned Masters of Public Administration and Doctoral degrees in international relations from Princeton University.

(4) General Petraeus has served multiple combat tours in Iraq, including command of the 101st Airborne Division (Air Assault) during combat operations throughout the first year of Operation Iraqi Freedom, which tours included both major combat operations and subsequent stability and support operations.

(5) General Petraeus supervised the development and crafting of the United States Army and Marine Corps counterinsurgency manual based in large measure on his combat experience in Iraq, scholarly study, and other professional experiences.

(6) General Petraeus has taken a solemn oath to protect and defend the Constitution of the United States of America.

(7) During his 35-year career, General Petraeus has amassed a distinguished and unvarnished record of military service to the United States as recognized by his receipt of a Defense Distinguished Service Medal, two Distinguished Service Medals, two Defense Superior Service Medals, four Legions of Merit, the Bronze Star Medal for valor, the State Department Superior Honor Award, the NATO Meritorious Service Medal, and other awards and medals.

(8) A recent attack through a full-page advertisement in the New York Times by the liberal activist group, Moveon.org, impugns the honor and integrity of General Petraeus and all the members of the United States Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to reaffirm its support for all the men and women of the United States Armed Forces, including General David H. Petraeus, Commanding General, Multi-National Force-Iraq;

(2) to strongly condemn any effort to attack the honor and integrity of General Petraeus and all the members of the United States Armed Forces; and

(3) to specifically repudiate the unwarranted personal attack on General Petraeus by the liberal activist group Moveon.org.

Ms. KLOBUCHAR. Mr. President, will the Senator yield for 1 minute?

Mr. CORNYN. Mr. President, I will not yield at this time, although after I get through speaking I am happy to yield to my colleague.

Mr. President, every generation has defining moments, moments when you know in an instant that the world as you knew it has forever changed. Some of these moments are cause for celebration, such as the Moon landing or the fall of the Berlin Wall. But some, like the bombing of Pearl Harbor or the assassination of President John Fitzgerald Kennedy, are moments of intense grief, when the entire Nation holds its breath in shock and disbelief.

The morning of September 11, 2001, was one such defining moment. Many of us closed our eyes, pleading with reality that what we saw could not be true. Many of us sat and cried, reeling from the loss of so many of our friends and neighbors. Many of us crowded into houses of worship across the country, looking for comfort and for answers. We watched as average Americans, finding extraordinary courage, became heroes. Firefighters, police officers, and other emergency personnel responded with remarkable bravery and determination, and many gave their lives so that others might live. The strength and generosity of ordinary Americans was the sole bright spot on that dark day.

But what defines our generation is not just what we do in such moments but what we do the next day, and the next week, and the next year. Here we stand, 6 years later, remembering that day and reflecting back on all that has happened since that time. And here I stand, more proud of America than ever, and especially its response over the last 6 years.

In the weeks following September 11, our country was faced with several choices. Would we crack under the weight of the tragedy and the threat of the terrorist mindset or would we unite against the idealogy of fear and hatred? Would we retreat from a dangerous global terrorism or would we work to create a safer world? Over the last 6 years, we have faced terrorism and extremism head on. We have stood firmly against those who would attack innocent civilians and push an agenda of fear. As a result, our country is safer and terrorism is being combated across the world.

Of course, we owe a profound debt of gratitude to the brave men and women of the U.S. military. Their continued service and dedication to our country has literally helped to preserve the American way of life, and made the world safer, I might add, for everyone. Their strength and courage is an example to all of us, and we should always remember and honor their sacrifices.

But the fact is, while we are safer than we were on September 11, 2001, we are not yet safe. Recent renewed threats from al-Qaida and arrests of terror suspects in Germany have proven that the danger is still looming for us. Fighting terrorism means we have to be right all the time, while the terrorists only need to be right once. We

have to stay on the offensive, taking the fight to the enemy and always looking for ways to improve our national security here at home.

Now, yesterday and today, Congress received a report from the general in charge of the Multinational Force Iraq, GEN David Petraeus, and from our Ambassador to the region, Ambassador Crocker.

All of us will recall that when General Petraeus was nominated to this high office as a professional military man, his confirmation came to the Senate. As a member of the Senate Armed Services Committee, I was proud to vote for his confirmation in the Armed Services Committee. As you can see by this chart, on January 26, 2007, the Senate unanimously confirmed this professional soldier as the head of the multinational forces in Iraq.

Unfortunately, when General Petraeus's report was received yesterday before a joint hearing in the House, there was all too common partisanship and shrill rhetoric. But, in contrast, this report represents an honest, nonpartisan assessment of the conditions in Iraq, both political and marshal.

You know, the fact is, it bears note that General Petraeus's report, along with Ambassador Crocker's, is exactly aligned with what the Director of National Intelligence issued in August in his report as well as the report of the independent commission created by this Congress headed by retired Marine Corps GEN Jim Jones, who testified just last week.

As a result of these reports, we will now be faced with a choice: Will we heed the advice of our generals, particularly in the case of General Petraeus, a counterinsurgency expert, unanimously confirmed by the Senate, or will we close our ears and our minds to the facts and cave in to special interest groups that claim to know better than our distinguished military leaders?

Even before this report was issued by General Petraeus, one such group began employing a despicable and reprehensible new tactic in anticipation of a report which contradicted their ideology. MoveOn.org sponsored this ad, which shamefully, despicably appeared in the New York Times, claiming that General Petraeus, this distinguished military warrior, was a traitor and that he would lie in his report.

Lest anyone be misled into thinking this is a product merely of an individual organization, MoveOn.org, I would refer my colleagues to an article that appeared in the New York Times magazine on Sunday entitled ''Can Lobbyists Stop the War?'' What that article pointed out—I would commend it to all of our colleagues—is that an attack such as this is not an isolated event on behalf of an antiwar organization like MoveOn.org; it is part of a concerted strategy composed of some 20 outside special interest groups consulting with Democrats on the Hill.

This organization, as the article reports, does not work only through media by paying hundreds of thousands of dollars for ads like this; they coordinate extensively with Democrats on Capitol Hill, as the article points out. Mr. Matzzie, who is the head of this organization, is actually the Washington, DC, representative of MoveOn.org, and he himself, the article says, meets with Speaker NANCY PELOSI or HARRY REID, the Senate majority leader, maybe once a month, he says, adding that he talks to their staffs once a day or at least a couple times a week. In the article, Mr. CROWLEY notes that senior Democratic aides sometimes even join in conference calls. This might entail discussions of political strategy or more substantive policy briefings by experts from the think tanks that are part of these outside interest groups as part of this organized, orchestrated effort on behalf of those who want to tear down the good name of a distinguished patriot like David Petraeus.

This smear campaign consisted of an entirely unwarranted and fallacious attack and sought to impugn the name of a highly respected man of integrity. I have seen this kind of attack before. I suspect all of us have at one point or another.

But sometimes it is called just simply ''poisoning the well.'' It is a simple principle: When you cannot refute someone's report, try to discredit them before they, in fact, even make it. Indeed, Mr. Matzzie, the Washington director of MoveOn.org who heads up the organization that is referred to in the New York Times magazine article entitled ''Can Lobbyists Stop the War?'' was quoted in Politico as saying this:

> We have to frame his statements before he makes them. He's not St. Petraeus, he's General Petraeus.

This same article which I mentioned a moment ago quotes an anonymous Democratic Senator:

> No one wants to call Petraeus a liar on national TV. The expectation is that the outside groups will do this for us.

I hope all of my colleagues in the Senate will join me in condemning these disgraceful attacks against the good name and character of this general. Instead of making wild allegations, we ought to actually listen to what he has to say. It is always, I have found, a valuable tool to listen to what someone has to say before you try to argue with them.

Of course, what he had to say in the House yesterday will be and is currently being repeated, I expect in large part in the Foreign Relations Committee this morning and the Senate Armed Services Committee this afternoon. The fact that General Petraeus has reported that these groups find so reprehensible is that we have actually made progress in Iraq in communities or in areas such as Al Anbar Province and in other places around the country; Al-Qaida in Iraq is losing popularity, and with it they are losing ground.

For every person who abandons the doctrines of terrorism, we take another step toward a stable Iraq and a safer America. Unfortunately, our colleagues on the other side of the aisle, even before General Petraeus gave this report and in the face of the National Intelligence Estimate and the Jones Commission, denied the fact of violence actually going down in Iraq.

This is just one comment made by the Senator from New York, who said:

> The violence in Anbar has gone down despite the surge, not because of the surge.

Disclaiming that our 170,000 American uniformed servicemembers in Iraq have made any difference. The problem is that when you bet against the men and women of the U.S. military, you are going to lose. And those who bet against the U.S. military in claiming that their efforts would have no effect in Iraq have lost that bet because it has, and they just can't seem to handle it.

Another statement by the majority leader attempting to undermine the credibility of this general—Senator REID said:

> General Petraeus has made a number of statements over the years that have not proved to be factual.

The chair of the House Democratic caucus, RAHM EMANUEL, on September 7, 2007, said:

> We do not need a report that wins a Nobel Prize for creative statistics or the Pulitzer Prize for fiction.

Suggesting that this general, whom we confirmed just last January by unanimous vote, in charge of multinational forces in Iraq would write a report that could be described as ''fiction'' is an insult.

We should make no mistake about the fact that success in Iraq is inextricably linked to our safety here at home. Let us not forget that only 2 months ago, this Senate overwhelming passed a resolution declaring the dangers of a failed Iraq state and expressing our intent not to pursue any strategy which might lead to that failure, passed by a vote of 94 to 3.

I agreed with Senator REID back in January of 2007 when he said:

> Our hope, our prayer is that this President will finally listen, listen to the generals.

That is what we are asking Senator REID and our friends on the other side of the aisle to do today, is to simply listen to this good man who wears the uniform of the U.S. military and give him a fair hearing.

We passed the measure I mentioned a moment ago about taking no action which would likely result in a failed state in Iraq because we recognized that Iraq is the front line in a much larger war, a global war on terrorism.

When the Confederate and Union armies met near a small shoe factory in Gettysburg, they could not have known that battle would be a turning point in our Civil War. But as we stand now looking at the situation in Iraq, we must acknowledge that our success or failure there will be a turning point, one way or the other, in the global war on terror.

Already we have seen Islamic terrorism spread across the globe from Syria, Israel, Lebanon, Afghanistan, the Philippines, Jordan, India, and Bali. All have suffered from Islamic terrorism. European countries such as Spain, Great Britain, and most recently Germany have all had to face the growing threat of suicide bombers and terrorists. Even here at home recently we have seen two terror plots fail, thank goodness, at Fort Dix and at JFK Airport.

Were we to close our ears and our minds to what General Petraeus and Ambassador Crocker have to report and abandon our effort to provide an ability for the Iraqis to govern and defend themselves, were we to leave the region to the hegemony of Iran, an enemy of this Nation which is developing nuclear weapons, we would leave not only the Iraqis but the people in the region—indeed, ourselves here at home—at the mercy of terrorist organizations and countries that give safe haven to those terrorists, a base of operations which would serve as a launching point for further operations into Europe and America. But if we create a stable self-sufficient Iraq, we can begin to push back the terrorist organizations in the Middle East. We can stop their spread and we can push back, just as the American military has in Anbar Province, recruiting local people, the sheiks, the tribes there to be part of the fight on our side and to eliminate al-Qaida from that region.

Just as transparency is the enemy of corruption, free and stable nations are the Achilles' heel of terrorism. Today, 6 years to the day from when we were first attacked, we must redouble our efforts. We must combat terrorism throughout the world, starting with a liberated, secure Iraq.

We should make sure that we give General Petraeus and our troops everything they need to win the battle and turn the tide of the larger war, not undermine them by condoning the kind of scurrilous attacks reflected in this New York Times advertisement by MoveOn.org.

We should also remember that the war on terrorism is more than a military engagement; it is a battle of wills which we all fight. Every day we meet in this hallowed Chamber, we fight that battle. Every time Americans gather to worship without fear, we fight that battle. Every night when we go home to our families and we find comfort with our loved ones, we are fighting that battle. America's determination to continue our way of life is a powerful statement to the terrorists that you may threaten us, you may attack us, but you will never break the American spirit. We will always cherish freedom, and we will always pursue peace and justice throughout the world.

Over the last 6 years, we have had to make many changes in order to adapt to this new threat, but one thing will never change: America will always fight against fear and extremism, and we will always stand up for a peaceful, more humane world.

Mr. MCCONNELL. Is the Senator from Texas essentially through with his statement?

Mr. CORNYN. I am glad to yield for some questions.

Mr. MCCONNELL. If the Senator from Texas has completed his statement, I will seek recognition.

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

Mr. MCCONNELL. Mr. President, before the Senator from Texas leaves, I wish he could put back up the ad in the New York Times yesterday. It strikes me that the Cornyn amendment is an opportunity for Senate Democrats to have their reputation restored. I can't believe that Senate Democrats approved of this kind of trash that we have seen in the New York Times in this paid ad last Sunday which, I gather, cost over $100,000. This organization, MoveOn.org, is claiming it controls the Democratic Party. I don't believe that is true. But this is what they had to say back in 2004.

Someone named Eli Pariser, an employee of MoveOn, talking about the Democratic Party, said:

> Now it's our party. We bought it. We own it. We are going to take it back.

MoveOn is claiming they control the Democratic Party. If I were a Democratic Senator, I would be offended by MoveOn.org's claim, as Senator CORNYN pointed out in his comments, that they communicate on a near-daily basis with senior Democratic Members. Here is a quote:

> I called over there and said ''you guys better have a strategy on this.''

By ''there,'' Matzzie, who, I guess, is the head of MoveOn.org, meant the offices of Democratic leaders on Capitol Hill with which he or his staff communicate on a near-daily basis. According to Matzzie, Matzzie has personal relationships with several senior Democratic Members of Congress.

In short, it strikes me, listening to the Senator from Texas and reading the article in the New York Times myself Sunday, that this organization, this radical leftwing organization is attacking the patriotism of General Petraeus with this ad, accusing him, in effect, of treason—''Betray Us,'' it says—and is claiming control of our good colleagues on the other side of the aisle. I don't believe that. I don't believe that for a minute. The Cornyn resolution is an opportunity for the Senate to go on record, hopefully unanimously, objecting to this kind of dialog. Certainly, they are free to do whatever they want. It is a free country. The first amendment allows everyone to say whatever they please. But you don't have to endorse this kind of nonsense.

This organization strikes me as a severe threat to the reputation of the Democratic Party. This is an opportunity the Senator from Texas has offered for all of us to go on record in opposition to this outrageous and unacceptable ad run in the New York Times on Sunday.

''General Petraeus or General Betray Us?'' What an outrage. Are we not offended by that? Do we not condemn that? This is the opportunity for the Senate, on a broad bipartisan basis, to condemn this outrageous ad.

I thank the Senator from Texas for giving us this opportunity. I hope when this vote occurs, it will be a unanimous expression. Regardless of how we may feel about the war—and I know that is a deeply divisive issue in this body; we understand that—some kinds of rhetoric are simply unacceptable. Here we have an outside organization claiming to basically control the Democratic Party. I don't believe they do. If I were a member of the Democratic caucus and sitting on the other side of the aisle in this Chamber, I would be offended by an organization claiming to control me and to speak for me, such as this group apparently does.

I thank the Senator from Texas. It is a perfectly timely amendment, as General Petraeus is testifying here in the Senate today and in the House yesterday. Of course, next week we will be dealing with the Iraq issue again. I hope we can discuss it in a typical, responsible Senate debate and not have these extreme organizations on the far left, which apparently wish for America's defeat, have a disproportionate influence on this body over the outcome of our debates. We ought to be able to rise above that. We have the possibility of doing that. The American people would like for us to do that. They want us to engage in a civil debate about the way forward in Iraq. We will have an opportunity to demonstrate that again next week. I hope we will demonstrate it this morning by overwhelmingly—and hopefully on a unanimous basis—condemning this outrageous ad questioning the patriotism of General Petraeus.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, there are a number of Senators who want to speak to the pending amendment by the Senator from Texas. The Senator from Minnesota has been waiting for some time. I ask unanimous consent to temporarily set aside the amendment of the Senator from Texas in order for the Senator from Minnesota to send her amendment to the desk and to speak for a couple of minutes and then to return to the amendment of the Senator from Texas.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CORNYN. Mr. President, once the amendment of the Senator from Minnesota is sent to the desk, spoken on, if my amendment will then become the pending business, if I understand the request, I have no objection.

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

AMENDMENT NO. 2816

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk for immediate consideration.

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

The assistant legislative clerk read as follows:

The Senator from Minnesota [Ms. KLOBUCHAR], for herself and Mr. COLEMAN, proposes an amendment numbered 2816.

Ms. KLOBUCHAR. I ask unanimous consent that reading of the amendment be dispensed with.

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

(Purpose: To make available amounts authorized to be appropriated for the repair and reconstruction of the Interstate I–35W bridge that collapsed on August 1, 2007, in Minneapolis, Minnesota)

On page 20, between lines 13 and 14, insert the following:

I–35W BRIDGE REPAIR AND RECONSTRUCTION

For necessary expenses to carry out the project for repair and reconstruction of the Interstate I–35W bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, as authorized under section 1(c) of Public Law 110–56 (121 Stat. 558), up to $195,000,000, as documented by the Minnesota Department of Transportation to remain available until expended, *Provided*, That that amount is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress): *Provided further*, That the Federal share of the costs of any project funded using amounts made available under this section shall be 100 percent in accordance with section 1(b) of Public Law 110–56 (121 Stat. 588).

Ms. KLOBUCHAR. Mr. President, I first thank this body for its amazing response when the bridge collapsed in Minneapolis. Senator COLEMAN and I went there immediately the morning after the bridge collapsed on August 1 and saw firsthand what happened. I came back and reported the bravery of our citizens, the emergency responders immediately diving in, people who were off duty coming to the scene, ordinary citizens running in saving people among shards of steel, among rebar, diving in, risking their own lives. There was a miracle schoolbus there where little kids could have died. But one man, who didn't even know those kids, opened the door and let them out. This is what happened in Minnesota that day. Then we returned to this body and worked with our fellow Senators. Not one Senator objected to the idea that when a Federal bridge falls in the middle of America, we must rebuild it. When a Federal highway overpass falls in the middle of America, we must rebuild it.

At that time, when we only had 60 hours to get the authorization for the $250 million that we requested to rebuild that bridge, we were told to wait until the dust settled to figure out the details of the appropriation. That seemed like a good idea.

The dust has settled. We have learned in our State and in our community that 13 people died in that tragedy, ordinary people coming home, going to work, people such as Patrick Holmes, who was driving home to his young wife Jennifer and their two children; people such as Sadiya Sahal, a pregnant nursing student, and her 2-year-old daughter Hannah, who were headed to a relative's home when the bridge crumbled beneath them. Many people were injured. Many people died. That is what happened when the dust settled.

We now have a gaping hole in a major bridge in the middle of Minneapolis-St. Paul, a major metropolitan area. Any of our Members, or anyone who is listening today, would think about major metropolitan areas in their States, if there was suddenly a gaping hole. The bridge basically buckled into the Mississippi River. It is eight blocks from my home, so I see it every day. It is costing an estimated $400,000 a day in lost business, lost time. There are a number of other bridges, but they are very small. Traffic has built up.

The emergency response from the Federal Government has been strong. The response from the State has been strong. Within 12 hours after this tragedy, billboards were up about emergency bus service. People responded in the right way, including the Senate and Congress. But on that day, 60 hours after this happened, a promise was made that we would rebuild that bridge. I appreciated the amendment to build bridges and to help repair bridges across this country. I supported it, as did my colleague, Senator COLEMAN. But we knew this was not the money that had been allocated to fix our bridge in Minnesota.

Oftentimes when these tragedies happen, it does lead to help across the country. When we realized that levees needed to be looked at, when we realized that flood control systems needed to be built after the Grand Forks flood—a lot of things happen that help other people in the country, but we always first help the people where the tragedy occurs. That is what our amendment—Senator COLEMAN is a cosponsor—is about, to make sure we fund the bridge repair, that we fix the bridge.

A bridge in the middle of America just doesn't fall down. We will get to the bottom of what happened. But when it does fall down, we rebuild it. We fix it.

I thank the Senate for its consideration.

Mr. BOND. Mr. President, may I ask the Senator from Minnesota a couple questions? Obviously, we are all concerned about this collapse. We know the burden. We want to make sure we provide responsible help that is necessary. Senator COLEMAN has indicated he wants to speak on the amendment.

I would like to know, No. 1, if this includes transit funding in that $195 million. Is it emergency highway funds, emergency bridge funds, or is it just designated as an emergency that does not come out of any of the existing highway or bridge funds?

Ms. KLOBUCHAR. It is my understanding that it is emergency funds. We did get some transit money designated early on. The Secretary of Transportation has been very good in working with us. I believe we have received about $55 million of the $250 million. That is why this amendment asks for the remaining $195 million to be appropriated. We will work with the Senator's staff on the details. We want to make sure we cross all the t's and dot our i's. But we cannot continue to let this interstate be a gaping hole in the middle of a metropolitan area, when it is clearly the intent of Congress to fund and authorize the money. We are simply trying to receive the rest of the funding that could be immediately given to us by the Department of Transportation.

Mr. BOND. Mr. President, I appreciate that. We need to work with DOT to make sure we have the details worked out. I appreciate the Senator agreeing to work with us so we can. Senator COLEMAN wants to be added as a cosponsor. We may get further information as we go to conference, but we will try to get this resolved today.

If the Senator would add Senator COLEMAN, I would appreciate that.

Ms. KLOBUCHAR. Senator COLEMAN is an original cosponsor of the original amendment. We made some modifications after speaking with Senator BOND and, of course, he would be included in this one as well. I also thank Senator MURRAY for the work she did immediately after this disaster, sending a staff member out to observe the bridge and work with us on getting immediate funding.

The ACTING PRESIDENT pro tempore. Senator COLEMAN will be added as a cosponsor.

The Democratic whip.

AMENDMENT NO. 2808

Mr. DURBIN. I ask unanimous consent to return to the amendment offered by the Senator from Texas.

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

Mr. DURBIN. Mr. President, I wish to speak to that amendment, if I could. First, let me stipulate I have said publicly, and believe in my heart, GEN David Petraeus is an honorable man who has served this country with distinction. It has been my good fortune to meet with him in Iraq on several occasions, 2½ years ago, when his job was an important job in training the Iraqi Army, to prepare it to take over for American soldiers. Most recently, in August, I met with General Petraeus in Baghdad for 3 hours, and with Ambassador Crocker, over dinner. We had a lengthy conversation about the surge, the situation in Iraq.

I never for 1 minute questioned General Petraeus's patriotism, his competence, and his record of serving America. That is something I am happy to stipulate for the record and I believe is beyond question and reproach.

I will also tell you I voted for General Petraeus to be head of our military effort in Iraq and did so without reservation. I believe he is extraordinarily competent as a military leader. There are no questions to be raised about that.

Yesterday, before a joint session of the House Armed Services Committee and the House Foreign Affairs Committee, General Petraeus appeared with Ambassador Crocker. The morning news reports suggest virtually every single Member of Congress from both sides of the aisle preceded their remarks about General Petraeus's testimony by giving credit and tribute to this man for his service to our Nation.

That is why this amendment that has been offered by the Senator from Texas strikes me as a little unusual, first in that it is being offered on the Transportation appropriations bill. Someone said, kind of jokingly: Is it because General Petraeus was transported over American highways to make it to the hearing? It is a good question that is being raised here about the general, but it certainly is not a question relative to a Transportation appropriations bill, which includes many serious and important issues as well.

We just heard a comment from the Senator from Minnesota. I can tell you her concern about her State and the terrible tragedy that occurred there is heartfelt. I am glad on behalf of Senator COLEMAN and herself she has brought it to our attention. I hope we will take it up, as we should, during the course of debating this bill.

Secondly, though, there is a time and place for this debate. It is an important debate because having conceded all of these important personal qualities of General Petraeus, the fact is I disagree with the conclusions he presented to that joint committee yesterday. That, of course, does not reflect on him personally; it just reflects on the fact he and I have a difference of opinion. Differences of opinion are pretty basic to our style of Government, not only in Congress but among the American people. So for someone to take exception to the remarks of General Petraeus is not unusual. In fact, it is expected. That is a debate that characterizes a democracy, a government where we are not afraid to stand up and disagree with even people at the highest levels of Government, even people who have excellent reputations who can, from time to time, be wrong.

I would remind the Senator from Texas it was a gentleman from his own State who became Attorney General and recently resigned, after serious questions were raised about his judgment. I did not vote to confirm Alberto Gonzales. I had serious doubts about whether he could serve as Attorney General, and expressed those doubts during his confirmation hearing, during the consideration of his nomination before the vote on the Senate floor, and afterwards, and that is a fact. That is what we are here for. That is part of the debate which is part of our American conversation. It goes on on the floor of the Senate and the floor of the House.

The same was true for Secretary Rumsfeld. I introduced him to the committee when the President first nominated him to be Secretary of Defense, and did so with pride because I had known of his service as a Congressman from Illinois. Over the course of several years, I came to disagree with many of his policies and believe he made some serious mistakes, for which we are still paying. That kind of disagreement is also part of this debate on Capitol Hill.

Now, what the Senator from Texas suggests—and also the Senator from Kentucky, the minority leader—is that now the Democratic side of the aisle has to be held accountable for all the critics of General Petraeus. In fact, they have gone so far—the Senator from Kentucky said what we are about here is not a resolution relative to MoveOn.org., what we are about is ''restoring the reputation of the Democratic Party.'' He went on to say the actions of this organization are ''a severe threat to the reputation of the Democratic Party.''

Perhaps the Senator from Kentucky overstated a little bit. When the organization ran a full-page ad, I did not notice at the bottom anything that said ''endorsed and approved by the Democratic National Committee.'' Organizations make their statements, stand by their words, and are held accountable for those. Occasionally, there is a poor choice of words. I think in this particular ad there was a poor choice of words to suggest there was any betrayal involved in the testimony of General Petraeus. But I might remind my colleague and friend from Texas, even the best of us can occasionally get tangled up in a poor choice of words. It has happened to both of us on the floor of the Senate. That is a fact. Occasionally you have to stand up and say: I did not quite mean it the way it sounded.

Well, let me say at this point, if we are going to be held accountable for every organization that opposes the war and the language they use, if the Democratic Party has to come to the floor and be asked up or down to vote on every comment and phrase made, it is a standard that might consume a lot of time in the Senate.

I do not recall a legion of Republican Senators filing in here to complain about Swift Boat Veterans for Truth. In the middle of that Presidential campaign, JOHN KERRY, a decorated Vietnam war hero, had his reputation attacked and criticized by a Texas organization, the Swift Boat Veterans for Truth, that suggested he was not deserving of the combat decorations which he received. I thought their attack was an outrage. Most Americans felt the same. We understand many men and women have risked their lives and given their blood in service to this country and received recognition from our Government, which they deserved. To have the scurrilous attacks from the Swift Boat Veterans for Truth, I thought, was an outrage. I do not recall resolutions on this side of the aisle saying: Well, now, the Republican Party has to repudiate those.

But if this is going to be our stock in trade now—instead of dealing with issues such as rebuilding the bridge in Minneapolis, instead of facing the reality of bridges across America that are dangerous, instead of dealing with highway funds that are critically important—we are going to set all that aside and ask, first, the Democrats and then the Republicans to respond to every ad that is published in the newspaper, then we better set up a special committee to deal with that. It would be the ''Committee on Headlines,'' I guess. We could have a bipartisan group and each day have a list of headlines we all object to, and then vote on them on a regular basis.

Is that why we are here? Is that why we were elected? Do we set aside the Transportation bill for America to deal with an ad purchased by a private organization? I do not think so.

Let me say I think it was a poor choice of words in that ad. I do not subscribe to that point of view about betrayal at all. I will defend the right of that organization and others to speak up against the war or for the war, whatever their position might be. That happens to be part of the American opportunity, to stand up and speak your mind, whatever it may be. To take the time of the Senate, on a regular basis, to come through here and to hold us accountable for purchased advertising by organizations will become a full-time job.

Now, before I close, let me say this: I do not believe this amendment is germane. If the Senator wants to offer it on some other bill, in some other context, that is his choice, if he wants to do it that way. But I wish to get back to the business of the Transportation bill.

But before I leave the floor, let me make it clear I disagree with the conclusions of General Petraeus. I have been there. I have met with him. I have seen it. It is true the surge is buying us at least temporary security benefits in some parts of Iraq, but the general has said, and many others have said, we will never win this war militarily. It has to be won by the Iraqi Government making important political decisions to bring their country together and to stabilize Iraq. No matter how many soldiers we send in, that political responsibility will still be there, and even the most optimistic fans of the Bush administration could not say at this moment in time there is a government of national unity in Iraq. There is not.

For all of the lives that have been offered up by Americans—3,774 of our best and bravest who have died as of this day in this war in Iraq; 27,186 who have been wounded—the fact is the political situation in Iraq is a disaster.

Even with the additional surge troops, it is a disaster. For General Petraeus to suggest he will try to bring home the surge forces—30,000—by some time next year, from this Senator's point of view, is not good enough. That will not move the Iraqis forward to accept responsibility for their own country, to accept responsibility for their own defense.

So though I respect General Petraeus, and will continue to respect him, I respectfully disagree with the conclusions he reached before that joint committee in the House yesterday. That is my right. It is the right of every American. If people, in disagreeing, make a poor choice of words, an unfortunate choice of words, I am not going to be standing here and defending them. But I will stand and defend the right of every American to question and challenge this Government and its policies. That is not a reflection on the general's good work or on the fine contribution by the men and women in uniform.

I hope this amendment offered by the Senator from Texas is found not to be germane to this Transportation bill, and I hope we can return to the important business of that bill soon.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, before I respond to the distinguished majority whip, I ask unanimous consent that Mr. INHOFE, the Senator from Oklahoma, be added as an original cosponsor of my amendment.

The ACTING PRESIDENT pro tempore. He is on the amendment now.

Mr. CORNYN. I thank the Chair.

Mr. President, I always enjoy listening to the distinguished Senator from Illinois. He is one of the most gifted speakers in the Senate, and he is a brilliant lawyer. We serve together on the Senate Judiciary Committee.

I agree with him that sometimes people say things they later regret. He is right, both of us have been in that barrel, and we have asked for forgiveness. Hopefully—I do believe, actually, we have received that. But I do think he protests too much.

This simple amendment—which would take us 15 minutes to vote on, if allowed to do so—has to do with more than just a simple disagreement with what General Petraeus has said. This is a direct attack, impugning the character of this distinguished member of the U.S. Army. It is not simply a poor choice of words.

The Senator from Illinois said: I do not subscribe to that point of view. If we would have an opportunity to vote on my amendment, his vote in favor of my amendment would, in fact, confirm what he has already said on the floor—that it is a poor choice of words and he does not subscribe to that point of view.

At the same time he asked: We are on the Transportation appropriations bill. Why are we talking about this now? Well, frankly, there are a lot of people who think the global war on terrorism and our success or failure in Iraq are just as important—I would submit more important—than an appropriations bill. But the fact of the matter is, we could do both, and we could get this amendment voted on in rather short order.

So I do think this amendment is timely. General Petraeus testified yesterday before a joint committee of the Armed Services Committee and Foreign Relations Committee in the House. He is testifying, even as we speak, before the Senate Foreign Relations Committee, and will testify this afternoon before the Senate Armed Services Committee. I think this is a timely matter, where we should express our strongest repudiation of the kind of despicable attack on the character of this good man that this ad represents.

This ad reportedly cost roughly $160,000 in the New York Times by MoveOn.org. I have already spoken to the coordination between these outside groups—including MoveOn.org, reported in the New York Times Sunday magazine in an article entitled ''Can Lobbyists Stop the War?'' talking about regular consultation and coordination between these outside groups and Democrats on the Hill.

I agree with the distinguished Republican leader, Senator MCCONNELL. This is a way for our friends on the other side of the aisle to show some separation between the irresponsible rhetoric of these groups, such as MoveOn.org, and their own position.

All I am asking is that the distinguished majority whip—who has already said this is a poor choice of words and that he doesn't subscribe to that point of view—allow the amendment to be voted on, and by voting for the amendment, he will basically confirm what he has already said on the floor.

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

Mrs. MURRAY. Mr. President, we have about 26 hours left to complete the Transportation and Housing Subcommittee appropriations bill. Our majority leader has already said we are going to return to a debate on Iraq next week, a very few days away from now.

I have a great deal of respect for General Petraeus, but I would remind my colleagues this is the Transportation appropriations bill which we are attempting to complete and the amendment before us has nothing to do with that subject matter. Therefore, in accordance with the point of order established by Senator LOTT when he was majority leader, I now make a point of order against the amendment, that it is a sense-of-the-Senate amendment which is not germane to the Transportation appropriations bill.

The ACTING PRESIDENT pro tempore. Under the precedent of May 17, 2000, the Chair must rule on the germaneness of sense-of-the-Senate amendments to appropriations bills. The Chair finds this amendment is not germane. The point of order is sustained and the amendment falls.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I am disappointed the Senator from Washington has chosen to make a point of order against this timely amendment. This amendment is not delaying the underlying bill, contrary to the distinguished Senator's statements and the statements of the majority whip.

We are prepared to set a vote on this amendment at any time this week. I understand the rules of precedence, and I am certain we have considered other amendments previously when similar points of order could have been made and the Senate chose not to raise the point of order. It is not self-executing; someone must raise it. It appears the other side believes the Senate should not speak on this, what I believe is the most important issue today. Again, we are prepared to set an immediate vote and move on to other issues.

Having said that, I will alert my colleagues that the Senate will speak on this issue at some point. We will come back and the Senate will weigh in on this despicable ad.

UNANIMOUS CONSENT REQUEST

Mr. President, I ask unanimous consent that at a time determined by the two leaders today, the Senate proceed to a vote on the adoption of a resolution, the text of which is the exact language of the amendment which I have offered. Further, I ask unanimous consent that if the resolution is agreed to, the preamble be agreed to and a motion to reconsider be laid upon the table.

Before the Chair rules, this unanimous consent request allows us to consider the language outside the Transportation appropriations bill, and I would hope there would be no objection to this.

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

Mrs. MURRAY. Mr. President, as the majority leader has said, we are going to return to the Iraq debate within a few days. We are trying to work our way through a very difficult Transportation bill today and, therefore, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I would like to make general comments on the legislation that is before us today—the Transportation, Housing and Urban Development Appropriations bill for fiscal year 2008.

This legislation provides critical funding for our Nation's transportation infrastructure and supports programs that are essential to creating vibrant neighborhoods and communities throughout the United States. I particularly wish to commend Senator

MURRAY and Senator BOND for their leadership on this very important legislation. They have been long-time supporters not only of Transportation projects but also the Housing and Urban Development projects inherent in this bill.

We are all aware of the Nation's aging infrastructure. Senator KLOBUCHAR pointed out very eloquently the terrible situation in Minnesota with the collapse of the bridge over I–35. This bill provides $40 billion to the Federal-aid Highways Program and helps State and local governments maintain bridges, build roads, reduce congestion, and improve air quality. The funding level of $631 million more than the administration requested and more than $1.13 billion than what was provided in 2007. Frankly, even this robust amount is probably not adequate to deal with the crises we face across this country.

After the tragedy in Minnesota, every State looked very closely at their bridges and their roadways, and it turns out that in my State of Rhode Island we have one of the highest percentages of structurally deficient and functionally obsolete bridges in the country. We need resources, but we are not alone. Every State in this Nation needs these resources. This bill is very critical in responding to that need. Again, I commend Senator MURRAY and Senator BOND for doing that, and I particularly commend Senator MURRAY for her amendment yesterday increasing the allocation for this type of work on bridges with an additional $1 billion. The Transportation provisions in this legislation are critically important to the future of the country.

The other important part of the legislation is the Housing and Urban Development programs. Here again, we have to be terribly concerned about what is going on in the United States. We are all aware of the unfolding subprime mortgage crisis. We are aware of the fact that many individuals are already suffering foreclosure because of the exotic mortgages. It is also rippling over into our larger financial institutions in terms of a liquidity crisis. These are huge problems the economy is facing and facing them with great difficulty over the last several weeks. But what is happening and what will happen over the next several weeks is the fact that many additional subprime mortgages will reset their interest, and everyone is projecting and looking forward to additional pressure on home loans.

One of the important aspects of the legislation before us is that this legislation includes $150 million for housing counseling assistance that will help address some of these subprime foreclosure problems by allowing not-for-profit groups to reach out to people facing foreclosure and give them help and assistance and act as an intermediary between the financial institution and the borrower. This is very important, very timely, and I hope we move aggressively to pass this legislation as a result.

The bill also provides $16.6 billion for the Section 8 accounts. We all understand that Section 8 is a vital component of our housing for our elderly and housing for low-income Americans. Without this, we are literally going to force people out of safe, secure, affordable housing they have today because the bulk of this money goes to maintain those individuals who are in subsidized housing today. So many of them are seniors, low-income seniors. This is the least we can do. I am particularly proud to support the $75 million Senator MURRAY has included for the Veterans Affairs Supported Housing Program. This is a new incremental voucher program that would be jointly funded by the Department of Veterans Affairs and HUD to provide Section 8 vouchers for homeless veterans. There is nothing more deplorable, if you want to talk about deplorable then leaving veterans homeless. What about the thousands of veterans, combat veterans in this country who are living on the streets? We had a hearing, and a gentleman from Durham, NC, talked about the veterans program he is running. We have veterans of the Armed Forces of the United States who are living behind the bicycle rack at the local Kinkos because they can't get housing. So if you want to talk about a shame and an insult to America's men and women in uniform, look closely at how we are treating some of these homeless veterans. This bill at least attempts to try to reverse that. I am pleased we are providing $1.6 billion for overall homeless assistance grants because we have a large population of homeless Americans who deserve help and assistance.

There is an additional grant for a pilot program of $25 million to give the Secretary of HUD the ability to put a program together that will provide for rapid rehousing of homeless families. Homelessness at one point was perceived as a problem of principally men on the street; perhaps stretches back to our—not nostalgic but our recollection of the hoboes of the Great Depression moving around without homes. Today, homelessness is a family problem in this country, and this program can provide hope—limited resources but a matrix, if you will, to help these families move forward.

This legislation also provides additional funding for the Public Housing Capital Fund and the Public Housing Operating Fund. We have to help our cities and municipalities that are running public housing to maintain the facilities and to operate these facilities.

There is also another issue that is important and that is lead abatement. Senator BOND has been a particular champion, along with Senator MIKULSKI, on lead abatement problems throughout this country. This legislation reflects his interest, his concern, and his commitment to helping communities deal with lead abatement. It also deals I think very effectively with the Community Development Block Grant funding which is so necessary to all our local leaders. This bill represents wise policy and robust funding beyond the President's request. I hope very sincerely the President will not carry out his threats to veto this bill. This bill addresses infrastructure problems and housing problems. It goes to what makes this country work: the economic infrastructure of highways and bridges and the human infrastructure of homes and housing and community development.

This is legislation that I, again, commend Senators MURRAY and BOND for developing, and I thank them and their staffs for their great work. I hope we can, this evening or tomorrow, go to final passage and send this bill forward for enactment.

I yield the floor.

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

Mr. BOND. Mr. President, I thank the Senator from Rhode Island. He has been a very effective advocate on housing and the wide range of topics he has discussed. His assistance and support for the bill is very important. We work with him on many issues and appreciate the opportunity to do so.

Yesterday, we had some very interesting discussions. I am sorry the Senator from North Dakota is not here, but I am hoping he will perhaps be watching because I do have some answers to the questions he raised about the Department of Transportation's inspector general report. The first thing he asked was how could the Department of Transportation—the DOT—act so quickly when they received the IG report on Thursday night, September 6, and came out with their truck order for the pilot program on Friday, September 7. Well, the fact is that the DOT, similar to Congress, had been fully briefed on the contents of the report on August 27. I think everybody who is familiar with audits knows that before the audit is released, there is an audit conference and the auditee—in this case the DOT—gets an opportunity to comment on it. The report that the DOT issued was based on the inspector general's draft.

We were able to confirm—they were able to confirm they felt they had complied with the concerns raised by the inspector general.

Specifically, on the inspection of every truck, every time, the IG said that as of July, the DOT didn't have a plan in place with DHS to make sure Customs and Border Protection checked all the trucks. Since that time, however, DOT has executed agreements with Customs and Border Protection so every truck, every time is checked. That is departmental policy, rather than a statutory requirement, but that is what is being done.

The third item: It was alleged that DOT does not have independent access to accident, driver's license, and other data if it is not voluntarily provided by

the motor carrier. DOT tells us that is not true. Motor carriers who want to participate in the program willingly and promptly turn over all records pertaining to their proposed operation. If the Federal Motor Carriers Agency feels there is a need for more indepth data, the Mexican Government will provide it. That is exactly the same process that is in place for Canadian carriers, Canadian drivers who come from north of the border.

There was a question about State enforcement and DOT has addressed that. The Federal Motor Carriers Agency has developed a significant program to train State officials on the enforcement where FMCSA officials are not available, and it would include testing English language proficiency.

Having covered that, I think it might be useful for our colleagues to know there is some strong support for allowing these trucks to run in the United States. I had a letter that was e-mailed to me, and I assume to others, today. It is actually dated June 6; I think it is one they had previously issued. But it says:

> The undersigned U.S. food and agriculture groups are deeply disturbed by congressional efforts to block the 14-year-old commitment of the North American Free Trade Agreement to allow Mexican and U.S. trucks to deliver international cargoes . . .

And they state:

> These efforts imperil U.S. food and agriculture exports, which have grown dramatically under the NAFTA, and could inflict serious harm on U.S. farmers, ranchers, and agribusinesses.

They go on to say:

> The NAFTA is a huge success story for U.S. farmers and ranchers. U.S. exports of food and agricultural products to Mexico have tripled under the NAFTA, climbing from $3.6 billion in 1993 to $10.9 billion in 2006. Mexico is now the top-value export market for U.S. beef, dairy, rice, corn sweeteners, soybean meal, soybean oil, apples and dry edible beans and the second largest for U.S. pork, corn, poultry, soybeans and a stable and reliable market for U.S. cotton.

They go on to talk about how this action is unwarranted. It would signal to the world that the United States is willing unilaterally to renegotiate terms of existing trade agreements. Secondly, they say it enhances the likelihood that Mexico will likewise disregard commitments that it made in the NAFTA, such as terminating the remaining tariffs on American agricultural exports, and it notes that Mexico could legally retaliate against the United States and retaliate against U.S. exports to Mexico. That is why Mexico's U.S. Ambassador correctly calls this a powerful symbol of the state of our bilateral relations.

I think that if you will humor me for just a minute, I want to tell you who is behind this letter. For anybody who has agricultural interests in your State, the people supporting it are the American Bakers Association; the Cotton Shippers; Farm Bureau Federation; Frozen Food Institute; Meat Institute; Soybean Association; Corn Refiners Association; International Dairy Foods; National Barley Growers; Cattlemen's Beef Association; Chicken Council; Corn Growers; Milk Producers; Oilseed Processors; Pork Producers Council; Potato Council; Sorghum Producers; Turkey Federation; North American Equipment Dealers; North American Export Grain Association; American Millers' Association; Produce Marketers; Sweetener Users; Fertilizer Institute; U.S. Apple Association; Dairy Export Council; Wheat Associates; Dry Bean Council; Hide, Skin and Leather Association; Dry Pea and Lentil Council; and the Rice Federation.

Mr. President, I ask unanimous consent to have the letter printed in the RECORD.

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

JUNE 6, 2007.

DEAR MEMBER OF CONGRESS: The undersigned U.S. food and agriculture groups are deeply disturbed by congressional efforts to block the 14-year-old commitment in the North American Free Trade Agreement (NAFTA) to allow Mexican and U.S. trucks to deliver international cargoes throughout each other's territories. These efforts imperil U.S. food and agriculture exports, which have grown dramatically under the NAFTA, and could inflict serious financial harm on U.S. farmers, ranchers, and agribusinesses.

The NAFTA is a huge success story for U.S. farmers and ranchers. U.S. exports of food and agricultural products to Mexico have tripled under the NAFTA, climbing from $3.6 billion in 1993 to $10.9 billion in 2006. Mexico is now the top-value export market for U.S. beef, dairy, rice, corn sweeteners, soybean meal, soybean oil, apples and dry edible beans and the second largest for U.S. pork, corn, poultry, soybeans and a stable reliable market for U.S. cotton.

We are concerned that Congress has delayed implementation of a modest demonstration program for cross-border trucking with a provision recently attached to the Iraq supplemental spending bill. Of paramount concern, however, are H.R. 1773, which was passed by the House and referred to the Senate Commerce Committee, and rumored plans to attach a similar measure to appropriations bills in both chambers. H.R. 1773 effectively rewrites the NAFTA by stripping the Administration of authority to operate anything but a limited test program for three years.

Supporters of this proposed legislation contend that they are concerned about highway safety. But Mexico has always agreed that its trucks and drivers will have to comply with all U.S. safety standards. Indeed, the demonstration program requires that U.S. inspectors examine and clear all Mexican trucks on-site in Mexico before any can participate—a step we do not require for trucks driving through our nation from Canada, our other NAFTA partner, or, for that matter, for U.S. trucks.

If implemented, the legislation would create a number of serious problems:

First, it would signal to the world that the United States is willing to unilaterally renegotiate the terms of an existing trade agreement.

Second, it enhances the likelihood that Mexico will likewise disregard commitments that it made in the NAFTA. There is significant unrest in Mexico over the termination of remaining Mexican tariffs which are scheduled under the NAFTA to be removed on January 1, 2008. Although Mexico's government has reaffirmed its commitment to implement these NAFTA obligations, it is under immense political pressure to disregard some NAFTA provisions—in particular, provisions regarding food and agriculture. Such action by Mexico could have devastating effects on U.S. farm exports to Mexico.

Third, Mexico could legally retaliate against the United States on the trucking issue. A NAFTA dispute-settlement panel unanimously ruled in 2001 that the blanket exclusion of Mexican trucking firms from the United States violated U.S. obligations under the NAFTA.

Mexico was authorized to retaliate against about $2 billion in U.S. imports. Fortunately, to date, Mexico has refrained from retaliating against the United States. Unless Congress stops preventing implementation of the cross-border trucking program—which Mexico's U.S. ambassador correctly calls ''a powerful symbol of the state of our bilateral relations''—we fear that Mexico may retaliate and that U.S. food and agriculture will be the hardest-hit sector. That would seriously harm U.S. farmers, ranchers and food companies and reverse the vital gains that U.S. agriculture has achieved because of the NAFTA.

The Mexican government is resisting broad domestic pressures to keep its word on the NAFTA. We strongly urge you to honor the cross-border trucking commitments the United States has made to Mexico.

Sincerely,———.

Mr. BOND. Mr. President, I urge my colleagues to read this because if they are concerned about what NAFTA has done for U.S. agriculture, I think this is a fairly impressive list of agricultural associations, touching almost every facet of American agriculture, that see the amendment pending on the floor as a great threat to the trade that keeps agriculture strong and provides revenue farm families in rural communities need throughout America.

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

Mrs. MURRAY. Mr. President, on August 2, 2007, by a vote of 83 to 14, the Senate approved S. 1, the Honest Leadership and Open Government Act of 2007, clearing that measure for the President. When that is signed by the President, this ethics reform legislation will significantly improve the transparency and accountability of the legislative process.

While the President hasn't yet signed that legislation, I wish to assure Senators that we intend to abide by the requirements of that legislation during the consideration of this bill. The legislation requires that the chairman of the committee of jurisdiction certify that certain information related to congressionally directed spending be identified and that the required information be available on a publicly accessible congressional Web site in a searchable format at least 48 hours before a vote on the pending bill. The information required includes identification of the congressionally directed spending and the name of the Senator who requested such spending. This information is contained in the committee report numbered 110–131, dated

July 16, 2007, and has been available on the Internet now for 8 weeks.

In addition, pursuant to standards established by Chairman BYRD and Senator COCHRAN for consideration of the fiscal year 2008 bills, letters from each Member with the congressionally directed spending item in this bill or accompanying report are available on the Internet certifying that neither the Senator nor his or her spouse has a pecuniary interest in such spending item.

Mr. President, I ask unanimous consent to have a certification by the chairman of the Committee on Appropriations printed in the RECORD at this point.

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

Senator Byrd: I certify that the information that will be required by S. 1, when it becomes law, related to congressionally directed spending, has been identified in the Committee report numbered 110–131, filed on July 16, 2007, and that the required information has been available on a publicly accessible congressional website in a searchable format at least 48 hours before a vote on the pending bill.

Mrs. MURRAY. Mr. President, I yield the floor.

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

Mr. COBURN. Mr. President, I thank the Senators for their hard work on this bill. As the tragedy in Minnesota showed, priorities are important.

I notice Senator BOND referred earlier to the IG's report I had requested on the Department of Transportation.

I must thank both the inspector general and Secretary Peters for their forthrightness and plain-spokenness in this report. The report is pretty significant. I wish to spend a few minutes talking about it.

First, I want to show the American people the significance of where we stand on the National Highway System. This doesn't have anything to do with States; this is national highways—designated national highways or interstate highways—in terms of the structurally deficient bridges in this country. This is from the U.S. Department of Transportation. These are not my numbers. As you can see on this chart, throughout the country—and it is emphasized in the most populous States, with the exception of Florida—we have significant problems when it comes to bridges. I contend that it is not necessarily too low of a gas tax that has created this; it has been a lack of priority.

I have several amendments I plan to offer to this bill. However, I will probably limit those if my overall first amendment passes.

There were several key points that the IG made and the Secretary of Commerce commented on when it comes to earmarks. Probably the most important of those is that earmarks, when they are made, don't fully account for the cost of those earmarks. As a matter of fact, the IG found substantial reduction in all of the other programs throughout the Department of Transportation because of the underallocation of the moneys necessary to complete an earmark.

What does that mean? It means that when we put an earmark in—authorized or unauthorized—and we say it costs $100, what the Department of Transportation is finding is that often it doesn't cost $100; because it is mandated by law, we spend $150. That $50 goes out of the rest of the programs at the Department of Transportation; therefore, it cuts. They talked about this as overearmarking, not in terms of the numbers but earmarking a result without putting in the dollars to do it. I think there is a comment on one of these charts out of the IG's report which states just that.

Here is another chart. It says:

99 percent of the earmarks reviewed by the inspector general bypassed merit review.

What does that mean? That means had they not been earmarked, they would not have been a priority in a State transportation project and would not have met a priority of the standards the DOT has on highways and bridges—there are five. Only 1 percent of the earmarks placed in the appropriations bill actually pass or meet merit review. The very thing our States do is sit up and say: This is how we want to prioritize spending in our States for safety and infrastructure in terms of transportation. These are not my words; these are the IG's words from the Department of transportation:

7,724 out of 7,760 transportation earmarks in 2006 were not subject to the agency's priority ranking, review, or selection process, or bypassed the States' normal planning and program processes.

So it comes back to the point, why don't we have all these bridges inspected, and why did we see a tragedy in Minnesota? It is because we failed; the bridge didn't fail. We failed to put in the proper amount of money, and we failed to put priorities on what is most important for our transportation sector.

Here is the next chart. Here is another point the IG made:

Recent Department of Transportation reauthorizations have included a significant number of specific projects with associated funding directed to specific State and local agencies or locations. For example, the current Department of Transportation authorization for surface transportation accounted for 6,474 of the Department of Transportation's 8,056 earmarked projects for FY2006.

We are taking money away from the priorities the States and Department of Transportation have that are out there and are transparent, and we are moving them away. That means there is less money for the tremendous number of bridges that are structurally deficient right now in our highway system.

How do we solve that? How do we meet the needs? The State of North Carolina has somebody up here full time to make sure that when an earmark is requested, it meets the State's guidelines. The State Department of Transportation of North Carolina has to lobby its own members to make sure the requests are within the guidelines of the priorities of the State of North Carolina.

How did we get to the point that we disconnect priorities to the fact that we want to help a certain group that is outside the priorities of our State but inside the priorities of our political purposes? I think we need to reexamine what we are doing. I think we need to reprioritize.

The fact is that a lot has been said about the tragedy that happened in Minnesota. I honestly believe President Reagan was right in 1982 when he vetoed a Transportation bill that had 11 earmarks. His point was that these take away from the priorities. Those 11 earmarks have grown to over 8,000 now. So each year, we have lessened the priorities of safety and efficient transportation to help us politically.

Better planning and prioritization of existing transportation funds could improve road safety and bridge safety. Realize that 13,000 people a year in this country die because of inadequate or poor-quality roads—Federal roads, not State roads. What are some of the things we do with transportation dollars? We build transportation museums, we build bike paths, we build parking garages. We have multitudes of earmarks that are anything except a priority for safety for transportation in this country.

AMENDMENT NO. 2810

Mr. President, I ask unanimous consent to call up amendment No. 2810.

The ACTING PRESIDENT pro tempore. Is there objection to setting aside the pending amendment?

Mr. COBURN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2810.

Mr. BOND. Mr. President, what is amendment No. 2810?

Mr. COBURN. This amendment is an earmark moratorium until all bridges are repaired.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2810.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit funds appropriated under title I from being used for earmarks until all structurally deficient and functionally obsolete bridges have been repaired, with limited exceptions)

On page 70, between lines 20 and 21, insert the following:

SEC. 194. (a) Except as provided under subsection (b), none of the funds appropriated or

otherwise made available under this title may be used for any earmark until all bridges in the United States that are classified under the Federal Highway Administration's bridge inspection program, as of the date of the enactment of this Act, as ''structurally deficient'' or ''functionally obsolete'' have been sufficiently repaired to no longer meet the criteria for such classifications.

(b) Funds appropriated under this title may be used for an earmark that is designated to repair—

(1) a bridge that is classified as ''structurally deficient'' or ''functionally obsolete''; or

(2) a road with ride quality that is not classified as ''good'' or ''acceptable''.

(c) In this section, the term ''earmark'' means a provision or report language providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

Mr. COBURN. Mr. President, what does this amendment do? This amendment does not get rid of earmarks. What this amendment does is it delays earmarks. What it says is that for all the earmarks we have had, both authorized and through the appropriations process, unless they are going to build and fix structurally deficient bridges in this country, or they are going to improve a highway that brings it up to standards, that makes it safe, we ought to delay the implementation of those earmarks until we have solved this problem.

How many more bridges have to collapse until we get the message? How many more people have to die until we get the message? The Minnesota bridge that collapsed was noticed in 1990 as being structurally deficient. In 1999, the State department of transportation in Minnesota said there needs to be a priority on this bridge, and yet we did not respond.

The earmark that should have been made was for the repairs for that bridge, and yet they were not made.

This amendment is very simple. I know it goes against the grain of a lot of the processes we use, but it makes common sense that if we are going to forego another Minnesota tragedy, we have to change our priorities.

All this amendment says is the priorities ought to be the safety of the American people and quality so that 13,000 people do not die this next year on roads that are not within the quality classified as ''good'' or ''acceptable.'' All we do is say let's put our priority where it needs to be right now. Let's set the priority for making sure there is not another Minnesota.

My State leads the Nation in the percentage of bridges that are classified as deficient. Oklahoma, as a State, has never received back what it has paid in to the transportation fund. As a matter of fact, there is over $1.8 million that we have paid in that we never received back. But we have disproportionately shared that in other areas. My State does not begrudge this point. The fact is, our State is small compared to the Northeast and the west coast in terms of structurally deficient bridges.

The point ought to be: How do we change the priority, how do we respond to the concerns of the American people over what, in fact, has to be the right priorities for transportation?

A couple of actions can be taken on this amendment. We can vote it down, and we can say safety and bridges and safe roads are not a priority, but museums and bike trails and theaters and parking garages are because they help us politically. Or we can adopt this amendment and send a message to the American people that: We hear you, we understand what you are saying, and we agree that your safety ought to outperform and be above our political necessities and our directed spending.

This does not limit any directed spending for any of these bridges or any of the Federal highways that will move them to good or acceptable. So in terms of transportation, it will not eliminate anything that is important to our safety, important to repairing the infrastructure in this country.

The third action that can be taken on this amendment is that we can pass this amendment, and because it is not liked, it will get trashed in conference. So we can all look good by voting for this amendment, but if we do not insist on this amendment when we get to conference, we will have winked and nodded to the American people again. We would have brought our numbers down by not paying attention to what their concerns are. And, most importantly, we will keep American drivers and pedestrians and passengers at risk.

I hope the chair and ranking member will agree to this amendment, will accept it, and fight for it in conference. I believe we should vote on this amendment. This is an amendment we ought to have a vote on in the Senate. I believe it is about time we start getting our priorities right.

I yield the floor for the present time and wish to speak on this amendment later.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Missouri.

Mr. BOND. Madam President, I always enjoy a discussion with our colleague and neighbor from the State of Oklahoma. His comments that earmarks have caused bridge deficiencies and tragedies is a bridge too far. I believe as well-intentioned as this amendment is, it fails to understand how the States go about rehabilitating their bridges and maintaining the bridges in their States.

There are many points I can make about this amendment, but I think it is important to note that according to the conditions and needs report of the Department of Transportation in 2006, we need to invest approximately $12.4 billion annually to eliminate the existing backlog and correct other deficiencies, and we are currently spending over $10 billion a year.

As Secretary Mary Peters said in testimony on September 5 before the House Transportation Committee, the number of structurally deficient bridges has been declining significantly from 18.7 percent in 1994 to 12.0 percent now. Obviously, that is still too much, but it is not just deficient bridges.

As I pointed out yesterday, we have tremendous highway safety needs. The Chair and I and the Transportation, Housing and Urban Development Committee, the THUD Committee, held a hearing on highway fatalities. We kill about 43,000 people a year on our highways. We went back and asked the Department of Transportation how many people were actually killed on bridges, either bridges that collapsed or bridges that were too narrow. Over a 5-year period, it came out to about 400. We kill 400 people a year on bridges, and roughly 43,000 on highways.

Why is this important? As the occupant of the chair, my colleague from Missouri, knows, we have done a study of what causes highway fatalities. Our Missouri Department of Transportation has estimated that approximately one-third of the deaths on our highways are caused by inadequate highways, outmoded, old-fashioned highways. We have two-lane highways that are carrying traffic that should be on four lanes. Those two-lane traffic jams get people to take unnecessary chances.

When we are talking about the problems of safety, we cannot forget the fact that the biggest safety dangers are the inadequate highways and not just the bridges. In our State, the department of transportation has embarked on an ambitious program to bring 800 bridges up to standards, and every department of transportation in this Nation realizes they have bridge problems, that they need to inspect them, and, as I said yesterday, it is important that we find out what caused this particular collapse. Were the inspections adequate? Was the design adequate? Were there unusual loads that were put on the bridge? These are the kinds of issues we need to deal with immediately. But we also have money going, under the bridge program, to States to deal with these deficient bridges.

Earmarks are not taking away money from bridges. I can tell my colleagues about earmarks in the State of Missouri. Every single earmark in our State, everything that has been earmarked is on the State implementation plan. It is a priority, and most of them are highly significant priorities for safety, whether it is bridges or highways.

I am not surprised that an executive branch agency doesn't like earmarks. Way, way a long time ago in the dim past, I was an executive, and I did not like the legislative body exercising its power of the purse. As a matter of fact, I had all kinds of problems when the General Assembly would pass something, and I vetoed a couple of them.

So legislative earmarks are efforts to exercise the legitimate control over the purse and are always resisted by the executive.

Let's take a look at what happened in last year's Transportation appropriations bill. There was about $853 million worth of high-priority projects that Members had asked for in their States and the bill contained. That bill never got to final passage. So the Department of Transportation took that money. They took the money from high-priority projects all across the Nation and put it into something called Urban Partners. They are going to reduce congestion. In one city they are going to use the money to start having rush-hour traffic drive in breakdown lanes. What happens when somebody breaks down in the breakdown lane? They have a tremendous jam. There are many things going on.

Oh, and by the way, under Urban Partners, $853 million went to Miami, New York, Minneapolis, San Francisco, and Seattle. As far as Oklahoma, Missouri, and other States, we were left out. Frankly, I think I can do a better job of working with my colleagues to determine where some of that money should go rather than what I think is a not very well thought out Urban Partners program to just five cities.

My colleague from Oklahoma says he really likes authorized projects. I have been an authorizer, too, but the bridge to nowhere, which gained such infamy, was an authorized project. It was put in by the chairman of the conference committee on SAFETEA. Three months later, the Transportation appropriations bill that year unearmarked that earmark, and we are pleased to say that it is no longer federally earmarked.

I know our colleague from Oklahoma doesn't like putting in money for bike paths. It may surprise him to know I am not a fan of that either. I voted against it. But it was in the authorized bill. Yes, that is what the authorizers put in, $100 million to go to bike paths. I think bike paths have their place, but given the state of congestion on highways, I think with the danger on highways and bridges, we probably should not be putting $25 million there. But since the money was in there, I did, in the authorization project, get $25 million for bike paths, and that has been spent. If the Senator from Oklahoma wants to change that, I think we need to change the underlying authorization, and I would certainly vote for that.

I think trying to blame earmarks on deficient bridges is a bridge too far, and I would urge my colleagues to oppose the Coburn amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I appreciate the words of Senator BOND, although I was misquoted. I don't like any earmark.

I accept that authorized earmarks have, in fact, been reviewed by an authorizing committee, but I would make a couple of points. This year, the appropriators will spend $188 billion appropriating money for something that has not been authorized. So you can use that as a debate tool, but the fact is, the authorizers have limited influence over the Appropriations Committee because they will spend 20 percent of our discretionary budget on items that are not authorized by the authorizing committees.

The other point I would make is that the Senator will get a chance to vote against bike paths because I have another amendment that eliminates funding for bike paths until we have restored the bridges. This amendment cares for the roads that Senator BOND just made a point of. The fact is, this amendment allows the money to bring roads up to quality and safety standards. So it would not eliminate where the 13,000 people die in this country from unsafe and poor quality national highways; it will, in fact, allow those to happen.

What it would not allow is $600,000 to be spent on horse-riding facilities in Virginia; a snow mobile trail in Vermont of $5.9 million; parking for New York's Harlem Hospital of $8 million; $532,000 for a bicycle and pedestrian trail in Tennessee; a daycare center and park and ride facility in Illinois; dust control mitigation for rural Arkansas of $3 million; the National Packard Museum in Ohio, $2.75 million; a historical pilot project in Washington for $200,000. I think we are going to have trouble convincing the American people those things are a higher priority than bridge safety in this country. And that is just a small example of the congressionally directed spending in this bill.

So I don't deny that those may be priorities, but what I would state is they are lower priorities than safety on our roads and rebuilding our bridges and making sure our highways are safe. And I would wager that the vast proportion of Americans, by far, would agree with that statement. We have lost our way if, in fact, we are going to fund these things at the expense of not funding bridge repair in this country.

I think the projects that are funded, many of them, a great many of them, fit into the priorities of restoring bridges and highways, but many don't. And the question around this amendment is, Will we do that which is the highest priority for us?

It is kind of like the war. We are spending about $8.5 billion a month. But whose money are we spending on the war? We are spending our children and grandchildren's money because every bit of it has been outside the budget guidelines, so it goes straight to debt. The point is, we don't have the money right now to do some of the things we would like to do because we should be doing the things that we need to do. And the things we need to do should be the highest priority for the American people. That certainly isn't horse-riding facilities in Virginia or a snow mobile trail in Vermont.

Madam President, I yield back and hope to speak again on this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I have listened to the Senator from Oklahoma on the amendment he has offered, and I want to make a few comments.

I remind all of our colleagues that at noon we are going to go to a moment of silence. Today is the 9/11 anniversary, and it is a time we all want to pause for a minute to reflect on what has happened over the last 6 years. Hopefully, I will be able to make a few remarks, and we will see if the Senator from Oklahoma has any remaining time, and then I can talk to my colleague and we can set a time for this vote and then get to many of the other issues that are pending now on this bill.

I want to remind all my colleagues that we are trying to work to finish this bill. Hopefully, we will get a path cleared for late tonight or to finish tomorrow morning. I remind everyone that we are going to be finishing this bill because of the Jewish holidays this weekend. We are trying to work through this in a very tight timeframe. We have a number of pending amendments we want to work through.

But let me respond to the Senator from Oklahoma. He brings before the Senate today his argument on funding bridges within our Transportation bill, and yesterday the Senate spoke out very strongly and acted very strongly to address the needs of our deficient bridges across the Nation. I spoke out on the floor yesterday about the number of bridges that were deficient across our country, the imperative that we have in moving forward to make sure that they are taken care of, and on a very strong bipartisan vote we approved yesterday a $1 billion increase in Federal funding for bridges. That was, I remind everyone, a historic 25-percent increase in Federal bridge funding.

That amendment won't allow us, obviously, to fix every deficient bridge, but it is a historic increase, and it does set the priority of this bill in moving forward to address this very critical need that I share the concern of the Senator from Oklahoma about. We cannot, however, let all our other transportation and all of our other housing priorities be ignored to address the bridge problem.

Yes, we are all very focused on what happened because of Minnesota. But having worked on this bill for a number of years, and worked with my colleague from Missouri, we have had hearings on safety and infrastructure in this country that need to be addressed. The FAA needs to be addressed, we need to deal with our Nation's highways, and there are a number of critical housing projects. We

have to balance all of those priorities, and I think we have done a very good job in this bill of doing that, and then adding $1 billion yesterday to address the bridge problem.

The long-term solution to our need to address our underinvestment in infrastructure is going to have to come about within the Transportation authorization bill that will be debated sometime in the future. My colleague, Senator BOND, has been a leader on that committee, and we need to do a thorough look at the revenues available in the trust funds. We have talked about that on this floor through our bill. We know that needs to be addressed. We have talked to the Finance Committee. It does need to be addressed and will be addressed with this Congress, and in the coming years.

But I want to remind my colleagues that the vast majority of our transportation earmarks that are in this bill require a match, and not just a small match but an overmatch by local communities that have set the priorities for these projects and brought them to the attention of Members who have then brought them to us and to our committee.

As we move to a vote on the amendment that has been offered by the Senator from Oklahoma, I remind everyone that if it passes, it would have the impact of bringing many of our multibillion-dollar projects to a complete halt. His amendment would not just terminate highway projects, it would also stop major transit projects that many Senators have come to our committee and talked about. They are currently under construction, and we are funding them in the Federal Transit Administration. These are projects that are working their way through the pipeline. If we were to wipe them out with this amendment, construction contracts across the country for these transit projects would be halted and cause a tremendous amount of difficulties and probably challenges within those contracts as well.

Those contracts include the Jacksonville Rapid Transit System in Florida, the Regional Rail Project in Pennsylvania, the South County Commuter Rail, Wickford Junction Station in Rhode Island, transit projects in Colorado, Connecticut, Maryland, Minnesota, New York, Virginia, another one in Virginia, Washington, Arizona, California, Colorado, Illinois.

Madam President, I refer all of my colleagues to the Transportation bill, all of these projects that are now under construction that have full funding grant agreements would be brought to a halt if this amendment were to pass.

So besides all the other arguments, I encourage Members to understand what the impacts of this amendment are should it pass on the Senate floor today.

Now, let me, before we go to a moment of silence in just a minute, Madam President, remind my colleagues that the IG report that the Senator from Oklahoma referred to today does refer to past practices of this Congress. We came into session in January of this year understanding the need to take a look at our processes within the appropriations. We understood the impact from past practices that were under scrutiny, and we addressed them very clearly.

This Congress has now sent a very comprehensive ethics reform law to the President, and we are awaiting his signature. That law includes some new procedures that require a great deal of clarity and transparency that have not been required ever before in Congress. But even before we sent that law to the White House, the Appropriations Committee, under the direction of our chairman, Senator BYRD, and Ranking Member COCHRAN, said we are not going to wait for a law to be enacted. We imposed new rules that require new procedures under the ethics reform bill. And this bill, this Transportation bill, in working through our process, has directly followed those new rules and the new rules of the ethics bill that have been sent to the President.

Every Senator who asked for an earmark was required to certify that there was no pecuniary interest in their earmark request, and each and every one of those certifications is now available for any Senator to look at on the Web for review. Every earmark is identified with the Senator who requested it in the CONGRESSIONAL RECORD. You can look on the Web site to see who is there. So we are complying with what this Senate has said we need to do.

I would also remind all of us that in addition to those reforms, Senator BOND and I worked to develop a new procedure within the Transportation Housing Subcommittee, and under the procedures we have established, each and every earmark has to be fully consistent with the mission of the Department of Transportation or the Department of Housing and Urban Development. So we recognized that past practices have brought us to a point today where we have to fully look at each and every one of these earmarks. We make sure they are consistent with the funding requirements of that bill, and they are seeing the light of day, as we will see today as we face a number of amendments about them.

I want to make one final point before we move to this important moment of silence that is going to occur, and that is, the Senator from Oklahoma is essentially arguing that bureaucrats in Washington, DC, make every decision about funding across the Nation.

Madam President, I know I go home every weekend and I talk to community leaders, I talk to mayors, I talk to members of numerous community projects, and I listen to what their needs are. There is no bureaucrat in any department of this United States Government in Washington, DC, who takes the time that most of us do to go home and really understand what the needs of our communities are and to come back here and fight for them. That is what we do. That is our job, and we are responsible for that. I take a back seat to no one in working hard to represent the interests of my State.

Finally, Madam President, one other point. The Senator from Oklahoma said he only wants to see authorized funding being done. I would remind all my colleagues, if we move to that, the State Department hasn't been authorized for years, the FAA authorization will run out this year, the Older Americans Act, the No Child Left Behind Act—all extremely important business we need to accomplish. But if we move to a point that says no money except authorized, a number of critical programs in this country will be subject to cutback. I don't think that is what any of us intend to do.

Madam President, we are moving rapidly to a very important moment in the Senate, and I notice many of my colleagues are coming to the floor right now. I ask that all of us listen to our majority leader at this point, and I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, in 10 seconds, I will ask that the Chair announce the Senate will stand for a moment of silence.

COMMEMORATING THE SIXTH ANNIVERSARY OF THE SEPTEMBER 11 ATTACK

Mr. REID. Madam President, we will now begin a moment of silence honoring the 9/11 victims and their families.

The PRESIDING OFFICER. Under the previous order, the Senate will observe a moment of silence in commemoration of the sixth anniversary of the September 11 attack.

(Moment of silence)

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, 6 years ago today, 2,974 men, women, and children became innocent victims to a cowardice and hatred we will never understand. I remember very clearly watching from the windows of the Capitol, S–219, as smoke billowed from the Pentagon in the clean morning air.

I remember the care taken amidst the panic to ensure everyone was evacuated safely when word came of another airplane heading toward the U.S. Capitol. I remember how our voices joined to sing ''God Bless America'' on the Capitol steps, which was our way of showing the country that its Government was still whole.

But what I remember most was how our Nation stood as one, in lines to give blood, stretching long hours; the food and clothing banks overflowing with donations; contributions, financial in nature pouring in, many giving more than they could afford to help families who had literally lost everything.

As our country stood as one, the world stood with us. The headline of

one European newspaper read: ''We are all American.''

On this anniversary, and all those to follow, we must never forget the innocent lives we lost that day or the burden we bear for the freedom we cherish. Yet we must always remember the endless well of compassion and rejection of despair that followed. These past 6 years we have faced great challenges. But though our scars will never fully heal, our spirit will never be broken. We are all American.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Madam President, today marks 6 years since September 11, 2001, the day when al-Qaida terrorists unleashed an unprovoked and vicious attack on the American people.

The Senate remembers and honors the innocent victims of that attack and stands in support of their families and communities. Six years later, their healing continues.

Our enemies hoped September 11 would burn as a day America would never forget, and it certainly has. But the terrorists hoped today would mark an anniversary of fear and doubt. Today is a day of sadness, yes, but also of resolve, strength, and renewed purpose.

We remember the kind-heartedness of America that was on display then, when millions of volunteers gave their time, money, and strength of heart to people in need.

We honor our Armed Forces, brave men and women who fight under our flag. They fight on because the war goes on. Recent arrests in Germany, halting what was to be a devastating terrorist attack against American and German targets in that country, are proof this war is not over, that now is not the time to let down our guard or revert to a pre-9/11 approach to the world.

We know the war goes on by listening to the words of our enemies. Osama bin Laden's recently released remarks are more of the same, threats of death and destruction, intended to sow fear in America.

German Chancellor Angela Merkel showed her understanding of the struggle that still lies ahead when she said of Germany's foiled terror plot:

> The lesson from this is the danger is not just abstract, it's real.

Real danger struck America 6 years ago. International terrorists had been at war against us long before that. But unlike previous attacks, 9/11 spurred America to take the war to them. By going on the offense, we are winning the war on terrorism. Today we are safer at home and have gone 6 years without another attack.

So today we also honor the efforts of Americans across the land who are working to keep us safe. Many of them are here in the District of Columbia, but not all of them. When one of my Kentucky constituents dials 911, he is more likely to be calling someone in West Liberty than in Washington.

Many brave police officers, firefighters or emergency personnel trained to respond to a threat or attack work in Kentucky towns such as Murray, Morgantown or Mayfield.

Today, we pay tribute to these brave Americans who do not often get the headlines. They are the unsung heroes. When the call goes forth to towns such as Somerset, Sandy Hook or Sacramento, KY, they answer. Today, we honor their sacrifice and service most of all.

It remains this Congress's job to provide the troops with everything they need to complete their mission. I know all of my colleagues are equally dedicated to making sure that happens.

Six years after the September 11 attacks, we can say proudly the terrorists failed. Terrorists may have devastated two buildings and damaged the Pentagon, but they did not dent America's resolve.

While they lashed out to cause death and destruction, we fight for freedom. Freedom is our greatest strength. No terrorist attack will ever diminish that.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Madam President, 1 year from today, the first of America's three official 9/11 memorials will be dedicated at the Pentagon. It will feature 184 stainless steel benches, each surrounded by a pool of water; one bench for each of the 184 innocent victims who died in the Pentagon and on the plane that struck it 6 years ago today.

This morning on the front page of ''The Washington Post'' there is a story about a small company of master metalworkers who are finishing these benches, grinding and polishing them, transforming them into perfectly uniform, flawlessly smooth memorials.

The company is called Bucthel Metal Finishing Company. It is located outside Chicago. They do work all over the United States. The owner of Bucthel Metal Finishing is Abe Yousif. Mr. Yousif is an Iraqi immigrant who left his homeland in 1978, months before the start of the Iraq-Iran war. He has never been back.

All 24 of Yousif's employees are also immigrants, from Mexico, Bosnia, and many other nations. For Abe Yousif and each of his employees, polishing those benches for the Pentagon memorial has become a deeply personal mission. As ''The Washington Post'' describes it:

> If he can make the benches perfect, he believes he will help others to heal. If he can make the metal shine brilliantly, they will feel hope. He wants people to run their fingers along the steel and find, in its clean, immaculate smoothness, something affirming, redeeming even, on a site now scarred by murder and death.

Today on the sixth anniversary of the terrorist attacks on our Nation, many Americans in Illinois and across our Nation are searching for their own ways to rescue some lasting good out of the evil of 9/11.

There were 3,000 innocent victims from more than 150 nations who died in New York, at the Pentagon, and the field in Pennsylvania. Jeff Mladenik, a husband and father of four from Hinsdale, IL, outside Chicago, had just been named interim CEO of a new e-commerce company. But he had another job that meant more to him. He worked as an assistant pastor at his church in Oak Brook. He was on American Airlines Flight 11, the plane that struck the first tower; one of nine men and women from Illinois who died on 9/11.

After Mladenik's death, his parents told a reporter:

> I can guarantee that Jeff would tell us that hatred and bitterness must not have the last word.

One of America's first memorials to the victims of 9/11 was a tiny, little makeshift memorial created by a woman in Shanksville, PA, in her own front yard weeks after the attacks.

Within days, the first tribute arrived, a bouquet of flowers. Next to it was a note that read:

> Thanks for saving our lives—the Capitol employees.

We who are privileged to work in this building have a special obligation to work together to prevent the next attack and remember the heroes who saved our lives on 9/11.

Six years after that date, America is safer, but we need to do more. We need to listen carefully and follow the recommendations of the 9/11 Commission.

We have passed important legislation this year to move in that direction. We need also make sure that as a sign of respect, we remember those who have given their lives on that sad day.

As a sign of respect, I would like to read the names of the eight other Illinoisans who died in the terrorist attacks on September 11, 2001.

Kathy Bantis, Andrea Haberman, Suzanne Kondratenko, Darya Lin and Sue Sauer, all from Chicago; and Robert Rasmussen, from Hinsdale, were all in meetings in the Twin Towers when the planes hit.

CDR Dan Shanower, of Naperville, a Navy intelligence officer, had just sat down at his desk after briefing his admiral on the World Trade Center attacks when the third plane smashed into the Pentagon. He died there, along with Navy Reserve LCDR Patrick Murphy, who grew up in Flossmoor, IL.

We remember them today, along with Jeff Mladenik, also of Hinsdale, and all of the nearly 3,000 innocent victims who died on September 11, 2001. We also remember those they have left behind, and those who still suffer today. May they, and we, continue to heal and find peace.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I speak today as a Senator from New Jersey, the State that lost 700 of its residents including those who were

at work that day at the World Trade Center.

I remember when President Roosevelt in 1941 pronounced December 7 as the ''day of infamy,'' and once again, we see a moment in time, a moment of infamy, evil beyond comprehension, because the events of this day changed the way people live on this Earth.

The Twin Towers were far more than the sum of their steel and concrete parts. The towers that I knew very well were cities, essentially, in the sky. Fifty thousand people worked in those towers, more people than the population of many of our Nation's communities.

In many cases, those 50,000 men and women spent as much time in the towers as they did at home, from New York and New Jersey, and from other States throughout the country, from small families and big families, from every walk and stage of life.

On that autumn morning 6 years ago, they awoke and began moving to the rhythm of the day, drawn to the Trade Center just as normal, just like the days and the years before. Only this day was different. This day became an epoch moment in the history of man, this day terror would no longer be a thing that would be in distant places, not be a thing of memory or talk. Terror was about to become real.

Three thousand people, spouses with no mates, children without a parent, siblings, and treasured friends, gone. They live on only in our memory. Seven hundred of the almost 3,000 people who perished were from my State of New Jersey. Thirty-seven of them came from a single town in New Jersey, Middletown. In 2003, I helped dedicate a memorial garden in their honor. Tears were still flowing. Firefighters, police officers, and first responders died within the towers, as they fought valiantly to save people they never knew and never saw.

I had the privilege of serving as a commissioner of the Port Authority in New York and New Jersey for 4 years before I came to the Senate. I got to know the corridors of traffic and energy contained in those buildings. I also got to know many of the terrific people who filled the jobs that enabled the Port Authority to provide the critical services it offered to our region.

The Port Authority lost 84 staff members on 9/11, including 37 brave police officers who gave their lives as they attempted to help others immobilized by the catastrophe. I knew many others who worked for firms housed in the Twin Towers who perished that day. In one firm, Cantor Fitzgerald, I knew people very well, and they lost 700 that single day at their firm alone, many with young families just beginning. They had young kids and they had lives with great possibilities ahead of them, ended abruptly, brutalized in that terrible moment.

People stared aghast at the television and said to themselves and others who would be listening: This can't be happening. The United States? In America? Taking down the Twin Towers that were monuments to commerce, energy, and vitality.

I was on a trip to the Middle East, and it included a stop in Israel, at the moment the tragedy hit. I saw tears flowing down the faces of people from this tiny country, crying for America, pleading for some understanding that would help relieve the pain.

Like Pearl Harbor 60 years ago, 9/11 changed the world. It changed the world, the way we see it, the way we see ourselves, constantly having to produce identification cards, waiting in lines to be examined by security, thousands and thousands of people. Our own Homeland Security Department has 180,000 people focused primarily on trying to protect this homeland of ours from other violent moments with terrorism. We have to live differently. We must live with more vigilance. We live knowing that evil is omnipresent. We know we are fighting a ruthless enemy, one whose frontline is our homefront, one that brings war to the innocent.

We are constantly on the watch in New Jersey. The stretch between Port Newark, our harbor, and Newark Liberty International Airport, is defined by the FBI as the most dangerous 2-mile stretch in the country, the most inviting for a terrorist attack. We are constantly on guard. We are constantly concerned. Something happened that day when 19 madmen set out to destroy America. We didn't bend. We promised to search for those who orchestrated the terrible acts. We are still looking for them. We must continue to do so. But we will always remember those who fell that day. Their loss binds our Nation.

We stand together as one in our fight against terror, and we will, on this day of remembrance, always remember what happened. We can't forget. They are honored with vigils and candles, with that light serving as beacons of hope and barriers against fear.

In Bayonne, NJ, we remember those who perished with a monument, and we see these memorial sites across our region. In Hoboken, there is a park with ginkgo trees whose longevity reflects the enduring spirit of the victims. From one county in New Jersey, Bergen County, 135 lost their lives.

It can't just be a memorial. America has to rebuild its spirit. The world has to fight against terror. We know this morning a ceremony at the site of the World Trade Center took place with a commitment to rebuild. We want that to happen. It is critical for our spirit that we show that America is trying its best to bring peace to the country, to bring back civilization as we knew it, and we hope that will take place.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I thank my friend and colleague from New Jersey for his outstandingly eloquent, heartfelt words. We share a region. We shared the tragedy of that day as Senators doing our best in a very troubled time. We continue to share it now in our mutual desire to keep our region safe from terrorism in terms of homeland security.

I was at the Ground Zero site early this morning and before the ceremony of commemoration began mingled with some of the families of the victims. There is nothing more heartfelt than seeing these fine people, average folks from every different background, profession, ethnic, religious, economic level, holding pictures in their laps, often young men, young women in their prime, in the beginning and beauty of their lives. Their parents are holding the pictures. Husbands are holding pictures of wives; wives holding pictures of husbands; children holding pictures of their dads. There is nothing more touching and more meaningful than going over and looking at the faces of these fine people. All they have to hold are the pictures and the memories of the people whose lives were snuffed out. This happened in so many instances, close to 3,000 instances, each one a family member, a friend, a business associate—gone, and gone for the most irrational and hateful reasons.

We fought many wars before, but most of them were about things we could maybe not agree with but understand—a desire for territory, religious domination, righting a wrong. No, this war—aimed at the innocent, aimed at civilians, aimed at average Americans—had an irrational hatred to it that is hard to comprehend. We do remember. One of the family members attached this ribbon to my lapel. Of course, I wear this flag which I put on September 12, 2001. Every day I wear a suit or a sport jacket, I have this flag on, the same one I put on my lapel then in hope and memory of those who were missing, because we didn't know how many had died. I wear it every day to think of those who were lost and what we lost and what their families lost and what our country lost. God willing, I will wear it every day for the rest of my life to remember them.

Today we do remember. We remember Ground Zero. We remember here on the Senate floor. And most of all, we remember in countless homes throughout the country, throughout the world—most of them concentrated in New York and New Jersey—as people remember those who were taken from them.

There is not much to say about such a mindless act of evil cruelty with almost no goal other than frightening people. But one thing we assure the terrorists together: Regardless of our political views, we are not frightened. We are hurt; we are saddened; sometimes we feel lost. But we are not frightened. They have strengthened our resolve—our resolve to win the war on terror, do it the smart and rational way, don't do it in a mean, evil way

like the means used by the terrorists. But we will prevail. We will rebuild buildings at Ground Zero. We will rebuild the network—slowly, but surely—that protects us at home. We will rebuild the strength of America abroad to fight terrorism and adapt. And we will prevail. But we will also never forget, never forget those people, some of whom were friends of mine, a guy I played basketball with as a kid in high school, a firefighter from the neighborhood in which I was raised, a businessman, very successful, who helped me on my way up—we will never forget them, never. We will resolve that their memory will importune us to be better as individuals and as a nation.

Mr. DOMENICI. Madam President. I would like to take a few moments to remember the Americans who were killed in the terrorist attacks of September 11, 2001.

In the 6 years since terrorists carried out the September 11 attacks, our Nation has not forgotten the innocent Americans who were killed, one of whom was Al Marchand from Alamogordo, NM, a flight attendant on United Airlines flight 175 and one of the first casualties on this horrific day. Neither have we forgotten the heroic policemen and firefighters who lost their lives trying to save fellow Americans or our brave men and women in uniform who have served their country in the war on terror. I do not believe Americans will ever cease to remember the shock and sadness we all felt that day.

September 11 also serves as a reminder that there are many in this world who would harm us and that we must remain vigilant. In the last 6 years we have made great progress in making sure America is secure and I am proud of the contribution many of my fellow citizens from New Mexico have made to strengthen our defenses against terrorist attack. The men and women at Sandia and Los Alamos National Laboratories have worked hard to develop many of the technologies that now help us detect terrorist threats. Many members of the New Mexico National Guard have been deployed to Iraq, Afghanistan, and the global war on terror as well as many active duty members of the Armed Forces who are stationed in or are from New Mexico. All these service men and women are doing a fantastic job and we should not forget to thank them for their service and the scarifies they have made to keep us safe.

Although the Islamic extremists behind the attacks sought to break our will and erode our freedom, they were unsuccessful on both fronts. Our liberty is dearer to us now, and we are reminded of that each day, as our nation continues the war against terror that these terrorists began 6 years ago.

I hope New Mexicans will take a moment today to reflect on the tragedy of 9/11, the Americans who lost their lives and the loved ones they left behind and pay tribute to the individuals who serve and defend us today.

Mr. SMITH. Madam President, I rise today in remembrance of the 2,974 Americans who lost their lives on September 11, 2001. They were family, friends, and neighbors going about their everyday lives. They were airline passengers, office workers, emergency personnel, and public servants. They were men, women, and children of every age and color. Yet they were targeted all the same, as citizens of a nation upholding the principles of freedom and personal liberty. We did not invite this extreme act of violence, nor will we soon forget the heroes who gave their lives that day. My prayers are with their families and the survivors of this unprovoked, cold-blooded attack.

Many brave Americans fought back that Tuesday morning, and many others have continued the fight these last 6 years. The United States has not suffered another 9/11 because we have pursued al-Qaida on our terms, attacking them where they plan and train before they can reach us at home. Many Oregonians have paid the ultimate price to protect their friends, family and country. For them, America is eternally grateful.

September 11 exposed the vulnerability of free societies to acts of terrorism. In response, Congress acted to improve our intelligence gathering and law enforcement agencies. These improvements have protected this country from further attacks. Today, we are better prepared to face this ideological battle of the 21st century, but we must never become complacent.

As today's ceremonies commemorate those fallen in New York City, the Pentagon, and Pennsylvania, may we also remember those Americans on the battlefield fighting to protect us back at home. Their courage and dedication testifies to the endurance of free men against all adversaries. God bless liberty and all those devoted to its preservation.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:25 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

DEPARTMENTS OF TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am going to shortly ask for unanimous consent in order to set up the next vote at 4 o'clock. I am waiting for the ranking member to return. He should be here shortly.

I see a Senator on the floor. If I could ask the Senator from Kentucky, does he wish to request time to speak?

Mr. BUNNING. Mr. President, I wish to speak, yes.

Mrs. MURRAY. Mr. President, I will yield for the Senator from Kentucky to speak for a few minutes, and then I will come back, and we will try to get unanimous consent, again, to set the vote at 4 o'clock.

I remind all Members of the Senate on both sides that the majority leader has asked us to finish this Transportation/Housing bill by tonight. We are going to be here late. Members do need to get their amendments to the floor, get them offered. We will work our way through them. But it is imperative we understand from everyone as soon as possible what business they need us to accomplish. Again, we expect to finish this bill by tonight.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I am dismayed at the lack of consideration given to Senator CORNYN's resolution on General Petraeus and the troops. I condemn the comments made by the Democrats concerning our commander in Iraq, General Petraeus. The vendetta against our military must stop.

It sickens me to hear the comments some Democrats are making against General Petraeus. By attacking his character and reputation, these Democrats are attacking all our men and women in the military. On behalf of all these proud men and women who sacrifice their lives every day for our Nation, I am here to say these actions and accusations have no place in public discourse.

Americans do not attack the character of those who risk their lives to protect us. The lies, deceit, and disinformation the Democratic propaganda machines are feeding to the American people must stop.

To suggest that our troops and General Petraeus are motivated by politics rather than patriotism and love of our country is wrong. It diminishes the sacrifice each of them makes and their families have made in Iraq, Afghanistan, and many other places around the world.

These attacks are made by some of the same people who voted on January 26—this year—to unanimously confirm General Petraeus.

At this time, Mr. President, I ask unanimous consent to have printed in the RECORD rollcall vote No. 33.

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

U.S. SENATE ROLL CALL VOTES 110TH CONGRESS—1ST SESSION

As compiled through Senate LIS by the Senate Bill Clerk under the direction of the Secretary of the Senate

VOTE SUMMARY

Question: On the Nomination (Confirmation Lt. Gen. David H. Petraeus, U.S. Army, to be General)

Vote Number: 33.

Required For Majority: ½.

Nomination Number: PN178.

Nomination Description: Lt. Gen. David H. Petraeus, in the Army, to be General.

Vote Counts: Yeas, 81; Nays, 0; Not Voting, 19.

Vote Date: January 26, 2007, 09:45 a.m.

Vote Result: Nomination Confirmed.

Alphabetical by Senator Name

Akaka (D–HI), Yea
Alexander (R–TN), Yea
Allard (R–CO), Yea
Baucus (D–MT), Yea
Bayh (D–IN), Yea
Bennett (R–UT), Yea
Biden (D–DE), Yea
Bingaman (D–NM), Yea
Bond (R–MO), Yea
Boxer (D–CA), Not Voting
Brown (D–OH), Yea
Brownback (R–KS), Yea
Bunning (R–KY), Yea
Burr (R–NC), Yea
Byrd (D–WV), Yea
Cantwell (D–WA), Not Voting
Cardin (D–MD), Yea
Carper (D–DE), Yea
Casey (D–PA), Yea
Chambliss (R–GA), Not Voting
Clinton (D–NY), Yea
Coburn (R–OK), Not Voting
Cochran (R–MS), Yea
Coleman (R–MN), Yea
Collins (R–ME), Yea
Conrad (D–ND), Yea
Corker (R–TN), Yea
Cornyn (R–TX), Yea
Craig (R–ID), Not Voting
Crapo (R–ID), Yea
DeMint (R–SC), Yea
Dodd (D–CT), Yea
Dole (R–NC), Yea
Domenici (R–NM), Yea
Dorgan (D–ND), Not Voting
Durbin (D–IL), Yea
Ensign (R–NV), Yea
Enzi (R–WY), Yea
Feingold (D–WI), Yea
Feinstein (D–CA), Yea
Graham (R–SC), Not Voting
Grassley (R–IA), Yea
Gregg (R–NH), Yea
Hagel (R–NE), Yea
Harkin (D–IA), Yea
Hatch (R–UT), Yea
Hutchison (R–TX), Yea
Inhofe (R–OK), Yea
Inouye (D–HI), Not Voting
Isakson (R–GA), Yea
Johnson (D–SD), Not Voting
Kennedy (D–MA), Yea
Kerry (D–MA), Not Voting
Klobuchar (D–MN), Yea
Kohl (D–WI), Yea
Kyl (R–AZ), Not Voting
Landrieu (D–LA), Yea
Lautenberg (D–NJ), Yea
Leahy (D–VT), Not Voting
Levin (D–MI), Yea
Lieberman (ID–CT), Yea
Lincoln (D–AR), Yea
Lott (R–MS), Not Voting
Lugar (R–IN), Yea
Martinez (R–FL), Not Voting
McCain (R–AZ), Not Voting
McCaskill (D–MO), Yea
McConnell (R–KY), Yea
Menendez (D–NJ), Yea
Mikulski (D–MD), Yea
Murkowski (R–AK), Yea
Murray (D–WA), Yea
Nelson (D–FL), Yea
Nelson (D–NE), Yea
Obama (D–IL), Yea
Pryor (D–AR), Yea
Reed (D–RI), Yea
Reid (D–NV), Yea
Roberts (R–KS), Not Voting
Rockefeller (D–WV), Yea
Salazar (D–CO), Yea
Sanders (I–VT), Yea
Schumer (D–NY), Yea
Sessions (R–AL), Yea
Shelby (R–AL), Yea
Smith (R–OR), Not Voting
Snowe (R–ME), Yea
Specter (R–PA), Yea
Stabenow (D–MI), Yea
Stevens (R–AK), Not Voting
Sununu (R–NH), Yea
Tester (D–MT), Yea
Thomas (R–WY), Not Voting
Thune (R–SD), Yea
Vitter (R–LA), Yea
Voinovich (R–OH), Yea
Warner (R–VA), Yea
Webb (D–VA), Yea
Whitehouse (D–RI), Yea
Wyden (D–OR), Yea

Grouped by Vote Position

YEAs—81

Akaka (D-HI)
Alexander (R-TN)
Allard (R-CO)
Baucus (D-MT)
Bayh (D-IN)
Bennett (R-UT)
Biden (D-DE)
Bingaman (D-NM)
Bond (R-MO)
Brown (D-OH)
Brownback (R-KS)
Bunning (R-KY)
Burr (R-NC)
Byrd (D-WV)
Cardin (D-MD)
Carper (D-DE)
Casey (D-PA)
Clinton (D-NY)
Cochran (R-MS)
Coleman (R-MN)
Collins (R-ME)
Conrad (D-ND)
Corker (R-TN)
Cornyn (R-TX)
Crapo (R-ID)
DeMint (R-SC)
Dodd (D-CT)
Dole (R-NC)
Domenici (R-NM)
Durbin (D-IL)
Ensign (R-NV)
Enzi (R-WY)
Feingold (D-WI)
Feinstein (D-CA)
Grassley (R-IA)
Gregg (R-NH)
Hagel (R-NE)
Harkin (D-IA)
Hatch (R-UT)
Hutchison (R-TX)
Inhofe (R-OK)
Isakson (R-GA)
Kennedy (D-MA)
Klobuchar (D-MN)
Kohl (D-WI)
Landrieu (D-LA)
Lautenberg (D-NJ)
Levin (D-MI)
Lieberman (CT)
Lincoln (D-AR)
Lugar (R-IN)
McCaskill (D-MO)
McConnell (R-KY)
Menendez (D-NJ)
Mikulski (D-MD)
Murkowski (R-AK)
Murray (D-WA)
Nelson (D-FL)
Nelson (D-NE)
Obama (D-IL)
Pryor (D-AR)
Reed (D-RI)
Reid (D-NV)
Rockefeller (D-WV)
Salazar (D-CO)
Sanders (I-VT)
Schumer (D-NY)
Sessions (R-AL)
Shelby (R-AL)
Snowe (R-ME)
Specter (R-PA)
Stabenow (D-MI)
Sununu (R-NH)
Tester (D-MT)
Thune (R-SD)
Vitter (R-LA)
Voinovich (R-OH)
Warner (R-VA)
Webb (D-VA) .
Whitehouse (D-RI)
Wyden (D-OR)

Not Voting—19

Boxer (D-CA)
Cantwell (D-WA)
Chambliss (R-GA)
Coburn (R-OK)
Craig (R-ID)
Dorgan (D-ND)
Graham (R-SC)
Inouye (D-HI)
Johnson (D-SD)
Kerry (D-MA)
Kyl (R-AZ)
Leahy (D-VT)
Lott (R-MS)
Martinez (R-FL)
McCain (R-AZ)
Roberts (R-KS)
Smith (R-OR)
Stevens (R-AK)
Thomas (R-WY)

Grouped by Home State

Alabama: Sessions (R-AL), Yea; Shelby (R-AL), Yea.

Alaska: Murkowski (R-AK), Yea; Stevens (R-AK), Not Voting.

Arizona: Kyl (R-AZ), Not Voting; McCain (R-AZ), Not Voting.

Arkansas: Lincoln (D-AR), Yea; Pryor (D-AR), Yea.

California: Boxer (D-CA), Not Voting; Feinstein (D-CA), Yea.

Colorado: Allard (R-CO), Yea; Salazar (D-CO), Yea.

Connecticut Dodd (D-CT), Yea; Lieberman (CT), Yea.

Delaware: Biden (D-DE), Yea; Carper (D-DE), Yea.

Florida: Martinez (R-FL), Not Voting; Nelson (D-FL), Yea.

Georgia: Chambliss (R-GA), Not Voting; Isakson (R-GA), Yea.

Hawaii: Akaka (D-HI), Yea; Inouye (D-HI), Not Voting.

Idaho: Craig (R-ID), Not Voting; Crapo (R-ID), Yea.

Illinois: Durbin (D-IL), Yea; Obama (D-IL), Yea.

Indiana: Bayh (D-IN), Yea; Lugar (R-IN), Yea.

Iowa: Grassley (R-IA), Yea; Harkin (D-IA), Yea.

Kansas: Brownback (R-KS), Yea; Roberts (R-KS), Not Voting.

Kentucky: Bunning (R-KY), Yea; McConnell (R-KY), Yea.

Louisiana: Landrieu (D-LA), Yea; Vitter (R-LA), Yea.

Maine: Collins (R-ME), Yea; Snowe (R-ME), Yea.

Maryland: Cardin (D-MD), Yea; Mikulski (D-MD), Yea.

Massachusetts: Kennedy (D-MA), Yea; Kerry (D-MA), Not Voting.

Michigan: Levin (D-MI), Yea; Stabenow (D-MI), Yea.

Minnesota: Coleman (R-MN), Yea; Klobuchar (D-MN), Yea.

Mississippi: Cochran (R–MS), Yea; Lott (R–MS), Not Voting.

Missouri: Bond (R–MO), Yea; McCaskill (D–MO), Yea.

Montana: Baucus (D–MT), Yea; Tester (D–MT), Yea.

Nebraska: Hagel (R–NE), Yea; Nelson (D–NE), Yea.

Nevada: Ensign (R–NV), Yea; Reid (D–NV), Yea.

New Hampshire: Gregg (R–NH), Yea; Sununu (R–NH), Yea.

New Jersey: Lautenberg (D–NJ), Yea; Menendez (D–NJ), Yea.

New Mexico: Bingaman (D–NM), Yea; Domenici (R–NM), Yea.

New York: Clinton (D–NY), Yea; Schumer (D–NY), Yea.

North Carolina: Burr (R–NC), Yea; Dole (R–NC), Yea.

North Dakota: Conrad (D–ND) Yea; Dorgan (D–ND), Not Voting.

Ohio: Brown (D–OH), Yea; Voinovich (R–OH), Yea.

Oklahoma: Coburn (R–OK), Not Voting; Inhofe (R–OK), Yea.

Oregon: Smith (R–OR), Not Voting; Wyden (D–OR), Yea.

Pennsylvania: Casey (D–PA), Yea; Specter (R–PA), Yea.

Rhode Island: Reed (D–RI), Yea; Whitehouse (D–RI), Yea.

South Carolina: DeMint (R–SC), Yea; Graham (R–SC), Not Voting.

South Dakota: Johnson (D–SD), Not Voting; Thune (R–SD), Yea.

Tennessee: Alexander (R–TN), Yea; Corker (R–TN), Yea.

Texas: Cornyn (R–TX), Yea; Hutchison (R–TX), Yea.

Utah: Bennett (R–UT), Yea; Hatch (R–UT), Yea.

Vermont: Leahy (D–VT), Not Voting; Sanders (I–VT), Yea.

Virginia: Warner (R–VA), Yea; Webb (D–VA), Yea.

Washington: Cantwell (D–WA), Not Voting; Murray (D–WA), Yea.

West Virginia: Byrd (D–WV), Yea; Rockefeller (D–WV), Yea.

Wisconsin: Feingold (D–WI), Yea; Kohl (D–WI), Yea.

Wyoming: Enzi (R–WY), Yea; Thomas (R–WY), Not Voting.

Mr. BUNNING. You will notice on this vote that not one Senator—not one—voted against General Petraeus. During the debate on his confirmation, no one questioned his integrity or ability to complete his mission—a mission the Senate gave him by confirming him. And now, nearly 9 months later, how do we greet him when he comes back to deliver a progress report on Iraq that we requested, the Democrats, also, in Congress requested? Instead of thanking him for his sacrifices and listening to him deliver his report, many Democrats who voted to confirm him are either attacking his personal character or not defending him from a personal smear attack by their allies at MoveOn.org. I cannot believe this slanderous campaign started before they even heard one word of General Petraeus's report.

I read a quote from an anonymous Democratic Senator in the Politico newspaper this morning. I want to share it with this body today. This Democrat, who did not want to give his or her name, made the following statement:

> No one wants to call [Petraeus] a liar on national [television]. The expectation is that the outside groups will do this for us.

I do not even know where to begin to describe my disgust with that one. It shows that the attack on General Petraeus is a coordinated attack by MoveOn and its allies.

Here is just some of what my Democratic colleagues have been saying:

> I don't think General Petraeus has an independent view.

Here is another one:

> At the end of the day, these are not totally independent free agents. They are an appendage of the administration.

And another:

> The fact that there are questions about General Petraeus' report is not surprising. . . . By the general's admission, the so-called surge has not achieved its goal. . . .

Wrong. I cannot believe these false statements have been made on the

floor of this Senate. It is outrageous to condemn a unanimously confirmed general and question his patriotism for this country simply for political sake.

I know many of my friends on the other side of the aisle are good, decent people. But I have to say, I am amazed that more of them have not denounced this kind of smear campaign.

The folks from MoveOn accuse General Petraeus of ''cooking the books.'' Is this because his counterinsurgency operation and the surge in Iraq are seemingly having positive results? Democrats are talking out of both sides of their mouths, and it is time for them to stop talking and start listening. Instead of taking political advice from leftwing activist groups, Democrats should actually take time to listen to General Petraeus's report.

I cannot tell you how disgusted I was to see the full-page ad yesterday in the New York Times—which cost $167,000; that is what it cost—questioning the character of a four-star general who only 9 months ago had the support of this entire body.

These tactics are insulting and should be condemned. In my book, the people who resort to this type of below-the-belt mudslinging are no patriots.

I happen to know General Petraeus. He is a good friend of mine and a good friend of the Commonwealth of Kentucky from his days as the commanding officer of the 101st Airborne Division. He is a brave patriot of the highest moral character and has made immeasurable sacrifices for our country. He has spent the last 4 years deployed from his home, from his family and his loved ones, overseas serving this great Nation. Three of these years he has spent in Iraq, where he has worked tirelessly to build security and stability throughout the country. His efforts are seeing positive results.

To suggest he is driven more by politics than by his love of our country may possibly be the lowest political attack I have ever seen in my time in the Congress. In the 4 years I have known him, not once did General Petraeus bring up politics—not once. I have no idea what he is—whether he is a Democrat or a Republican. In all of our discussions, including the hour I spent with him alone in my office before he left for Iraq to implement the surge, I do not believe the word ''Democrat'' or ''Republican'' was ever used. What I do know is he is a great patriot. He does not deserve to come home to be greeted by personal political attacks, especially by the very Democrats who asked him to come home and give us this report 9 months ago.

Let me be clear to my Democratic colleagues: Using leftwing attack groups such as MoveOn to discredit General Petraeus—these are the worst of the worst. Any politician willing to sacrifice the long-term security of the United States in an attempt to salvage a short-term political career is beyond deplorable. I will not stand for it. Our military will not stand for it. And the American public will not stand for it.

Just yesterday, a poll by the same New York Times reported that 68 percent of Americans trust the military commanders more than the Democratic Congress when it comes to Iraq policy. The American public supports our military. It is time for Congress to echo this support.

Yesterday, in my office, I had the opportunity to sit down one on one with a young, brave Kentuckian who had just returned from a long deployment in one of Iraq's hotspots. At the end of our visit, he turned to me and made one request. He asked for Congress to support the troops.

How can we expect General Petraeus and our troops to successfully complete their mission when we keep attacking them and threatening to cut off their funds? I promised this young man my support and will continue to do all I can to support our troops.

As we find ourselves 6 years from this tragic event, this terrorist event that occurred on September 11, 2001, we must not forget there are those out there who still want to harm us. The freedoms we enjoy daily are protected by the brave men and women who serve in our Armed Forces, including General Petraeus and the young man with whom I visited in my office yesterday.

To all of those who suggest General Petraeus should be called ''General Betray Us,'' I have a message for you: You are the ones betraying our troops and the American people. You are giving aid and comfort to our enemies. We used to try people who did this as traitors.

Just 5 months ago, the Senate Democratic majority leader was quoted as saying:

> No one wants us to succeed in Iraq more than Democrats.

Well, I say to my friend, the majority leader, stand by your words. Let's focus on succeeding in Iraq and for once show a united support for our troops.

Every night, my wife Mary and I take about 10 minutes at 9 p.m. and say prayers for our troops and pray for the safety and security of our Nation. I suggest to all who are listening and who are in this body to do likewise. Maybe Democrats should take a moment of silence and stop criticizing our commanders and troops.

Mr. President, I ask unanimous consent that at a time determined by the two leaders today, the Senate proceed to a vote on the adoption of the Cornyn resolution, the text of which is the exact language of the amendment which Senator CORNYN offered this morning. Further, I ask consent that if the resolution is agreed to, the preamble be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, as Members know, we are currently debating the Transportation and Housing appropriations bill that funds incredibly important infrastructure, from airports to highways to bridges to housing programs. The majority leader has instructed us to finish this bill by tonight. We have a number of amendments before us that we need to work through. Therefore, I will object, and I remind all Senators that next week, in just a few short days, we will be moving to the Defense authorization bill and a debate on Iraq with numerous opportunities for Senators to bring forward issues relating to that. So I will object at this time.

The PRESIDING OFFICER. Objection is heard.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

Mr. CARPER. Madam President, I feel compelled to respond to the comments of my colleague and friend from Kentucky. There are hundreds, literally hundreds of organizations throughout the country that are loosely supportive of the Republican Party, just as there are hundreds of organizations in this country that are loosely supportive of the Democratic Party. If one of those Republican organizations makes a particular charge or assertion, that does not mean that every Member of the U.S. Senate or the House, Republican in nature, or the administration believes or agrees with that assertion any more than one should believe that an assertion—in this case by an advertisement paid for by MoveOn.org—is reflective of the views of all of us. It is not. I found the advertisement distasteful, disappointing, and, frankly, not reflective of the views I hold and I suspect the views that almost everybody in the Senate, Democrat or Republican, holds.

I don't know General Petraeus well, but I do know him to be a decent and honorable person, a good leader; someone who has given really the majority of his life to serve the people of our country, sometimes in dangerous and harmful situations; someone who is willing to spend not just months but years away, separated from his family, in support of our country and serving as he has pledged to do, as he has sworn to do. He is someone who, in my own experience with him, is a straight shooter. He calls them like he sees them. He gives us the good, the bad, and the ugly. He did 2 months ago when several of us were over in Iraq and met with him and Ambassador Crocker.

I wish to speak for a moment as a veteran, a Vietnam veteran. My friend, Senator BUNNING, talked about the question of the lack of respect and support our troops receive maybe from those of us on this side of the aisle. I couldn't disagree more. I remember what it was like 30, 35 years ago when

those of us who served overseas in an even less popular war in Southeast Asia, the lack of support we received, not so much from the Congress but from the American people. That was then. This is now. I think as a nation we learned a lot from the way we treated veterans back at the end—during and at the end of the Vietnam war. We have vowed not to make that same mistake. There is great support and affection for our troops, the men and women who serve in the Army, Navy, Air Force and Marines, as great now as I have ever seen it.

While not everybody supports the war this administration has gotten us into, we support our troops. We provided money again and again and again. The Presiding Officer has led the fight to make sure we not only provide our troops with what they need in Iraq or in Afghanistan but to make sure the Veterans' Administration has the money it needs to meet the needs of our veterans when they come back to us harmed, injured, and in some cases maimed for life. I am one of those who come here—and I know many others—who come here to work together, and I want us to get things done.

General Petraeus, when he has talked to me—and I have heard him testify, and he is literally testifying again today on the Senate side—what he has said over and over again is there is not going to be a military victory, definitive military victory in Iraq as we would think of having occurred in other wars we have fought. The victory is going to be a political victory, if there is to be one, and my earnest hope is that there will be one. In part, what the surge is about is to provide a space for the Iraqi political leaders to make some tough decisions they have been unwilling—unable to make for the last 2 years. How are they going to divvy up and share their oil revenue? The potential is enormous. How are they going to share power among the different factions? What will they give the Baathists, the civilian arm of Sadam's regime? What role will they have in terms of helping the country go forward? Are they going to have elections? Are they going to amend their Constitution, as they promised to do 2 years ago, to protect minority rights? Those are things the Iraqis need to do. Those are tough decisions they need to make. They have been unwilling to make them. We are providing for them, hopefully, a greater calm, a little bit less hostility in which they can meet and deliberate and hopefully reach some kind of consensus. That is what we are endeavoring to do.

One of the roles for us here in the Congress is we play an oversight role, overseeing the administration's conduct of the war after getting us into this war. That is appropriate, and that is our constitutional responsibility. We also have the responsibility and an opportunity to try to put pressure—hopefully in a positive way—on the Iraqi leaders to do what they need to do if they are going to have a country. We have been very forthright in telling them again and again and again. My hope is that they begin to listen. If they do, then all of the sacrifice, the lives, the injuries, the money we have spent will not have been in vain—will not have been in vain. If they don't take advantage of the opportunities they have now and in the months ahead, they will have squandered this opportunity because the American people, as generous as we are, as supportive as we are of democracies here and around the world, we are not going to stand by forever and give up our own lives—the welcoming back of the dead, to care for those who have been maimed—we are not going to do this forever. There is a limited period of time.

Back to General Petraeus, basically what he has said—and I heard him say it as recently as today—is the Iraqis have an opportunity to save their country. We can't do it for them. We can help provide an environment where they can make those tough decisions. We are endeavoring to do that. We can open the door; they have to walk through it. My hope is that they will.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2794

Mrs. MURRAY. Mr. President, I call up amendment No. 2794 on behalf of Senator BINGAMAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. BINGAMAN, proposes an amendment numbered 2794.

The amendment is as follows:

(Purpose: To make a technical correction)

On page 55, line 13, strike ''106–49'' and insert ''106–69''.

Mrs. MURRAY. That amendment has been cleared on both sides. I know of no further debate on this amendment.

Mr. BOND. We have nothing on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2794) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2799

Mrs. MURRAY. Mr. President, I call up amendment No. 2799 on behalf of Senator OBAMA and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. OBAMA, proposes an amendment numbered 2799.

The amendment is as follows:

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee makes certain certifications regarding Federal tax liability)

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default or the assessment is the subject of a non-frivolous administrative or judicial appeal.

Mrs. MURRAY. Mr. President, this amendment has been cleared on both sides.

Mr. BOND. It is cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2799) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2823

Mrs. MURRAY. Mr. President, I call up amendment No. 2823 on behalf of Senators SCHUMER, CLINTON, MENENDEZ, LIEBERMAN, LAUTENBERG, and DODD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. CLINTON for herself, Mr. SCHUMER, Mr. MENENDEZ, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. DODD, proposes amendment numbered 2823.

The amendment is as follows:

(Purpose: To require a report on plans to alleviate congestion and flight delays in the New York/New Jersey/Philadelphia Airspace)

On page 147, between lines 8 and 9, insert the following:

SEC. 414. Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, a report detailing how the Federal Aviation Administration plans to alleviate air congestion and flight delays in the New York/New Jersey/Philadelphia Airspace by August 31, 2008.

Mrs. MURRAY. Mr. President, this amendment has been cleared on both sides. I know of no further debate.

Mr. BOND. There is no further debate on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2823) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2803

Mrs. MURRAY. Mr. President, I call up amendment No. 2803 on behalf of Senator SCHUMER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. SCHUMER, proposes an amendment numbered 2803.

The amendment is as follows:

(Purpose: To clarify how the Secretary of Housing and Urban Development shall manage and dispose of multifamily properties owned by the Secretary)

On page 131, strike lines 5 through 20, and insert the following:

SEC. 220. Notwithstanding any other provision of law, in fiscal year 2008, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRAA'') and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

Mrs. MURRAY. Mr. President, this amendment has been cleared on both sides.

Mr. BOND. There is no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2803) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, with that, we have now cleared several amendments. We are again, for the information of all Senators, working to come up with a time agreement. We expect to have a vote in a little more than an hour, as soon as it has been cleared on the Republican side.

Again, we are going to finish this bill tonight. All Members need to get their amendments to the floor, and we will work our way through as many as possible. It will be a late night. It will be less of a late night the sooner we get amendments to the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, I rise to address this issue now because, as I understand, there is a bit of a lull here. I congratulate the managers for wanting to get the bill completed.

I want to continue this discussion that has been going forward today on the treatment of General Petraeus by the group MoveOn.org relative to the advertisement they ran, which has been shown on the floor a number of times, which referred to him as ''General Betray Us.'' I think it was a despicable act. I think it crosses the line, where someone who has dedicated his life to defending this Nation would be subjected to this type of a personal assassination, personality assassination, character assassination. It is totally inappropriate.

The troops serving us in Iraq are doing so because they believe unalterably in the cause of America. They believe what this Nation stands for is good and right. They are putting their lives on the line to make sure we can maintain the freedoms that are so critical to us. You can disagree with the policies on Iraq—and I have a lot of reservations about them, especially my severe concerns about what is happening with the Government of Iraq in both the area of creating a coalition government and stability, and specifically in the area of corruption.

But what you cannot argue with and what should not occur is to say to our troops who are out there every day facing danger and, obviously, a lethal threat, that we do not support them. Yet when you impugn in such a gratuitous and vicious way the integrity of their commander in the field, you clearly impugn the troops in the field also. It is wrong, and it should not be tolerated.

General Petraeus has a record which is extraordinary. He has dedicated almost four decades, I believe, to the military service of this country. He has received the Bronze Star, along with innumerable other decorations. He commanded the 101st Airborne. He has been to Iraq on three tours and spent the last 4 years overseas away from his family. He has put in place an initiative in Iraq which he generally believes, as his testimony has shown both yesterday and today before the House and the Senate, is making progress in a number of critical areas relative to the war on the ground, relative to fighting the Islamic terrorists who wish to do us harm.

Yet before he even got to the Senate or to the House to testify and make his case as to why he felt his policy, the policy he is pursuing as the general in command, is the correct policy and should be sustained, before that could even occur, his character was attacked in the most vicious way by people who oppose the war.

Opposing the war is a legitimate position. There are very strong arguments in that area. I do not happen to agree with many of them, but I respect those arguments when they are made substantively and appropriately. But when an organization, such as MoveOn.org, which is a national organization of dramatic influence, steps out and runs a full-page ad at the cost of $160,000 in the New York Times which has as its title, ''Is he General Petraeus or General Betray Us,'' that is an inexcusable, vicious and petty act and not becoming of our society and a democracy generally.

The other side of the aisle—and I have the greatest respect for Members on the other side of the aisle relative to their commitment on this issue—the other side of the aisle said: It is not us doing this. Let's remember that MoveOn.org identifies with and openly claims to be a major player in the caucus of the Democratic Party. In fact, this weekend in the New York Times, the lead spokesman for MoveOn.org said—and I paraphrase here—but he said: I meet regularly with the Democratic leaders of the Senate, and I talk almost daily to the Democratic staff of the Democratic leaders of the Senate.

Earlier in the year, MoveOn.org—and I believe it was the same individual, and I again paraphrase—said of the Democratic Party: We bought it, it is ours, we are going to dominate it. I see in New Hampshire that MoveOn.org is being one of the most aggressive arms of the Democratic Party in our State. They are the ones carrying the message relative to the war, relative to the Democratic leadership in our State, that is for sure.

So I think this attempt now to step away—the attempt isn't even occurring. But this statement by MoveOn.org, which is so over the top and so outrageous and so inexcusable in its treatment of an American soldier and the troops he commands, should be repudiated openly. It should be repudiated by this Senate because it is wrong. It is common decency that we should repudiate it.

Yet we see on this floor that procedural mechanisms are being used to protect MoveOn.org. That is what is happening here. Rule XVI, a procedural mechanism in this Senate, has been used to keep a very reasonably innocuous sense of the Senate from being brought forward to a vote. It doesn't take very long to vote on something such as this. We could set up a vote in 10 minutes.

What does this sense of the Senate, which is so inappropriate that it has to be knocked down by a procedural action, say? It says:

(b) Sense of the Senate.—It is the sense of the Senate—

(1) to reaffirm its support for all the men and women of the United States Armed Forces, including General David H. Petraeus, Commanding General, Multi-National Force—Iraq;

(2) to strongly condemn any effort to attack the honor and integrity of General Petraeus and all of the members of the United States Armed Forces; and

(3) to specifically repudiate the unwarranted personal attacks on General Petraeus by the liberal activist group MoveOn.org.

I think it is No. 3 that must bother my colleagues on the other side of the aisle, which is causing us not to be able to go to a vote on this amendment, that we would repudiate, probably from a financial standpoint, one of the biggest contributors to the efforts to fight the war and that organization, which openly claims to essentially be an arm of the Democratic Party, would be repudiated on the Senate floor. But they deserve to be repudiated.

Honestly, if an organization which identified itself with the Republican Party—I cannot think of any that we have that has the type of money that MoveOn.org has because we don't have any George Soroses funding us or any organization such as that, but if we did have such an organization and they did something such as this, I would immediately want to repudiate it because somebody of the character and commitment of General Petraeus does not deserve this attack. He came back to testify because he was asked to come back to testify by committees which are majority committees, committees where the majority is controlled by the Democratic leadership of the Congress. Yet before he gets here to testify before those committees, there is a clear attempt to discredit him personally because they do not like the message. So instead of attacking the message, they decided to kill the messenger or attempt to at least undermine the messenger. That is the goal of this ad, nothing more than a petty attempt to basically undermine the message General Petraeus has to deliver: We are going to attack him who is the messenger, which is gratuitous, inappropriate, inaccurate, unfair, and vicious, quite simply vicious, calling him ''General Betray Us.''

So if the majority party does not subscribe to this message, then they should allow us to offer this resolution right now while he is in town, while he is testifying before the Senate today and before the House yesterday. They should not ask us to wait until next week to correct this egregious act and to go on record to repudiate this egregious act. They should not use a parliamentary procedure to defend MoveOn.org. No, we should have a vote right now on this resolution, this sense of the Senate.

So at this point, I ask unanimous consent, Mr. President, that rule XVI not apply to this sense of the Senate and that a procedural attack on this sense of the Senate not be in order.

The PRESIDING OFFICER (Mr. CASEY). Is there objection?

Mrs. MURRAY. Mr. President, I object.

Mr. GREGG. Mr. President, I further ask unanimous consent that we immediately move to a vote on this resolution stating we support General Petraeus as general in the field, we support his men and women who are fighting for us, and that we reject the despicable ad of MoveOn.org.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. Mr. President, I regret the decision by the majority party to not allow us to proceed in this manner, to help us give this good man his fair hearing.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2816, AS MODIFIED

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Klobuchar amendment be the pending amendment, and the amendment be modified with the changes that are at the desk.

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

The amendment, as modified, is as follows:

On page 20, between lines 13 and 14, insert the following:

I–35W BRIDGE REPAIR AND RECONSTRUCTION

For necessary expenses to carry out the project for repair and reconstruction of the Interstate I–35W bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, as authorized under section 1(c) of Public Law 110–56 (121 Stat. 558), up to $195,000,000, as otherwise eligible under the emergency relief program of the Department of Transportation, to remain available until expended, *Provided*, That that amount is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress): *Provided further*, That the Federal share of the costs of any project funded using amounts made available under this section shall be 100 percent in accordance with section 1(b) of Public Law 110–56 (121 Stat. 558).

Mrs. MURRAY. Mr. President, I would again notify Members that we are likely going to have a vote here in about 35 minutes. We are working toward an agreement on that. But I notify Members to come to the floor for a vote in a short while.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. I ask unanimous consent that at 4:15, the Senate proceed to a vote on a motion to table the Coburn amendment No. 2810 and that Senator COBURN be allowed the last 10 minutes prior to the vote in order to speak on his amendment. I further ask unanimous consent to preclude any other amendments prior to the Coburn amendment.

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

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2795

Ms. LANDRIEU. I ask unanimous consent that the pending amendment be set aside. I call up amendment No. 2795 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2795.

Ms. LANDRIEU. I ask unanimous consent that reading of the amendment be dispensed with.

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

(Purpose: To provide funding for 3,000 units of permanent supportive housing for homeless, disabled, and elderly persons in the State of Louisiana, and for other purposes)

On page 114, between lines 18 and 19, insert the following:

PERMANENT SUPPORTIVE HOUSING

For the provision of 3,000 units of permanent supportive housing as required under the Road Home Program of the Louisiana Recovery Authority and approved by the Secretary of Housing and Urban Development, $70,000,000, of which $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), and $50,000,000 shall be for grants under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.): *Provided, That* the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees: *Provided further, That* notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): *Provided further, That* subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph: *Provided further, That* the amounts provided by this paragraph are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution of the budget for fiscal year 2008.

Ms. LANDRIEU. Mr. President, I thank the Senator from Washington for her leadership in managing this bill. We have had many important amendments discussed, and, of course, the Transportation and HUD appropriations bill is one of the most important of all of our appropriations bills. It covers all of our transportation infrastructure, including mass-transit and housing initiatives and others. I could not let this opportunity go by without offering an amendment that is one important piece of an overall puzzle for recovery in my State. It is my sincere hope that we can pass this amendment today, but if not, I am willing to work with the distinguished chair and ranking member to incorporate this provision in the appropriate legislative vehicle.

We are still struggling, despite the wonderful amounts of money from volunteers particularly and time from volunteers and appropriations that have come from Congress to help rebuild homes, we are still struggling from a catastrophic flood in south Louisiana, primarily in southeast Louisiana in the city of New Orleans, that region, St. Bernard Parish, Plaquemines Parish, Orleans Parish, parts of Jefferson, and others. There was also tremendous flooding in the southwest part of the State caused by Hurricane Rita, which came 4 weeks after Hurricane Katrina.

While the country is used to dealing with hurricanes and we have all had large ones and small ones and ferocious ones and minor ones to deal with, we have never, at least in the last 100 years or so, dealt with the devastation following the levee breaks and flooding and pumping systems that collapsed that should have worked. I tell people, if they can just imagine what the Netherlands would look like if the little guy with his finger in the dike—if it didn't work one day and the dike broke and the Netherlands basically went underwater. It is a country, and it is much smaller than the United States. In fact, it would fit inside of Louisiana. But, nonetheless, it is a very powerful economic engine in Europe. To have that dike and levee system fail and the catastrophe that would result in large measure is kind of what happened in New Orleans and the region.

You can imagine the difficulty of rebuilding 200,000-plus residences, some individual, single-family, owner-occupied homes, some homes that were rented, nonsubsidized, and then the rental subsidized sections of the city, public housing, affordable housing, workforce development housing—there are many words to describe these types of housing.

I come to say that rebuilding this housing stock is quite a challenge for our delegation. Congress can provide vast amounts of tax credits, grants, loans, and waivers but these benefits will not spur recovery if we cannot get people back into their homes. That is where recovery must start and end. For example, in Louisiana alone we had over 20,000 businesses destroyed. Business cannot open their doors if their workers have nowhere to live. Louisiana also had 875 schools destroyed. Again, teachers cannot come back to school and teach our children if they do not have a roof over their heads. So a fundamental piece of recovery in the gulf coast is to allow disaster victims to return home and rebuild.

The amendment I offer today for consideration—I thank Senator MURRAY for being such an outstanding leader on previous appropriations bills to try to push this issue for additional funding and help—is specifically to complement or parallel our efforts for helping homeowners get back. There is a bill, S. 1668, the Gulf Coast Housing Recovery Act, which is coming through the Banking Committee which is going to help our public housing residents and workforce development housing. This is because we lost thousands of units of public subsidized housing. I am pleased to work alongside Senate Banking Committee Chairman CHRIS DODD to hopefully secure a hearing on this important bill in the coming weeks and to work with my colleagues to usher it out of committee as soon as possible.

In regards to this bill, I should note that the recovery of public housing is one area that has not received much national press attention, even though prior to Hurricane Katrina, the Housing Authority of New Orleans—HANO operated over 7,000 public housing units, with about 5,100 units occupied. These residents, just like renters and homeowners, have a right to return home. We must provide them with the means and opportunity to do so. S. 1668, which I have mentioned would provide the means and opportunity necessary to make this happen.

I will not go into great detail on this legislation today but given its importance to my state, and the entire gulf coast, let me summarize the main provisions in this bill. First, this bill sets out a process to allow New Orleans area public housing residents to return home. Next, it strikes a good balance between the redevelopment priorities of HANO, developers, and public housing residents to responsibly rebuild better affordable housing units in New Orleans. Lastly, this bill creates home ownership opportunities, spurs community development, and gives a hand up to community nonprofits.

As evidence of the merits of this bill and the balanced approach we have established, I will ask that a copy of an August 27, 2007, Washington Post editorial be printed in the RECORD. This editorial clearly outlines the need for this legislation, how it will allow responsible mixed-income development, and how if it is passed today, responsible developers could begin construction tomorrow if they meet requirements in our bill. They are not burdensome requirements, instead they ask developers to consult with residents, ensure that when they tear down public housing units that they are providing for sufficient replacement units of affordable housing. Given that our State has over 5,000 displaced public housing residents, thousands of people who were on the waiting list pre-Katrina to get into public housing, and a further 12,000 homeless individuals, I do not feel this is unreasonable to require that affordable housing stock be replaced, not lost, during this housing crisis.

I note that according to a June 2007 report by PolicyLink, a national research institute, rents have increased as much as 40 to 200 percent since the storms, leaving few apartments affordable to families making less than the area median income. That is why the amendment I am discussing, and S. 1668 are so important. The amendment I offer today is included as an authorization in S. 1668 and I would urge my Democratic and Republican colleagues to support this bill as I would ask their consideration of this amendment today.

This amendment is an amendment which will help close the loophole for the elderly, the disabled, and the homeless. In particular, there are a group of people who are too frail or fragile to live on their own, yet they do not belong in a hospital. We have many people—I am sure in the State of the Presiding Officer, in Pennsylvania, and I

was in Philadelphia last night, a magnificent city—I am sure you can think of many places in Philadelphia where there are homes or apartments for disabled elderly, for adults who are not older but they are disabled through an accident or injury. They don't belong in a hospital. They can't be left alone. But it is sort of group housing, many times run by Catholic Charities. Sometimes they are run by other nonprofit organizations. We need that kind of housing desperately to help us get back, to take care of the most fragile people in our city who are still today without shelter. It would help those most at-risk, and those who really need the help most in my state. You can imagine the challenge to take care of this group under normal circumstances. But here we are, dealing with a catastrophe, trying to provide housing for thousands of people now returning to the city in a fragile situation. It is our obligation as a city, as a State, and as a nation to help. So that is basically what my amendment does.

I note that the Senate has already passed this amendment. It already passed this body as part of H.R. 4939, the emergency supplemental which was enacted last summer. However, much to my chagrin, and to those working on this issue in my State, this important provision was taken out by the House in final negotiations on the supplemental. So the Senate has already in some measure passed this particular proposal. I am offering and talking about it today to ask the Senate to consider this 3,000 units of supportive housing for the elderly, the disabled, and the homeless—the most fragile of our population. This is not necessarily the working population. These people can't work. They are too old to work, they are too weak to work, or they are too sick. But it is, of course, our obligation to help provide them with permanent and safe places to live. We all have a percentage of the population. No matter where you live, in the Northwest or in the Northeast or in the South, a percentage of the population has been overlooked.

With this in mind, we have to fight to get our homeowners back in their houses who are workers and business owners and professionals and upwardly mobile middle-class individuals. We have to fight hard to get our renters back. Some renters are upwardly mobile and middle class, some very wealthy. They just choose not to own a home. There is another group of renters that are in subsidized rentals because they have to be because they are working at minimum-wage jobs. There is a whole other group of people who are neither homeowners, young and vibrant, in the middle class and younger, although they might have been at one time. They are not in regular rental units. They are the fragile population. We have virtually provided no additional funding for them. That is what my amendment attempts to do. People are living with relatives. People are making ends meet. This amendment would provide $70 million for 3,000 units of permanent supportive housing to assist these at-risk residents.

As I mentioned, I was able to put this in the Senate-passed version of the emergency supplemental but, unfortunately, it was taken out. Therefore, I am here to show my support for this proposal, to respectfully ask the chairman and ranking member who are handling this appropriations legislation to consider this important proposal again today. If it can't be adopted by this body today, I would like to ask them whether they would be supportive of including this in the next supplemental that comes before the Senate. I see the chairman of the committee on the floor. I would appreciate knowing if Senator MURRAY is supportive of this amendment.

Mrs. MURRAY. Mr. President, the Senator from Louisiana has raised a critically important issue with regard to the need of the disabled and homeless citizens in Katrina-impacted areas she knows so well. We are going to be developing a supplemental appropriations bill in a very short time which we anticipate will include provisions as it relates to Katrina. The Senator does have my commitment that I will work with her to see what we can do to address that critical need within the supplemental.

AMENDMENT NO. 2795, WITHDRAWN

Ms. LANDRIEU. I thank the Senator from Washington.

With that commitment and the opportunity to speak on this important issue today—I know there are other amendments that will be considered—I am willing to withdraw my amendment at this time and will offer it again at an appropriate time.

The PRESIDING OFFICER. The amendment is withdrawn.

Ms. LANDRIEU. I ask unanimous consent to have the previously mentioned article printed in the RECORD.

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

[From the Washington Post, Aug. 27, 2007]

HOME SWEET HOME

Public housing advocates are gearing up for a sit-in at the offices of the Housing Authority of New Orleans tomorrow. Their frustration is understandable. Two years after Hurricane Katrina scattered residents to communities outside the Crescent City, most have yet to return home. But the protesters' goal of getting the displaced back into their old units is wrong. While the historical significance of those structures is undeniable, so is their history of being forlorn concentrations of poverty.

To tour the barracks-style apartment complexes of New Orleans is to see the best and worst of public housing. Because most of them were built in the 1940s, a walk into one of their cramped units is a walk back in time. For instance, residents can't run water in the bathtub and the bathroom sink at the same time. Warmth in the winter is provided by space heaters. For the most part, the old projects are cut off from the flow of the city because the city's streets don't go through them. Now, if you go to the redeveloped Fischer and St. Thomas complexes, you'll see the best in modern public housing. Warehousing of the poor and marginalizing them from the larger community are out. Modeled on HOPE VI developments, these are mixed-income neighborhoods of townhouses. The homes are spacious. The appliances are new. The sense of hopelessness that envelops Iberville, the one fully functioning old-style public housing project, is not present.

The U.S. Department of Housing and Urban Development wants to bring four other old public housing estates into the modern era. But a lawsuit by the Advancement Project, a Washington-based civil rights organization, has stopped HUD from doing so. The lawsuit accuses the agency of cleansing African Americans from New Orleans by keeping the four public housing projects shuttered. It demands a right of return for all New Orleans public housing residents, and it demands that those families go back to the units they fled on Aug. 29, 2005. Until the case goes to trial in November, those families will have to wait. This is unconscionable. Yes, they should return. But they should return to something much better than they left.

At least one developer, Enterprise Community Partners, which has been chosen by HUD to redevelop the Lafitte project, has committed to providing a new public housing unit to every family that lived there before in what would become a mixed-income community. A bill sponsored by Sens. Christopher J. Dodd (D–Conn.) and Mary Landrieu (D–La.) would make what Enterprise is voluntarily doing the law.

Donna Davis, 52, has lived in the projects since she was 9. The pride in her two-story townhouse in the new Fischer complex was plainly evident as she toured a visitor around. When asked what she would say to people afraid of HUD's redevelopment plans, Ms. Davis looked to her own experience. ''We lived [in Fischer] and stayed there,'' she said. ''Now it's time for us to grow and open up . . . to see how good we can all live.'' If the Dodd-Landrieu bill passes, the Advancement Project should drop its lawsuit. Returning public housing residents deserve to have Ms. Davis's experience.

AMENDMENT NO. 2816

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I ask unanimous consent that I be permitted to display four charts during debate on the Klobuchar amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I have consulted with everyone. As much as I would like to comply with the Senator, if we make it four, it is going to be six, it is going to be eight. I think we need to keep to it a modicum that works for all Senators. At this point, I apologize, but I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. COLEMAN. Mr. President, I rise in support of an amendment offered by my colleague from Minnesota, Senator KLOBUCHAR, and myself. The amendment is only a few lines long, but it truly embodies the Minnesota spirit of perseverance and rebuilding in light of enormous tragedy.

Most of us in the North Star State won't ever forget the tragic event that befell our largest city on ''eight one'' of this year. Just after 6 p.m. on that day, the main transportation artery in

the heart of Minneapolis, the Interstate 35W bridge, fell into the Mississippi River, killing 13 people and wounding more than 100 others. The images that began to appear on national news within minutes of the collapse are still too difficult to describe with words, and the view behind me only begins to outline the magnitude this disaster has had on the Twin Cities and our entire region. The pictures hardly describe the extent of the tragedy.

As I mentioned on the floor of this body when Senator KLOBUCHAR and I returned from surveying the damage of the bridge collapse firsthand within hours of the tragedy, this area of the Mississippi River is one of Minnesota's most historic. It was here that Father Louis Hennepin named the falls of St. Anthony, pictured behind me upstream from the wreckage. You can also see Cadwallader Washburn's and Charles Pillsbury's flour mills that sprang up along these falls, defining an era of growth in our State and earning Minneapolis the title of ''The mill city.'' These structures, these falls, and this river include so much of our State's history and identity, sitting on the headwaters of North America's greatest waterway. This is truly the heart of the heartland.

As I said on August 2, when this bridge fell, part of our Minnesota identity fell with it. Within 60 hours of the bridge's collapse, we in the U.S. Senate took action and committed the necessary Federal resources to rebuild this structure and to rebuild it quickly. I thank my colleagues once again, as I thanked them before we adjourned for the August recess, for their commitment to the people of Minnesota and to reacting decisively when an emergency strikes in our Nation.

The actions we took in this body before recess set out a blueprint for the future of the I–35W bridge and the entire Twin Cities region. We provided authorization for emergency funding, $55 million of which was sent to the Minnesota Department of Transportation almost immediately to begin reconstruction of the bridge. We provided immediate assistance in transit funding, including $5 million to assist the Twin Cities in their most immediate transportation needs including detours and temporary busing, and other Federal resources, such as Navy dive teams used to recover bodies under conditions in which there was no visibility, with current, twisted metal, steel, and concrete. Without these resources, we would not have been able to move so quickly to bring some measure of closure to families who have suffered so much.

Regional transportation administrators descended upon the Twin Cities. Across the board, we reacted in a way that showed we were there to help and assist in recovery and in rebuilding. That was a good thing. But while these efforts were an important start, the bridge rebuilding process is steaming ahead with bid letting for the bridge this week. I received a letter today from Assistant Transportation Commissioner Bob McFarlin from the Minnesota Department of Transportation.

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

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

MINNESOTA DEPARTMENT OF TRANSPORTATION,
Saint Paul, MN, September 11, 2007.

Hon. NORM COLEMAN,
Russell Senate Office Building,
Washington, DC.
Hon. AMY KLOBUCHAR,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR COLEMAN & SENATOR KLOBUCHER: On behalf of the Minnesota Department of Transportation, I want to thank you and Congress once again for the quick response in authorizing $250 million in emergency relief funding to help the state respond to the I–35W bridge collapse. Congress and the entire federal government's incredible response has greatly facilitated the ability of the state to recover from this tragedy.

Now the state is looking to Congress to quickly appropriate the $250 million in emergency funding. The Untied States Department of Transportation has made available $55 million of the $250 million which is helping pay the initial costs of recovery, cleanup, traffic re-routing, and bridge replacement. However, this $55 million and the state's cash flow will likely be depleted by October 2007.

The Minnesota Department of Transportation is proceeding with bid-letting for the bridge replacement on or about September 19th with award by the end of September. Construction would commence in mid-October.

If the $250 million in federal emergency relief funding is not appropriated soon, the state will be in a difficult financial situation in trying to quickly replace this bridge and keep other construction projects on schedule.

Sincerely,

BOB MCFARLIN,
Assistant to the Commissioner.

Mr. COLEMAN. At the impressive pace the Minnesota Department of Transportation is moving toward rebuilding this essential structure, this letter states the funding we have already appropriated for reconstruction will likely run out by the middle of October, thwarting the otherwise amazing progress we are making in recovery from this horrible tragedy.

The Minnesota Department of Transportation will in all likelihood receive funding someday from the Federal Government to complete reconstruction of this bridge. That is not at question. We authorized that funding before we adjourned. What the amendment before us would do is simply expedite receipt of this funding so the State can continue its reconstruction process on this critical project. We all know it is not easy to pass a bill around here. The people of Minneapolis and the Twin Cities are still dealing with an emergency, and they need emergency funding now. The reconstruction of the bridge stops when the money runs out. Who knows when we will have another chance to provide funding for this horrible tragedy.

The time is now. We have a Transportation appropriations bill before us with a transportation emergency in our backyard. I ask my colleagues to help us rebuild, to help us recover, and to do so today for a brighter future and a brighter tomorrow for the people of Minneapolis and the people of Minnesota, and, in fact, the people of the entire region.

I urge support for the Klobuchar-Coleman amendment.

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

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Oklahoma is recognized until 4:15.

AMENDMENT NO. 2810

Mr. COBURN. Mr. President, we are going to be voting on an amendment very soon, amendment No. 2810. The whole point of this amendment is to reorder our priorities in terms of transportation. We have had significant debate on whether certain ongoing projects will be harmed.

We have seen a Department of Transportation inspector general's report that lists five problems with what is happening right now. Basically, the conclusion of the report is earmarks are not the most effective or efficient use of funds—noncompetitively awarded transportation earmarks.

Let me say that again. Noncompetitively awarded transportation earmarks reduce funding for each individual State's core transportation funding. They are not in unison with DOT strategic research goals. As a matter of fact, the research institute has oftentimes gone around with earmarks. They provide funds for projects that would otherwise be ineligible for transportation funds. They disrupt the agency's ability to fund programs as designated when authorized funding amounts are exceeded by what they call overearmarking. That is the technique where we put in an earmark, congressionally directed spending, but we do not put enough money in to pay for that congressional spending, so that excess money goes against the rest of the transportation priorities. Then, finally, many low priority earmarked projects are being funded over higher priority nonearmarked projects.

This is a simple amendment that says we are not going to spend money on earmarks unless they are for roads and bridges at this time. It does not stop earmarks; it just slows them down and says: Whoa. This is a lower priority than what we are doing.

In this bill are over 500 earmarks that come right now to $2.8 billion. Mr.

President, $2.8 billion would go a long way in terms of fixing the tremendous number of bridges that are structurally deficient in this country. That is just with the National Highway System. That does not have anything to do with State transportation highways.

The real question for this body—and there have been many claims made against this amendment. No. 1, this amendment will not lessen the amount of money that goes to State transportation departments. That money can be rerouted so certain things such as transit initiatives will not have to stop. But what it will say is, the Senate is on record for saying the highest priority ought to have the highest priority.

Minnesota is a tragic example of the misplaced priorities we have. Of the billions and billions of dollars, well over 10 percent of the last Transportation bill—authorization bill—and a significant amount of this bill will be spent on projects that are not a priority for a State, are not a priority for national transportation, but are our priorities. We can differ on what the low level priorities are, but nobody can deny we have a significant problem with structurally deficient bridges in this country.

We are going to spend $600,000 on horse-riding facilities, $5.9 million on a snowmobile trail, $8 million on a parking garage, $532,000 just on one particular earmark for a pedestrian trail, $1.25 million for a day center and park-and-ride facility, $3 million for dust control mitigation, and $2.75 million for the National Packard Museum when we have bridges falling down?

I think we have plenty of room to reorder our priorities. This amendment does not eliminate any earmark. What it does is delay it. There is no question about it. But the purpose is to put us in touch with the American people saying: First things first. This does not eliminate addressing the 13,000 people who die every year on unsafe roads. Those funds are still available.

We heard from the Senator from Missouri that 400 people succumbed to accidents related to bridges in the last year. The fact is, we have had almost 40,000 people die a year on our roads. A third of that is secondary to alcohol excess. But another third of that is associated with unsafe roads and bridges. That is according to the Department of Transportation.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Department of Transportation inspector general and an accompanying Executive Overview of Report AV–2007–066 of the Department of Transportation.

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

DEPARTMENT OF TRANSPORTATION,
OFFICE OF INSPECTOR GENERAL,
Washington, DC, September 7, 2007.

Hon. TOM COBURN,
Ranking Member, Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR COBURN: We have enclosed the results of our review of congressional earmarks within Department of Transportation (DOT) programs, which we conducted in response to your request. Specifically, you asked that we conduct an independent analysis of the cost, oversight, and impact of congressional earmarks for the most recent fiscal year.

We determined the total number and dollar amount of congressional earmarks within DOT programs for fiscal year 2006, the inclusion of earmarks in DOT's annual planning and evaluation process, and the effects of earmarks on DOT's mission and goals.

This report provides our analysis of selected programs within the Federal Highway Administration, the Federal Transit Administration, and the Federal Aviation Administration; these agencies accounted for 99 percent of the earmarks (both in number and dollar amount) in DOT for fiscal year 2006.

We want to express our appreciation to the Department and the various stakeholder organizations for their cooperation during this review.

If I can answer any questions or be of further service, please contact me or Todd J. Zinser, Deputy Inspector General.

Sincerely,

CALVIN L. SCOVEL III,
Inspector General.

INTRODUCTION

Over the past year, there has been considerable interest and debate over congressional earmarks. According to the Government Accountability Office, an earmark is a congressional directive in legislation to a Federal agency to spend a specific amount of its budget for a specific entity, project, or service. Earmarking differs from the general appropriations process where Congress grants a lump sum to an agency to distribute according to the agency's authorized, transparent, statutory criteria and merit-based decision-making processes.

In a memorandum published in January 2006, the Congressional Research Service reported that during the 10-year period from fiscal year (FY) 1996 to FY 2005, the number of earmarks within Department of Transportation (DOT) appropriations acts and accompanying conference reports increased by more than 1,150 percent—from 167 earmarks in FY 1996 to 2,094 earmarks in FY 2005. The amount of dollars earmarked also increased by more than 314 percent—from $789 million in FY 1996 to about $3.27 billion in FY 2005 (see figure). Although down in numbers from FY 2005, DOT's FY 2006 appropriations included 1,582 earmarks, of which 1,516 were specifically identified in the conference report accompanying the act.

Not only do earmarks originate in the appropriation process, but they also enter the process through program authorizations. Recent DOT re-authorizations have included a significant number of specific projects with associated funding directed to specific state and local agencies or locations. For example, the current DOT authorization for surface transportation, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), accounted for 6,474 (80 percent) of DOT's 8,056 earmarked projects for FY 2006. As with most DOT program authorizations, SAFETEA–LU is a multi-year (5 years—from FY 2005 to FY 2009) authorization with specified percentages of appropriated funds authorized each year for the given agencies, programs, and activities.

In August 2006, Senator COBURN—then Chairman of the Senate Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security—requested that we conduct an independent analysis of the cost, oversight, and impact of congressional earmarks. As Senator COBURN requested, we defined an earmark as a provision of law, directive, or an item represented in any table, chart, or text contained within a joint explanatory statement or a report accompanying an appropriations or authorization bill that identifies an entity, a program, project, or service and the amount of assistance the Federal agency is to provide.

Consistent with Senator COBURN's request, we determined (1) the total number and amount of earmarks within DOT for FY 2006, (2) the inclusion of earmarks in DOT's annual planning and project evaluation processes, and (3) the effects of earmarks on DOT's mission and goals.

We focused our analysis on earmarks within DOT's programs administered by the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Federal Aviation Administration (FAA), because these three Operating Administrations accounted for 99 percent of the earmarks for FY 2006 (both in number and dollar amount) in DOT. Exhibits A through E provide details on: (A) the total number and dollar amount of earmarks by program with DOT for FY 2006; (B) earmarked projects that bypassed established selection and review processes or planning and programming processes; (C) our analysis of earmarks' impact on agencies' programs; (D) stakeholders interviewed; and (E) our objectives, scope and methodology, and related audits. We conducted this review between December 2006 and August 2007, in accordance with generally accepted Government Auditing Standards as prescribed by the Comptroller General of the United States.

In February 2007, the President signed a joint resolution passed by Congress that provided appropriations for FY 2007 with a moratorium on earmarks. Section 112 of this joint resolution states that ''any language specifying an earmark in a committee report or statements of managers accompanying an appropriations act for FY 2006 shall have no legal effect with respect to funds appropriated'' under the joint resolution.

The Office of Management and Budget has taken steps to enforce the joint resolution by requiring that Federal agencies only fund projects or activities that are ''specifically identified in statutory text'' and ''in accordance with authorizing law, using statutory criteria, such as funding formulas, eligibility standards, and merit-based decision-making.''

EXECUTIVE OVERVIEW

Overall, we identified 8,056 earmarked projects within the Department's programs that received more than $8.54 billion for FY 2006 (see exhibit A). Of the 8,056 earmarked projects for FY 2006: 66 earmarked projects were specified in the text of the appropriation act; 1,516 earmarked projects were specified in the conference report accompanying the appropriation act; 6,474 earmarked projects were identified in the appropriation act's accompanying conference report sections referring to distribution of FY 2006 authorized funding as directed by SAFETEA-LU.

FHWA, FTA, and FAA accounted for 99 percent of these earmarked projects, both in

number (8,011 of the 8,056 projects) and dollar amount (about $8.49 billion of the more than $8.54 billion). FHWA had the highest number of earmarked projects at 6,556, and FTA had the highest percentage of its FY 2006 appropriation earmarked at 28 percent.

Generally, before a capital or research project can receive DOT funding, either discretionary or formula, it must be the product of a planning process. Planning for highway, transit, and airport improvement projects takes place at the local, state, or Federal levels. For highway and transit projects, each metropolitan planning organization (MPO), in cooperation with the state and public transportation operators, must develop a long-range transportation plan and a short-range transportation program for the urbanized areas within the state. Integral to the planning process is an evaluation of factors such as a project's enhancement of mobility, maximization of safety and security, relief of congestion, financial viability, and protection of the environment. The planning process culminates in a list of projects to be funded within 4 years.

To be eligible for Federal funds, a project must be part of the Transportation Improvement Program (TIP), which is approved by the MPO and the Governor, and the State's Transportation Improvement Program (STIP), which is approved by the Governor, FHWA, and FTA. Subsequent to the planning process, FHWA and FTA select projects to receive discretionary grants based on their merits as reflected in the transportation plans. For formula grants, the states make the selections based on their priorities and in cooperation with the MPOs and local officials.

To be considered for funding under the Airport Improvement Program (AIP), a project would be part of the national Airport Capital Improvement Plan (ACIP), which is formulated by FAA in cooperation with states, planning agencies, and airport sponsors. In all cases, the planning process culminates in a list of priority projects to be funded within a given time frame.

However, our review of 7,760 earmarked projects valued at $8.05 billion within FHWA, FTA, and FAA programs disclosed that 7,724 of the 7,760 projects (99 percent) either were not subject to the agencies' review and selection processes or bypassed the states' normal planning and programming processes. For example, 125 AIP projects, totaling almost $201 million, were earmarked for FY 2006. Of the 125 earmarked projects, 72 (about 58 percent), totaling $132.4 million, were on FAA's list of candidates to receive AIP funds for critical airport planning and development projects—the remaining 53 projects were not. These 53 projects, totaling about $68.5 million, would not have been considered for funding in FY 2006 if they had not received earmarks.

There were earmarked projects we reviewed that were evaluated as ''highest'' priority projects and would have been fully funded regardless of being earmarked. For example, the New Starts Program is the Federal Government's primary financial resource for supporting locally planned, implemented, and operated transit fixed ''guideway'' systems. From heavy to light rail, from commuter rail to bus rapid transit systems, these projects have improved the mobility of millions of Americans; helped to improve air quality; and fostered the development of more viable, safe, and livable communities.

However, earmarks may not be the most effective or efficient use of funds on programs within FHWA, FTA, and FAA. Many earmarked projects considered by the agencies as low priority are being funded over higher priority, non-earmarked projects. For example, for FY 2006, FAA considered 9 of the 10 new earmarked projects, totaling $31.5 million, in its Tower/Terminal Air Traffic Control Facility Replacement Program within the Facilities and Equipment account to be low priority projects that would not have received funding without the earmarks. Funding these new low priority projects in FY 2006 added to the already substantial backlog of replacement projects from earmarks in prior fiscal years and caused FAA to delay the planning of its higher priority replacement projects by at least 3 years.

Some earmarks are providing funds for projects that would otherwise be ineligible. For example, for FY 2006, 16 of 65 earmarked projects, totaling more than $14 million, in FHWA's Interstate Maintenance Discretionary Program did not meet statutory program criteria and would not have received funding were it not for a section in DOT's appropriations law that allows funding for earmarks that do not meet the statutory requirements of the program.

Mr. COBURN. An investigation by the inspector general found the following: For 2006, there were 8,056 earmarks within the Department of Transportation program, with a total of more than $8.54 billion, or over 13 percent of DOT's appropriation. So for one in seven and a half dollars, we have directed the spending, and for most of them, it is against the highest priority things we should be funding. So thinking about the risks, thinking about the costs, thinking about our standing in terms of doing what we should be doing to make sure the highest ordered priorities are taken care of—that the bridges that are structurally deficient will be addressed, that the highways that do not meet or exceed a good or acceptable level of safety—we ought to be redirecting this money in that direction. That is what this amendment is about.

We get three choices. We can table the amendment, as I think the motion will be made so we do not have to deal with it, saying we should not change our priorities. We can say yes, and we can renew the faith in the American people that we understand we are here to do priority work. We are not necessarily here to do the next best thing for our political careers.

However you slice it, many of the earmarks are great things. They are great needs which have to be met at some point in time. But most of the earmarks that go for the bridges and roads will not be affected by this amendment at all. The ones that will be affected are those earmarks which are not a priority.

I know we are going to have a vote. I want to give the subcommittee chairman, as well as Ranking Member BOND, a chance to answer this debate. I will say I plan on offering this amendment in another form, if this amendment goes down, limiting it and more directing it, if in fact that is the case.

But we have a duty to do what is in the best interest of our transportation needs in this country. I realize there is a debate, and I realize there is disagreement with me on this issue. But it is going to be hard for us as a body to justify 500 separate earmarks that do not address the bridges in this country, will not help us assess that.

Earlier today, Senator MURRAY alluded to the $1 billion increase. Well, that is true, but we did not increase the money; we just made it toward the Transportation fund. The trust fund will run out of money a year earlier. So all we did was speed up spending that is allowed in the trust fund that we have today, and that will be consumed more quickly. I agree we probably should do that. But we will, in fact, have to address this issue, and it is about priorities.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we have had a good discussion with the Senator from Oklahoma earlier in the day. Just to recap for those who may have missed it after he gave his eloquent pitch, I would say on behalf of those of us who worked on the bill—certainly the great leadership of our chair, the distinguished Senator from Washington—that when we put in earmarks, when we target specific investments to our State, they reflect the judgment of each Member of this body on what is important in his or her State based on what we hear from elected officials, transportation officials, and community leaders who say these are their top priorities.

Now, my friend from Oklahoma is earmarking money for bridges. If he believes Oklahoma is not putting in an adequate share of its money for bridges, then we would be happy to entertain earmarks. But don't tell us to earmark ours. I work with the Missouri Department of Transportation officials. They say our highest needs are mostly in highways. We don't want to lose that money from highways.

The PRESIDING OFFICER. The question is on the Coburn amendment.

Mrs. MURRAY. Mr. President, I move to table the Coburn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAIG) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 14, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—82

Akaka	Feinstein	Nelson (FL)
Alexander	Graham	Nelson (NE)
Allard	Gregg	Pryor
Baucus	Hagel	Reed
Bayh	Harkin	Reid
Bennett	Hatch	Roberts
Biden	Hutchison	Rockefeller
Bingaman	Inhofe	Salazar
Bond	Inouye	Sanders
Boxer	Johnson	Schumer
Brown	Kennedy	Sessions
Brownback	Kerry	Shelby
Bunning	Klobuchar	Smith
Byrd	Kohl	Snowe
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Stevens
Casey	Levin	Sununu
Clinton	Lieberman	Tester
Cochran	Lincoln	Thune
Coleman	Lott	Vitter
Collins	Lugar	Voinovich
Conrad	Martinez	Warner
Crapo	McConnell	Webb
Dole	Menendez	Whitehouse
Domenici	Mikulski	Wyden
Dorgan	Murkowski	
Durbin	Murray	

NAYS—14

Barrasso	Cornyn	Grassley
Burr	DeMint	Isakson
Chambliss	Ensign	Kyl
Coburn	Enzi	McCaskill
Corker	Feingold	

NOT VOTING—4

Craig	McCain
Dodd	Obama

The motion was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. MENENDEZ. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington is recognized.

AMENDMENT NO. 2816, AS MODIFIED

Mrs. MURRAY. Mr. President, I call up amendment No. 2816, as modified. There is no further debate and I ask for its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2816), as modified, was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator CORNYN be recognized to offer an amendment related to Mexican trucking at 6 p.m.; that there then be 60 minutes of debate with respect to the Cornyn amendment and the pending Dorgan amendment No. 2797 and that the amendments be debated concurrently, with the time equally divided and controlled between Senators DORGAN and CORNYN, or their designees; that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote in relation to the Dorgan amendment, to be followed by 2 minutes of debate, equally divided and controlled as noted above, prior to a vote in relation to the Cornyn amendment; that no amendments be in order to any amendments covered in this agreement prior to the vote; that after the vote with respect to the Dorgan amendment, the vote time be limited to 10 minutes for the remaining amendment in this agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I know the Senator from Oklahoma is on the floor and will be offering an amendment in a minute. Prior to his offering that amendment, I ask that the Senator from Minnesota, Ms. KLOBUCHAR, be given 2 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I thank the Senators for working on a bipartisan basis. I thank Senators MURRAY and BOND for their work on this issue and for passing the appropriation for the funding to fix the I–35W bridge in Minneapolis.

The Senate acted incredibly quickly after this tragedy occurred—August 1. The next day, Senator COLEMAN and I were there. We saw this tragedy firsthand and the heroic responses of our rescue workers in Minnesota. Ordinary citizens were diving into the water; they didn't know whom they would find and they didn't know the danger. They rescued people. It could have been so much worse. Our citizens came together and now this Senate comes together. I thank them for this. We are losing about $400,000 a day. This was a major thoroughfare in our town and in our Twin Cities area.

We are going to rebuild. On the day that we went and saw the shards of steel and the broken bridge that had flopped into the middle of the Mississippi River, I said that bridges in America should not fall down. This bridge did. When bridges in America fall down, we must rebuild. By taking this important action today to fund the rebuilding of the bridge, the Senate has started that process. I thank my colleagues. I thank Senator COLEMAN for cosponsoring my amendment. We will now move on to rebuilding our bridge and bringing our beautiful Twin Cities area back to where it was.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, there is some confusion about my amendment. I think we have reached an agreement, and we will shortly be sending up my amendment No. 2796, as modified. I believe it will be accepted on both sides. So we will stand by for that to happen.

I yield the floor.

Mrs. MURRAY. Mr. President, the Senator is correct. We have been working with Senator INHOFE, and we believe we have a modification. As soon as that is written up, we hope to get an agreement and move that amendment forward.

Mr. INHOFE. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator is recognized.

AMENDMENT NO. 2811

Mr. COBURN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2811.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2811.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds made available under this Act for bicycle paths so that the funds can be used to improve bridge and road safety)

At the appropriate place, insert the following:

SEC. ____. None of the funds made available under this Act may be spent for bicycle paths or bicycle trails.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. Mr. President, maybe this will not be as painful an amendment. Again, referencing what Senator KLOBUCHAR said today about repairing the bridge that has collapsed and cost 13 people their lives and many others injuries, we decided not to order priorities with the last amendment but hopefully will give a little bit better consideration to this one.

About 2½ weeks ago, a friend of mine, who has been a friend for over 20 years, talked me into getting a bicycle. I have to say I have markedly enjoyed that exercise. This amendment says that for the $12 million to $18 million in this bill, which is not clear how much is actually for bicycle paths, we should not be spending money on bicycle paths for our own leisure, comfort, and exercise when we have bridges that are falling down. It is very straightforward. It prohibits funding bicycle paths until we have our bridges and highways in order. Through the years, we have spent hundreds of millions of dollars on bicycle paths. It is great, it

is fun, they are enjoyable, but it isn't as important for us to have fun and enjoyment as it is for us to be responsible in repairing the roads and bridges in this country. This is simply a prohibition that says for the funds that are in this appropriations bill for bicycle paths, we are saying, no we won't spend that money; we are going to spend the money on fixing roads and bridges.

I guess one could say we could do both. We can fix the roads and bridges and we can have bicycle paths. The problem is this body adopted an amendment creating another billion dollars for bridges just yesterday, and what that does is shorten the life of the trust fund. What it does is move the empty, the zero on that fund to 2009. We have addressed some of that, but we haven't addressed it near to the need I believe we should.

I ask my colleagues to give some thought about whether bicycle paths or the safety of our people in cars on bridges and roads in this country is more important.

I will give some examples. There is $3 million for three bike trails in Illinois. Illinois has 290 structurally deficient bridges.

There is $500,000 for the CEMAR Trail in Iowa. Iowa has 61 structurally deficient bridges.

There is $500,000 in Maryland. Maryland has 43 structurally deficient bridges on the National Highway System.

Mississippi has $2.2 million earmarked for bicycle trails and has 28 structurally deficient bridges.

Missouri has $750,000 for the Heart of America bicycle/pedestrian bridge and has 123 structurally deficient bridges on our National Highway System.

North Dakota has $800,000 for the Lewis and Clark Legacy Trail and has nine structurally deficient bridges.

The State of Washington, the chairman's State, has three bike earmarks, $3 million, and 76 structurally deficient bridges.

West Virginia has 98 structurally deficient bridges, but yet $1 million is going to the Paw Paw Bends Trail in Morgan County.

That is not the complete list. I can go on. I have five more pages of States around the country.

It is interesting that in Chesapeake, VA, the council voted in June to build a 2-mile bicycle path estimated to cost $16 million. That is to be paid for with federally earmarked funds and a match. The mayor of that city, in arguing against this expenditure, cast the lone vote, saying: It reminds me of a bridge somewhere to nowhere. You are talking about Government spending. To spend that kind of money on a bike path that would rarely be utilized is astounding to him. The traffic in that area, pedestrian and bike, is four people per day.

I don't deny that it is a wonderful experience that many millions of Americans are getting to enjoy the bike paths we build. The question is, Should we stop for a while and do what we should be doing with our other transportation needs?

A quote from Mary Peters, Secretary of Transportation, is the following:

> Americans would be shocked to learn that only about 60 percent of the gas tax money they pay today actually goes into highway and bridge construction. Much of it goes to many, many other areas. Ten to 20 percent goes into areas that are not directly transportation related.

Bike paths and trails happen to fit into that category.

The highway trust fund was set up to build highways and maintain bridges. When 40 percent of it is not used to maintain highways or build bridges, we have missed the priorities the American people have asked for.

The last time the gas tax was increased in 1993, it was 4.3 cents. We have had many people say we need a tax increase on transportation dollars to afford the Transportation bill. I don't believe that is true at all. I believe we ought to be spending the money on true transportation needs—roads and highways and transit—and we should have less of the other.

I ask unanimous consent to have printed in the RECORD an article from the Minnesota Star Tribune recently that noted the significant amounts of money that have been spent in that State on bicycle paths at the same time the chairman of the Transportation Committee did not allocate the funds, along with the State, to effectively solve the problems of the I–35 bridge.

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

[From the Minnesota Star Tribune]

> [Minnesota Congressman Jim] Oberstar played a lead role in crafting the 2005 bill as ranking Democrat on the House Transportation Committee. In the bill, Congress allocated about $4 billion a year for bridge reconstruction and maintenance. It designated about the same amount—about $24 billion over a five-year period—for member earmarks in a bipartisan porkfest.
>
> Ironically, $24 billion is almost exactly the amount that Oberstar now says we must raise through new taxes to prevent future bridge collapses.
>
> Oberstar's earmarks were among the highest for any member, totaling $250 million. What did they fund?
>
> Not repair of the I–35W bridge, though the state had identified cracks in the bridge as a major concern in 1999. Oberstar's earmarks, which included many road-related projects, also provided $25 million for Twin Cities bicycle and pedestrian trails and lanes, and such ''high priority'' items as $471,000 for the Edge of Wilderness Discovery Center in Marcell.
>
> He did slip in $1.5 million for a new bridge in Baxter—for the Paul Bunyan bike trail.
>
> Oberstar, an avid cyclist, has lavished federal gas-tax dollars on bike trails for years. In 1991, he spearheaded legislation that first allowed Highway Trust Fund monies to flow to state bike trails.
>
> Now Oberstar, has taken his enthusiasm for bikes a step further. He recently amended a federal aviation law to allow airports to spend federal funds on bike storage facilities.

Mr. COBURN. I will limit my debate on this amendment and try to come back to the Chamber. I ask unanimous consent that the pending amendment be set aside and that we call up and consider amendments Nos. 2812, 2813, and 2814, as a block of three amendments, to be debated en bloc and then to be voted en bloc. I ask for their consideration to be available or time be made available to consider those amendments when I have time to come back to the floor.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

The Senator is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that a vote in relation to Coburn amendment No. 2811 occur upon disposition of the Cornyn amendment relating to Mexican trucks and that no amendment be in order to the Coburn amendment prior to the vote; that there be 2 minutes for debate prior to a vote with respect to the Coburn amendment, with the vote time limited to 10 minutes.

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

Mrs. MURRAY. Mr. President, my understanding is that the Senator from Oklahoma is going to come back and debate his amendment that he combined. Can he let us know what time he will be back so we can make sure we are able to fit in that debate time so we can possibly add the votes on those amendments onto the end of the votes we now have starting at 7 as well?

Before the Senator from Missouri speaks, let me say that when the Senator from Oklahoma comes back, then we will try to work with him to get a time agreement to vote as well at the 7 o'clock time so we can have four votes and move expeditiously to finish this bill tonight.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, before my friend from Oklahoma leaves, we talk a lot about safety. This is one of the problems when we try to take a meat ax to all earmarked programs in the States that have been worked out. I was working on another amendment, so I didn't hear whether he mentioned the $750,000 for the Heart of America Bridge in Kansas City. But in the interest of full disclosure, yes, we put in a retrofitting of a bridge to provide a barrier-separated crossing for bicyclists and pedestrians crossing the Missouri River from north Kansas City to downtown Kansas City.

Mr. COBURN. Mr. President, will the Senator yield for one moment?

Mr. BOND. I will be happy to yield.

AMENDMENTS NOS. 2812, 2813, AND 2814, EN BLOC

Mr. COBURN. Mr. President, I made an error in terms of calling up my

amendments. I ask unanimous consent that the pending amendment be set aside and that amendments Nos. 2812, 2813, and 2814 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes amendments numbered 2812, 2813, and 2814, en bloc.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2812

(Purpose: To remove an unnecessary earmark for the International Peace Garden in Dunseith, North Dakota)

At the appropriate place, insert the following:

SEC. 232. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be made available for facility renovation at the International Peace Garden in Dunseith, North Dakota; Provided, That the amount made available for grants for the Economic Development Initiative is reduced by $450,000, and the amount made available for the Community Development Fund is reduced by $450,000.

AMENDMENT NO. 2813

(Purpose: To ensure that no funds made available under this Act shall be used to carry out any activity relating to the design or construction of the America's Wetland Center in Lake Charles, Louisiana, until the date on which the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency and the State of Louisiana, certifies to Congress that all residents of the State of Louisiana who were displaced as a result of Hurricane Katrina or Rita in 2005 are no longer living in temporary housing)

At the appropriate place, insert the following:—

SEC. _____. Notwithstanding any other provision of Act, no funds made available under this Act may be used to carry out any activity relating to the design or construction of the America's Wetland Center in Lake Charles, Louisiana, until the date on which the Secretary of Housing and Urban Development, in consultation with the Administrator of the Federal Emergency Management Agency and the State of Louisiana, certifies to Congress that all residents of the State of Louisiana who were displaced as a result of Hurricane Katrina or Rita in 2005 are no longer living in temporary housing.

AMENDMENT NO. 2814

(Purpose: To prohibit the use of funds for the construction of a baseball facility in Billings, Montana, and to reduce the amounts made available for the Economic Development Initiative and the Community Development Fund)

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act—

(1) none of the funds made available by this Act may be used for the construction of a new baseball stadium that is replacing Cobb Field in Billings, Montana;

(2) the amount made available by this Act for grants for the Economic Development Initiative is reduced by $500,000; and

(3) the amount made available by this Act for the Community Development Fund is reduced by $500,000.

AMENDMENT NO. 2811

Mr. BOND. Mr. President, the reason we put in a barrier on this bridge between north Kansas City, a vibrant growing community, and, of course, the heart of Kansas City, MO, is that many people cross that bridge on foot and on bicycles. The traffic is getting so heavy that there is great danger to the pedestrians and bicycle riders. For those who like exercise and like conserving energy, many people commute between north Kansas City and Kansas City, MO, by foot or on bicycles. But for them to continue to do that, they need to be separated from the traffic.

I drive on the streets of Washington, DC, where bicyclists are not separated from traffic. It is always with great fear and trepidation as I am driving in two lanes of traffic coming to work in the morning and I see a bicyclist riding down the street between us. I just hope and pray that I am not the one who hits that bicyclist and that nobody hits them.

But if we are going to have bicyclists using roadways, please, let's put a barrier to separate the bicyclists and the pedestrians from the traffic. If we are talking about safety, I believe this is one of the easiest points to understand, and that is why I object so strongly to saying that any earmark we put in our States that deals with bicycles should be struck.

Where is the sense in this body to tell the people of Kansas City and north Kansas City they cannot have a protected pedestrian and bicycle means of ingress and egress between north Kansas City and regular Kansas City? It makes so much sense that I really hate to bring it up. That is what this amendment would do. That is why I will strongly oppose the amendment.

The PRESIDING OFFICER (Ms. STABENOW). The distinguished Senator from Washington.

Mrs. MURRAY. Madam President, I join my colleague from Missouri in opposing the amendment that has been offered by Senator COBURN. Under the SAFETEA–LU authorization bill, that is the surface transportation authorization law, the bill that defines all of the transportation projects for the country, communities are required to prepare comprehensive transportation plans in order to receive Federal highway and transit grants. Those plans have to include the communities' plans for bike and pedestrian pathways. We set that policy because these plans are meant to be comprehensive, and our national policy has been to recognize bike and pedestrian pathways as one component of an entire, complete transportation system. They can't constitute the largest part of the system, but a plan that ignores that element is not complete.

Now, there are three reasons our national transportation policy has recognized the role of bike and pedestrian paths in the role of transportation authorization. There is safety, there is mobility, and there is our healthy communities about which we are all concerned. When we put in adequate bike paths and walkways, what we are essentially doing in many of our communities is protecting the safety of our families and our neighbors. In many of our communities, without those paths, many more bicyclists and pedestrians would be forced to commute with regular vehicle traffic.

Everyone on bicycle or on foot is vulnerable when they are mixed in with heavy traffic. But I contend our school-aged children are often the ones who are the most vulnerable, and that is why it is extremely important that we protect these kinds of pathways in our transportation bills.

When we put in place these bike paths and walkways, we also provide essential mobility to a lot of people who can't afford to drive a car, who don't have a car, or for disability reasons can't drive a car. These are people who sometimes can't afford the daily travel by car, but they have their bike. They might like to travel by bus or a transit vehicle, but perhaps there aren't any available and so they are on our bikeways, bike paths, and walkways, and they need a mode of transportation within our communities as well.

It wasn't very long ago I happened to read an article in the Washington Post about informal bike and pedestrian paths showing up all over northern Virginia. These are just foot paths now, apparently, and not much more than grassy areas where commuters come and go on a daily basis. From the story, it said most of the people walking along these paths can't afford to commute by train or by car. They are walking to their jobs every day. These jobs don't pay a lot. These families need to get to work to support their families, and so they are walking on these pathways all over northern Virginia, the story tells us. The unfortunate part of that story, as I read it, is that these bike and pathways crossed over four lanes of traffic, many times without any traffic signals to accommodate them. So those commuters who are walking on these paths scrambled every day to get across four lanes of traffic because the transportation system didn't protect them as bicyclists or as pedestrians.

So mobility is important and safety is important. But, finally, we all recognize that having healthy communities is an important part of our country today. In recent years, we have all become aware of how our physical infrastructure affects our daily lives, and too often people find themselves trapped in cars by a transportation network that will not allow them to walk or bike to work, which can be an important part of an exercise regime for many who choose that. So these bike paths and walkways provide an alternative to cars and help make our

communities more healthy and more like neighborhoods.

When the Senate passed the last Transportation authorization bill, the so-called SAFETEA–LU, that bill recognized that bike and pedestrian pathways were one component of a complete transportation system for our communities. The President signed that bill into law. Today, if we choose to pick out this one mode of transportation and say we are not going to have bike paths or walkways, that we are excluding that from transportation funding, we would be making, on the floor of the Senate today and in the Transportation appropriations bill, a major shift in our transportation policy.

So I hope our colleagues will take a serious look at this amendment and realize that it will affect the safety of many of our citizens who commute to work, to school, and those who, in their daily lives, don't have a car or who choose to walk for their own personal health or ride a bike for their own personal health.

I hope the Senator from Oklahoma will wait to have this discussion when we are back on the floor during the reauthorization bill, which will be occurring during the next couple of years, and he will then have an opportunity to make his arguments at that time during the surface transportation debate. But today we are not considering an authorization bill. We are considering a transportation appropriations bill. And, yes, it does include an alternative for many people in this country, which is part of their transportation. It is part of their commute to work or to school or their daily lives, and it is an essential part of this bill.

So I urge my colleagues to vote no on the Coburn amendment, and we will be having that vote certainly after 7 o'clock.

AMENDMENT NO. 2796, AS MODIFIED

Madam President, I ask unanimous consent to set the current amendment aside and call up amendment No. 2796 and send a modification to the desk.

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

The amendment, as modified, is as follows:

On page 147, between lines 8 and 9, insert the following:

SEC. 414. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Administrator of the Federal Aviation Administration to transfer the design and development functions of the FAA Academy in their entirety or to implement the Air Traffic Control Optimum Training Solution proposed by the Administrator in its entirety prior to September 30, 2008.

Mrs. MURRAY. Madam President, I believe there is no further debate on the amendment.

The PRESIDING OFFICER. If there is no further debate the question is on agreeing to the amendment.

The amendment (No. 2796), as modified, was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Madam President, I see the Senator from Montana is on the floor at this time and wishes to be recognized.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I have a question for the Senator from Oklahoma.

I have a statement that applies to servicemen going off to war in Iraq from the State of Montana, which does not apply to this bill. It is a statement I want to make as in morning business. If the Senator from Oklahoma has something applicable to this bill and he is time sensitive, I would defer to him, if he wishes.

Mr. INHOFE. No. I would respond to the Senator from Montana that we just adopted my amendment, as modified, and that is the reason I was on the Senate floor at this time.

Mr. TESTER. I thank the Senator.

Madam President, first of all, I have a few comments to make about the bill. I thank the Senator from Missouri and the Senator from Washington for their great work on this bill. I would hope that the Senate would pass this bill as it is because I think it is a good piece of legislation that fits the needs of our country very well.

Madam President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. TESTER are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2797

Mr. KYL. Madam President, I want to speak for a moment about the amendment of the Senator from North Dakota relating to the cross-border trucking demonstration program. That is the long title for the pilot project to allow U.S. trucks to travel into Mexico carrying cargo and to allow a certain number of Mexican trucks, after inspection, to travel into the United States carrying products for delivery here. This program has actually been planned over the past 14 years, but the Senator from North Dakota has an amendment that would deny the entry of Mexican trucks into the United States on the grounds that the trucks participating in this program do not meet the same safety standards as U.S. trucks and, therefore, would be unfit for U.S. roads. If that were true, I would agree. But it is not true. I very much understand the Senate's role in protecting the safety and security of people on our highways, protecting the American public. But in my view, the Dorgan amendment ignores the numerous safety and inspection standards which are set in place by the Department of Transportation under this demonstration program. In fact, the whole point of the demonstration program is to show that a safe regime for cross-border trucking can exist in a way that benefits both Mexico and the United States.

First, let me emphasize the minor impact the Mexican trucks will actually have on our U.S. highway system. The Department of Transportation authorized a maximum of 100 Mexican trucking companies to participate in the 1-year demonstration program, the same number of U.S. trucking companies that would be allowed to participate in Mexico. Preliminary information indicates there will be approximately 500 to 600 vehicles involved. According to statistics released by the National Trucking Association, 5.1 million commercial trailers were registered in 2004 for business purposes here in the United States. Clearly, the 500 to 600 Mexican trucks compared to 5.1 million American trucks is a pretty miniscule number compared to our trucking industry as a whole.

As I mentioned, proponents of the Dorgan amendment claim that Mexican trucks are too dangerous for U.S. roads. However, Mexican trucking company drivers and vehicles participating in this demonstration program must overcome multiple layers of safety and inspection standards before operating in the United States. Let me describe in detail the mandates the Mexican companies must meet to qualify for this demonstration program.

The first layer of safety is an application process whereby any trucking company that wishes to participate in the demonstration program must complete a 38-page application dealing with business activities, cargo content, safety records, safety rules, and other required information. If a Mexican trucking company fails to meet any of those DOT standards, the application is denied. The next layer of safety and inspection standards is a preauthorization safety audit. This measure mandates that U.S. Federal inspectors must conduct a thorough safety audit of each Mexican trucking company business at the carrier's headquarters in Mexico before it is granted authority to operate beyond U.S. border commercial zones. So U.S. inspectors will be at the Mexican trucking company site in Mexico performing this inspection, not only of the vehicles but of the entire operation. That is a major inspection. It seems to me it is a major way that we preliminarily qualify these Mexican companies for operation here.

Our inspectors must verify that the Mexican companies are complying with the following U.S. standards: U.S. hours of service regulations, drug and alcohol testing for each driver—these are completed by U.S. labs, by the way—insurance with a U.S. insurance company—so this business of not being insured in the United States is not correct—adequate driver qualifications, and a vehicle maintenance program. If the company passes the compliance test, then the inspectors conduct a full front-to-back review of each truck, which takes 45 minutes per vehicle, and they interview every driver who will participate in the program. These are U.S. inspectors in Mexico at the company site.

They then do a 45-minute inspection of the trucks, and they have to meet the same safety standards as U.S. trucks traveling on our highways. If the company passes the pre-authorization safety audit, each truck is then given a safety decal and that decal is only valid for 90 days. So each truck will have to undergo a bumper-to-bumper inspection every 3 months. Each truck is also given a unique decal. Every time the truck crosses the border, Department of Transportation inspectors at the border look for that decal. They verify that the driver is the one the company has certified for that truck, and they check English language proficiency and licensing requirements. They do all of that at the border.

Finally, every vehicle and driver participating in the project will be subject to roadside inspections, just as U.S. and Canadian drivers are. If at any point a Mexican truck fails to comply with just one of the safety requirements, the truck and the driver will be placed out of service immediately. The Mexican trucking company will then be subject to disciplinary action. All of these safety and inspection standards ensure that Mexican trucking companies, vehicles, and drivers participating in the demonstration program abide by the same or, in some cases, even stricter safety standards than U.S. and Canadian trucking companies, drivers, and vehicles operating in the United States.

Clearly, the Department of Transportation has worked hard to develop safety and inspection standards designed and intended to protect American highways and the public. It is for that reason that we should not support the Dorgan amendment.

Remember, this is a pilot project, a demonstration project. To ensure that its results are adequately reported to us and that the Department of Transportation makes no changes without notifying the Congress, Senator CORNYN has offered an amendment that will add those additional precautions. Of course, those are worthwhile and I will support that. The bottom line is, those people who fear that Mexican trucks will not be held to the same safety standards as U.S. trucks in America are incorrect. They will receive the two inspections in Mexico, another inspection at the border, and the potential for an inspection anywhere else on the highways, just as American trucks. Those inspections are performed by U.S. inspectors.

It is worth giving this program a chance—a demonstration program only—to see whether it will work. If it turns out it is too much trouble and expense, it doesn't work, the Mexican drivers are not qualified, the trucks don't meet the standards, whatever else, then we can adjust our program. But let's give the demonstration project a chance to also show that maybe our neighbors to the South deem it important enough for their vehicles to travel in the United States for their own commercial purposes that they care about this program and they are going to make it work. If they do, it is much more efficient and much cheaper for American consumers, if those Mexican trucks can travel in the United States, because the alternative is to offload the cargo in Mexico, reload it onto an American vehicle, and then have it come into the United States, a very lengthy, time-consuming, and costly process.

The United States has always been a trading nation. It is our history. Americans have benefited throughout the centuries because we have been a trading nation. Our neighbors, Canada and Mexico, like to buy American products. They have things to sell to American consumers. Some of the finest tomatoes we are eating right now come through the port of entry in Nogales, AZ. I see the trucks lined up every time I go down there. They are great products. Because they come in, they are fresher, less expensive, and they can be even more fresh and less expensive if they don't have to offload the cargo and reload it onto American carriers to be transported to final destination.

This is a way of demonstrating that we can make our commerce more efficient and less costly and speed products to market, if the Mexicans will do their part and verify that their vehicles are safe on American highways. Why not give them the chance? That is all this demonstration project does.

To those who say: We don't think they will meet our standards, this is the time to tell. I think it would be unfair to American consumers if we try to prejudge that and say there is no way it can work so we are not even going to give it a chance. We should give it a chance. Then we can evaluate it. Then we can make our decision. In the meantime, the Department of Transportation inspection demonstration project should go forward. The Dorgan amendment should be defeated. The Cornyn amendment should be adopted.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2814

Mr. TESTER. Madam President, I rise today to speak in opposition to an amendment Senator COBURN is going to be offering in a few minutes. I rise today to say a few words about a construction project this amendment is potentially eliminating. It is a construction project that is generating a lot of excitement and community pride in my home State of Montana.

While campaigning for this Senate seat this time last year, I repeatedly said I support appropriations for projects that improve our Nation's infrastructure—projects such as safer bridges, better water canals, better highways, and improvements to our Nation's economic development. That is why I am following this project in Billings, MT, very closely. The project is a major effort by the people of Billings to reinvigorate their city's economy by rebuilding a well-known landmark—Cobb Field. Right now, crews are already working on the new stadium. Once finished, it will serve as a venue for sports, concerts, and art fairs throughout the year. It will attract visitors from all over the region.

The people of Billings are very proud of Cobb Field and the role it plays in their community. That is why they voted to raise their own taxes by over $10 million to rebuild this stadium. They understand how important it is to be proud of a place where they can gather as families, host visitors, and enjoy American pastimes.

The people of Billings also understand that the new Cobb Field will be a major economic boost. It will be an asset to the entire region. That is why I have requested the Senate invest $500,000 in this project. Believe me, it will go a long way in Billings—a community that has already done its part.

I believe this is a pretty darn reasonable request. The community development fund in this appropriations bill specifically sets aside money for projects that boost economies in cities such as Billings. What is the community development fund for if it is not for good community development projects such as this?

I am asking my colleagues not to remove any Federal funding in this community project. Instead, I stand before you to ask for a small investment in economic development for a growing community to provide jobs, tourism, and overall economic growth.

While running for this Senate seat, I criticized Congress for sneaking in projects in the dead of night, attaching them to spending bills behind closed doors without any accountability. It happened a lot more often than most people think. Our Government spent a lot of money without properly vetting it through Congress.

For the better, times have changed. I stand before you today to vigorously

defend why I requested this funding project in the light of day. I am going to bat for it because Cobb Field deserves the funding. There are no secrets here, there is no waste—just a good, worthwhile community project that will only make a very special place in my home State even better.

I am not going to let Cobb Field strike out. It is too much of an investment by Montana folks who work hard and raise families. They are taking it upon themselves to make their home better, and I will do everything I can to help.

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

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2832

Mr. BOND. Mr. President, shortly, I hope we will be able to clear my amendment No. 2832, which deals with mitigation assistance to eliminate the default and foreclosure of mortgages of owner-occupied single family homes. As we all know, the subprime market collapse has caused great distress in the marketplace and in many of the entities that are engaged in issuing these subprime loans, and others, including hedge funds, which were dealing in the secondary market with them.

I am not so much concerned if large institutions made bad gambles. We don't want to engage in the moral hazard of bailing out large financial institutions that get out too far on the fringe and find out that interest rates rise and they can't make the profits they thought. But we are very much concerned about the individual homeowners who may find that this subprime crisis is costing them their housing.

Therefore, this amendment we propose would take $100 million from the HOME program within HUD to allow for foreclosure mitigation activities. The amount would go to organizations such as FHA, Neighborhood Reinvestment Corporation, and State Housing Finance agencies to help identify foreclosure alternatives and offer some homeowners, specifically in subprime mortgages, an alternative to the prospect of foreclosure.

Recently published data from the Mortgage Bankers Association for the second quarter of this year shows that one in seven U.S. homeowners was delinquent in their payments. Delinquencies in general rose to the highest levels since 2002, to 5.1 percent of all mortgages, not just subprime. These estimates also show that more than 600,000 homeowners are facing the prospect of foreclosure and repossession.

These numbers are the tip of the iceberg. Action needs to be taken to ensure that where possible, good borrowers who happen to be in the subprime category are not unfairly hurt by the housing downturn facing this Nation. While price corrections are natural, and perhaps needed in some markets today to balance against speculation and overt risk-taking, rapid rates of foreclosures will only build additional inventory in an already flush housing market and may lead to an overcorrection and a true recession in the housing market. Depending on the severity of the housing downturn, this could create a major drag on other aspects of our economy and pull us into a recession.

However, we should not be quick to attempt to bail out or otherwise create moral hazard in the mortgage markets. This amendment, therefore, seeks to build cooperation between entities and the Federal Government needed in the future in terms of preventing foreclosures and preventing a truly catastrophic mortgage crisis. I strongly believe this is a good step forward to help stem the tide of foreclosures without bailing out risky lenders and speculators from the market. I urge my colleagues to accept this amendment.

I would also note that sometimes people who have limited incomes may not be in a position to buy a home but may be better off renting. I have been in rental housing in my lifetime, as many of us have been. I think the recent efforts by the administration to push for home ownership without regard, in too many instances, to the ability of the homeowners to meet the payments is pushing the envelope too far. Some of the no-downpayment schemes that have been offered have put not only homeowners at risk but whole neighborhoods at risk, where one or two foreclosures may totally cripple a vulnerable, but otherwise healthy, housing neighborhood.

So we need to take a look carefully at the subprime market. We also need to look at those practices which unnecessarily put at risk families of modest income who may not be able to take on the responsibilities and the financial burdens of home owning but would be better off renting.

So with that, I yield the floor, and I look forward to hearing our colleagues talk about Mexican trucks.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

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

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

AMENDMENT NO. 2800, AS MODIFIED

Mrs. MURRAY. Mr. President, I call up amendment No. 2800.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. DURBIN, proposes an amendment numbered 2800.

Mrs. MURRAY. I ask unanimous consent that the amendment be modified as presented to the desk.

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

The amendment, as modified, is as follows:

(Purpose: To amend the Housing and Community Development Act of 1974 to treat certain communities as metropolitan cities for purposes of the community development block grant programs)

On page 137, between lines 17 and 18, insert the following:

SEC. 232. Paragraph (4) of section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of this paragraph, with respect to any fiscal year beginning after the date of the enactment of this sentence, the cities of Alton and Granite City, Illinois, may be considered metropolitan cities for purposes of this title.''.

AMENDMENTS NOS. 2832; 2800, AS MODIFIED; AND 2845 EN BLOC

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendment be set aside, and that the following three amendments be considered en bloc: amendments Nos. 2832; 2800, as modified; and 2845.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, these en bloc amendments have been cleared on both sides. I know of no other debate.

Mr. BOND. No objection on this side.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendments en bloc.

The amendment (No. 2800), as modified, was agreed to.

The amendments (Nos. 2832 and 2845) were agreed to, as follows:

AMENDMENT NO. 2832

(Purpose: To establish mitigation activities and alternatives to mortgage foreclosure when viable and to reasonably ensure the long-term affordability of any mortgage assisted under this amendment)

On page 95, after the period at the end of line 25, begin with the following new paragraph:

Of the overall funds made available for this account, up to $100,000,000 may be made available for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Secretary of Housing and Urban Development (''Secretary, ''the Department'') is authorized to provide, or contract with public, private or nonprofit entities (including the Neighborhood Reinvestment Corporation and Housing Finance Agencies) to make awards (with up to a 25 percent match by an entity of the amount made available to such entity) (except for the match, some or all of the award may be repayable by the contractor to the Secretary, upon terms determined by the Secretary) to provide mitigation assistance to eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure, including mortgages known as subprime mortgages;

(2) These loss mitigation activities shall only be made available to homebuyers with mortgages in default or in danger of default where such activities are likely to ensure the

long-term affordability of any mortgage retained pursuant to such activity; No Federal funds made available under this paragraph may be provided directly to lenders or homeowners for foreclosure mitigation assistance. An entity may use its own funds (including its match contribution) for foreclosure mitigation assistance subject to repayment requirements and the regulations issued by the Secretary;

(3) Loss mitigation activities shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, the possible purchase of the mortgage, refinancing opportunities or the approval of a work-out strategy by all interested parties, and an assessment of the feasibility of the following measures, including:

(I) waiver of any late payment change or, as applicable, penalty interest;

(II) forbearance pursuant to the written agreement between the borrower and servicer providing for a temporary reduction in monthly payments followed by a reamortization and new payment schedule that includes any arrearage;

(III) waiver, modification, or variation of any term of a mortgage, including modifications that changes the mortgage rate, including the possible elimination of the adjustable rate mortgage requirements, forgiving the payment of principal and interest, extending the final maturity rate of such mortgage, or beginning to include an escrow for taxes and insurance;

(IV) acceptance of payment from the homebuyer of an amount less than the stated principal balance in financial satisfaction of such mortgage;

(V) assumption;

(VI) pre-foreclosure sale;

(VII) deed in lieu of foreclosure; and

(VIII) such other measures, or combination of measures, to make the mortgage both feasible and reasonable to ensure the long-term affordability of any mortgage retained pursuant to such activity.

(4) Activities described in subclasses (V) (VI) (VII) shall be only pursued after a reasonable evaluation of the feasibility of the activities described in subclasses (I), (II), (III), (IV) and (VIII), based on the homeowner's circumstances.

(5) The Secretary shall develop a listing of mortgage foreclosure mitigation entities with which it has agreements as well as a listing of counseling centers approved by the Secretary, with the understanding that an eligible mortgage foreclosure mitigation entity may also operate as a counseling center.

(6) Any mitigation funds recovered by the Department of Housing and Urban Development shall be revolved back into the overall mitigation fund or for other counseling activities, maintained by the Department and revolved back into mitigation and counseling activities

(7) The Department shall report annually to the Congress on its efforts to mitigate mortgage default. Such report shall identify all methods of success and housing preserved and shall include all recommended efforts that will or likely can assist in the success of this program.

AMENDMENT NO. 2845

(Purpose: To permit pilots to serve in multicrew covered operations until attaining 65 years of age)

On page 16, beginning with line 8, strike through line 2 on page 18, and insert the following:

SEC. 115. MULTICREW COVERED OPERATIONS SERVICE BY OLDER PILOTS.

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by adding at the end thereof the following:

"§ 44729. Age standards for pilots

''(a) IN GENERAL.—Subject to the limitation in subsection (c), a pilot may serve in multicrew covered operations until attaining 65 years of age.

''(b) COVERED OPERATIONS DEFINED.—In this section, the term 'covered operations' means operations under part 121 of title 14, Code of Federal Regulations.

''(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—

''(1) APPLICABILITY OF ICAO STANDARD.—A pilot who has attained 60 years of age may serve as pilot-in-command in covered operations between the United States and another country only if there is another pilot in the flight deck crew who has not yet attained 60 years of age.

''(2) SUNSET OF LIMITATION.—Paragraph (1) shall cease to be effective on such date as the Convention on International Civil Aviation provides that a pilot who has attained 60 years of age may serve as pilot-in-command in international commercial operations without regard to whether there is another pilot in the flight deck crew who has not attained age 60.

''(d) SUNSET OF AGE-60 RETIREMENT RULE.—On and after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, section 121.383(c) of title 14, Code of Federal Regulations, shall cease to be effective.

''(e) APPLICABILITY.—

''(1) NONRETROACTIVITY.—No person who has attained 60 years of age before the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008 may serve as a pilot for an air carrier engaged in covered operations unless—

''(A) such person is in the employment of that air carrier in such operations on such date of enactment as a required flight deck crew member; or

''(B) such person is newly hired by an air carrier as a pilot on or after such date of enactment without credit for prior seniority or prior longevity for benefits or other terms related to length of service prior to the date of rehire under any labor agreement or employment policies of the air carrier.

''(2) PROTECTION FOR COMPLIANCE.—An action taken in conformance with this section, taken in conformance with a regulation issued to carry out this section, or taken prior to the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008 in conformance with section 121.383(c) of title 14, Code of Federal Regulations (as in effect before such date of enactment), may not serve as a basis for liability or relief in a proceeding, brought under any employment law or regulation, before any court or agency of the United States or of any State or locality.

''(f) AMENDMENTS TO LABOR AGREEMENTS AND BENEFIT PLANS.—Any amendment to a labor agreement or benefit plan of an air carrier that is required to conform with the requirements of this section or a regulation issued to carry out this section, and is applicable to pilots represented for collective bargaining, shall be made by agreement of the air carrier and the designated bargaining representative of the pilots of the air carrier.

''(g) MEDICAL STANDARDS AND RECORDS.—

''(1) MEDICAL EXAMINATIONS AND STANDARDS.—Except as provided by paragraph (2), a person serving as a pilot for an air carrier engaged in covered operations shall not be subject to different medical standards, or different, greater, or more frequent medical examinations, on account of age unless the Secretary determines (based on data received or studies published after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008) that different medical standards, or different, greater, or more frequent medical examinations, are needed to ensure an adequate level of safety in flight.

''(2) DURATION OF FIRST-CLASS MEDICAL CERTIFICATE.—No person who has attained 60 years of age may serve as a pilot of an air carrier engaged in covered operations unless the person has a first-class medical certificate. Such a certificate shall expire on the last day of the 6-month period following the date of examination shown on the certificate.

''(h) SAFETY.—

''(1) TRAINING.—Each air carrier engaged in covered operations shall continue to use pilot training and qualification programs approved by the Federal Aviation Administration, with specific emphasis on initial and recurrent training and qualification of pilots who have attained 60 years of age, to ensure continued acceptable levels of pilot skill and judgment.

''(2) LINE EVALUATIONS.—Not later than 6 months after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, and every 6 months thereafter, an air carrier engaged in covered operations shall evaluate the performance of each pilot of the air carrier who has attained 60 years of age through a line check of such pilot. Notwithstanding the preceding sentence, an air carrier shall not be required to conduct for a 6-month period a line check under this paragraph of a pilot serving as second-in-command if the pilot has undergone a regularly scheduled simulator evaluation during that period.

''(3) GAO REPORT.—Not later than 24 months after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effect, if any, on aviation safety of the modification to pilot age standards made by subsection (a).''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following:

''44729. Age standards for pilots''.

Mrs. MURRAY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the time just used be equally divided from both sides between now and the hour of 7 o'clock. I remind all of our colleagues that at 7 o'clock we will be having three votes on the amendments that are pending.

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

Mr. DORGAN. Mr. President, if I could inquire of the Senator from Washington, my understanding is that from 6 to 7, there was to be debate on the two amendments, Senator CORNYN's amendment and my amendment, which will then be voted on as side-by-side amendments at 7 o'clock, and that I would be allotted half the time.

Mrs. MURRAY. That is correct.

Mr. DORGAN. So let me ask unanimous consent that I be allowed to speak for 5 minutes on the Coburn amendment that I believe he has spoken about already dealing with the Peace Garden outside of that block of time, and following that 5-minute presentation, the remaining time would be split between myself and Senator CORNYN or his designee. I am not asking that the vote be extended; I am just saying that between now and 7 we are splitting the time with respect to the truck amendments.

If I have 25 minutes, that is fine.

Might I ask with respect to the Peace Garden amendment, will there be 2 minutes on each side prior to the vote on that amendment?

Mrs. MURRAY. Mr. President, let me let the Senator know that between votes we will have time for the Senators to discuss the amendments.

AMENDMENT NO. 2797

Mr. DORGAN. Mr. President, this issue of Mexican long-haul trucking into this country is an important issue, and I have offered an amendment that is very simple. It is an amendment that is supported by a number of groups: The Advocates for Highway and Auto Safety, Citizens for Reliable and Safe Highways, Parents Against Tired Truckers, Public Citizen, the National Farmers Union, the Teamsters, the Transportation Trade Department of the AFL–CIO.

In a newspaper article this morning, the American Trucking Association, which represents the trucking business, and which, by the way, supported the North American Free Trade Agreement, said today it has ''grave concerns'' about the Mexican trucking pilot project.

Here is the story: We passed NAFTA, the North American Free Trade Agreement. I didn't vote for it. It was a horrible trade agreement, and it has demonstrated over the years to be a trade agreement that does not represent our country's interests. We turned a very small trade surplus with Mexico into a huge trade deficit. But aside from that, in the passage of NAFTA, it was to harmonize at some point in the future the ability to do long-haul trucking across Canada, the United States, and Mexico, but it was never anticipated that it would start in circumstances where there were not equivalent standards and/or enforcement with respect to safety.

So I have very strong concerns because I don't think there is any evidence presented anywhere in this Chamber during this debate that we have equivalent standards and enforcement with respect to safety, and therefore I don't believe we ought to allow, at this point, the pilot project to go forward that will have long-haul Mexican trucks coming into this country now.

Now, let me describe a couple of things. First of all, it is coincidental, perhaps, but yesterday, a great tragedy occurred in Mexico, and I will describe it with this story that I saw yesterday morning. A terrible truck accident occurred where 37 people were killed; 150 people were injured in the blast. It left a crater of up to 65 feet, and that was because one of the trucks was hauling explosives in Mexico. This is a great tragedy, this accident; so many people were killed. Here is the crater in the road in Mexico. One of the trucks was carrying explosives. This was in a mining area.

According to newspaper reports, the driver of the truck that was carrying the dynamite was trying to overtake another truck carrying 25 tons of explosives in a trailer. The chief of police in the State where the accident took place said the truck was not equipped to carry explosives. The driver of the truck that was carrying the explosives fled the scene, and the bishop of the Catholic diocese in the area, the capital of the border State where the crash happened said:

> It's not possible to understand how a truck with 25 tons of explosives could drive on the highway with no type of protection.

Now, we know what would happen in this country if you were driving a truck with explosives on board. We have safety requirements that are stringently enforced. You have to have vehicles in front and vehicles behind and proper signage. That was not the case yesterday in Mexico. I am not suggesting that is a circumstance which would exist in this country, but I am saying we don't have equivalent standards between this country and Mexico—not yet. Some day, when they exist, I will not complain about a pilot project, but today I will complain about it because those equivalent standards don't exist.

Mr. President, the inspector general's report described the following. I mention that report because last Thursday, at 7:30 in the evening, the IG issued a report. The report was required because of an amendment I offered, and others, that said the Department of Transportation cannot move to begin a pilot project of having long-haul Mexican trucks come into this country until the IG has done a report. The IG did a report, and at 8:30 the Department of Transportation, 1 hour later that evening—apparently they had taken a speed-reading course—decided it was going to implement the pilot project right then.

Here is what the IG report says:

> While the DOT officials inspecting Mexican trucking companies took steps to verify on-site data, we noted that certain information was not available to them. Specifically, information pertaining to vehicle inspections, accident reports, and driver violations maintained by Mexican authorities . . .

What does that mean? It means the most important information by which you would judge whether we ought to allow long-haul trucks to come into this country from Mexico is not available. They go on to say that they were able to get some if they were able to obtain it from the company's records by the generosity of the company. But no data bank was available. The information wasn't available. They were not able to get information about vehicle inspections, accident reports, and driver violations. I am sorry, that is the ball game, as far as I am concerned.

This is about safety. We developed standards in this country to provide basic safety for the American people. If you want to obliterate those standards, go ahead, but it won't be with my support and vote. The Department of Transportation is making a mistake, in my judgment. I mentioned the three areas that we are taking on faith because we could not get the information, and there is no such data bank. Does that make you feel comfortable? It doesn't me.

There are a whole series of questions and problems raised in the IG's report. Yet we are told that we have enough information, let's just proceed. I don't think it is wise to proceed.

My colleague from Texas is going to offer an amendment that will say: No, no, let's let this proceed and see what happens. My colleague from Arizona said let's go ahead and try this and see what happens. We are going to see what happens? No, no. In my judgment, we ought to certify the ability to have long-haul trucking coming from Mexico into this country when we have decided there is safety for American drivers and safety on American roads and that we have been able to determine that equivalent enforcement and equivalent standards exist. That is not now the case. The IG's report demonstrates that. So I don't understand the rush. What is the requirement for speed and why the urgency? Why not stand up for the standards we have created in this country?

If I might, I believe I have a copy of the IG's report. I will read something else. On page 2, it says that the Federal Motor Carrier Safety Administration, which is part of the Department of Transportation, agreed to develop a plan to check every truck every time. They are saying: No, it is going to be fine; we are going to check every truck coming across the border every time. But they say that as of July 2007, no coordinated, site-specific plans to carry out such checks were in place. They say they would have the plans by August 22, 2007, but we have not received any outlines or any completed plans.

They say this:

> In our opinion, not having site-specific plans developed and in place prior to initiating the demonstration project will increase the risk that project participants will be able to avoid the required checks.

Once again, they say that we will check every truck every time. The IG says that the way it works is we now have a greater risk and they will be able to avoid the required checks. That is not from me, it is from the IG's report.

So I offer on behalf of myself and Senator SPECTER an amendment—bipartisan, with a good many cosponsors—that says let's stop this pilot program. It should not have been initiated last Thursday. The House of Representatives already voted to do so by voice vote. The House has done this already. I hope the Senate will do the same this evening.

My colleague will offer an amendment that sounds as if it is wrapped in a bouquet of flowers. The very last sentence says: Let's fund this project. So we can skip the preamble and say: Do you want to fund this project or not? Do you believe we ought to have long-haul trucks from Mexico under these circumstances at this time or don't you? If you believe we are not ready, that there is not and will not be at this point equivalent standards and enforcement and, therefore, assured safety for the American people, if you believe that—and I think the evidence is clear—then you vote for the amendment I have offered with Senator SPECTER and others. If you believe we should proceed with this long-haul Mexican trucking coming into our country at this moment, then vote with Senator CORNYN and his amendment.

I hope most Members of the Senate will reject what a colleague of mine said last evening. This amendment is just making Mexico a bogeyman, I think is what he described. This is much more serious than that. There will be people driving up to 4-way stop signs in this country or driving down a 2-lane or 4-lane road in this country next to an 18-wheeler, and the American people want to know whether that has an equivalent inspection to what we have. Do they have logbooks and records, and are they obligating themselves to the same requirements as this country? The answer, quite clearly, in my judgment, looking at what the IG has said, is that there is nobody in this Chamber who can give that assurance, and if that is given, it is given without any documentation at all.

I have other things to say. I want others to proceed to make their case. I hope to be able to close the debate this evening.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I think it would be helpful for Members of the Senate to recount the history of this pilot program because it demonstrates that this pilot program was adopted as part of the treaty obligations of the United States, dating back to 1993. I know that seems like a long time ago. It was certainly long before I got in the Congress. But I do believe this is relevant to the debate.

Of course, in 1993, the North American Free Trade Agreement, NAFTA, was adopted. But, relevant to this amendment, it had the requirement that signatory countries—in other words, Canada, Mexico, and the United States—are to give each other access to each other's long-haul commercial trucks. There was initially a refusal to enact the provision with regard to Mexican trucks, and in 1995 Mexican trucks were to have been given full access to four U.S. border States.

In 2000, under NAFTA, this 1993 treaty obligation, Mexican trucks would have been given full access throughout the United States.

In 2001, this matter was taken to a NAFTA arbitration panel, which ruled that the United States is in violation of its commitments under NAFTA and must open up its highways to Mexican trucks.

In 2001, Congress passes the 2002 Department of Transportation appropriations bill, which set 22 safety-related preconditions for opening the border to long-haul Mexican trucks.

In 2002, the Secretary of Transportation, Norman Mineta, announced that all of the preconditions—those 22 safety preconditions—had been met and directed the Federal Motor Carrier Safety Administration to act on the Mexican application.

In 2003, the Ninth Circuit Court of Appeals delayed implementation of this provision. But then, in June of 2004, the U.S. Supreme Court reversed the decision of the Ninth Circuit and ruled that Mexican trucks could operate in the United States pursuant to the 1993 NAFTA treaty.

In 2007, the administration announced a pilot project to grant Mexican trucks from 100 transportation companies full access to U.S. highways.

In May 2007, the Iraq war supplemental mandates that any pilot program to give Mexican trucks access beyond the border region cannot begin until U.S. trucks have similar access to Mexico and requires a report of the Office of the IG.

In September 2007, the Office of the IG issued its report. The next day, the administration issued its first permit to enter the United States under the program.

I wish to address the concerns many of my constituents have addressed to me regarding the Mexican truck demonstration program because I think we ought to be guided by the facts and not solely by fear. I understand, however, the fear people have of unsafe trucks coming into the United States. Frankly, I would not for a moment tolerate that, nor do I believe would any Member of the Congress. I firmly believe the American people must have confidence that their family's safety is not endangered by any truck, whether it be Mexican, American, or Canadian.

As my colleagues know, as I have just recounted, the United States is under a treaty obligation through NAFTA to open our interior to long-haul trucks from Canada and Mexico, just as they are required to open their highways to American truckers. I believe we should live up to our treaty obligations, and I say that even if I don't necessarily agree with them because they are, as a matter of fact, the law of the land, and whether I agree with it or the Senator from North Dakota agrees with it, once the matter is adopted as a treaty obligation of the United States, it is litigated not only by the NAFTA arbitration panel but by the Ninth Circuit Court of Appeals and the U.S. Supreme Court, and I think his opinion or mine about whether it is something we prefer to happen becomes pretty much a moot point if we are to be a nation of laws and respect the judgments of the courts, even if we don't happen to like it.

I do believe we have a high obligation, however, to ensure that the trucks on our roads live up to the high standards of safety the American people demand. So I think it is important for people to understand what this demonstration program entails because there has been misinformation about it.

Under this program, 100 precertified Mexican trucking companies would be able to expand operations beyond the U.S. border zones. At the same time—and this is an important part of the deal—100 U.S. trucking companies would be allowed to operate in Mexico. This is not a one-way street; it is a two-way street when it comes to international trade and commerce. As required by Congress, Mexican trucks must have a U.S.-based insurance policy, must comply fully with hours of service regulations, must maintain vehicles to U.S. carrier standards, and drivers must be able to communicate in English so they can understand the instructions of law enforcement and other safety personnel. They must also pass drug and alcohol testing requirements.

Many of the safety provisions included in the program the Department of Transportation has adopted, in fact, go well beyond what Congress has required to date. I am here today to have a real debate about safety and what we in Congress can do to take concrete steps to ensure the highest standards of truck safety.

The solution to me is simple, and it is embodied in my amendment, which we will have an opportunity to vote on. My amendment, for the first time, will make it U.S. law that every truck participating in the demonstration program must be inspected every 3 months to the same standard as U.S. trucks. Every driver entering this country under the program will have to verify compliance with safety requirements, and they would have to do so every time they entered the United States.

The Department of Transportation's inspector general will be required to certify soon after the program is fully implemented that the Department has, in fact, inspected every truck and verified every driver. This is the Department of Transportation of the United States Government; no other government. They must verify every truck inspection and verify every driver. If the inspector general of the Department of Transportation fails to

certify such, then funding for this program will be automatically suspended.

Under this approach, for the first time, we will statutorily enshrine in American law the principle that we inspect and certify every Mexican truck that enters the United States through this program.

It is also worth noting that this will be the first time in the history of the program that there will be an actual congressional requirement for the inspector general to certify the program. Previously, Congress has only required the inspector general to review the program.

Finally, my amendment will require the administration to provide 60 days' notice to Congress should they wish to extend or otherwise continue the demonstration project. Such notice will give this body ample time to consider the merits of the program as implemented and what modifications, if any, we want to make.

By moving forward on a conditional basis with a threat of a full shutdown if the inspector general finds the program is noncompliant, we will further incentivize the Department of Transportation to strenuously enforce the safety inspection and verification requirements under this new law.

It is also worth noting that the Department has already taken a ''go slow'' approach—I am glad they have—planning to allow only up to 25 carriers per month into the program in the first 4 months. Even at the height of the program, the Department expects a maximum of 500 to 600 trucks to participate, compared to the millions of domestic and Canadian trucks that currently operate on our roads.

I have heard the claim has been made that there are no site-specific plans for each point of entry to ensure compliance with new verification and inspection standards. The Department of Transportation did, in fact, develop site-specific plans for all 25 commercial crossings in full coordination with Customs and Border Protection, and other relevant agencies, although they did not finish them in time for the inspector general's data collection.

Furthermore, the inspector general raised concerns about training of State enforcement officials. Of course, any time a new policy is enacted, there will be challenges as personnel become accustomed to the new rules. That is why the Department has conducted and will continue to conduct rigorous training with State enforcement officials. And it is important we not look to training as a one-shot deal. Many of the lessons on how best to ensure the safety of trucks entering this country will be learned on the ground.

I believe that instead of trying to kill this program, which will violate the treaty obligations of the United States of America as interpreted by the U.S. Supreme Court and international arbitration panels, we in the Congress have a duty to find workable solutions that ensure as much as humanly possible the safety of trucks on our roads and make sure, whether they be American trucks or Mexican trucks or Canadian trucks, that they are all held to the same high standard.

My amendment will do this, and I urge my colleagues to support it.

Mr. President, I reserve the remainder of our time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from North Dakota has 12 minutes 6 seconds; the Senator from Texas has 13 minutes 49 seconds.

Mr. DORGAN. Mr. President, I intend to close debate, if possible, at some point. Does the Senator from Texas have other speakers?

Mr. CORNYN. Mr. President, we are checking, and we will be able to let you know momentarily.

AMENDMENT NO. 2842

Mr. President, I call up my amendment No. 2842 to the pending bill and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 2842.

Mr. CORNYN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure that every motor carrier entering the United States through the cross-border motor carrier demonstration program is inspected and meets all applicable safety standards established for United States commercial motor vehicles)

On page 70, between lines 20 and 21, insert the following:

SEC. 194. (a) Not less frequently than once every 3 months, the Secretary of Transportation shall inspect every commercial motor vehicle authorized to enter the United States through the demonstration program to ensure that every participating commercial motor vehicle complies with all applicable safety standards established for United States commercial motor vehicles.

(b) The Secretary of Transportation shall conduct an on-site preauthorization safety audit of every motor carrier domiciled in Mexico that participates in the demonstration program to ensure compliance with all applicable safety standards established for motor carriers domiciled in the United States.

(c) The Secretary of Transportation shall verify, at the point of entry, the safety compliance of every motor vehicle and motor vehicle operator that enters the United States through the demonstration program to ensure that every motor vehicle and motor vehicle operator meets all applicable safety standards established for United States commercial motor vehicles and motor vehicle operators.

(d)(1) Not later than 120 days after the commencement of the demonstration program, the Inspector General of the Department of Transportation shall submit a certification to Congress that the Secretary of Transportation is in compliance with this section.

(2) No funds made available under this Act may be used for the demonstration program if the Inspector General fails to submit the certification required under paragraph (1).

(e)(1) Not later than 60 days before implementing a cross-border motor carrier inspection program based on the demonstration program, the Secretary of Transportation shall submit written notification that describes the Secretary's intention to implement the inspection program to—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Appropriations of the House of Representatives; and

(D) the Committee on Transportation and Infrastructure of the House of Representatives.

(2) The Secretary may not implement the inspection program if Congress passes a law that terminates the program.

(f) In this section—

(1) the term ''commercial zones'' means the commercial zones along the international border between the United States and Mexico; and

(2) the term ''demonstration program'' means the cross-border motor carrier demonstration program that authorizes motor carriers domiciled in Mexico to operate beyond the commercial zones along the international border between the United States and Mexico.

(g) Of the amounts appropriated for the Office of the Secretary under this title, sufficient funds shall be made available to the Secretary of Transportation to carry out this section.

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

Mr. DORGAN. Mr. President, I ask the Senator to withhold his request for a quorum call.

The PRESIDING OFFICER. Does the Senator withhold?

Mr. CORNYN. Yes.

Mr. DORGAN. Mr. President, will you notify me when I have 7 minutes remaining?

The PRESIDING OFFICER. The Senator will be notified.

Mr. DORGAN. Mr. President, the amendment that has just been described on page 4 ends with:

Of the amounts appropriated for the Office of the Secretary under this title, sufficient funds shall be made available . . . to carry out this section.

This is simply a mechanism to say let's just do this; let's fund it.

The point I have made is very simple. There is no treaty that would require this Senate to decide to have something happen on our highways that we believe not to be safe. There is no treaty that requires us to open our borders to long-haul Mexican trucking at this moment unless we believe there is safety and soundness to that proposal. I do not believe that is the case.

Let me again describe the three conditions that represent the problem. The suggestion that every truck will be inspected every time is simply not the case. On page 2, it says, from the inspector general's report, that it will not be the case:

In our opinion, not having site-specific plans developed and in place prior to initiating the demonstration project will increase the risk that project participants will be able to avoid the required checks.

This is not a legal issue; frankly, it is a safety issue. The question of accident reports, vehicle inspections, driver violations, the fact there is no national database—that is not me saying that, that is the inspector general—there is no national database, there is no database they can go to get this information, the fact that this information doesn't exist means that we don't know what the consequences will be.

One of my colleagues earlier said: Let's try it. That is probably fine, if he feels like pulling up to a four-way stop sign next to an 18-wheeler to try it and see whether there were vehicle inspections that were adequate or whether it has a driver who might have had three drunk driving accidents or perhaps 10 speeding violations nobody knows about because there is no database. Let's try it? How about let's not try it with our families or with the families of other Americans.

Sheryl Jennings McGurk describes her family's experience. I ask unanimous consent to have printed in the RECORD a two-page statement from this woman, Sheryl Jennings McGurk.

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

STATEMENT FROM SHERYL JENNINGS MCGURK IN SUPPORT OF DORGAN-SPECTER AMENDMENT, SEPTEMBER 11, 2007

On behalf of all members of my family, including my parents and nephew lost in 2005 in a horrendous and unnecessary crash with a large truck that should never have been where it was, I strongly support the Dorgan/Specter amendment that will prevent any spending to carry out the Mexican truck pilot program begun by the federal government last week. We hope that telling the story of what happened to my family will help prevent others from going through what we have and what we will continue to go through for the rest of our lives.

My husband Sean and I were married on June 6th, 2004. This was an extraordinarily special day for us because it was also my parent's 45th wedding anniversary. They were married following my father's graduation from the first class of the United States Air Force Academy in 1959. I had a very close relationship with my mom and dad, they were not just my parents but they were also my best friends! They asked us to share this date with them forever and of course we accepted, hoping to be blessed with a long and happy marriage. It was a special day shared by our family.

My mom, Marie Jennings, was a beautiful, stylish, lady and her bouncy and adventurous personality was the perfect compliment to my dads more serious and quiet demeanor. My mom served our country first as the wife of an Air Force officer, and next as a mom, raising myself and my two older brothers, David and Bob; swim team, soccer, boy scouts, girl scouts, you name it, we kept her quite busy! We moved across the country and around the world. As we grew up, she decided to use her talents by working for the federal government as a civil servant and she did so, for 25 years.

My dad was an officer and gentleman! He retired as a colonel after 27.5 years. He served first as a fighter pilot in Vietnam where he was awarded the Distinguished Flying Cross. He later became a test pilot and an instructor pilot. During his career he flew almost all the planes the AF had at the time. He loved to fly and had recently been recertified so he could fly with his friend to attend an air show in Oshkosh, WI. During his career, he still made time to be my dad as a soccer coach, a ski buddy, and a private tutor. Later on he decided to continue to serve his country by teaching high risk youth at Hollywood High School in Los Angeles, young adults at the University of Phoenix and he also volunteered teaching for free at private schools.

My nephew, David Michael Jennings, was a great kid! He was my brother David's only son and the first grandchild. He was born in Beavercreek, Ohio. He was active in high school. He played football, the French horn in the marching band, ran track, and was active in the Spanish and math clubs. David was an Eagle Scout, quite an honor for any young man. He was active in his community and his church. He volunteered as team captain for Relay for Life and the Special Olympics. Upon graduating high school, he left home to live with my parents and attend junior college. He was completing his sophomore year at Mira Costa College where he was a Student Ambassador and active in student government. He sponsored a 5K run for charity and beach clean-ups in Carlsbad, CA. He was transferring to UCSD in the fall.

On February 15th, 2005, just 8 months after we were married, my mom and dad started out on exciting journey to visit my oldest brother, Bob, his wife Sandy, and their youngest grandson, Jack. David volunteered to take my parents to the airport. Unfortunately, their journey was cut short only 30 miles from their home in Carlsbad, CA.

It was around 5 a.m. A truck from Mexico was headed north on I–5 when the driver thought he was having mechanical issues. He pulled his truck off the freeway to check it out. At that time he decided he would not be able to get his truck from where he now was to Los Angeles where he needed to deliver his goods. He decided to take his truck back onto the freeway and headed south. It was a bad decision. His truck proceeded to break down in the middle of the freeway. My parents and nephew never had a chance.

This accident was 100 percent avoidable. The truck had numerous safety issues and should not have been operating in the United States. For this, our lives are forever changed and we lost three of the most incredible people. This loss has left a hole in our lives that cannot be filled. To lose your mom, your dad, and your nephew; all at once; is indescribable. Your world changes in an instant.

Please help ensure this doesn't happen again. Vote for the Dorgan/Specter amendment. Safe roads are everyone's responsibility.

Mr. DORGAN. Mr. President, she describes an accident south of Los Angeles that took the life of several members of her family, an accident that was totally avoidable, she says. I quote her last paragraph:

> The accident was 100 percent avoidable. The truck had numerous safety issues and should not have been operating in the United States. For this, our lives are forever changed and we lost three of the most incredible people [from our family].

This was a truck from Mexico headed north on I–5, a truck that had mechanical problems, a truck that had numerous safety issues. Three people are dead. This is not a legal issue, not for the Senate; this is a safety issue. And if you believe that you have all of the assurances you need that this will be safe, then I understand your vote. But if you look at what the inspector general report says clearly—the inspector general report says we don't have information on these key issues, the issues we would need to know before we decide to allow long-haul Mexican trucking into our country.

As I indicated earlier, the American Trucking Association is an association that supported the North American Free Trade Agreement. Clayton Boyce, the vice president of public affairs for the American Trucking Association, said today, in fact:

> The group has grave concerns about how the pilot project will be carried out and whether it will be safe.

Even though they supported NAFTA. Let me say that again. The American Trucking Association said:

> The group has grave concerns about how the pilot project will be carried out and whether it will be safe.

I don't believe this is a legal issue.

The PRESIDING OFFICER. The Senator is advised that he has 7 minutes remaining.

Mr. DORGAN. This Congress has the right to make decisions about safety on our highways. We made those decisions in many ways with respect to our internal regulations, our internal standards, and we enforce those standards, but that equivalent enforcement does not exist in Mexico at this point. If it existed, we would have a database in Mexico that would tell us immediately and quickly accident reports on drivers and vehicles, vehicle inspections, and driver violations. No such database exists, and that is the problem. That is why I think this pilot project is unwise. It is why Senator SPECTER, I, and others have offered an amendment to stop this pilot project.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yield yields time?

The Senator from Texas.

Mr. CORNYN. Mr. President, I guess I have to agree with the distinguished Senator from North Dakota that there is no legal issue because, frankly, the legal issues have all been decided, all the way up to the U.S. Supreme Court and by the NAFTA arbitration panel. So, in effect, the mandate to allow Mexican trucks that meet high safety standards is the law of the land. The question is whether we are going to comply with it in a way that protects the safety of the driving public in America.

My amendment makes clear that we should maintain and mandate high standards, and my amendment does that. I would never tolerate an unsafe truck on our American highways, particularly on Texas highways. I don't care whether it comes from Mexico or Canada or from the United States, we should not tolerate unsafe trucks. What my amendment does is it makes sure that those high safety standards are enforced and maintained.

I have to ask: How does it look if we are going to hold trucks coming from Mexico to a different standard than we are with trucks coming from Canada? The suggestion is that because trucks are coming from Mexico, they are somehow incapable of meeting these high safety standards. I can tell my colleagues, as somebody who comes from a border State with 1,600 miles of common border with Mexico, there are challenges along the border, but legal trade and legal commerce are important to the people in Texas, and they are important to the people of the United States.

For every truck entering into the United States from Mexico that has to be tested, if it fails to pass a test, it will be put out of service; for every truck that is going to come into the United States under NAFTA, a truck will be able to travel from the United States into Mexico.

So this is a matter of enforcing free trade requirements that are part of the law of the land that have been litigated all the way up to the U.S. Supreme Court and about which there isn't any controversy. The only question that remains is whether we are going to treat trucks from Canada and trucks from Mexico the same. I submit we should, and we should hold both to the high standards of public safety which my amendment will require. And as I said earlier, if in fact trucks participating in this program must be inspected every 3 months, the same standard as U.S. trucks, every driver entering the country under this program would have to verify compliance with safety requirements and they would have to do so every time they enter the United States. If in fact the Department of Transportation's inspector general fails to certify that the program actually makes sure every truck is inspected and every driver is verified—if the inspector general fails to certify to such—then funding for this program would be automatically suspended.

So under my approach, for the first time, we will enshrine the principle that we inspect and certify every single truck, whether it comes from Mexico or whether it comes from Canada, that would enter the United States under this program.

I know that previously a letter from the Secretary of Transportation has been made part of the CONGRESSIONAL RECORD here which addresses some of the concerns raised by the Senator from North Dakota with regard to border license checks of drivers working for Mexican carriers. The Department of Transportation has noted that there is a required check of the commercial driver's license of each driver of a Mexican domiciled carrier crossing the border. So I believe the concerns raised by the distinguished Senator from North Dakota have been addressed by the Department of Transportation, and given the stringent inspection requirements and public safety requirements of my amendment, I believe that is what my colleagues should support, one that is compliant with what in essence is the law of the land and which will protect the safety of the public.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, let me yield 3 minutes to Senator BROWN, and as I do that, let me say to Senator BROWN, as I have said previously, the Cornyn amendment, in the last sentence, says let us just fund the pilot project. It has a lot of bouquets wrapped around it, but in the end it says, let us just fund this project. That is why I believe we should pass the Dorgan, Specter, et al., amendment.

I yield 3 minutes to Senator BROWN.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I thank my friend from North Dakota.

Senator DORGAN has reviewed the numerous reasons why this pilot program doesn't make sense. It doesn't make sense to compromise safety laws, whether it is road safety, food safety, toy safety, or truck safety. Unsafe trucks on our roads, unsafe food on our tables, or dangerous toys in the hands of our children, all of this is part of a larger issue. It is about trade.

It would be easier if it weren't. It would be easier if we didn't need strong trade rules to ensure truck safety and food safety and product safety, but it simply doesn't work that way. If we don't require China to export products as safe as those manufactured in the United States, our children will be exposed to lead paint and loose parts. If we don't write trade deals, as Senator DORGAN says, that prohibit unsafe trucks from our roads, more Americans—count on it—will be killed on our highways. Yet we write trade deals that compromise and compromise and compromise away the safety standards that protect our children, our pets, our roads, and ourselves.

Why should we agree to a trade deal that turns product safety into a reactive recall-driven enterprise? Not because it serves our families but because it serves multinational corporations. Why should we agree to trade deals that compromise road safety? Not because it serves our families but because it serves multinational corporations.

Too often in both Chambers in this Congress we write trade deals that ignore consumers, coddle corporations, produce massive trade deficits, ensure unsafe imports, and export U.S. jobs. Instead, we could write trade rules that respect U.S. law and promote U.S. exports. We could write trade rules that keep our roads safe, our food and toys safe, that are fair to U.S. trading partners, and best for America's families. But it means letting go of expedient, shortsighted, lopsided free trade deals and embracing a new model.

Instead of trade deals designed to benefit top management and multinational corporations, we should write trade deals designed to benefit everyone else. I am sure the benefit of those trade deals will ultimately trickle down to the Nation's CEOs. U.S. road safety laws make sense. Voting for the Dorgan amendment and voting against the Cornyn amendment demonstrates respect for those rules.

I urge my colleagues to vote accordingly.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The Senator from North Dakota has 3 minutes remaining, and the Senator from Texas has 8 minutes 44 seconds.

Mr. DORGAN. Mr. President, in the interest of finishing, I will use my 3 minutes.

Let me say that when I said this is not a legal issue, my point is whether it has been in the courts or not, we make the law. We will determine tonight our destiny. That is our responsibility here in this Chamber. Because we write the law and make the law, we will determine what the safety standards will be for America's roads tonight. My colleague from Ohio says it very well, in my judgment.

There is an old saying: Never buy something from somebody who is out of breath. There is a kind of breathless quality to what the Department of Transportation did last Thursday night. They get the IG report at 7:30; at 8:30 they announced, we made a decision: We got the report, studied it—we have some of the fastest lawyers in the world waiting on this—and away we go. Well, let me talk about what they missed. They missed the three key points with respect to the standards of safety, because the inspector general's report said there is no databank, no massive information with respect to accident reports, vehicle inspections, or driver violations in Mexico with Mexican trucking.

The fact is they do not have equivalent enforcement in Mexico. That is just a fact. If you think there is equivalency between Canada, the United States, and Mexico, you just miss it.

I had a trucker call me yesterday who said, look, I do this for a living, and I pull up at truckstops all over this country. I pull up in the short-haul areas 25 miles from the border, and I have talked to a lot of Mexican truckers and looked at their equipment. He said, if there are people who think there are equivalent standards, they are daydreaming.

Let me say this, finally. Everything about NAFTA has gone haywire, to use a term of art. Everything. They said pass NAFTA, the trade agreement with Mexico and Canada, and things will be great. Well, we passed it. Guess what. We turned a small surplus into a huge trade deficit. They said what it will mean is low-skilled, low-wage jobs will move to Mexico. Well, guess what. The three biggest exports to Mexico are automobiles, automobile parts, and electronics. All the products of high-skilled labor. Those are the jobs we lost. Huge deficits, and we lost a lot of

important and good jobs. They said, we are going to cut the tariffs for accentuating trade between the two countries. Just months later, Mexico devalued the peso 50 percent, and all the gains in the tariff cut were gone and then some.

So all of it is wrong. All of it has redounded against this country's interest. And now the latest chapter is to say, you know what, we are required to at this moment, notwithstanding what the inspector general says, notwithstanding that there is no databank with respect to vehicle inspections and drivers records, and so on, we are required to allow long-haul Mexican trucks into this country. Well, we are not required to do that.

We are a body of lawmakers in the Senate and we ought to do what the House has already done. I hope by passing my amendment we will say to the Department of Transportation that they may not go forward with this pilot project because this is an issue of safety and we stand for safety in this country.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas.

Mr. CORNYN. Mr. President, I wish my distinguished colleagues from North Dakota and Ohio would take ''yes'' for an answer. I agree with them. Public safety is No. 1. That is what my amendment guarantees. It guarantees inspections of trucks whether they come from Mexico or domestic American trucks or whether they come from Canada.

The U.S. Federal inspectors perform and Mexican trucking companies must pass a preauthorization safety audit conducted in Mexico by Americans prior to granting authority to operate beyond the U.S. border commercial zones. This audit includes inspection of vehicles the company intends to use in long-haul operations in the U.S. and a thorough inspection of the company's records to ensure compliance with Federal safety regulations. Vehicles not inspected cannot be used for long-haul operations in the United States. Every inspector reviews Federal safety regulations with the carrier, including those governing driver hours of service, to ensure the carrier is knowledgeable of and comprehends the Federal Motor Carrier Safety regulations.

This is not about safety, because we all agree that is nonnegotiable, and my amendment protects public safety. So what is it about? It is apparently about protectionism; it is apparently about fear of competition in the marketplace. It is fear of free trade, which, to my way of looking at things, provides new markets to American producers, new opportunities, more revenue, and creates more jobs right here at home.

Why in the world would we want to do anything that would discourage job creation and greater prosperity here at home by opening up new markets and new opportunities to American producers? We can try the way of protectionism versus free trade, but I guarantee you that is a net loser for the American worker.

So if this is about safety, then we certainly all agree. If this is about fear of competition and discriminating against Mexican trucks that are required to meet the same high safety standards as trucks that come from Canada, then I think that sends a very bad signal and not something the Senate should endorse.

Mr. President, I ask my colleagues to support my amendment.

If all time has been yielded back or expired, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator may yield back his time. The Senator from North Dakota has no time at present.

Mr. DORGAN. Mr. President, might I ask, we have a vote ordered by unanimous consent at 7 o'clock; is that correct?

The PRESIDING OFFICER. The vote is to take place at the expiration or yielding back of time or at 7 p.m.

Mr. DORGAN. Mr. President, I wonder if I might take 2 to 3 minutes to respond to Senator COBURN's amendment, which we will vote on, I believe, during this group of votes.

I ask unanimous consent to use the time between now and 7 p.m. to respond to the amendment offered by Senator COBURN for which I have not had an opportunity to speak.

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

AMENDMENT NO. 2812

Mr. DORGAN. Mr. President, Senator COBURN has an objection to legislative directed spending for something called the International Peace Garden. He apparently believes that is unwarranted spending. Many of my colleagues perhaps will not know it by the International Peace Garden, but it is an institution that has been around since the 1930s. It has been supported at various times by the Government of Canada and by the Government of the United States. It exists between the United States and Canada and is a wonderful and a remarkable place. I would encourage all of my colleagues to visit the International Peace Garden at some point.

We have a substantial number of buildings at the International Peace Garden that are in some disrepair. The Government of Canada and the Government of Manitoba have agreed to participate in some funding. The amount of funding that is in the appropriations bill is $450,000, and it represents the kind of commitment that our Federal Government has made in the past to maintain this wonderful institution called the International Peace Garden.

We are proud of that institution, and sufficiently so that we put it on our license plates in North Dakota—The Peace Garden State. We are enormously proud it exists in our State. But as I have indicated previously, the Congress has, on previous occasions between the 1930s and today, assisted in some funding, very minimal funding, to upgrade some facilities there. The facilities are in substantial disrepair. The Government of Canada has made a commitment for some funds, and we wish to match those funds, so that is the purpose of this rather small earmark, but an earmark or legislative-directed funding, nonetheless.

It is very important and will perform a very important purpose at the International Peace Garden. I hope the citizens of America are as proud of the existence of this peace garden as I am. The peace garden actually reflects the determination and the dedication of two wonderful neighbors, the United States and Canada, and the peaceful co-existence that has existed for some long while.

It has also been a place in which seminars have taken place, a band camp exists there, and so many other things occur that are a wonderful reflection of the best that is in all of us, those of us from the United States and Canada.

My hope is my colleagues would agree with me, the amendment by the Senator from Oklahoma is not a worthy amendment. Let us do what the Government of Canada has already done and recognize the worth of the International Peace Gardens and dedicate a very small amount of funding to try to respond to its facilities' needs.

I yield the floor.

AMENDMENT NO. 2797

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 2797 offered by the Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAIG) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—75

Akaka	Conrad	Klobuchar
Alexander	Corker	Kohl
Barrasso	Crapo	Landrieu
Baucus	Dodd	Lautenberg
Bayh	Dole	Leahy
Biden	Dorgan	Levin
Bingaman	Durbin	Lincoln
Boxer	Ensign	McCaskill
Brown	Enzi	Menendez
Brownback	Feingold	Mikulski
Byrd	Feinstein	Murray
Cantwell	Graham	Nelson (FL)
Cardin	Harkin	Nelson (NE)
Carper	Hatch	Obama
Casey	Inhofe	Pryor
Chambliss	Inouye	Reed
Clinton	Isakson	Reid
Coburn	Johnson	Roberts
Coleman	Kennedy	Rockefeller
Collins	Kerry	Salazar

Sanders	Snowe	Voinovich
Schumer	Specter	Warner
Sessions	Stabenow	Webb
Shelby	Tester	Whitehouse
Smith	Thune	Wyden

NAYS—23

Allard	Domenici	Lugar
Bennett	Grassley	Martinez
Bond	Gregg	McConnell
Bunning	Hagel	Murkowski
Burr	Hutchison	Stevens
Cochran	Kyl	Sununu
Cornyn	Lieberman	Vitter
DeMint	Lott	

NOT VOTING—2

Craig	McCain

The amendment (No. 2797) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. BOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mrs. DOLE. Mr. President, on rollcall vote 331, I voted ''nay'' when it was my intention to vote ''yea.'' Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 2842

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided for debate prior to a vote in relation to the Cornyn amendment.

The Senator from Texas.

Mr. CORNYN. Mr. President, my amendment mandates that the Department of Transportation can inspect Mexican trucks, Canadian trucks, and American trucks by exactly the same high public safety standards.

If, in fact, under this pilot program those requirements are not met, it defunds this pilot program that is part of our compliance with our 1993 treaty agreements under NAFTA.

I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, if you voted to shut down this program of long-haul trucks into the United States from Mexico, Senator CORNYN says: You were wrong. In his amendment, page 4, it says: We shall fund, sufficient funds shall be made available to the Secretary of Transportation to carry out this section.

The reason I believe that is inappropriate is the inspector general last Thursday night said this: They could not get information about Mexican trucks with respect to vehicle inspection, accident reports, and driver violations. Why couldn't they? Because there is no database available. None available.

There will come a time when this is just fine, but it is not now. The first and most important concern at this point is safety on the roads of this country. I hope those who voted for the Dorgan-Specter amendment will decide to vote against the Cornyn amendment, which funds the very program against which the Senate has just voted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CORNYN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAIG) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 69, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—29

Alexander	Collins	Lieberman
Allard	Cornyn	Lott
Bennett	Crapo	Lugar
Bond	DeMint	Martinez
Bunning	Domenici	McConnell
Burr	Grassley	Murkowski
Carper	Gregg	Stevens
Chambliss	Hutchison	Sununu
Cochran	Isakson	Vitter
Coleman	Kyl	

NAYS—69

Akaka	Feingold	Nelson (NE)
Barrasso	Feinstein	Obama
Baucus	Graham	Pryor
Bayh	Hagel	Reed
Biden	Harkin	Reid
Bingaman	Hatch	Roberts
Boxer	Inhofe	Rockefeller
Brown	Inouye	Salazar
Brownback	Johnson	Sanders
Byrd	Kennedy	Schumer
Cantwell	Kerry	Sessions
Cardin	Klobuchar	Shelby
Casey	Kohl	Smith
Clinton	Landrieu	Snowe
Coburn	Lautenberg	Specter
Conrad	Leahy	Stabenow
Corker	Levin	Tester
Dodd	Lincoln	Thune
Dole	McCaskill	Voinovich
Dorgan	Menendez	Warner
Durbin	Mikulski	Webb
Ensign	Murray	Whitehouse
Enzi	Nelson (FL)	Wyden

NOT VOTING—2

Craig	McCain

The amendment (No. 2842) was rejected.

Mrs. MURRAY. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURBIN. Mr. President, I share Senator COBURN's concern for our Nation's bridges, but I must oppose his amendment. We cannot fund our Nation's infrastructure on the backs of crucial road safety projects that save tax dollars and lives.

The Senator's amendment specifically eliminates crucial funding for bike and pedestrian trails in Illinois and across the country. His amendment will have seriously adverse consequences for millions of Illinois residents.

The Federal transportation programs do provide flexible funding for States and localities to set aside Federal money for bike and walking trails, yet States tend to fund trails as a last resort—only if they can't use that money for roads and intersections.

For example, in fiscal year 2006, States rescinded $602 million of Transportation Enhancements funds, 15 percent of all rescissions in that year. A more proportional share would have been closer to 3 percent. The Congestion Mitigation Air Quality program, or CMAQ, accounts for approximately 4–5 percent of highway apportionments each year but CMAQ funds have accounted for about 20 percent of total highway funds rescinded in recent years.

CMAQ and Transportation Enhancements are the major sources of funding for bicycle facilities in cities and communities across the country.

Given such drastic rescissions at the State level, communities are increasingly approaching Congress for help to fund their local trail construction and expansion projects.

Incorporating bike and pedestrian trails and access into transportation systems and planning is essential for safety.

Bicycling and walking currently account for 10 percent of trips and 13 percent of fatalities nationally, but receive less than 2 percent of Federal transportation funds.

In Illinois, such fatalities are worse than the national average. For example, 15.1 percent of traffic deaths in Illinois in 2000–2001 were people on foot or bicycle.

It is no coincidence that Illinois' numbers of pedestrian and bike fatalities were so high at that time, considering that we did not spend any of our Federal safety dollars on bicycle or pedestrian projects between 1998–2001.

With that lack of investment, this is no time to cut funding. The U.S. Department of Transportation knows this as well. In its policy statement entitled ''Accommodating Bicycle and Pedestrian Travel: A Recommended Approach,'' the U.S. DOT states:

> There is no question that conditions for bicycling and walking need to be improved in every community in the United States; it is no longer acceptable that 6,000 bicyclists and pedestrians are killed in traffic every year, that people with disabilities cannot travel without encountering barriers, and that two desirable and efficient modes of travel have been made difficult and uncomfortable.

My hometown of Springfield, IL, has been trying to keep pace with trail access and pedestrian safety even while the road system is growing. The Interurban Trail was started several years ago with assistance from State, Federal and local resources. Approximately 5 miles in length, the trail extends from Springfield to the Village of Chatham with little to no vehicular cross traffic or intersections.

I have been on the trail and let me tell what I see. People on bikes, hikers, joggers, walkers, moms and dads with

strollers. The community loves the trail. The Springfield Park District estimates tens of thousands of users each year.

Regional planners are building on the Interurban Trail as the starting point for future development of other trails, including the Sangamon Valley Trail.

And it's not just recreational. Many residents of Chatham and Springfield use this trail system as an alternative to roads for commuting to and from work.

Unfortunately, a major new construction project to extend MacArthur Boulevard threatens the Interurban Trail.

The Interurban Trail needs to be relocated because of the construction and several new high speed intersections.

This proposed amendment would mean the bike and walking trails in Springfield either shut down or go through new, high-speed intersections that we know statistically are likely to result in loss of life.

This amendment would be a huge step backward for safety in transportation.

The CDC has shown that since the mid-70s, the prevalence of overweight and obesity has increased sharply for both adults and children. Data from two CDC surveys show that among adults, the prevalence of obesity increased from 15 percent in 1980 to 33 percent in 2004.

A 2003 study shows that by the age of 40, a nonsmoking obese woman loses 7.1 years of life expectancy, and a nonsmoking obese man loses 5.8 years.

And the obesity epidemic is spreading to our children at an alarming rate. In 2004, an estimated 9.9 million children and teens were considered overweight. They are taking in too many empty and fat-laden calories and not exercising enough.

Moreover, physical activity need not be strenuous to be beneficial. For example, CDC research shows that adults benefit tremendously from moderate exercise, such as 30 minutes of brisk walking most days of the week.

Multilane roads have replaced sidewalks and bike paths. Children's play spaces are far away or unsafe. Designing communities so that children have ample opportunity for physical activity is in our country's best interests.

These bike and trail projects promote exercise and healthy physical activity like biking, walking and running. They also give people the option of walking or biking to get to work, school or shop.

Manteno, IL, is working to accomplish just that. The village of Manteno has developed a plan to create a village-wide trail system to connect existing parks, schools, and community-use buildings.

The project proposes 15,000 linear feet of a 10-foot-wide trail for walking, for bicycles and for wheelchairs. The north section will connect county Highway 9 to Lake Manteno Road and Maple Street—creating access to three of the town's four public schools where none now exist.

Having already installed nearly 3,000 feet of trails and raised nearly $130,000 to continue the project, the trail system will promote alternate forms of transportation throughout the village.

The village of Manteno supports this trail funding, including the village chamber of commerce, the school district, the Village President, the village trustees, and the local Parks and Recreation Commission.

Given our increasing dependence on foreign oil and increasing traffic congestion, we need bike and pedestrian trails to save gas and minimize congestion.

These bike and trail projects can spur economic development and bring increased economic activity and tourism for a small investment.

The Grand Illinois Trail, GIT, is a great example. This Trail was first conceived of in the mid-1990s by the Illinois Department of Natural Resources and is overwhelmingly supported by cities and villages, forest preserve and conservation districts, as well as commerce and community-based organizations.

The Grand Illinois Trail is a loop that circles northern Illinois stretching from Lake Michigan to the Mississippi River and back—over 500 miles in all. It encompasses smaller trails such as the Great River Trail in Savanna, IL, and the GIT Carbon Cliff.

Approximately 90 percent of the route is in place and you can bike, hike, horseback ride, cross country ski, snowmobile, and canoe through the scenic landscape of northern Illinois and along Chicago's Lakefront, Illinois' beautiful rivers, historic canals and scenic country roads.

One goal of this loop trail is to ensure safe passage from one local trail to the next. In Savanna, IL, a new trail leading to town is cut off from the highly popular Great River Trail by a frightening 1.4 mile stretch of Illinois 84—a real safety issue for bicyclists and hikers using the trail.

The Grand Illinois Trail is supported by the Illinois Departments of Commerce and Community Affairs and Transportation, the Illinois Historic Preservation Agency, the Illinois Chapter of the Rails-to-Trails Conservancy, The League of Illinois Bicyclists, the Illinois Trail Riders and the Illinois Association of Park Districts.

Trails are becoming common in residential neighborhoods. Development plans for homes, apartments, and townhouses often include footpaths to enhance recreational opportunities and property values.

Bike and pedestrian trails bring customers to local businesses and have been used as cheap, effective ways to spur downtown redevelopment across the country. A modest investment into bike-friendly design can bring huge economic benefits.

Aurora, IL, is nearing completion of the Fox River Trail in northern Illinois. The last gap in the region's 50+ mile Fox River Trail is in downtown Aurora.

Elgin, a village close in size and location to Aurora, completed its Fox River Trail gap to help spur successful downtown redevelopment. Similarly, Naperville, IL, has over 100 people biking to their commuter rail station daily, partly due to their bike network. Aurora wants to repeat these successes.

This amendment would take away an important economic tool and would bring decreased investment and economic activity to towns that need it.

Tailpipe emissions from automobiles and trucks account for almost half of Chicago's air pollution, contributing to asthma and other respiratory problems suffered by more than 650,000 people in Metropolitan Chicago.

The U.S. Environmental Protection Agency has noted the benefits of alternative modes of transportation for reducing transportation emissions while also reducing traffic congestion.

The 2001 U.S. National Household Travel Survey tells us that in metropolitan areas more than 40 percent of trips are two miles or less—a very manageable bike ride and more than one-quarter are just one mile or less. Furthermore, the data shows that within the 28 percent of the trips that are one mile or less in urbanized areas, 66 percent are made by car.

These short trips are the most polluting and the easiest to switch to bicycling.

At a time when these communities are seeking to reduce traffic congestion, improve air quality, increase the safety of their neighborhoods, and decrease petroleum dependence, bicycles offer a relatively simple, energy-saving alternative to driving.

Bicycles have no carbon emissions and don't contribute to smog. If each of the three million households in northeastern Illinois walked or biked just one mile every day, we would reduce daily vehicle emissions by more than 1800 kilograms.

Senator COBURN has called these projects pork-barrel spending. This flies in the face of the overwhelming local support for these modest projects.

Bike and pedestrian projects have the most support from the communities back home, from the block associations and bike groups who use the streets and know that without this Federal investment, the streets will continue to not be adequate to walk, jog, or bike on.

Beyond community support, these trails actually connect communities. Look at the trail along the Calumet River in Chicago's Southland. This project, referred to as the Cal-Sag Trail, is a 26-mile nonmotorized corridor that is carved into racial and socio-economic chunks along the alignments of major transportation corridors: major streets and intersections, expressways, rail lines, the Calumet-Sag itself.

These transportation facilities are also barriers when they serve as convenient boundaries when planning housing, economic opportunities, school affiliations, and other issues related to quality life. The Cal-Sag Trail has the potential to help cross all of those lines, connecting many types of neighborhoods that exist in the regions, allowing anyone, regardless of ability or background, free passage to resources and opportunities—it will be the first trail development in the region that raises the social equity of all the communities it serves.

A majority of the public—53 percent—favors increasing Federal spending to build more bike paths for easier and safer bicycling, even if it means fewer gas-tax dollars go to building roads.

Half of the public—50 percent—favors requiring new road construction and maintenance projects to include bicycle paths, even if it would mean less room for cars and trucks.

And the projects that the Senator intends to cut come to us directly from the people who do not have the usual flashy, well-funded advocacy campaigns we are used to here in the Congress.

This was very apparent during debate of the last transportation bill. Of the 1,912 registered lobbyists affiliated with the Transportation bill, only three represented bicycling.

They didn't need lobbyists because we all heard from the local citizens and small businesses on the street about the need for us to make our roads and streets safer. And we incorporated that need into the last transportation bill and these projects continue that effort.

Besides those who bike by choice, Government agencies should have an obligation to make transportation safer for those who bike—or walk—out of necessity—often for economic—or age—reasons.

8.3 percent of American households do not own cars, including 26.5 percent of those with incomes under $20,000—2001 National Household Travel Survey. Transit is not the entire answer for these people—many of whom rely on bikes to get around.

Therefore, I urge my colleagues to join me in opposing this amendment.

AMENDMENT NO. 2811

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided for debate prior to a vote in relation to Coburn amendment No. 2811.

The senior Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, for the information of all Senators, we are now going to move to a Coburn amendment. We will have 2 minutes equally divided and a vote. We are very close to finishing this bill. There are some amendments in a managers' package on which we are moving rapidly forward. We have a couple of Senators who may require a vote on an amendment and final passage. In the next vote, we are going to try to work out a final agreement on whether to have those votes tonight or the first thing in the morning. But if we can get a final list of amendments, we will let all Senators know, by the end of the next vote, what the path forward is, following this vote.

I believe the Senator from Oklahoma wants to speak on this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, he yields back.

The PRESIDING OFFICER. Is all time yielded back?

Mrs. MURRAY. Mr. President, I yield back.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table the Coburn amendment.

Mr. COBURN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma will state his inquiry.

Mr. COBURN. Mr. President, I asked for the yeas and nays.

The Chair asked whether there was a sufficient second. There was a sufficient second. And then a motion was made to table.

The PRESIDING OFFICER. The yeas and nays on the amendment do not preclude a motion to table.

Mr. COBURN. Thank you.

The PRESIDING OFFICER. The clerk will call the roll on the Murray motion to table the Coburn amendment.

The legislative clerk called the roll.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAIG) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 18, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—80

Akaka	Casey	Feinstein
Alexander	Clinton	Gregg
Barrasso	Cochran	Hagel
Baucus	Coleman	Harkin
Bayh	Collins	Hatch
Biden	Conrad	Hutchison
Bingaman	Corker	Inouye
Bond	Dodd	Johnson
Boxer	Dole	Kennedy
Brown	Domenici	Kerry
Brownback	Dorgan	Klobuchar
Byrd	Durbin	Kohl
Cantwell	Ensign	Landrieu
Cardin	Enzi	Lautenberg
Carper	Feingold	Leahy
Levin	Obama	Specter
Lieberman	Pryor	Stabenow
Lincoln	Reed	Stevens
Lugar	Reid	Sununu
McCaskill	Roberts	Tester
McConnell	Rockefeller	Thune
Menendez	Salazar	Voinovich
Mikulski	Sanders	Warner
Murkowski	Schumer	Webb
Murray	Shelby	Whitehouse
Nelson (FL)	Smith	Wyden
Nelson (NE)	Snowe	

NAYS—18

Allard	Cornyn	Isakson
Bennett	Crapo	Kyl
Bunning	DeMint	Lott
Burr	Graham	Martinez
Chambliss	Grassley	Sessions
Coburn	Inhofe	Vitter

NOT VOTING—2

Craig	McCain

The motion was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Ms. STABENOW. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I am sorry to take the time of the Senate, but this amendment affects the State Senator WEBB and I are proud to represent, and there are just some mistaken facts I want to clear up in the record.

The proponent of the amendment said that this thing would cost $16 million, a bike path, but in effect it ended up costing $1.2 million. The bike path was a part of a larger project of $210 million under the SAFETEA-LU law, and there was no earmark that we can find. It was required by the Federal authorities to build a bike path as replacing a bridge. So I am sorry. I tried to help my colleague, but I just got this information. I have been in a hearing all day, or most of the day, in the Armed Services Committee. But I will amplify this for the record. I apologize, but I felt it important that the record be corrected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I would like to associate myself with the remarks of the senior Senator from Virginia and express my appreciation to him for having caught this inaccuracy that was being spoken about on the floor.

With that, I yield the floor.

Mr. WARNER. Mr. President, if I might add, we were both at the hearing in the Senate Armed Services Committee when the staffs frantically contacted us to try to correct this factual error.

Mr. REID. Mr. President, I will shortly ask that a quorum call begin. We are very close to being able to have something worked out. I have had conversations with my Republican counterpart. What we will do—and the staffs are working on a unanimous consent agreement—we have maybe a Coburn amendment, we have a DeMint amendment, and we have two Menendez amendments. That is likely all we have to finish this bill. We want the debate

to be completed on all of these amendments except for we have asked—Senator KENNEDY has asked and Senator DEMINT has asked that they have 20 minutes equally divided in the morning. That will be the only debate in the morning. We will debate the rest of the amendments tonight and we will vote on them in the morning. I think that is in keeping with what my colleagues on the other side of the aisle think would be the best way to dispose of this. I think they are right.

So I am going to suggest the absence of a quorum, and we will see if we can get the staff to bring that out to us very quickly. It should be within the next few minutes.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I have a short statement with respect to a vote we are going to take tomorrow.

AMENDMENT NO. 2814

In one of my favorite movies, a baseball field is built in the middle of Iowa and becomes a mecca for baseball players and fans that seemingly come from anywhere and everywhere to watch baseball. Today in Billings, MT, folks are hoping that the popular movie ''Field of Dreams'' was right. ''If we build it, they will come.''

Baseball is America's game. It is part of what defines us as Americans. There is something special about sitting in the bleachers on a summer's evening, eating peanuts, and watching a good baseball game. For over 60 years now, the best venue to watch a baseball game in Montana has been historic Cobb Field in Billings—Montana's largest city.

Opening in 1948, Cobb Field is the longtime home of the Billings Mustangs, a minor league baseball team. It also serves NCAA baseball as well as American Legion baseball.

Many notable professional baseball players—Dave McNally, George Brett, Trevor Hoffman, Rob Dibble, Paul O'Neill, and Stormin' Gorman Thomas, to name a few—have at one time called Cobb Field ''Home.''

Unfortunately, Cobb Field is an above-ground wooden structure stadium that is not compliant with building codes. Despite several major renovations and repairs, the stadium continues to deteriorate at an increasing rate due to water damage and wood rot. Conditions are unsafe for Montanans who want to watch a baseball game, particularly for children and Montanans with disabilities.

To solve this problem, the people of Billings have decided to build a new stadium to replace Cobb Field. In March, the city broke ground on this new stadium.

The new stadium will be a state-of-the-art venue that will meet the needs and wishes of the citizens of Billings to have a facility that can be a safe, multi-use venue to host baseball games, concerts, festivals, and markets.

More importantly, the new stadium will be an economic development center located in one of Billings' oldest neighborhoods in need of a shot of revitalization.

This new stadium will spur redevelopment efforts that are so needed in this area of downtown Billings. Over 100,000 people attended events at Cobb Field last year. For a state with 900,000 people, that's a lot. With the new stadium, it is estimated that there will be a 100 percent increase in ticket sales.

Last November, voters approved a bond election authorizing the city of Billings to sell bonds up to $12.5 million to design a new 3,500-seat baseball and multi-use stadium. The people of Billings have stepped forward with the lion's share of the costs of the stadium. In addition, Montanans have donated over $2 million in private pledges to offset the taxpayers' costs of repaying the $12.5 million in bonds.

Because of the local funding that has been secured for the project, our Montana delegation has requested $500,000 in Federal funding to support the funds that the local community has already stepped forward with.

I have fought hard over the years for my home State of Montana. My colleague from Montana, Senator TESTER, has done the same. Each year, I make requests to the Appropriations Committee to provide funding for worthy Montana projects. I stand behind the requests I make.

A vote for the Coburn amendment is a vote against me and the people of Montana. We will remember.

This is such a small amount of Federal dollars compared to the contribution the people of Billings are making that I believe voting for Cobb Field is something Montanans prefer, but I think the people across this whole country who are big baseball fans would also agree.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: Is the floor open for debate?

The PRESIDING OFFICER. It is open for debate.

Mr. REID. Mr. President, if the Senator would be kind enough to withhold for a moment. We just want to get Senator BOND so we can do the unanimous consent agreement, and then you would be recognized first as soon as they finish that. Would that be OK?

Mrs. HUTCHISON. If I could be the first recognized after the unanimous consent.

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

The PRESIDING OFFICER. The senior Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I now ask unanimous consent that the following be the only amendments, other than a managers' amendment that has been cleared by the managers and the leaders, remaining to H.R. 3074; that no second-degree amendment be in order prior to a vote in relation to the amendment: Coburn amendments 2812 and 2814 en bloc; DeMint amendment relating to Davis-Bacon; Menendez amendment No. 2826; Menendez amendment No. 2834; that there be 2 minutes for debate prior to each vote, with the time equally divided and controlled in the usual form; that after the first vote in the sequence, the remaining votes be limited to 10 minutes; that upon disposition of the listed amendments, the bill be read the third time, and the Senate proceed to vote on passage of the bill; that the Coburn and Menendez amendments be debated during today's session; that when the Senate resumes consideration of the bill on Wednesday, September 12, there be 20 minutes of debate with respect to the DeMint amendment, with the time equally divided and controlled between Senators DEMINT and KENNEDY, or their designees; and that no points of order be considered waived by this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Reserving the right to object, Mr. President, I had difficulty hearing the Senator. On the DeMint amendment, did I hear there was no time limit?

Mrs. MURRAY. No.

Mr. MENENDEZ. I have no objection.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have not yet worked out with the minority our being able to go to conference on this. We feel positive we can do that tomorrow. We need to do this. We are in the process of going to conference on the three bills we have already passed. We had meetings at the White House today. We believe it is most appropriate to send the President bill after bill rather than a big bunch at the same time. We hope that by tomorrow we can work it out so we can go to conference. I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, with that agreement, Senators should understand that tomorrow morning we will come in, there will be 20 minutes of debate between Senators DEMINT and KENNEDY on the DeMint amendment. We will go immediately to the four votes on amendments, with final passage to be completed in the morning. With that, there will be no more votes tonight.

The PRESIDING OFFICER. The senior Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to talk about this bill and to bring

up an issue that I think is going to become more and more apparent as a problem for our Interstate Highway System. I had hoped to offer an amendment that would attempt to begin to solve this problem, but the managers have resisted having authorization on an appropriations bill, and I understand their concern. However, this is an issue that must be dealt with. If we cannot deal with it on an appropriations bill, hopefully, next year we can begin to discuss the alternative for the next authorization of highway funds, and certainly, it is a universal issue that must come up.

This is the issue. There is more and more interest in putting tolls on highways. Well, I think if a local government or State government wants to have a toll highway, they should go through all of the processes—a vote of the people, or a vote of the elected officials—so the elected officials are accountable to do that.

Our Interstate Highway System was created in the Eisenhower administration for the purpose of having a free highway system that would connect our country all the way from the West to the East, from the North to the South. It was for security purposes but also for commerce.

The highway fund was created because the Western States were small and they did not have the capability to raise the funds to build their highways. Many States are donor States and have built these highways—especially out in the West. State leaders are now trying to take these Federal highways and put tolls on them and use those highway tolls for other purposes—in some cases, for mass transit; in some cases, it would be going into other State projects.

I think this is a dangerous precedent. It is dangerous to start taking highways built with Federal taxpayer dollars and put tolls on them and, in some cases not even reimburse the Federal taxpayers. I still think it would be wrong to allow the buyback of a Federal highway by a State and then for the State to put a toll on it. In some cases, we are looking at tolls being put on an entire freeway—not just one lane but the entire freeway.

In fact, I think if you want to toll a lane on a Federal highway to build a new lane to add to the number of free lanes that are there, that would be acceptable. I also think you have some avenues to use the right-of-way that is in place to toll and build a new freeway with that toll. But to take an existing interstate highway and toll every lane, when it has already been paid for by the Federal taxpayers, is absolutely wrong, and we must have a vehicle to address this issue.

Now, I have talked to the chairman of my State highway commission, and he has suggested that this might be an option that Texas wants to do. I object strenuously to Texas doing that, and I am going to do everything I can to keep our Texas taxpayers from paying for another opportunity to use a road that they have already paid for. I am going to resist that. But the chairman of the highway commission did make a very important point, and that was, just tell us what the rules are. There are not rules that lay out how we can address the transportation issues in the States, and I think every State is probably facing this problem. He was honest enough to say just give me the rules, tell me what I can do, and we will work with that.

Of course, a donor State such as ours is sensitive to the fact that we don't get back one dollar for every dollar that is put into the highway system. I think we have done a better job at a time when we start looking at parity in the highway fund, and I think a fair conclusion would be that the Interstate Highway System has been built and let's make sure that every State now has the ability to use its own taxpayer funds to build its own roads. I think parity should be the end result, and I think we should be there now. Unfortunately, for a lot of history and a lot of nostalgia about the Interstate Highway System, that is not a fight that we can have today. It is not a fight that we will be able to solve tonight.

I do want to bring to the attention of the Senate the fact that we should not allow, on a piecemeal basis, one highway segment at a time, to all of a sudden wake up and find that we don't have an Interstate Highway System that is in place as it was created to be—a free highway for the citizens of this country to be able to travel anywhere in our country on an interstate system that works. We are going to wake up to this scenario if we allow what is happening right now to continue unabated. So I am going to do everything I can in my power to see that this scenario does not occur. I am going to do everything in my power to see that Texans do not have tolls put on our Federal highway system. I think we need a policy that would be nationwide, so that every taxpayer who has already paid for these roads would not be tolled again for the ability to go and use those roads. We are not going to solve that problem tonight, but it is going to be a major effort I will make in the future to solve this problem. I ask the authorizing committee, when they do reauthorize the highway program, which will have to be reauthorized within the next 2 years, to address this issue with an eye toward equity, with an eye toward protecting our taxpayers and, most important, with an eye toward keeping the original intent and mission of the Interstate Highway System—to have a free Interstate Highway System that works for our country and does indeed complete the United States of America both in security and commerce.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 2812

Mr. CONRAD. Mr. President, the Senator from Oklahoma has an amendment pending before the body that would strike funding for the International Peace Garden in my State of North Dakota. This measure calls for a modest amount of money—$450,000—to support the International Peace Garden. The International Peace Garden has been a proud monument to the history of good relations between the United States and Canada for many years.

Canada contributes, the State of North Dakota contributes, and the Province of Manitoba contributes. There has been a history of Federal support, and now the Senator from Oklahoma, for some unknown reason, has picked out the International Peace Garden as something to eliminate from Federal support.

This is a story from October of last year in the Minot Daily News, saying: ''Peace Garden Is In Need: Garden In Dire Need Of Money For Repairs, Operations.''

Why on earth the Senator from Oklahoma has picked on the International Peace Garden as something to eliminate leaves me scratching my head. This is a picture of the International Peace Garden. It is on the border between our country and Canada. It stands as testimony to the peaceful relations we have enjoyed on this border for our history. You can see in this photo these are absolutely beautiful gardens, with these memorial towers. This is the site of an international music camp that is conducted every year, which is world class. It is has attracted some of the world's greatest musicians.

For some reason, the Senator from Oklahoma says none of this has any value. Let's just cut it all, eliminate all $450,000, which, I might say, is a modest amount of money in the context of an International Peace Garden. This is a monument on the grounds of the garden, which consists of girders from the World Trade Center. Our Governor and the Manitoba Premier were just here today to commemorate the 9/11 anniversary. The Senator from Oklahoma says this has no value.

Sometimes things that are not a road or a bridge or a battleship have value. The International Peace Garden has value. The people of North Dakota provide money to support it. The people of Manitoba provide money to support it. The Government of Canada provides money to support it. I hope this body will reject the amendment of the Senator from Oklahoma.

Why is there any validity to saying there is no justification for Federal support for an international peace garden? I honestly don't know what argument the Senator from Oklahoma advances to say this has no value.

Let me indicate where the International Peace Garden is. It is right here, almost equidistant between the Pacific Ocean and the Atlantic Ocean. The International Peace Garden stands in the middle of my State of North Dakota in Dunseith.

This is a headline, again from last year, in the Fargo Forum, the biggest newspaper in my State. It says: ''On the border of withering. The International Peace Garden supporters seek measures to keep alive iconic crossborder park.''

I have been at the International Peace Garden many times. It is an inspirational setting. It is something that I think anyone who visits the more than 2300 acres of—more than 2300 acres of the most spectacular gardens I have ever seen in my life anywhere in the world. Why the Senator from Oklahoma believes we ought to eliminate any Federal support for this peace garden that is dedicated to the extraordinary relationship we have had with our border to the North absolutely eludes me.

For him to suggest this has no value, has he ever been there? Has he ever talked with the officials of Canada who have generously supported this institution? Has he talked with the people of Manitoba or the people of North Dakota? I am certain not because he would find in my State, which is a very conservative State, that there is very strong support for the International Peace Garden. This is a point of pride in our relations with our neighbors to the North.

More than that, it sends a signal to the world about the value the American people put on peace. Do we have the strongest military in the world? Absolutely, and we are proud of it. Do we have the greatest economic strength of any country in the world? Yes, and we are proud of it. Do we lead in many areas in terms of human accomplishment, science, the arts? Absolutely, and we are proud of it.

We also should send forth the signal that we are a country that believes in peace, and we strive for peace because that is part of the American character, too. And this International Peace Garden sends that message. It certainly sends that message to the people of Canada who are among our closest allies, who have stood with us in every crisis. Who, when the tragedy of 9/11 occurred, were the first people to our side? It was our neighbors to the North in Canada.

This International Peace Garden, again more than 2300 acres of stunningly beautiful and inspirational gardens, stands as a memorial to that extraordinary relationship between our countries. Certainly, it is worth the expenditure of $450,000 to reinvigorate this symbol of respect.

I urge my colleagues to reject the amendment of the Senator from Oklahoma.

I thank the Chair and yield the floor.

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

AMENDMENT NO. 2826

Mr. MENENDEZ. Mr. President, pursuant to the unanimous consent agreement, I call up amendment No. 2826 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself and Mr. LAUTENBERG, proposes an amendment numbered 2826.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require a study by the Government Accountability Office on the efficacy of strategies used by the Federal Aviation Administration and the Department of Transportation to address flight delays at airports in the United States)

On page 18, between lines 2 and 3, insert the following:

SEC. 116. (a) GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT ON FLIGHT DELAYS.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Administrator of the Federal Aviation Administration for the New York/New Jersey/Philadelphia Metropolitan Airspace Redesign until the Comptroller General of the United States submits the report required by subsection (c).

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the efficacy of strategies employed by the Administrator of the Federal Aviation Administration and the Secretary of Transportation to address flight delays at airports in the United States.

(2) CONTENTS.—The study required by paragraph (1) shall include an assessment of—

(A) efforts by the Administrator of the Federal Aviation Administration to induce voluntary schedule reductions by air carriers at Chicago O'Hare International Airport;

(B) the mandatory flight reduction operations instituted by the Administrator of the Federal Aviation Administration at LaGuardia Airport and Ronald Reagan Washington National Airport;

(C) the New York/New Jersey/Philadelphia Metropolitan Airspace Redesign; and

(D) any other significant efforts by the Administrator of the Federal Aviation Administration or the Secretary of Transportation to reduce flight delays at airports in the United States.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report including—

(1) the results of the study required by subsection (b); and

(2) recommendations regarding which of the strategies described in subsection (b) reduce airport delays most effectively when employed for periods of 6 months or less.

Mr. MENENDEZ. Mr. President, I appreciate the great work the Senator from Washington, Mrs. MURRAY, as well as the distinguished Senator from Missouri, Mr. BOND, have done in crafting a bill with very tough parameters and to do so on a whole host of issues that are critical to the country's future. I look forward to being supportive of the bill overall.

I hope from our conversation with the committee that, in fact, two amendments I will be offering, or versions thereof, will be accepted by the committee.

Mr. President, this amendment, which I offer along with my colleague Senator LAUTENBERG, is about flight delays that we have been experiencing throughout the country. In my home State of New Jersey, Newark Liberty International Airport is one of the most delayed airports in the country. About half its flights were delayed this summer. These delays are unacceptable. Delays often mean a vacation cut short, a missed business meeting, or less time with loved ones.

There are environmental consequences, as very often delays take place on the runway with the idling of engines and the emissions therefor. They are a demoralizing experience, an experience punctuated by long waits, little communication, and often no recourse.

When I speak with the FAA and the airline industry about how to solve the problem, I hear two things. First, they say we need to upgrade air traffic control equipment, and I am wholeheartedly supportive of that effort, and I believe this bill sets us on the path for an eventual technological upgrade of the entire air traffic system.

Second, I hear the FAA's airspace redesign in the New York/New Jersey/Philadelphia region will also ease delays. I have a difficult time, having viewed what they came out with, to believe that, in fact, is going to be largely accomplished by the very fact that we are looking, at best, at seconds, eventually reducing delays by less than 20 percent. It seems to me by fanning out arrivals and departures, there might be a slight decline in delays, but this slight reduction in delays probably will not even be noticeable. Some have calculated this benefit to be as low as 25 seconds saved per flight.

I have been advocating with the FAA that they look at a variety of other issues, as well as deal with flight delays in the New York-New Jersey region. I wrote a letter asking the FAA to examine comprehensive, short-term solutions, such as whether temporary limits on operations should be placed on all of the regions' airports. I also asked them to examine whether priorities should be given to larger planes, particularly during periods of extreme congestion. Finally, at the very least, the FAA should have a meeting with all the regions' airports and discuss the possibility of voluntary flight reductions.

It is interesting to me that the letter I sent to the Administrator today—the Administrator came out and said to the industry: You better seriously considering getting your schedules together and figuring out a reduction in the amounts of scheduled flights you have because if you don't do so, you may end up with a Federal response to that extent.

So I think the Administrator, rightfully so, is trying to get the industry to do that what it needs to do I believe both for the industry and the flying public. These short-term solutions I propose will not require years to implement or billions of dollars in new funds. Instead, they require sensible planning on how to allocate the scarce resource of a seat on an airplane.

This has been done in other parts of the country. We have seen in the past FAA successfully address air delays by holding scheduled reduction meetings with airlines or even capping the number of flights, as they do at Reagan National and LaGuardia.

This amendment would largely have the GAO, an independent body, make sure that we have a study within a very short time, 120 days, to tell us how the tools that the FAA has used in other places in the country can be available to conquer flight delays in the short term and not simply wait for long-term, expensive solutions that only address a fraction of the problem. I do believe an independent study would be incredibly helpful.

In addition to airspace redesign, we look at the other critical issues of delay that have an economic consequence and an environmental consequence and a quality-of-life consequence as well.

I look forward to the committee adopting a version of this amendment.

AMENDMENT NO. 2834

Mr. MENENDEZ. Mr. President, I ask unanimous consent to set the pending amendment aside and ask that amendment No. 2834 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 2834.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional funding to the Secretary of Housing and Urban Development to implement guidance in connection with assisting persons with limited English proficiency and to provide for an offset of such increase)

On page 73, line 8, strike ''$252,010,000'' and insert ''$251,630,000''.

On page 110, line 23, strike ''$52,000,000'' and insert ''$52,380,000''.

On page 111, line 6, strike the period and insert the following: '': *Provided further*, That of the funds made available under this heading, $380,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited english proficiency in utilizing the services provided by the Department of Housing and Urban Development.''.

Mr. MENENDEZ. Mr. President, I have in my hand the Federal Register for the Department of Housing and Urban Development. Basically, what it has done is said that under title 7 of the Civil Rights Act, they are going to have private property owners throughout the country have to devise a series of documents. Instead of HUD having a uniform document, all of these documents will be crafted by the individual private sector entities across the country.

What that is going to do is shift an enormous financial burden on private property owners across the country and, equally as important in my mind, in pursuit of title 7 of the Civil Rights Act, it is going to lead to huge litigation across the country because we can have a variety of documents all for the same purposes being drafted in dozens, literally hundreds of different ways. That, in my mind, does not make common sense as it relates to the shifting of the burden on private property owners across the country, and it certainly does not make common sense in terms of having a uniform documentation that can ensure that at the end of the day, we do not see the courts flooded with different interpretations of those documents.

We simply put a very modest amount, but from all the parties who are engaged with this we have determined $380,000 will ultimately ensure we do not shift this huge burden on all the private property owners across the landscape of the country and, at the same time, have uniform documents that won't lead us to a flood of lawsuits and preserve the very essence of what the title 6 Executive Order the Bush administration is pursuing under title 6 can be accomplished. I think that makes eminent sense.

I look forward to the committee's acceptance of the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARPER. Mr. President, it is almost 9 p.m. on the east coast, and out in California, where I used to live when I was in the Navy, I guess it is almost 6 o'clock. For the most part, here on the east coast, people have made their way home from work and school and they have finished their dinners and are getting ready to call it a day. Out on the west coast, they are still stuck in traffic. Between here and there are different variations of those two conditions.

I wish to start off by expressing my thanks to Senator MURRAY and to Senator BOND and members of their subcommittee for putting together what I think is a strong and a thoughtful bill. It is a challenge because we don't have unlimited resources to do that. It was a lot of work. So thanks to you and your staffs for providing the leadership.

I wish to talk a little about the importance of investing in our infrastructure. Maybe it is a bit different from what others have said today and earlier this week on this matter. I used to serve on the Amtrak board of directors when I was Governor, nominated by President Clinton to serve, and I actually come from a family of railroaders. My grandfather, on my father's side, was a railroader, and he took me and my sister on our first train ride when we were about 5 years old in West Virginia. I have been interested in trains, I suppose, ever since.

I think a lot of people feel that passenger rail was in its heyday in the first part of the last century. I suppose, to some extent, that is true. To a lot of people, passenger rail service is something that was big then and not so important now. They might be right. But I have a hunch that in some ways the best days for passenger rail could lie ahead in this country.

Our oldest son came home a couple of weeks ago from visiting Europe with some of his friends, and they had a chance to travel throughout Europe and the continent and to ride some terrific trains and also to ride some that weren't so terrific. My family and I were in Italy last summer, and we had a chance to ride some terrific trains, too, but also some that were not so terrific. But in a place where populations are fairly dense, in a place where the geography is actually rather compact, a lot of folks ride trains, as we know, and they invest a lot of their money in rail service.

They do so for reasons we ought to consider. They invest in passenger rail because they have congestion on the highways. They invest in passenger rail because they have congestion around their airports and in their airspace. They invest in passenger rail because they have concerns about dependence on foreign oil. They want to reduce their dependence on foreign oil. They invest in passenger rail because they want to reduce the emission of harmful materials or substances into and foul their air.

When you think about it, we have similar concerns in this country too. We have congestion on our highways. We can see it all across the country tonight, from east to west, as people are heading for home after work. We can see it around our airports almost anytime we try to fly out of an airport. Whether it is an airport in Seattle or Columbus or Cincinnati or Cleveland or whether it is an airport in Philadelphia, which is a suburb of Wilmington, DE, we have concerns about congestion on our highways and in the air in America.

We have concerns about our enormous dependence on foreign oil. Almost 60 percent of our oil comes from places beyond our borders and a lot is controlled by people who don't like us very much and some places that are fairly unstable. I am convinced every time I fill up my old Chrysler Town and Country minivan, which now has 175,000 miles on it—pretty dependable car—that I am putting money in the pockets of people around the world in some of those unstable places and who are going to use our money to hurt us. That is not too smart.

So we have that concern that we share with folks in other places around

the world that invest in passenger rail. We have problems with air quality. We have great concerns with climate change and global warming, and we need to address this sooner rather than later.

The answer to addressing all those concerns is not just passenger rail, but it is part of the tool in the toolbox. It is an arrow in the quiver. It is something we are starting to awaken to in this country and say, hey, maybe this is part of the answer.

One of the encouraging things to me about this legislation is it acknowledges that passenger rail is part of the answer and it provides a bit more money for Amtrak, certainly a good bit more money for Amtrak than the administration requested, and a good bit more than was provided in the current fiscal year. It allows Amtrak to continue to upgrade the Northeast corridor so we can take these trains that will go 125 or even 150 miles an hour and be able to use them more effectively at speeds approaching 125 or 150 miles per hour, to shorten the travel times between major destinations on the east coast and, by shortening U.S. travel times, to get more people to ride the trains.

Believe it or not, more people are riding the trains these days. I saw some ridership numbers the other day that I found encouraging. I saw an interesting piece in the Wall Street Journal—not a big advocate of better passenger rail service—and they mentioned that ridership on Amtrak nationwide is up this year about 6 percent. Ridership on the Acela Express, the high-speed trains in the Northeast corridor, is up about 20 percent. In places in the Midwest, the Chicago to St. Louis run, ridership is up about 50 percent this year. Out on the west coast, where they invest a lot of money in passenger rail, not just Federal money but a lot of local money, State money, their ridership is up about 15 percent. So people are starting to wake up to the idea that passenger rail might be a part of the solution.

I think it is terrific in this legislation that we think the Federal Government has some obligation to be a part of helping us to capture that potential. One of the reasons why more people are starting to ride trains is because we get tired of sitting in airports waiting to get on an airplane. We get tired of sitting on the airplane at the gate. We get tired of waiting for our airplane to take off as we sit on the taxiway or the runway until we finally get released from air traffic control.

Ontime performance for Amtrak nationwide is about 70 percent, about the same as airlines. But ontime performance for Acela Express, the high-speed express service, is almost 90 percent. Almost 90 percent. A lot of those trains are being run full these days. Part of the success for Amtrak, not the whole solution but part of it, is to make the express service, the Acela Express service—which is very popular, very much in demand, and is a premium service that people pay a lot of money to ride—to use the monies generated from that service to use as a cash cow to help support the other train service Amtrak provides where, frankly, they don't make the kind of money or generate the kind of revenues such as those generated by the Acela Express.

There is a complement to the legislation that is before us tonight in terms of the Amtrak investment. There is complement legislation that has been offered by Senator LAUTENBERG, Senator LOTT, myself, and others that is called the Passenger Rail Investment and Improvement Act of 2007. It is basically a reauthorization for Amtrak and says: Let us not worry about a line or let us not stop with a line in an appropriations bill, however important that is—and it is important—but let us look at the whole system nationwide and come up with ways we can provide, on an ongoing basis, for a more cost-effective service, maybe better quality service, and to provide incentives for States to invest in that service as well as the Federal Government.

It is legislation I hope we will take up on the floor. Believe it or not, we passed it about year and a half ago as an amendment to an appropriations bill, but it died in conference. We hope to take it up on its own and pass it. Representative OBERSTAR, in the House, has indicated a strong interest in working with us on companion legislation, and my hope is we will do that.

One last thing I wish to mention. For the last couple years, Senator VOINOVICH and I have spent a fair amount of time talking with one another and with others, and having people talk to us, about the need for investing in our infrastructure—not just passenger rail but investing in our infrastructure. And not just highways and bridges but wastewater treatment systems, clean water systems, flood control systems, and levees—infrastructure in a broader context.

As a politician, I have been a State treasurer, a Congressman, a Governor, and now a Senator. I know from experience that we love having ribbon cuttings. We like to cut a ribbon on a new highway or to open a new bridge. We like to have a ribbon cutting on a new runway at an airport or a new terminal. We like to build things that are new. We don't always want to spend the money to maintain what is not new or what once was new and now has begun to degrade in its quality. Senator VOINOVICH and I have introduced legislation that has been passed without a dissenting vote in the Senate which says that even though maintaining our infrastructure isn't the sexiest of issues, it is an issue that demands our attention.

What we propose is to set the stage for the next administration and the next Congress in a way that will better ensure that we address our aging infrastructure. And for a couple of reasons: One, for health and safety reasons; two, for economic reasons; and, three, for competitive reasons, to enable us to have a more vibrant economy and be competitive with the rest of the world in which we are competing and cooperating.

One of my colleagues tonight was talking to us about delegating our responsibilities to commissions, and she expressed her dismay that we did so much of that. Sometimes creating a commission is not so good an idea; other times, it can be a very good idea, as we saw in 1982. Social Security was about to go under, and so we created a blue-ribbon commission, led by Alan Greenspan, with a lot of good people on it. That led to a nearly unanimous consent agreement in 1983 about what we needed to do to save Social Security, literally from its demise that year. So we know from experience that commissions can serve a most positive purpose. The Postal Reform Commission, which the President appointed a couple years ago, worked with us in the Congress, and we passed very good legislation to bring the Postal Service into the 21st century.

What Senator VOINOVICH and I came up with is an infrastructure commission that would hopefully tee up for the next President and the next Congress a game plan, if you will, for investing in our infrastructure. Our proposal would call not just for looking at roads, highways, bridges, not just rail transit, not just airports, not just wastewater treatment, not just levees and flood control systems, but really to look at our entire infrastructure broadly and see what needs to be addressed 5 years from now, 10 years from now, 15, 20, 25 years from now, what the priorities should be and how might we pay for that.

Our legislation calls for this Commission, eight members: two appointed by the President, two by the leaders of the House and Senate, majority leaders in the House and Senate—Speaker of the House, majority leader in the Senate—and one each by the minority leaders of the House and Senate, eight in all. As it turns out, four would be appointed by Republican officials and four would be by Democratic officials, and their charge would be to come back to us after the 2008 election—really, I think, sometime into 2009—and say this is a game plan. By working on it for the next year and a half, trying to build consensus, we would have a starting-off point in that next administration, with hopefully some buy-in from the new President and from our new Congress, to get started.

In any event, our colleagues here in the Senate said that this idea had some merit. They were good enough to give it unanimous support. It was introduced in the House by a Representative from Minnesota named Ellison, Keith Ellison. We are hopeful the House will take up the measure and we can send it to the President before this year is out.

I would make a mistake before concluding if I didn't also express my

thanks to the chair, Senator MURRAY, and to our ranking member on the committee for supporting some of the projects that are important to our congressional delegation—Senator BIDEN, Congressman CASTLE and myself and others whom we are privileged to represent. A lot of people who drive through my State ride up and down on I–95. Sometimes they have to wait for a while to get through a toll booth. There is some money in here to reduce that congestion and those delays. There is money in here to widen I–95 a bit and enable traffic to move expeditiously through our little State. That is important. We have money for improving the transit service in the northern part of the State where there is a lot of congestion and helping to move traffic up and down the coastal part of our State where a lot of people come in the summer and even in the fall months to visit places such as Rehoboth Beach and Bethany and Dewey and Lewes.

We are grateful for all of those investments in Federal dollars and more. They will benefit us in the State of Delaware, but because so many people travel through our State—we are only about 50 miles wide and roughly 100 miles long, but a lot of people drive through Delaware, travel through Delaware on trains and other means of transportation, their own vehicles—we want to make sure they can move through more quickly, have less congestion, put less bad emissions into the air, and save some gas. We think this legislation will help do all of those things.

That is pretty much what I wanted to get off my chest tonight. I thank you for the opportunity to do it and look forward to tomorrow morning when we convene again and have an opportunity to vote on a few more amendments and hopefully then, as a body, rise up and pass this legislation and be prepared to go to conference with our friends from the House of Representatives.

Ms. SNOWE. Mr. President, today I filed an amendment that will reform the Small Business Administration's, SBA, historically underutilized business zone, HUBZone, program. As ranking member of the Senate Committee on Small Business and Entrepreneurship, one of my top priorities is to champion our Nation's small businesses and to promote their needs and concerns.

My amendment capitalizes on and enhances the HUBZone program, which helps to bring small businesses to distressed regions across our country. The HUBZone program stimulates economic development and creates jobs in urban and rural communities by providing Federal contracting preferences to small businesses.

The SBA's most recent data shows the Federal Government met only 2.1 percent of its statutory 3 percent HUBZone agency-wide ''goaling'' requirement. HUBZone small businesses represent only $7.2 billion of the total $340 billion allocated toward small businesses in fiscal year 2006.

My amendment would expand the reach of the HUBZone program. First, it would include, as a HUBZone, the communities impacted by a military base closed by a BRAC round. Under current law, only the military base itself qualifies as a HUBZone. My amendment would include surrounding communities which become economically devastated by the base closure.

My amendment also requires the U.S. Department of Housing and Urban Development to complete a feasibility study, with legislative recommendations, for addressing the issue of extending HUBZone status to rural impoverished regions that would otherwise qualify as a HUBZone region but for being located in a county with a metropolitan statistical area. It is imperative that we address this inequity that impacts rural regions across the country, including the Penobscot region in my home State of Maine.

The fact is small businesses are the driving force behind our Nation's economic growth, creating nearly three-quarters of all net new jobs and employing nearly 51 percent of the private sector workforce. My amendment enhances the HUBZone program which creates more jobs and helps our Nation's poorest regions.

Mr. KOHL. Mr. President, I rise today to support amendment No. 2818, offered by colleagues, Senators DURBIN, SNOWE, COLLINS, KERRY, and myself. This amendment would limit the amount of operating funds a small public housing authority will lose each year if they decide to opt out of asset management.

The Department of Housing and Urban Development issued a final rule on September 19, 2005, that outlines procedures for public housing authorities to convert to asset management accounting. In the recent past, Congress has urged the Department to review and postpone the conversion process due to lack of guidance and difficulty many PHAs are facing to implement the new plan. Small PHAs are having an extremely hard time converting to asset management due to lack of funds and staff. Most of these agencies only have one or two people in the central office and their operating subsidy has been continuously underfunded. The Transportation, Housing and Urban Development Appropriations legislation includes language that will allow small agencies to opt out of asset management; however their operating fund subsidy will be reduced each year they do not convert.

This amendment would help PHAs which operate 250 units or less and opt out of asset management by limiting the amount of money their operating subsidy can be reduced each year to 5 percent. In Wisconsin, numerous agencies have expressed their support for the stop-loss provision. For example, the Eau Claire Housing Authority would lose half of their subsidy by 2012, the Beloit Housing Authority would lose over $20,000 in operating funds in the first year and an additional $10,000 each year until 2012, and the Ladysmith Housing Authority, located in Rusk County, would lose over $15,000. These are just three examples out of the 46 agencies in Wisconsin that would be negatively impacted by HUD's rule if this amendment is not adopted.

It is imperative that these agencies stay operational. They serve the housing needs for the low-income and elderly in rural communities across the country. I urge the adoption of this important amendment.

Mr. CARDIN. Mr. President, I rise today in strong support of a strong bill, H.R. 3074, the Transportation and Housing funding bill for fiscal year 2008. I congratulate Chairman MURRAY and Ranking Member BOND for producing a bill that invests in America's critical infrastructure and housing needs.

This bill faces a veto threat from President Bush because it exceeds the funding levels he proposed back in February by about 5 percent. I congratulate my colleagues on the Appropriations Committee, however, because the increased funding fits within the overall budget adopted by the Senate earlier this year. That budget has a smaller deficit than the one proposed by the President. We have different spending priorities than President Bush. But I am confident that the priorities reflected in this bill are America's priorities. The Appropriations Committee is to be congratulated for bringing us a bill that meets our needs and does so in a fiscally responsible fashion.

The tragedy of the I–35 bridge collapse in Minneapolis this summer sent an alarm throughout the Nation. We need to embark upon a significant reinvestment in America's aging infrastructure. This bill makes an initial downpayment on this reinvestment. The bill also contains increases in other programs above the President's budget request. These, too, represent a much-needed investment.

The Hope VI Housing Program is designed to revitalize severely distressed public housing. The President wanted to spend just $1 million on this program which is so important to our aging cities such as Baltimore. This bill, I am proud to say, increases the funding level for Hope VI from $1 million to $100 million.

Several other housing programs get needed boosts as well. The section 202 program for low-income seniors is $160 million above the President's request. In addition, the bill contains an innovative voucher program, not requested by President Bush, which would provide section 8 vouchers to homeless veterans.

This bill also contains a major increase in the funding level for the community development block grant program, providing more than $1 billion above the President's request. The

CDBG block grant program has spawned successful development and redevelopment in locations across the Nation. Its track record of success is visible in the revitalized neighborhoods in both urban and rural communities across Maryland and America.

The President had zeroed out the successful Brownfields redevelopment program, but this bill provides $10 million. The brownfields programs operated by HUD, which is funded in this bill, and by EPA, which is separately funded, have been enormously successful. All across Baltimore we see former manufacturing facilities returned to productive use because of these programs. We have seen successful brownfields redevelopment projects in Hagerstown, in Prince George's County, and other sites across the State of Maryland. Our experience is not unique. This is a wonderful program, and I am proud that this bill reverses President Bush's misguided attempt to eliminate the Brownfields redevelopment program in HUD.

Amtrak will receive nearly $1.5 billion in this bill, a $570 million boost over the President's request. Baltimore's Penn Station served more than 900,000 passengers on Amtrak in fiscal 2006. The BWI Airport station in Lithicum, MD, had more than 560,000 boardings and deboardings in fiscal 2006. Amtrak plays a vital role in our national transportation system, posting a record ridership of 24.3 million passengers last year. This bill provides Amtrak with the funding necessary to continue all current services and improve railway infrastructure.

The list of programs that are critical to America and given appropriate funding resources in this bill is long. The major funding levels in this bill, from transportation to housing, represent a sensible investment in America.

In Maryland there are a number of specific provisions that I also want to highlight. The bill contains transportation funding for projects that will help Maryland cope with the major influx of workers and their families associated with the most recent round of Base Realignment and Closures, or BRAC. Harford County, MD, is home to the Aberdeen Proving Ground. This bill contains $3 million for BRAC-related transportation projects in the immediate vicinity of the Base.

Similarly, the bill contains $3 million for improvements on Maryland Route 355 in the area of the National Naval Medical Center in Bethesda, which will now be home to the Walter Reed Hospital operations. As many of my colleagues know, traffic in this area is already very challenging, so this funding is especially important to help us adapt to the infusion of additional workers at NNMC-Bethesda.

Money is also included for two Transit Center operations. The Bi-County Transit Center in Langley Park will serve bus passengers in Montgomery and Prince George's County. The Central Maryland Transit Operations Facility in the middle of the State is also funded at $1 million. We must make sure that transit programs are our first option as we try to move increasing numbers of people in congested areas that suffer from poor air quality. This bill makes that key investment in Maryland.

The bill provides $13 million for the final design of MARC commuter rail improvements and rolling stock. As thousands of Maryland commuters can attest every day, the MARC commuter rail service is filled to capacity every workday. These funds will help to meet the needs of a growing system.

The Transportation title also contains $500,000 to buy an unused railroad bridge in Baltimore. Funding will be used to assess, acquire, and restore the old CSX Railroad Bridge across the Middle Branch of the Patapsco River. That bridge will serve as the vital connecting link for the Gwynns Falls Trail, a highly valued pedestrian and bike path that traverses Baltimore City.

The Housing and Urban Development title also includes funds for several Maryland-specific projects.

The east Baltimore workforce development project will receive $200,000 as part of a comprehensive program to bring jobs, training and neighborhood revitalization to a distressed east Baltimore neighborhood.

Montgomery County Long Branch pedestrian linkages project is funded at $400,000. This project will create pedestrian-friendly linkages from apartment complexes to the public resources and commercial core of the Long Branch neighborhood in Montgomery County.

Colmar Manor is a small town just over the State line from the District of Columbia in Prince George's County. The Colmar Manor Community Center, which will serve four of the port towns along the Anacostia River, will benefit from the $600,000 provided in the bill.

Mr. President, $500,000 in funding will support environmental education for underserved students in the Baltimore area at the new Irvine Urban Outreach Center.

This bill addresses the needs of America and it addresses the needs of Maryland. I am proud to support it and encourage my colleagues to join me in doing so.

Mr. CONRAD. Mr. President, I rise to offer for the Record the Budget Committee's official scoring of H.R. 3074, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for fiscal year 2008.

The bill, as reported by the Senate Committee on Appropriations, provides $51.1 billion in discretionary budget authority for fiscal year 2008, which will result in new outlays of $47.3 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total $114.6 billion.

The Senate-reported bill is $7 million below the subcommittee's 302(b) allocation for budget authority and is $286 million below its allocation for outlays. Section 218 of the reported bill exempts the Government National Mortgage Association from the requirements of the Federal Credit Reform Act of 1990. Because the Federal Credit Reform Act is under the jurisdiction of the Budget Committee, this provision is subject to a point of order pursuant to Section 306 of the Budget Act. No other points of order lie against the reported bill.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

[Spending comparisons—Senate reported bill (in millions of dollars)]

	Defense	General purpose	Total
Senate-Reported Bill:			
Budget authority	156	50,900	51,056
Outlays	156	114,465	114,621
Senate 302(b) Allocation:			
Budget authority			51,063
Outlays			114,907
House-Passed Bill:			
Budget authority	156	50,582	50,738
Outlays	156	114,349	114,505
President's Request:			
Budget authority	154	47,809	47,963
Outlays	154	112,613	112,767
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) Allocation:			
Budget authority			−7
Outlays			−286
House-Passed Bill:			
Budget authority	0	318	318
Outlays	0	116	116
President's Request:			
Budget authority	2	3,091	3,093

H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

[Spending comparisons—Senate reported bill (in millions of dollars)]

	Defense	General purpose	Total
Outlays	2	1,852	1,854

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2829; 2852; 2817; 2819; 2820; 2830; 2831; 2850, AS MODIFIED; 2839, AS MODIFIED; 2846, AS MODIFIED; 2848, AS MODIFIED; 2857; 2859; 2825, AS MODIFIED; 2837, AS MODIFIED; 2856; AND 2834 EN BLOC

Mrs. MURRAY. Mr. President, I call up the managers' package at the desk, noting that there are a number of these with modifications. I ask unanimous consent that the package be considered en bloc and agreed to.

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

The amendment (No. 2834) was agreed to.

The further amendments were agreed to, as follows:

AMENDMENT NO. 2829

(Purpose: To require a study by the Government Accountability Office on the efficacy of strategies used by the Federal Aviation Administration and the Department of Transportation to address flight delays at airports in the United States)

On page 18, between lines 2 and 3, insert the following:

SEC. 116. (a) GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON FLIGHT DELAYS.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the efficacy of strategies employed by the Administrator of the Federal Aviation Administration and the Secretary of Transportation to address flight delays at airports in the United States.

(2) CONTENTS.—The study required by paragraph (1) shall include an assessment of—

(A) efforts by the Administrator of the Federal Aviation Administration to induce voluntary schedule reductions by air carriers at Chicago O'Hare International Airport;

(B) the mandatory flight reduction operations instituted by the Administrator of the Federal Aviation Administration at LaGuardia Airport and Ronald Reagan Washington National Airport;

(C) the New York/New Jersey/Philadelphia Metropolitan Airspace Redesign; and

(D) any other significant efforts by the Administrator of the Federal Aviation Administration or the Secretary of Transportation to reduce flight delays at airports in the United States.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report including—

(1) the results of the study required by subsection (a); and

(2) recommendations regarding which of the strategies described in subsection (a) reduce airport delays most effectively when employed for periods of 6 months or less.

AMENDMENT NO. 2852

(Purpose: To enable States to receive federally guaranteed loans for the benefit of nonentitlement areas)

On page 137, between lines 17 and 18, insert the following:

SEC. 232. (a) The amounts provided under the subheading ''Program Account'' under the heading ''Community Development Loan Guarantees'' may be used to guarantee, or make commitments to guarantee, notes or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: *Provided*, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in nonentitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

AMENDMENT NO. 2817

(Purpose: To ensure that the Secretary of Housing and Urban Development awards capital fund bonuses to deserving high-performing public housing authorities)

On page 87, line 9, strike the period and insert the following: '': *Provided further*, That, notwithstanding any other provision of law or regulation, or any independent decision of the Secretary, during fiscal year 2008, the Secretary shall, in accordance with part 905.10(j) of title 24, Code of Federal Regulations and from amounts made available under this heading, award performance bonuses to public housing agencies that are designated high performers under the Public Housing Assessment System for the 2007 fiscal year.''.

AMENDMENT NO. 2819

(Purpose: To increase support for infrastructure improvements at tribal colleges and universities, with an offset)

On page 109, line 13, strike ''$59,040,000'' and insert ''$61,440,000''.

On page 109, line 23, strike ''$2,600,000'' and insert ''$5,000,000''.

On page 113, line 1, strike ''$175,000,000'' and insert ''$172,600,000''.

AMENDMENT NO. 2820

(Purpose: To expand the scope of the Inspector General's investigation of rail service disruptions and other delays in the delivery of certain commodities)

On page 70, line 7, insert ''potatoes, specialty crops,'' after ''ethanol,''.

AMENDMENT NO. 2830

(Purpose: To require the Secretary of Housing and Urban Development to establish and maintain on the homepage of the website of the Department of Housing and Urban Development a direct link to the website for the Office of the Inspector General of the Department of Housing and Urban Development)

At the appropriate place, insert the following:

SEC. _____. Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall establish and maintain on the homepage of the Internet website of the Department of Housing and Urban Development—

(1) a direct link to the Internet website of the Office of Inspector General of the Department of Housing and Urban Development; and

(2) a mechanism by which individuals may anonymously report cases of waste, fraud, or abuse with respect to the Department of Housing and Urban Development.

AMENDMENT NO. 2831

(Purpose: To require the Secretary of Transportation to establish and maintain on the homepage of the website of the Department of Transportation a direct link to the website for the Office of the Inspector General of the Department of Transportation)

At the appropriate place, insert the following:

SEC. _____. Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall establish and maintain on the homepage of the Internet website of the Department of Transportation—

(1) a direct link to the Internet website of the Office of Inspector General of the Department of Transportation; and

(2) a mechanism by which individuals may anonymously report cases of waste, fraud, or abuse with respect to the Department of Transportation.

AMENDMENT NO. 2850, AS MODIFIED

The Administrator of the Federal Transit Administration may conduct a study of the public transportation agencies in the urbanized areas described in section 5337(a) of title 49, United States Code (referred to in this section as ''agencies'').

(b) The study conducted under subsection (a) shall—

(1) analyze the state of repair of the agencies' rail infrastructure, including bridges, ties, and rail cars;

(2) calculate the amount of Federal funding received by the agencies during the 9-year period ending September 30, 2007, pursuant to—

(A) the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240);

(B) the Transportation Equity Act for the 21st Century (Public Law 105–178); and

(C) the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (Public Law 109–59);

(3) estimate the minimum amount of funding necessary to bring all of the infrastructure described in paragraph (1) into a state of good repair; and

(4) determine the changes to the rail modernization formula program that would be required to bring all of the infrastructure described in paragraph (1) into a state of good repair.

(c) Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that contains the results of the study conducted under this section.

AMENDMENT NO. 2839, AS MODIFIED

On page 95, line 25, strike the period and insert the following: '': *Provided further*, That, from amounts appropriated or otherwise made available under this heading, $25,000,000 may be made available to promote broader participation in homeownership through the American Dream Downpayment

Initiative, as such initiative is set forth under section 271 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12821).''.

AMENDMENT NO. 2846, AS MODIFIED

On page 137, between lines 17 and 18, insert the following:

SEC. 232. Not later than 90 days after the date of enactment of this Act, the Secretary of Housing and Urban Development may—

(1) develop a formal, structured, and written plan that the Department of Housing and Urban Development shall use when monitoring for compliance with the specific relocation restrictions in—

(A) the Community Development Block Grant entitlement program; and

(B) the Community Development Block Grant State program that receives economic development funds from the Department of Housing and Urban Development; and

(2) submit such plan to the Committee on Appropriations of both the Senate and the House of Representatives.

AMENDMENT NO. 2848, AS MODIFIED

On page 137, between lines 17 and 18, insert the following:

SEC. 232. (a) REQUIRED SUBMISSIONS FOR FISCAL YEARS 2007 AND 2008.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development may submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives for fiscal year 2007 and 2008—

(A) a complete and accurate accounting of the actual project-based renewal costs for project-based assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(B) revised estimates of the funding needed to fully fund all 12 months of all project-based contracts under such section 8, including project-based contracts that expire in fiscal year 2007 and fiscal year 2008; and

(C) all sources of funding that will be used to fully fund all 12 months of the project-based contracts for fiscal years 2007 and 2008.

(2) UPDATED INFORMATION.—At any time after the expiration of the 60-day period described in paragraph (1), the Secretary may submit corrections or updates to the information required under paragraph (1), if upon completion of an audit of the project-based assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), such audit reveals additional information that may provide Congress a more complete understanding of the Secretary's implementation of the project-based assistance program under such section 8.

(b) REQUIRED SUBMISSIONS FOR FISCAL YEAR 2009.—As part of the Department of Housing and Urban Development's budget request for fiscal year 2009, the Secretary of Housing and Urban Development shall submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives complete and detailed information, including a project-by-project analysis, that verifies that such budget request will fully fund all project-based contracts under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) in fiscal year 2009, including expiring project-based contracts.

AMENDMENT NO. 2857

(Purpose: To prohibit the Federal Transit Administration from using funds appropriated under this Act to promulgate regulations to carry out section 5309 of title 49, United States Code)

At the appropriate place, insert the following:

SEC. ____. None of the funds provided or limited under this Act may be used to issue a final regulation under section 5309 of title 49, United States Code.

AMENDMENT NO. 2859

(Purpose: To limit the amount available for the Urban Partnership Congestion Initiative under section 5309 of title 49, United States Code)

On page 50, line 21, insert ''*Provided further*, That of the funds available to carry out the bus program under section 5309 of title 49, United States Code, which are not otherwise allocated under this Act or under SAFETEA–LU (Public Law 109–59), not more than 10 percent may be expended to carry out the Urban Partnership Congestion Initiative:'' after ''5309(b)(3):''.

AMENDMENT NO. 2825, AS MODIFIED

At the end of the sections under the heading ''GENERAL PROVISIONS'' at the end of title I, add the following:

SEC. 1___. PROHIBITION ON IMPOSITION AND COLLECTION OF TOLLS ON CERTAIN HIGHWAYS CONSTRUCTED USING FEDERAL FUNDS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL HIGHWAY FACILITY.—

(A) IN GENERAL.—The term ''Federal highway facility'' means—

(i) any highway, bridge, or tunnel on the Interstate System that is constructed using Federal funds; or

(ii) any United States highway.

(B) EXCLUSION.—The term ''Federal highway facility'' does not include any right-of-way for any highway, bridge, or tunnel described in subparagraph (A).

(2) TOLLING PROVISION.—The term ''tolling provision'' means section 1216(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212);

(b) PROHIBITION.—

(1) IN GENERAL.—None of the funds made available by this Act shall be used to consider or approve an application to permit the imposition or collection of any toll on any portion of a Federal highway facility in the State of Texas—

(A)(i) that is in existence on the date of enactment of this Act; and

(ii) on which no toll is imposed or collected under a tolling provision on that date of enactment; or

(B) that would result in the Federal highway facility having fewer non-toll lanes than before the date on which the toll was first imposed or collected.

(2) EXEMPTION.—Paragraph (1) shall not apply to the imposition or collection of a toll on a Federal highway facility—

(A) on which a toll is imposed or collected under a tolling provision on the date of enactment of this Act; or

(B) that is constructed, under construction, or the subject of an application for construction submitted to the Secretary, after the date of enactment of this Act.

(c) STATE BUY-BACK.—None of the funds made available by this Act shall be used to impose or collect a toll on a Federal highway facility in the State of Texas that is purchased by the State of Texas on or after the date of enactment of this Act.

AMENDMENT NO. 2837, AS MODIFIED

On page 70, between lines 20 and 21, insert the following:

SEC. 1____. The Secretary of Transportation may conduct a study of the use of non-hazardous recycled aggregates and other materials, including reused concrete and asphalt, in highway projects, to the maximum extent practicable and whenever economically feasible and consistent with public health and environmental laws.

AMENDMENT NO. 2856

(Purpose: To strike the prohibition on the use of appropriations by Amtrak to support routes on which deep discounts are available)

On page 44, strike lines 6 through 13 and insert ''of this Act.''.

Mrs. MURRAY. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2826 WITHDRAWN

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Menendez amendment that was previously agreed to be voted on in the morning be withdrawn; that is, Menendez amendment No. 2826.

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

MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

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

MONTANA'S 819TH RED HORSE SQUADRON

Mr. TESTER. Mr. President, I know that over the last 6 years every Senator has had to send some of their sons and daughters in their State off to war, but today is the first time as a Member of this body I have had to see so many members of a squadron in my State deployed. So it is with great pride that I rise to honor the 400 air men and women of the Air Force's 819th RED HORSE Squadron. About one-half of this squadron is deploying today for training in Wisconsin before going to Iraq later this year.

Over the last decade, Malmstrom Air Force Base in Great Falls, MT, has been the home of the 819th RED HORSE Squadron. For the uninitiated, RED HORSE stands for rapid engineer deployable heavy operation repair squadron engineer. Basically, these are the men and women who rebuild Air Force facilities overseas, such as runways. They also have spent considerable time in Iraq rebuilding schools and homes. These are men and women who do some truly wonderful work.

In a previous deployment to Iraq in 2005, the squadron was involved in 130 construction projects on 12 different bases in Iraq. The 819th has served in Afghanistan and Qatar. In every place they have taken on complicated engineering projects for the U.S. Government but have also done outstanding work with locals to rehabilitate housing and provide residents with everything from coloring books for kids to new washing machines.

It is a combination of accomplishment, strength, and generosity that represents the best of our Nation.

This afternoon, as the men and women of the 819th begin to train for

the mission that will send them to Iraq, they leave behind spouses, children, and other family members. We know that piano recitals and football games will be missed this fall. There will be an empty chair at too many holiday meals.

The 819th is an Active Associate unit, meaning that it is compromised of both Active-Duty airmen and Air National Guardsmen. For the citizen soldiers of our Air Guard, these deployments can be especially difficult, and I hope all Montanans will keep these airmen and their families in their thoughts and prayers.

And when they return home, we have a moral responsibility to care for the folks who have worn the uniform of our country. Whether they return to Active Duty or reenter civilian life, the Federal Government must support them. Congress has taken numerous steps this year to provide more resources for the VA and to improve the quality of life for our troops. I hope we will continue to make progress in these areas so that when the 819th comes home we are able to welcome these airmen back home with our deeds and not just our words.

COST ESTIMATE OF S. 966

Mr. BIDEN. Mr. President, on June 27, 2007, the Committee on Foreign Relations ordered reported S. 966, the Passport Backlog Reduction Act of 2007. On July 30, the President signed the bill into law, Public Law 110–50.

At the time the committee filed its report, the cost estimate prepared by the Congressional Budget Office, CBO, was not available. It was recently provided to the committee by CBO. Therefore, I ask unanimous consent that a copy of the CBO estimate be printed in the RECORD.

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

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

PUBLIC LAW 110–50—PASSPORT BACKLOG REDUCTION ACT OF 2007

Public Law 110–50 (formerly S. 966) grants the Department of State additional flexibility in rehiring Foreign Service annuitants on a temporary basis to reduce backlogs in visa and passport processing. The new authority will expire in 2008 for visa backlogs and in 2009 for passport backlogs. CBO estimates Public Law 110–50 will cost $2 million in 2008 and $3 million over the 2008–2012 period, assuming the availability of appropriated funds. The law does not affect direct spending or receipts.

Under previous law, Foreign Service retirees could work for the department for up to six months, provided they didn't reach a certain salary cap. According to information provided by the department, about half the retirees hit the salary cap before six months (at four months, on average). The department is already in the process of hiring 55 retirees and plans to hire an additional 250 retirees to work on visa and passport backlogs. By providing a waiver for the salary cap, Public Law 110–50 allows the department to retain some of those retirees for an additional two months. Under this law, CBO estimates that about 150 retirees will work an additional two months in 2008 at a cost of $2 million, and about 65 retirees will work an additional two months in 2009 at a cost of $1 million.

Public Law 110–50 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Sunita D'Monte. This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

HONORING OUR ARMED FORCES

SERGEANT KEVIN GILBERTSON

Mr. GRASSLEY. Mr. President, it is with great sorrow, on this day of the 6th Anniversary of the September 11th attacks, that I speak in honor of a fallen American hero. Army Sgt. Kevin Gilbertson died August 31st at the Landstuhl Medical Center in Landstuhl, Germany, after losing a 2-day battle with injuries suffered after insurgents attacked his unit in Ramadi, Iraq. His courage and patriotism will be remembered. My thoughts and prayers go out to his friends and family, especially his parents, Keeley Peters and Don Gilbertson, as well as his wife, Nina, and sons, Timothy and Nickolas.

Sergeant Gilbertson was an independent, complex, and highly involved individual. He loved his family, he loved his country, and he loved being a U.S. Army soldier. Kevin Gilbertson's service to this country is greatly appreciated, and he will be sorely missed.

Kevin was a native of Cedar Rapids, IA. His father, Don Gilbertson, remembers him as ''the greatest kid in the world'' who ''joined the Army right out of high school to get a college education when he got out . . . His dream was getting a degree and supporting his family.'' Kevin Gilbertson will always be remembered as someone who gave everything he had for his country and who thought more about others than himself. For that we are eternally grateful.

DEATH OF SENATOR DANIEL BREWSTER

Ms. MIKULSKI. Mr. President, today I pay tribute to the life and legacy of Senator Daniel Baugh Brewster. I was a great admirer of Senator Brewster, and I hold the Brewster seat in the U.S. Senate.

Senator Brewster was a true patriot. He was a hero at the age of 19 when he volunteered for the Marine Corps and was sent to the front lines of the war in the Pacific. There he served bravely—leading the 1944 assault on Guam and the 1945 assault on Okinawa. He bore the wounds of war like so many of our heroic veterans. He was wounded seven times and had a permanent scar on his forehead from a bullet that lifted his helmet and grazed his scalp while battling for Sugar Loaf Hill on Okinawa. For his bravery, he was awarded a Purple Heart, two Gold Stars, and two Bronze Stars.

As with many World War II veterans, Senator Brewster came back a changed man. He was disappointed when some of his neighbors in Green Spring Valley voiced outrage at him for inviting African-American friends he had served with during the war to his home. This experience further fueled both his desire to run for office and his lifetime commitment to civil rights.

Senator Brewster graduated from University of Maryland School of Law in 1949, and was elected to the Maryland House of Delegates in 1950. After serving two terms, Senator Brewster ran for and was elected to represent Maryland's Second District in Congress in 1958. In 1962, Mr. Brewster was elected to the Senate. He was just 39 years old.

In the Senate, Brewster was a champion for civil rights. He cosponsored the landmark Civil Rights Act of 1964 and served as the stand-in candidate for President Lyndon Johnson's 1964 Presidential primary campaign in Maryland against segregationist candidate George Wallace of Alabama. The contest was seen as a crucial battle in the fight for civil rights. Despite threats to his family, he campaigned vigorously and won the primary for President Johnson.

Senator Brewster served as a member of the Senate Armed Services Committee at the time the war in Vietnam was escalating. Publicly, he took a hawkish position on the war, but privately he expressed concerns about the war and shared those concerns with President Johnson.

After leaving the Senate, Senator Brewster devoted his time to his family, farming, and volunteering. He was an original director and former president of the Maryland State Fair and chaired the Governor's Commission on Alcoholism and the Governor's Commission on AIDS.

Senator Brewster's congressional legacy lives on today as two of his Senate interns from Maryland, NANCY D'ALESANDRO PELOSI and STENY HOYER, went on to prestigious political careers of their own.

I offer my heartfelt condolences to Senator Brewster's family and to his friends and to all those whose lives he touched. Senator Brewster's family is in my thoughts and prayers.

FOREIGN OPERATIONS APPROPRIATIONS

Mr. KYL. Mr. President, in the 2 months since Hamas took control of Gaza, 40 tons of explosives have been smuggled from Egypt into Gaza. It is estimated that 80 tons have been smuggled in the last 2 years. Rafah, in southern Gaza, has long been a key conduit for smuggling assault rifles, pistols, ammunition, explosive materials, grenade launchers and other munitions. While smuggling has long been

a problem along this stretch of the border, the Israeli military has reported a surge in smuggling of anti-aircraft missiles, anti-tank rockets and bomb components when Israel withdrew from Gaza in 2005.

There has also been a clear loss of progress made with regard to democracy and the rule of law in Egypt. Prominent members of parliament like Ayman Nour who have criticized the regime have been jailed. Nour was the leading opponent in Egypt's 2005 presidential race and was arrested on dubious charges shortly after that election.

According to Human Rights Watch, ''Security forces and police routinely torture and mistreat detainees, particularly during interrogations. Torture in the past was used primarily against political dissidents, but in recent years it has been rife in police stations as well, affecting ordinary citizens.'' Cellphone videos posted on the Internet have shown the police sodomizing a bus driver with a broomstick and hanging a woman by her knees and wrists from a pole for questioning.

The United States has provided substantial help to Egypt over the years. For its part, Egypt should do more to control its border with Gaza and improve its record on democracy and the rule of law.

To that end, section 699 of H.R. 2764, as passed by the House of Representatives, requires the Secretary of State to certify that the Government of Egypt has taken ''concrete and measurable'' steps to stop the smuggling of arms into Gaza, improve the independence of the judiciary, and improve criminal procedures and due process rights. It conditions $200 million of $1.3 billion of fiscal year 2008 foreign military financing assistance on demonstration of that clear and measurable progress.

We note that between the date the House passed H.R. 2764 and final action by the Congress on this legislation, more than 3 months will have passed. Even more time will pass if it becomes necessary for the Senate to take up an omnibus appropriations act this fall. Consequently, there is plenty of time for Egypt to show progress in stopping arms flows to Hamas in Gaza and to reverse recent backsliding in democratic reforms before the U.S. Congress finalizes this legislation.

The amendment I offer with Senators LIEBERMAN, COLLINS and ENSIGN, and which I am pleased has been accepted unanimously, puts the Senate on the record stating unambiguously that Egypt must take clear and measurable steps to demonstrate progress on both reducing the flow of arms into Gaza as well as to undoing damage done to the rule of law and democracy.

As Congress moves toward enactment of this appropriations bill, it is imperative that support to Egypt be based on an evaluation of the performance of the Egyptian government since the initial House action. Congress must consider these results in determining what approach Congress should take regarding Egypt's foreign military financing aid during fiscal year 2008.

EXPLANATION OF ''BY REQUEST'' LEGISLATION

Mr. AKAKA. Mr. President, I wish to speak about the meaning of ''by request'' legislation and more specifically about my continuation of a longstanding practice in the Veterans' Affairs Committee of the chairman introducing legislation at the request of the administration.

While I expect that those who deal regularly with the Veterans' Affairs Committee, such as the established veterans service organizations, understand the meaning of a bill introduced ''by request,'' I have recently become aware that there are some veterans who are unfamiliar with this practice and who, therefore, have misinterpreted my recent introduction of certain ''by request'' legislation as support for the passage of the bills into law. This is not the case.

As our colleagues know, periodically the administration sends forward to the Congress legislation for consideration. Those measures that fall within the jurisdiction of the Veterans' Affairs Committee are referred by the Parliamentarian to our committee. In a tradition that began in the earliest days of the committee, the chairman, as a courtesy to the administration, introduces such bills on a ''by request'' basis. This is a courtesy that has generally been extended to every administration and by every chairman, regardless of the party affiliation of the administration or chairman, and one that I am pleased to continue.

When I introduce legislation ''by request,'' I am taking no position on the legislation. In fact, I introduce such legislation without including any statement or explanatory materials. I do so for the express purpose of both accommodating the administration and ensuring that others are aware of the proposed legislation so that they might analyze it and, if they wish, comment upon it. As chairman, I am committed to the development of the best possible policy in the area of veterans issues and I firmly believe that this goal is most successfully achieved with the free exchange of ideas, not by stifling different points of view.

During this Congress, in accordance with this practice, I have introduced four ''by request'' bills, S. 1757, S. 2025, S. 2026, and S. 2027. It is one of these measures, S. 2026, relating to certain Agent Orange issues, that has generated the most confusion among some veterans. I hope that my explanation of ''by request'' legislation helps to clear up these misunderstandings.

I have taken no position on any of these four bills and simply introduced them as a professional courtesy to the administration. Indeed, at this point, I do not know whether these bills will receive consideration by the committee. For those who have views on some or all of these measures, I welcome your input. I ask that in providing your views you recognize that my introduction of ''by request'' legislation should not be interpreted as a reflection of my views on the content of any such bill.

NATIONAL PANCREATIC CANCER AWARENESS MONTH

Mr. SMITH. Mr. President, I am in support of S. Res. 222, a resolution that recognizes November as National Pancreatic Cancer Awareness Month. This resolution represents a way to educate communities across the Nation about pancreatic cancer and the need for increased research funding, early detection methods, and effective treatments and educational programs. I am pleased to be joining my colleague, Senator CLINTON, as the lead sponsor of this important measure.

Like many Americans, I have seen the ramifications of cancer firsthand. I support this resolution in honor and loving memory of the millions of Americans who have been diagnosed with pancreatic cancer and their families, and for my mother Jessica Udall Smith whom I lost to this killer.

Pancreatic cancer is hard to detect in its early stages as it doesn't cause symptoms right away. Also, because the pancreas is hidden behind other organs, health care providers cannot see or feel the tumors during routine exams. Because there are no early detection methods, pancreatic cancer often is found late and spreads quickly.

This year, more than 37,000 Americans will receive a diagnosis of pancreatic cancer and for over 33,000 of them their diagnosis will ultimately end in their death. While overall cancer death rates have declined, the number of people diagnosed with pancreatic cancer is increasing. It is projected that this year, 440 Oregonians will die from pancreatic cancer. That represents a 17 percent increase in pancreatic cancer deaths in Oregon over the last 3 to 4 years.

Pancreatic cancer has been forced into the national spotlight in recent weeks. On August 18, 2007, Michael Deaver, one of former President Ronald Reagan's closest advisers, succumbed to the disease at age 69. Just last week, famed opera singer Luciano Pavarotti died after a yearlong battle at age 71. Something that is striking about both of their cases is that despite their celebrity and contacts, neither man had much more than a fighting chance of overcoming this disease. There are simply no curative treatments—experimental or FDA approved—that currently are available to fight this disease, even when price is no object.

Individuals fighting pancreatic cancer continue to face discouragingly low odds of survival. In 1975, the 5-year survival rate for pancreatic cancer was 2 percent. Twenty-five years later, the survival rate remains at an unacceptably low level of 5 percent, making this cancer the fourth leading cause of cancer-related death. Indeed, pancreatic

cancer is considered the deadliest cancer, of which 75 percent of patients diagnosed with this disease die within the first year and most within the first 3 to 6 months. Early detection tools, such as those that currently are available for ovarian, colon, breast and prostate cancer, would make a significant impact on pancreatic cancer, but those tools require a new investment in basic scientific research at the National Cancer Institute, NCI.

I support biomedical research and the great promise it holds in the development of new treatments and possible cures for the many types of cancer, including pancreatic cancer. Past investments at the NCI have helped drive new discoveries that led to the decline in overall cancer deaths in the U.S. for the second consecutive year. Now is the time to expand our efforts in the fight against pancreatic cancer, but that will be impossible unless we find a way to secure more funding for the NCI.

The Pancreatic Cancer Awareness Network is a national organization that is working to comprehensively address the problem of pancreatic cancer by providing patient support, advancing research, and creating hope. I support their efforts to raise awareness of this disease and believe that it is important that we recognize November as National Pancreatic Cancer Awareness Month.

I ask my colleagues support this resolution, which will help increase research, education and awareness for pancreatic cancer.

ADDITIONAL STATEMENTS

UNITED STATES NORTHERN COMMAND

• Mr. ALLARD. Mr. President, today I commemorate the fifth anniversary of U.S. Northern Command, located in Colorado Springs, CO. I take enormous pride in seeing the Colorado flag fly alongside the flags of the United States and Canada.

Officially, USNORTHCOM was established on October 1, 2002. However, it was the terrible events of September 11, 2001, that made the country realize its need for increased homeland defense. Within 13 months of 9/11, USNORTHCOM stood up as the combatant command charged with defending the homeland and providing military assistance to civil authorities.

Five years later, USNORTHCOM is proudly executing its missions of Homeland Defense and civil support operations to defend, protect, and secure the United States and its interests.

Since 9/11, our Nation has been engaged in a fight against terrorism on multiple fronts, including our homeland. As USNORTHCOM enters its fifth year, they are fully mission capable, prepared and ready to respond to the broad spectrum of homeland defense challenges that exist in today's dynamic security environment. USNORTHCOM is actively deterring threats from crossing our borders by closely working with other combatant commands, intelligence agencies and interagency partners to detect and defeat threats before they arrive in our homeland.

When it comes to rendering assistance to civil authorities, U.S. Northern Command is prepared to help. By anticipating threats, ranging from natural disasters to man-made, the command provides Department of Defense capabilities in a timely and coordinated fashion. Facilitated by Defense coordinating officers attached to every FEMA region, USNORTHCOM works side by side with its interagency partners to support the States and their emergency response teams when requested.

In its 5 short years of existence, USNORTHCOM has effectively responded to several catastrophes. They have been absolutely essential to saving lives while mitigating the suffering and losses experienced.

USNORTHCOM understands the multi-agency approach to defending our homeland and providing support to civil authorities. Therefore, it places a high priority on building and strengthening relationships with the States, territories, other government and nongovernment agencies, as well as partnering with our border nations, Canada and Mexico.

USNORTHCOM is also actively engaged with the National Guard, and serves as the combatant command advocate to provide the Guard with the tools and resources necessary to accomplish their mission. A committed, lasting partnership between U.S. Northern Command and the National Guard will strengthen our national defense and defy those attempting to sabotage our way of life.

Let me also recognize the unsung heroes of this command, the men and women of U.S. Northern Command. They are synonymous with homeland defense; they are a total force team of soldiers, sailors, airmen, marines and Coast Guardsmen from the active and Reserve Components of our military. The men and women of USNORTHCOM clearly understand the importance of their mission and carry out their responsibilities with a sense of urgency. Their pride in contributing to the defense of our great Nation is evident in every aspect of their operations.

To the men and women of U.S. Northern Command, I stand today to say: Thank you for your dedication and service to the United States of America. On the occasion of your fifth anniversary, I congratulate you for a job well done.•

RECOGNIZING DR. DAVID L. CHICOINE

• Mr. THUNE. Mr. President, today I recognize the momentous occasion of the inauguration of Dr. David L. Chicoine as the 19th president of South Dakota State University.

South Dakota State University has a rich history of strong leadership dating back to the commitment of President George Lilley, who advanced $500 of his own salary to finish three rooms in the first building on campus. President Chicoine joins Dr. Berg and Dr. Wagner to become only the third Jackrabbit to serve in this role.

The stage where Dr. Chicoine's inauguration will take place is evidence of SDSU's strong national presence, as 80 years ago this week Sylvan Theatre and the Lincoln Memorial Library were dedicated by President Calvin Coolidge. The pioneering research completed at SDSU is impacting lives around the world whether it be through improved agricultural practices, the ethanol in our gas tanks, the microwaves that make our dinner, or the scoreboard at our favorite athletic event.

It is said that students come from the Sioux and Missouri, the Cheyenne and the Jim, and the Black Hills to study at SDSU. Students still come to Brookings from those places, but they also come from points around the globe and with knowledge and diploma in hand they impact communities in Brookings, in South Dakota, in neighboring states, and truly around the world. It is said that ''You Can Go Anywhere from Here,'' and we celebrate that, in this case, one student has made the trip full circle.

Congratulations and best wishes to President Chicoine on a long and successful tenure at SDSU, and Go Jacks!•

HONORING PAUL TAVARES

• Mr. WHITEHOUSE. Mr. President, today I wish to pay tribute to a great Rhode Islander: my good friend, Paul Tavares.

This weekend, Paul will be honored by the Portuguese American Citizens Committee as its Person of the Year, and the PACC simply could not have made a better choice. This organization has contributed so much to the Portuguese community, and to our Ocean State, through its civic, charitable and political work. It is fitting that this weekend, the PACC will honor someone who has done the same. Paul's character, integrity, and honesty have set an example, not only in his work in public service, but throughout his life.

I have known Paul, and have been honored to call him my friend, since we both ran for statewide office in 1998: he for general treasurer, and I for attorney general. His motto during that election was simple one: ''No tricks, no gimmicks, just a Treasurer who'll do what's right.'' We both fought hard battles and we both emerged victorious. And immediately after being sworn in, we began a close and very productive relationship that helped each of our offices work more efficiently. It has been a lasting and a valued friendship.

Paul's record of accomplishment in the Treasurer's office is outstanding. One of his most notable achievements was his commitment to helping Rhode Island families save for their children's college education. As a result of his work, the CollegeBoundfund, Rhode Island's section 529 college savings program, was recognized by MSN Money in 2005 as one of the Nation's five best college savings plans in the country. Columnist Liz Pulliam Weston wrote: ''It's a pity more of us don't live in Rhode Island if you live there, it's a mystery why you'd invest anywhere else.'' With the help of the Attorney General's office, he put a broken crime victims' compensation program back on its feet. He led with integrity. Paul certainly carried out what he proposed to do, that is, to leave the Treasurer's office in a better State than what he inherited.

But Paul's story doesn't begin in the Treasurer's office. During his successful career in the banking industry, Paul dedicated himself to a life of public service, beginning his career on the East Providence School Committee, and then the East Providence City Council. In 1992, Paul was elected to Rhode Island's State senate, where he served until taking office as general treasurer. I worked closely with Paul when I served on Governor Bruce Sundlun's senior staff, and I saw up close what a good senator he was.

Paul's years in the Senate were full of significant accomplishments, especially his efforts to create The CollegeBoundfund and his work on adoption; and his service as first deputy majority leader and as vice-chair of the Corporations Committee. Paul is remembered in the senate not only for his committed service but also for his legendary ability to pull practical jokes on his fellow senators. One he particularly enjoyed was to ''borrow'' a piece of letterhead paper from one of his fellow senators and write a note to another senator. He would then ask a page in the senate to deliver the letter and sit back to enjoy the ensuing uproar. That story says so much about Paul: he never takes himself too seriously; the jokes were always warmhearted and they helped break tensions in that body. Paul was good for the senate.

Paul has also never forgotten where he comes from. A son of Portuguese immigrants who migrated to the United States from the Azores, he has truly lived the American dream. I am sure Paul's parents, the late Anibal and Laurentina Tavares, are looking down on us proud to see how far Paul's determination and talent have carried him in life. And I am sure he would agree that he would not have enjoyed nearly as much success without the love and support of his lovely wife Lee, his daughters Tessa, Kristen and Felicia, and his sons Nicholas and Andrew. Their unwavering commitment to Paul, and his unwavering commitment to them, have been extraordinary.

Rhode Islanders who know Paul also know well his selfless service to his community. Paul founded the Portuguese American Scholarship Foundation, is a cofounder of the East Providence Children's Portuguese School, and served on the Catholic Diocese of Providence Finance Council. His work in these organizations has not only enriched the Ocean State's Portuguese community, but has changed lives all over Rhode Island. And he does not just help people through organizations. Many Rhode Islanders know stories of people showing up on Paul's doorstep, asking for his help. Each time, he listened and did what he could. Paul has spent his life helping others without asking anything in return.

I am pleased to come to the floor of the Senate to join the Portuguese American Citizens Committee in recognizing the tremendous accomplishments of our friend Paul Tavares. I extend congratulations, heartfelt thanks for a job well done, and best wishes to Paul and his family in all their future endeavors.●

MESSAGE FROM THE HOUSE

At 11:40 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2467. An act to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the ''Frank J. Guarini Post Office Building''.

H.R. 2587. An act to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the ''Kenneth T. Whalum, Sr. Post Office Building'' .

H.R. 2654. An act to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the ''Eleanor McGovern Post Office Building'' .

H.R. 2778. An act to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the ''Robert Merrill Postal Station''.

H.R. 2825. An act to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the ''Owen Lovejoy Princeton Post Office Building''.

MEASURES REFERRED

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

H.R. 2467. An act to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the ''Frank J. Guarini Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2587. An act to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the ''Kenneth T. Whalum, Sr. Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2654. An act to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the ''Eleanor McGovern Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2778. An act to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the ''Robert Merrill Postal Station''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2825. An act to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the ''Owen Lovejoy Princeton Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

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

H.R. 1908. An act to amend title 35, United States Code, to provide for patent reform.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3162. A communication from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, proposed legislation intended to alter the funding structure for the Commodity Futures Trading Commission; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3163. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the education of dependents of military personnel; to the Committee on Armed Services.

EC–3164. A communication from the Deputy Assistant Secretary of Defense (Counternarcotics, Counterproliferation and Global Threats), transmitting, pursuant to law, a report relative to Russia's tactical nuclear weapons arsenal; to the Committee on Armed Services.

EC–3165. A communication from the Secretary of Transportation, transmitting, a draft bill entitled the ''Railroad Rehabilitation and Improvement Financing Reform Act''; to the Committee on Commerce, Science, and Transportation.

EC–3166. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MORAVAN a.s. Model Z242L Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–28114)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3167. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pacific Aerospace Limited Model 750XL Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–033)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3168. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Airworthiness Directives; Turbomeca Arriel 2B1 Turboshaft Engines'' ((RIN2120–AA64)(Docket No. 2007–NE–16)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3169. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Arriel 2B Series Turboshaft Engines'' ((RIN2120–AA64)(Docket No. 2005–NE–52)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3170. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company GE 590 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2007–NE–05)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3171. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3226)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3172. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3228)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3173. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3225)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3174. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3219)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3175. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; St. Johns, AZ'' ((RIN2120–AA66)(Docket No. 07–AWP–1)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3176. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; Laramie, WY'' ((RIN2120–AA66)(Docket No. 05–ANM–16)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3177. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D and E Airspace; Aguadilla, PR'' ((RIN2120–AA66)(Docket No. 07–ASO–3)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3178. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment, Modification and Revocation of VOR Federal Airways; East Central United States'' ((RIN2120–AA66)(Docket No. 06–ASW–1)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3179. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Vero Beach, FL'' ((RIN2120–AA66)(Docket No. 07–ASO–9)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3180. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification to the Norton Sound Low, Woody Island Low, Control 1234L, and Control 1487L Offshore Airspace Areas; AK'' ((RIN2120–AA66)(Docket No. 07–AAL–29)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3181. A communication from the Acting Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Design-Build Contracting'' (RIN2125–AF12) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3182. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''FMVSS No. 208 CRS Installation Procedure for LATCH-Equipped Seats'' (RIN2127–AJ59) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3183. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–145LR, –145XR, and –145MP Airplanes; and Model EMB–135BJ and –135LR Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–038)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3184. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Arrius 2F Turboshaft Engines'' ((RIN2120–AA64)(Docket No. 2005–NE–34)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3185. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 727 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–054)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3186. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM—31)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3187. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–176)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3188. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model 717–200 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–148)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3189. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318, A319, A320 and A321 Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–196)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3190. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–126)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3191. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135BJ Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–269)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3192. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–10–30 and DC–10–30F Airplanes, Model DC–10–40 and DC–10–40F Airplanes, and Model MD–10–30F Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–271)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3193. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–11 and MD–11F Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–272)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3194. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF6–50C Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2006–NE–08)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3195. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Airworthiness Directives; Cessna Model 500, 501, 550, 551, S550, 560, 560XL, and 750 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–213)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3196. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF6–80 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2006–NE–43)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3197. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Corporation No. 3A20 and TC No. A24CE Formerly Held by Raytheon Aircraft Corporation and Models C90A, B200, B200C, B300, and B300C Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–004)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3198. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 42 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–027)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3199. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Diamond Aircraft Industries Model DA 42 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–022)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3200. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model AS350B, BA, B1, B2, B3, D, and AS355E Helicopters'' ((RIN2120–AA64)(Docket No. 2004–SW–36)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3201. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MD Helicopters, Inc. Model 369A, 369D, 369E, 369F, 369FF, 369H, 369HE, 369HS, 369HM, 500N, and OH–6A Helicopters'' ((RIN2120–AA64)(Docket No. 2003–SW–37)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3202. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, Weather Takeoff'' ((RIN2120–AA65)(Amdt. No. 3221)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3203. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments'' ((RIN2120–AA63)(Amdt. No. 468)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3204. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' ((RIN2120–AA64)(Amdt. No. 3222)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3205. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–8–33, –42, and –43 Airplanes; Model DC–8–50 Series Airplanes; Model DC–8F–54 and –55 Airplanes; Model DC–8–60 Series Airplanes; Model DC–8–60F Series Airplanes; Model DC–8–72 Airplanes; and Model DC–8–70F Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–279)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3206. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Viking Air Limited Models DHC–2 Mk. I, DHC–2 Mk. II, and DHC–2 Mk. III Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–009)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3207. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–125)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3208. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–289)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3209. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–100, DHC–8–200, and DHC–8–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–240)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3210. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Model Mystere-Falcon 50 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–287)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3211. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135 Airplanes and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–196)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3212. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF34–10E Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2006–NE–33)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3213. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials; Transportation of Lithium Batteries'' (RIN2137–AD48) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3214. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3223)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3215. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3224)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3216. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; REIMS AVIATION S.A. Model F406 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–89)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3217. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–022)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3218. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 727 Airplanes'' ((RIN2120–AA64)(Docket No. NM–75)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3219. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Airplanes'' ((RIN2120–AA64)(Docket No . 2006–NM–270)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3220. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Model Falcon 2000EX and Falcon 900EX Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–249)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3221. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Airworthiness Directives; Airbus Model A310 Series Airplanes; and Airbus Model A300–600 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–237)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3222. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eclipse Aviation Corporation Model EA500 Airplanes'' ((RIN2120-AA64) (Docket No. 2007-CE-056)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3223. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 42 Airplanes'' ((RIN2120-AA64) (Docket No. 2007-CE-023)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3224. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alpha Aviation Design Limited Model R2160 Airplanes'' ((RIN2120-AA64) (Docket No. 2006-CE-079)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3225. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Air Tractor, Inc. Models AT-602, AT-802, and AT-802A Airplanes'' ((RIN2120-AA64) (Docket No. 2007-CE-011)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3226. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; SOCATA—Groupe Aerospatiale Models TB9, TB10, and TB200 Airplanes'' ((RIN2120-AA64) (Docket No. 2007-CE-017)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3227. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes'' ((RIN2120-AA64) (Docket No. 2007-CE-019)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3228. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification to the Norton Sound Low, Woody Island Low, Control 1234L and Control 1487L Offshore Airspace Areas; Alaska'' ((RIN2120-AA66) (Docket No. 06-AAL-29)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3229. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Area Navigation Route Q-22; South Central United States'' ((RIN2120-AA66) (Docket No. 07-ASW-4)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3230. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Front Royal—Warren County, VA'' ((RIN2120-AA66) (Docket No. 07-AEA-01)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3231. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Dean Memorial Airport, NH'' ((RIN2120-AA66) (Docket No. 07-ANE-91)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3232. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Restricted Areas 3601A and 3601B; Brookville, KS'' ((RIN2120-AA66) (Docket No. 04-ACE-32)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3233. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Low Altitude Area Navigation Routes; Los Angeles, CA'' ((RIN2120-AA66) (Docket No. 07-AWP-2)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3234. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Valdosta, Moody AFB, GA'' ((RIN2120-AA66) (Docket No. 07-ASO-10)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3235. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Red Dog, AK'' ((RIN2120-AA66) (Docket No. 07-AAL-04)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3236. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of 73.202(b), Table of Allotments, FM Broadcast Stations: Rockmart, Aragon, and Ringgold, Georgia; Anderson, South Carolina; and Chattanooga, Decatur, Harrison, Lynchburg, Spring City, and Wartrace, Tennessee'' (MB Docket No. 05-282) received on September 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3237. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of 73.202(b), Table of Allotments, FM Broadcast Stations: Dinosaur, Colorado'' (MB Docket No. 07-79) received on September 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3238. A communication from the Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks'' ((FCC07-107) (EB Docket No. 06-119)) received on September 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3239. A communication from the Deputy Chief Financial Officer, Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Assessment and Collection of Regulatory Fees for Fiscal Year 2007'' ((MD Docket No. 07-81) (FCC 07-140)) received on September 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3240. A communication from the Senior Counsel, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Reexamination of Roaming Obligations of Commercial Mobile Radio Services Providers'' ((WT Docket No. 05-265) (FCC 07-143)) received on September 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3241. A communication from the Assistant Bureau Chief for Management, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Amendment of Parts 1 and 63 of the Commission's Rules'' ((FCC 07-118) (IB Docket No. 04-47)) received on September 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3242. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the safe operation of Mexico-domiciled motor carriers beyond the commercial zones; to the Committee on Commerce, Science, and Transportation.

EC–3243. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to energy pricing programs; to the Committee on Energy and Natural Resources.

EC–3244. A communication from the General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Use of Electronic Submissions in Agency Hearings'' (RIN3150-AH74) received on September 6, 2007; to the Committee on Environment and Public Works.

EC–3245. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of VOC Emissions from Crude Oil Lightering Operations'' (FRL No. 8465-9) received on September 7, 2007; to the Committee on Environment and Public Works.

EC–3246. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; VOC Emissions from Fuel Grade Ethanol Production Operations'' (FRL No. 8464-4) received on September 7, 2007; to the Committee on Environment and Public Works.

EC–3247. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Clean Air Interstate Rule'' (FRL No. 8465-6) received on September 7, 2007; to the Committee on Environment and Public Works.

EC–3248. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air

Quality Planning Purposes; Georgia: Redesignation of Macon, Georgia 8-Hour Ozone Nonattainment Area to Attainment for Ozone'' (FRL No. 8466-4) received on September 7, 2007; to the Committee on Environment and Public Works.

EC–3249. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Tennessee; Approval of Revisions to the Tennessee SIP and the Nashville/Davidson County Portion of Tennessee SIP; Prevention of Significant Deterioration and Nonattainment New Source Review'' (FRL No. 8466-5) received on September 7, 2007; to the Committee on Environment and Public Works.

EC–3250. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revising the Budget Period Limitation for Research Grants and Cooperative Agreements'' ((RIN2080-AA12) (FRL No. 8466-9)) received on September 7, 2007; to the Committee on Environment and Public Works.

EC–3251. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to actions under the Prescription Drug User Fee Act during fiscal year 2006; to the Committee on Finance.

EC–3252. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modification of Rev. Proc. 2006-53 to Reflect Statutory Changes to Section 179'' (Rev. Proc. 2007-60) received on September 7, 2007; to the Committee on Finance.

EC–3253. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Surrender of Property Subject to Levy'' (Rev. Proc. 2006-42) received on September 7, 2007; to the Committee on Finance.

EC–3254. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act Regulations, Periodic Participant Statements and Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts'' (5 CFR Parts 1630, 1640, and 1653) received on September 6, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3255. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Board's budget request for fiscal year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–3256. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of draft legislation intended to amend the law relating to the appeals of those who have been sentenced to death; to the Committee on the Judiciary.

EC–3257. A communication from the White House Liaison, Office of Legal Counsel, Department of Justice, transmitting, pursuant to law, (7) reports relative to vacancies within the Department, received on September 5, 2007; to the Committee on the Judiciary.

EC–3258. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; APEX Aircraft Model CAP 10B Airplanes'' ((RIN2120–AA64) (Docket No. 2007–CE–020)) received on September 7, 2007; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 1138. A bill to enhance nuclear safeguards and to provide assurances of nuclear fuel supply to countries that forgo certain fuel cycle activities (Rept. No. 110–151).

S. 1687. A bill to provide for global pathogen surveillance and response (Rept. No. 110–152).

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

S. 1027. A bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes (Rept. No. 110–153).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Margaret Spellings, of Texas, to be designated a Representative of the United States of America to the Thirty-fourth Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

*Nancy Goodman Brinker, of Florida, to be Chief of Protocol, and to have the rank of Ambassador during her tenure of service.

*Harry K. Thomas, Jr., of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Director General of the Foreign Service.

*Paula J. Dobriansky, of Virginia, for the rank of Ambassador during her tenure of service as Special Envoy for Northern Ireland.

*Ned L. Siegel, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of The Bahamas.

Nominee Ned L. Siegel.

Post Ambassador to the Bahamas.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, 2007—$2,000.00, 4/12/2007, Tom Rooney for Congress; $2,300.00, 4/3/2007, Friends of John Thune; $4,600.00, 4/3/2007, McConnell Senate Committee; $2,300.00, 3/14/2007, ORRINPAC; $2,300.00, 3/1/2007, Citizens for Arlen Specter; $200.00, 2/27/2007, John McCain 2008; $2,300.00, 2/13/2007, Coleman for Senate; ($1,900.00), 3/31/2007, Coleman for Senate; $2,100.00, 1/15/2007, John McCain 2008.

2006—$2,000.00, 9/14/2006, Santorum 2006; $1,000.00, 8/9/2006, Lieberman Campaign; $2,000.00, 6/14/2006, ERIC PAC; $5,000.00, 6/14/2006, Restore America PAC; $2,100.00, 5/1/2006, Friends of Clay Shaw; $100.00, 5/1/2006, Friends of Clay Shaw; $5,000.00, 4/21/2006, 21st Century Freedom PAC; $1,000.00, 4/8/2006, Gerlach for Congress; $5,000.00, 4/8/2006, Straight Talk America; $1,000.00, 3/31/2006, Michael Steele for Senate; $4,200.00, 3/31/2006, Martinez for Senate; $2,500.00, 3/23/2006, Mark Kennedy '06; $4,200.00, 3/19/2006, Coleman for Senate; $5,000.00, 3/17/2006, IRL PAC; $1,000.00, 2/14/2006, Tom Kean for U.S. Senate; $1,000.00, 2/9/2006, Friends of Ginny Brown-Waite; 1/24/2006, Republican Party of Florida; $1.000.00, 1/11/2006, Tom Delay Congressional Committee; $2,200.00, 1/9/2006, Friends of George Allen;

2005—$2,100.00, 12/27/2005, ERIC PAC; $5,000.00, 9/29/2005, RJC PAC; $2,000.00, 8/17/2005, Ed Bryant for U.S. Senate; $200.00, 8/9/2005, Friends of Katherine Harris; $4,000.00, 7/13/2005, Friends of Katherine Harris; $5,000.00, 6/28/2005, Solutions America PAC; $1,000.00, 6/4/2005, Friends of Clay Shaw; $1,000.00, 3/30/2005, Friends of George Allen; $1,000.00, 3/22/2005, Friends of George Allen; $1,000.00, 3/19/2005, Friends of Clay Shaw; $2,000.00, 1/6/2005, Santorum 2006; $400.00, 1/6/2005, 21st Century Freedom PAC.

2004—$2,000,00, 10/6/2004, Martinez, for Senate; $25,000.00, 9/23/2004, Republican National Committee; $2,000.00, 8/26/2004, Martinez for Senate; $25,000.00, 8/11/2004, 2004 Joint Candidate Committee.

Per federal election law, contributions to a joint fundraising committee are attributed among the ultimate recipients of the committee's proceeds based on a pre-existing allocation formula. Based upon available information, Ned Siegel's contribution was attributed as follows:

Richard Burr Committee (Richard Burr), $2,000.00, Senate, GA; Cathy McMorris for Congress (Cathy Ann McMorris) (via WA–05 Congressional Victory Committee), (Gregory Edward Walcher), $937.50, House, WA–5; David Vitter for US Senate, $2,000.00, Senate, LA; Northup for Congress (Anne M. Northup), $937.50, House, KY–3; Bob Beauprez for Congress (Robert Louis Beauprez), $937.50, House, CO–7; Friends of Dave Reichert (Dave Reichert) (via WA–08 Congressional Victory Committee), $937.50, House, WA–8; Pete Sessions for Congress (Pete Sessions), $937.50, House, TX–32; Walcher for Congress (Gregory Edward Walcher) (via CO–08 Congressional Victory Committee), $937.50, House, CO–3; Neugebaur Congressional Committee (Randy Neugebaur), $937.50, House, TX–19; Porter for Congress (Jon C. Porter, Sr.), $937.50, House, NV–3; Simmons for Congress (Rob Simmons), $937.50, House, CT–2; Friends of Martinez, $2,000.00, Senate, FL; Heather Wilson for Congress (Heather Wilson), $937.50, House, NM-l; Nethercutt for Senate (George Nethercutt), $2,000.50, Senate, WA; Charles Boustany Jr. MD for Congress (Charles Bustany) (via LA–07 Congressional Victory Committee), $937.50, House, LA–7; Bush-Cheney '04 Compliance Committee, $2,000.00, Presidential; Tauzin for Congress (Wilbert Tauzin III) (via LA–03 Congressional Victory Committee), $937.50, House, LA–3; Max Burns for Congress (Maxie Burns), $937.50, House, GA–12; Geoff Davis for Congress (Geoffrey C. Davis) (via KY–04 Congressional Victory Committee), $937.50, House, KY–4; Rick Renzi for Congress (Richard Renzi), $937.50, House, AZ–1; PA–15 Congressional Victory Committee, $937.50, House, PA–15.

2004 (continued)—$500.00, 7/19/2004, Citizens for Arlen Specter; $500.00, 5/24/2004, Mario Diaz-Balart for Congress; $500.00, 5/25/2004, Lincoln Diaz-Balart for Congress; $4,000.00, 5/22/2004, Martinez for Senate; $500.00, 1/13/2004, Citizens for Arlen Specter.

2003—$1.000.00, 10/21/2003, Cantor for Congress; $5,000.00, 8/7/2003, RJC PAC; $25,000.00, 8/4/2003, Republican National Committee; $2,000.00, 5/28/2003, Bush-Cheney '04; $2,000.00, 5/22//2003, Friends of Mark Foley; $500.00, 4/25/2003, Cantor for Congress.

2. Spouse: STEPHANIE M. SIEGEL: 2007—$2,300.00, 4/12/2007, Friends of John Thune; $4,600.00, 4/3/2007, McConnell Senate Committee; $2,300.00, 3/14/2007, ORRINPAC; $2,300.00, 3/1/2007, Citizens for Arlen Specter;

$200.00, 2/27/2007, John McCain 2008; $2,300.00, 2/13/2007, Coleman for Senate; $2,100.00, 1/15/2007, John McCain 2008.

2006—$2,000.00, 9/14/2006, Santorum 2006; $2,100.00, 9/7/2006, Friends of Mark Foley; ($2,100.00), 10/23/2006, Friends of Mark Foley; $100.00, 5/1/2006, Friends of Clay Shaw; $2,100.00, 5/1/2006, Friends of Clay Shaw; $5,000.00, 4/10/2006, Straight Talk America; $4,200.00, 3/29/2006, Martinez for Senate; $2,500.00, 3/23/2006, Mark Kennedy '06; $5,000.00, 3/17/2006, IRLPAC.

2005—$25,000.00, 12/28/2005, Republican National Committee; $4,200.00, 8/11/2005, Friends of Katherine Harris; $4,200.00, 6/30/2005, Friends of George Allen; $1,000.00, 6/4/2005, Friends of Clay Shaw.

2004—$25,000.00, 9/23/2004, Republican National Committee; $2,000.00, 8/26/2004, John Thune for U.S. Senate; $25,000.00, 8/11/2004, 2004 Joint Candidate Committee.

Per federal election law, contributions to a joint fundraising committee are attributed among the ultimate recipients of the committee's proceeds based on a pre-existing allocation formula. Based upon available information, Stephanie Siegel's contribution was attributed as follows: Richard Burr Committee (Richard Burr), $2,000.00, Senate, GA; Cathy McMorris for Congress (Cathy Ann McMorris) (via WA–05 Congressional Victory Committee), $812.50, House, WA–5; John Thune for US Senate, $2,000.00, Senate, SD; David Vitter for US Senate, $2,000.00, Senate, LA; Northup for Congress (Anne M. Northup), $812.50, House, KY–3; Bob Beauprez for Congress (Robert Louis Beauprez), $812.50, House, CO–7; Friends of Dave Reichert (Dave Reichert) (via WA–08 Congressional Victory Committee), $812.50, House, WA–8; Pete Sessions for Congress (Pete Sessions), $812.50, House, TX–32; Walcher for Congress (Gregory Edward Walcher) (via CO–08 Congressional Victory Committee), $812.50, House, CO–3; Neugebauer Congressional Committee (Randy Neugebauer), $812.50, House, TX–19; Porter for Congress (Jon C. Porter, Sr.), $812.50, House, NV–3; Simmons for Congress (Rob Simmons), $812.50, House, CT–2; Friends of Martinez, $2,000.00, Senate, FL; Heather Wilson for Congress (Heather Wilson), $812.50, House, NM–1; Nethercutt for Senate (George Nethercutt), $2,000.00, Senate, WA; Charles Boustany Jr. MD for Congress (Charles Bustany) (via LA–07 Congressional Victory Committee), $812.50, House, LA–7; Bush-Cheney '04 Compliance Committee, $2,000.00, Presidential; Tauzin for Congress (Wilbert Tauzin III) (via LA–03 Congressional Victory Committee), $812.50, House, LA–3; Max Burns for Congress (Maxie Burns), $812.50, House, GA–12; Geoff Davis for Congress (Geoffiey C. Davis) (via KY–04 Congressional Victory Committee), $812.50, House, KY–4; Rick Renzi for Congress (Richard Renzi), $812.50, House, AZ–1; PA–15 Congressional Victory Committee, $812.50, House, PA–15.

2004 (Continued)—$7,000.00, 7/2/2004, National Republican Senatorial Committee; $4,000.00, 5/21/2004, Martinez for Senate.

2003—$500.00, 11/14/2003, Northstar Leadership PAC; $2,000.00, 11/3/2003, Robert Wexler for Congress; $25,000.00, 8/4/2003, Republican National Committee; $2,000.00, 5/28/2003, Bush-Cheney '04.

3. Children: Joshua M. Siegel: 2007—$2,300.00, 3/23/2007, John McCain 2008.

2004—$1,000.00, 10/22/2004, Friends of Katherine Harris; $2,000.00, 10/6/2004, Friends of Clay Shaw; $2,000.00, 8/27/2004, Friends of Sherwood Boehlert.

2003—$2,000.00, 9/30/2003, Bush-Cheney '04 Compliance Committee; $2,000.00, 6/25/2003, Bush-Cheney '04, Inc.

Justin M. Siegel: 2007—$2,300.00, 3/23/2007, John McCain 2008.

2004—$1,000.00, 10/22/2004, Friends of Katherine Harris; $2,000.00, 10/6/2004, Friends of Clay Shaw.

Jullian L. Siegel: 2007—$2,300.00, 3/23/2007, John McCain 2008.

2004—$1,000.00, 10/22/2004, Friends of Katherine Harris; $2,000.00, 10/6/2004, Friends of Clay Shaw.

4. Parents: Esther Siegel: 2007—$2,300.00, 2/27/2007, John McCain 2008.

2006—$500.00, 10/6/2006, Friends of Joe Lieberman; $1,000.00, 9/20/2006, Santorum 2006; $2,000.00, 5/2/2006, Robert Wexler for Congress Committee.

2005—$4,000.00, 12/21/2005, Bill Nelson for Senate.

2003—$2,000.00, 6/24/2003, Bush-Cheney '04.

Howard Siegel, Father, Deceased 11/16/2004.

2004—$2,000, 6/18/2004, Martinez for Senate.

2003—$2,000, 6/24/2003, Bush-Cheney '04; $500, 4/23/2003, Robert Wexler for Congress Committee.

6. Brothers and spouses: Daniel R. Siegel, $1,000, Senator Robert Menendez. Diane Siegel, 2006—$1,000, Senator Robert Menendez; 2005—$250, 10/18/2005, Democratic Congressional Campaign Committee; $250, 7/21/2005, Democratic Senatorial Campaign Committee.

Marc J. Siegel, 2007—$2,300, 2/27/2007, John McCain 2008.

2006—$500, 10/6/2006, Friends of Joe Lieberman; $1,000, 9/20/2006, Santorum 2006; $5,000, 4/25/2006, Straight Talk America; $1,000, 3/31/2006, Martinez for Senate; $1,000, 3/28/2006, Mark Kennedy '06; $2,000, 1/27/2006, Friends of George Allen.

2004—$15,000, 10/22/2004, Republican National Committee; $10,000, 10/4/2004, Republican Party of Florida—Federal; $2,000, 4/30/2004, Martinez for Senate.

2003—$1,000, 9/16/2003, Bush-Cheney '04; $1,000, 6/17/2003, Bush-Cheney '04.

Gail Siegel, None.

(*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. KLOBUCHAR:

S. 2037. A bill to amend the Consumer Product Safety Act to make it unlawful to sell a recalled product, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. KLOBUCHAR:

S. 2038. A bill to prohibit the introduction or delivery for introduction into interstate commerce of children's products that contain lead, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 2039. A bill to require an assessment of the plans for the modernization and sustainment of the land-based, Minuteman III intercontinental ballistic missile strategic deterrent force, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself, Mr. OBAMA, Mr. BROWN, Mr. KERRY, Mr. BYRD, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mr. FEINGOLD, Mrs. MURRAY, Mr. BAYH, Mrs. LINCOLN, Mr. PRYOR, Mr. WHITEHOUSE, Mr. SANDERS, Ms. CANTWELL, Mr. TESTER, Mrs. CLINTON, Ms. LANDRIEU, Mr. ROCKEFELLER, and Mr. SALAZAR):

S.J. Res. 18. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to a cost limit for providers operated by units of government and other provisions under the Medicaid program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CORNYN (for himself, Mr. ROBERTS, and Mr. MARTINEZ):

S. Res. 315. A resolution to express the sense of the Senate that General David H. Petraeus, Commanding General, Multi-National Force-Iraq, deserves the full support of the Senate and strongly condemn personal attacks on the honor and integrity of General Petraeus and all the members of the United States Armed Forces; to the Committee on Armed Services.

By Mr. REED (for himself, Ms. COLLINS, Mr. CARDIN, Mr. DURBIN, Mr. BIDEN, Mr. WHITEHOUSE, Mr. OBAMA, Mrs. CLINTON, Mr. SANDERS, Ms. STABENOW, Mrs. BOXER, Mr. LEVIN, Mr. LAUTENBERG, Mr. CASEY, Mr. BROWN, Ms. KLOBUCHAR, Mr. FEINGOLD, Ms. SNOWE, Ms. CANTWELL, Mr. LEAHY, Mr. LIEBERMAN, Mr. KERRY, Mr. SCHUMER, Mr. NELSON of Nebraska, Mr. INOUYE, and Mr. DODD):

S. Res. 316. A resolution designating the weeks of October 21 through October 27, 2007 as ''National Childhood Lead Poisoning Prevention Week''; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 317. A resolution to constitute the minority party's membership on the Committee on Veterans' Affairs for the remainder of the 110th Congress or until their successors are chosen; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 34

At the request of Mr. ENZI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 34, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 166

At the request of Mr. MCCAIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 166, a bill to restrict any State from imposing a new discriminatory tax on cell phone services.

S. 351

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 351, a bill to amend title X of the

Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 505

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 788

At the request of Mr. SUNUNU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 788, a bill to authorize the Moving to Work Charter program to enable public housing agencies to improve the effectiveness of Federal housing assistance, and for other purposes.

S. 803

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

S. 809

At the request of Mr. SUNUNU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 809, a bill to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 849

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 1012

At the request of Ms. LANDRIEU, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1012, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1038

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1149

At the request of Mr. KOHL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1149, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the interstate distribution of State-inspected meat and poultry if the Secretary of Agriculture determines that the State inspection requirements are at least equal to Federal inspection requirements and to require the Secretary to reimburse State agencies for part of the costs of the inspections.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1281

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1281, a bill to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

S. 1316

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1316, a bill to establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1382

At the request of Mr. REID, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1430

At the request of Mr. OBAMA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1451

At the request of Mr. WHITEHOUSE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1451, a bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system.

S. 1460

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1460, a bill to amend the Farm Security and Rural Development Act of 2002 to support beginning farmers and ranchers, and for other purposes.

S. 1484

At the request of Mr. ROBERTS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1484, a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1514

At the request of Mr. DODD, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1556

At the request of Mr. SMITH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1605

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1621

At the request of Mr. CONRAD, the name of the Senator from Washington

(Ms. CANTWELL) was added as a cosponsor of S. 1621, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 1638

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1668

At the request of Mr. DODD, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1668, a bill to assist in providing affordable housing to those affected by the 2005 hurricanes.

S. 1818

At the request of Mr. OBAMA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1818, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 1821

At the request of Mrs. CLINTON, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1821, a bill to prohibit the closure or relocation of any county, local, or field office of the Farm Service Agency or Natural Resources Conservation Service or any office related to the rural development mission of the Department of Agriculture until at least 1 year after the enactment of an Act to provide for the continuation of agricultural programs after fiscal year 2007.

S. 1852

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1852, a bill to designate the Friday after Thanksgiving of each year as ''Native American Heritage Day'' in honor of the achievements and contributions of Native Americans to the United States.

S. 1944

At the request of Mr. LAUTENBERG, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1971

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1971, a bill to authorize a competitive grant program to assist members of the National Guard and Reserve and former and current members of the Armed Forces in securing employment in the private sector, and for other purposes.

S. 1977

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1977, a bill to provide for sustained United States leadership in a cooperative global effort to prevent nuclear terrorism, reduce global nuclear arsenals, stop the spread of nuclear weapons and related material and technology, and support the responsible and peaceful use of nuclear technology.

S. 1999

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1999, a bill to provide for the establishment of a Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries, and for other purposes.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2007'', and for other purposes.

S.J. RES. 13

At the request of Mr. LEAHY, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S.J. Res. 13, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

S. RES. 201

At the request of Mr. CHAMBLISS, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Maine (Ms. COLLINS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. Res. 201, a resolution supporting the goals and ideals of ''National Life Insurance Awareness Month''.

AMENDMENT NO. 2251

At the request of Mr. LAUTENBERG, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Delaware (Mr. CARPER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 2251 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. 2805

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 2805 intended to be proposed to H.R. 3074, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. BENNETT): S. 2039. A bill to require an assessment of the plans for the modernization and sustainment of the land-based, Minuteman III intercontinental ballistic missile strategic deterrent force, and for other purposes; to the Committee on Armed Services.

Mr. HATCH. Mr. President, today I rise to introduce the Strategic Deterrent Sustainment Act of 2007, which is cosponsored by Senator BENNETT. Currently, our land-based strategic forces are in the process of completing a vital and important modernization program.

However, I am unaware of any Department of Defense plan to maintain our land-based strategic missile industrial base once this modernization is completed in the next 2 to 3 years. Therefore, this legislation would require the Secretary of Defense to prepare a report detailing how our Nation will maintain an industrial base to replace the Minuteman III missile with a follow-on land-based strategic deterrent after 2030. 2030, is of course, the date in which the Minuteman III system is scheduled to be replaced. The Secretary, under this legislation, will also be required to outline how our Nation will maintain, modernize and sustain the Minuteman III intercontinental ballistic missile system until at least 2030.

To put this in context, in 2002, the administration wisely committed the U.S. to a policy of modernizing our land-based intercontinental ballistic missile force. Under this policy, the Peacemaker ICBM has been retired and that system's warheads are being retrofitted and placed into the Minuteman III fleet. In addition to the new warheads, 500 Minuteman III systems are being completely rebuilt and thoroughly modernized.

Unfortunately, after this work is completed, no other work on land-based strategic missile systems is planned. As we all know, building an intercontinental ballistic missile is extremely complex and a great feat of engineering. It requires engineers with years of experience and highly trained and professional manufacturing specialists to successfully and safely build a missile system. Clearly, if there are not any additional systems to build, then these sought after engineers and specialists will merely find employment elsewhere. In addition, if a replacement system will not be built

until 2030, it is very likely that much of our Nation's knowledge on how to design and build a land-based strategic missile system will be lost.

As an example, one can point to the British who recently decided to modernize their nuclear deterrent. Since the British nuclear warhead industrial base all but ceased to exist years ago, that nation will now have to allocate billions of additional pounds to reconstitute their design and production capability.

What would be the cost of our Nation to maintain our land-based strategic missile industrial base? Well I understand, the propulsion portion of the industrial base can be maintained for the relatively modest sum of under $50 million a year. In fact, such a program already exists for our submarine launched ballistic missile systems. Under this industrial base sustainment plan, 12 Trident missiles are manufactured each year.

Should a plan to maintain our land-based strategic missile industrial base closely follow our submarine launched strategic missile industrial plans? Well under this legislation, the Secretary of Defense will have the opportunity to make that determination.

In conclusion, during this period of uncertainty we must keep our Nation's defense industrial options open in order to meet the threats of the future. The Strategic Deterrent Sustainment Act of 2007 affords us that opportunity and I hope that it will receive from my colleagues the support it deserves.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2039

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strategic Deterrent Sustainment Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The strategic forces of the United States remain a cornerstone of United States national security.

(2) The 2001 Nuclear Posture Review states that it is the current policy of the United States that intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles, and long-range nuclear-armed bombers play a critical role in the defense capabilities of the United States, its allies, and friends.

(3) The dispersed and alert Minuteman III intercontinental ballistic missile system provides the most responsive, stabilizing, and cost-effective strategic force.

(4) Section 139 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2114) requires the Secretary of the Air Force to modernize Minuteman III intercontinental ballistic missiles in the United States inventory so as to maintain a sufficient supply of launch test assets and spares to sustain the deployed force of such missiles through 2030.

(5) The modernization program for the Minuteman III intercontinental ballistic missile is nearing completion. Once that program is complete, there will be no program to sustain the capability of the United States industrial base to modernize or replace the intercontinental ballistic missiles that constitute the sole land-based strategic deterrent system of the United States.

(6) As an example, motor production for the Minuteman III Propulsion Replacement Program (PRP) is currently scheduled to end in fiscal year 2009. Once the PRP program ends, the capacity of the United States industrial base to respond to matters arising from the aging and obsolescence of Minuteman III intercontinental ballistic missiles will be extremely diminished, decades-worth of critical program knowledge may be lost, and the current design of the Minuteman III intercontinental ballistic missile is likely to no longer be reproducible.

SEC. 3. REPORT ON CAPABILITIES FOR SUSTAINMENT OF THE MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILE.

(a) REPORT REQUIRED.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the capability of the United States industrial base to achieve each of the following:

(1) To maintain, modernize, and sustain the Minuteman III intercontinental ballistic missile (ICBM) system until at least 2030.

(2) To replace the Minuteman III intercontinental ballistic missile with a follow-on land-based strategic deterrent system after 2030.

(b) ELEMENTS.—The report required by paragraph (1) shall include the following:

(1) A description of any current plans for extending the Minuteman III intercontinental ballistic missile system after the period from 2020 to 2030, including plans for testing sufficient to account for any aging and obsolescence found in the Minuteman III intercontinental ballistic missile during the remaining life of the system, and an assessment of the risks associated with such plans after the shutdown of associated production lines.

(2) A description of any current plans to maintain the Minuteman III intercontinental ballistic missile system after 2030, including an assessment of any risks associated with such plans after the shutdown of associated production lines.

(3) An explanation why the Minuteman III intercontinental ballistic missile system, the only United States land-based strategic deterrent system, is no longer considered to be of the highest national defense urgency, as indicated by inclusion of the system on the so-called ''DX-Rated Program List'' while the sea-based strategic deterrent system, the Trident II D5 missile system, is still on the so-called ''DX-list''.

(4) An analysis of existing commonalities between the service life extension program for the Trident II D5 missile system and any equivalent planned service life extension program for the Minuteman III intercontinental ballistic missile system, including an analysis of the impact on materials, the supplier base, production facilities, and the production workforce of extending all or part of the service life extension program for the Trident II D5 missile system to a service life extension program for the Minuteman III intercontinental ballistic missile system.

(5) An assessment of the adequacy of current and anticipated programs, such as missile defense, space launch, and prompt global strike programs, to support the industrial base for the Minuteman III intercontinental ballistic missile system, including an analysis of the impact on materials, the supplier base, production facilities, and the production workforce of extending all or part of any such program to the program for the Minuteman III intercontinental ballistic missile system.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after submittal under subsection (a) of the report required by that subsection, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the Comptroller General's assessment of the matters contained in the report under subsection (a), including an assessment of the consistency of the budget of the President for fiscal year 2009, as submitted to Congress pursuant to section 1105 of title 31, United States Code, with the matters contained in the report under subsection (a).

(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term ''congressional defense committees'' means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

By Mr. BINGAMAN (for himself, Mr. OBAMA, Mr. BROWN, Mr. KERRY, Mr. BYRD, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mr. FEINGOLD, Mrs. MURRAY, Mr. BAYH, Mrs. LINCOLN, Mr. PRYOR, Mr. WHITEHOUSE, Mr. SANDERS, Ms. CANTWELL, Mr. TESTER, Mrs. CLINTON, Ms. LANDRIEU, Mr. ROCKEFELLER, and Mr. SALAZAR):

S.J. Res. 18. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to a cost limit for providers operated by units of government and other provisions under the Medicaid program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with Senators ROCKEFELLER, OBAMA, BROWN, KERRY, BYRD, FEINSTEIN, BILL NELSON, FEINGOLD, MURRAY, BAYH, LINCOLN, PRYOR, WHITEHOUSE, SANDERS, CANTWELL, TESTER, CLINTON, LANDRIEU, and SALAZAR to offer a Joint Resolution that provides for Congressional disapproval of the rule submitted by the Centers for Medicare and Medicaid Services, CMS, relating to a cost limit for providers operated by units of government and other provisions under the Medicaid program, 72 Fed. Reg. 29748, May 29, 2007.

This rule is a very blunt and sweeping instrument. It is purportedly intended to stamp out certain categories of Medicaid fraud, which by CMS's own admission may only be an issue in 3 States. As a result of the sweeping nature of this rule, many States like New Mexico will lose hundreds of millions of dollars in Federal Medicaid dollars. This would occur despite that fact that New Mexico and other States have worked hard to ensure the integrity of their Medicaid programs and have consistently received approval from CMS for the design and operation of their programs.

Congress has reacted strongly to the proposed regulation with 65 Senators and 263 House Members publicly criticizing the rule. Ultimately, Congress temporarily prevented CMS from implementing the regulation. A 1-year moratorium of the rule was adopted in the recent supplemental appropriations bill, P.L. 110–28, Section 7002. This moratorium blocks CMS from implementing the Medicaid regulation before May 25, 2008.

In spite of clear Congressional disapproval, CMS published a final rule in the Federal Register the very day the President signed the 1-year moratorium provision into law. The final regulation retains the most damaging components of the proposed regulation, including limiting Medicaid payments to safety-net hospitals. In addition, we have been contacted by State Medicaid agencies that have been asked to certify in State Plan Amendments being considered this year that they will be in compliance with rule as soon as the moratorium is lifted in 2008.

Major Medicaid reforms require a Congressional role; by rushing to publish a final regulation, CMS has disregarded Congressional opposition and attempted to usurp our role. CMS's action requires States to prepare for implementation of the regulation and expend administrative resources to do so, all of this before Congress has the opportunity to address the key policy issues contained in the regulation.

This Resolution of Disapproval will permanently halt the damaging CMS regulation. At this time, it is the appropriate response given CMS's issuance of the final Medicaid rule and its devastating effect on State Medicaid programs, safety-net providers, and, ultimately, the ability of low-income Americans to receive the life-saving medical care to which they are entitled under Federal law.

Therefore, I rise today to offer joint resolution with my colleagues and urge others to join in cosponsoring this important resolution. Together we can work to ensure its passage before the devastating Medicaid rule takes effect and jeopardizes our States' Medicaid programs.

I ask unanimous consent that the text of joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 18

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to a cost limit for providers operated by units of government and other provisions under the Medicaid program (published at 72 Fed. Reg. 29748 (May 29, 2007)), and such rule shall have no force or effect.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 315—TO EXPRESS THE SENSE OF THE SENATE THAT GENERAL DAVID H. PETRAEUS, COMMANDING GENERAL, MULTI-NATIONAL FORCE-IRAQ, DESERVES THE FULL SUPPORT OF THE SENATE AND STRONGLY CONDEMN PERSONAL ATTACKS ON THE HONOR AND INTEGRITY OF GENERAL PETRAEUS AND ALL THE MEMBERS OF THE UNITED STATES ARMED FORCES

Mr. CORNYN (for himself, Mr. ROBERTS, and Mr. MARTINEZ) submitted the following resoluTion; which was referred to the Committee on Armed Services:

S. RES. 315

Whereas, the Senate unanimously confirmed General David H. Petraeus as Commanding General, Multi-National Force-Iraq, by a vote of 81–0 on January 26, 2007.

Whereas, General Petraeus graduated first in his class at the United States Army Command and General Staff College.

Whereas, General Petraeus earned Masters of Public Administration and Doctoral degrees in international relations from Princeton University.

Whereas, General Petraeus has served multiple combat tours in Iraq, including command of the 101st Airborne Division (Air Assault) during combat operations throughout the first year of Operation Iraqi Freedom, which tours included both major combat operations and subsequent stability and support operations.

Whereas, General Petraeus supervised the development and crafting of the United States Army and Marine Corps counterinsurgency manual based in large measure on his combat experience in Iraq, scholarly study, and other professional experiences.

Whereas, General Petraeus has taken a solemn oath to protect and defend the Constitution of the United States of America.

Whereas, during his 35-year career, General Petraeus has amassed a distinguished and unvarnished record of military service to the United States as recognized by his receipt of a Defense Distinguished Service Medal, two Distinguished Service Medals, two Defense Superior Service Medals, four Legions of Merit, the Bronze Star Medal for valor, the State Department Superior Honor Award, the NATO Meritorious Service Medal, and other awards and medals.

Whereas, a recent attack through a full-page advertisement in the New York Times by the liberal activist group, Moveon.org, impugns the honor and integrity of General Petraeus and all the members of the United States Armed Forces: Now, be it

Resolved, That it is the sense of the Senate

(1) to reaffirm its support for all the men and women of the United States Armed Forces, including General David H. Petraeus, Commanding General, Multi-National Force-Iraq;

(2) to strongly condemn any effort to attack the honor and integrity of General Petraeus and all the members of the United States Armed Forces; and

(3) to specifically repudiate the unwarranted personal attack on General Petraeus by the liberal activist group Moveon.org.

SENATE RESOLUTION 316—DESIGNATING THE WEEKS OF OCTOBER 21 THROUGH OCTOBER 27, 2007 AS ''NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK''

Mr. REED (for himself, Ms. COLLINS, Mr. CARDIN, Mr. DURBIN, Mr. BIDEN, Mr. WHITEHOUSE, Mr. OBAMA, Mrs. CLINTON, Mr. SANDERS, Ms. STABENOW, Mrs. BOXER, Mr. LEVIN, Mr. LAUTENBERG, Mr. CASEY, Mr. BROWN, Ms. KLOBUCHAR, Mr. FEINGOLD, Ms. SNOWE, Ms. CANTWELL, Mr. LEAHY, Mr. LIEBERMAN, Mr. KERRY, Mr. SCHUMER, Mr. NELSON of Nebraska, Mr. INOUYE, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 316

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 240,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 21 through October 27, 2007, as ''National Childhood Lead Poisoning Prevention Week''; and

(2) calls upon the people of the United States to observe National Childhood Lead Poisoning Prevention Week with appropriate programs and activities.

SENATE RESOLUTION 317—TO CONSTITUTE THE MINORITY PARTY'S MEMBERSHIP ON THE COMMITTEE ON VETERANS' AFFAIRS FOR THE REMAINDER OF THE 110TH CONGRESS OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

Resolved, That the following shall constitute the minority party's appointments to the Committee on Veterans' Affairs for the remainder of the 110th Congress or until their successors are chosen: Mr. BURR, Mr. SPECTER, Mr. CRAIG, Mr. ISAKSON, Mr. GRAHAM, Mrs. HUTCHISON, Mr. ENSIGN.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2808. Mr. CORNYN (for himself and Mr. INHOFE) proposed an amendment to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

SA 2809. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2810. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2811. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2812. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2813. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2814. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2815. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2816. Ms. KLOBUCHAR (for herself and Mr. COLEMAN) proposed an amendment to the bill H.R. 3074, supra.

SA 2817. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2818. Mr. DURBIN (for himself, Ms. SNOWE, Mr. KOHL, Ms. COLLINS, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2819. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2820. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3074, supra.

SA 2821. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2822. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 2823. Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. MENENDEZ, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DODD, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 3074, supra.

SA 2824. Mr. GRASSLEY (for himself, Mr. VITTER, Mr. CRAPO, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2825. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 3074, supra.

SA 2826. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2827. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2828. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2829. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2830. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3074, supra.

SA 2831. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3074, supra.

SA 2832. Mr. BOND (for himself, Mr. DODD, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2833. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2834. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2835. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2836. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2837. Ms. SNOWE (for herself and Mr. CARPER) submitted an amendment intended to be proposed by her to the bill H.R. 3074, supra.

SA 2838. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2839. Mr. MARTINEZ (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2840. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2841. Mr. KENNEDY (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2842. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2843. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2844. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2845. Mr. STEVENS (for himself, Mr. INOUYE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2846. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2847. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2848. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2849. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2850. Mr. DURBIN (for himself, Mr. SPECTER, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2851. Mr. DURBIN (for himself, Ms. SNOWE, Mr. KOHL, Ms. COLLINS, Mr. KERRY, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2852. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2853. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2854. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2855. Mr. SPECTER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2856. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2857. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2858. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2859. Mr. SHELBY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra.

SA 2860. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2791 proposed by Mrs. MURRAY to the bill H.R. 3074, supra; which was ordered to lie on the table.

SA 2861. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 3074, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2808. Mr. CORNYN (for himself and Mr. INHOFE) proposed an amendment to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

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

(1) The Senate unanimously confirmed General David H. Petraeus as Commanding General, Multi-National Force-Iraq, by a vote of 81-0 on January 26, 2007.

(2) General Petraeus graduated first in his class at the United States Army Command and General Staff College.

(3) General Petraeus earned Masters of Public Administration and Doctoral degrees in international relations from Princeton University.

(4) General Petraeus has served multiple combat tours in Iraq, including command of the 101st Airborne Division (Air Assault) during combat operations throughout the first year of Operation Iraqi Freedom, which tours included both major combat operations and subsequent stability and support operations.

(5) General Petraeus supervised the development and crafting of the United States Army and Marine Corps counterinsurgency manual based in large measure on his combat experience in Iraq, scholarly study, and other professional experiences.

(6) General Petraeus has taken a solemn oath to protect and defend the Constitution of the United States of America.

(7) During his 35-year career, General Petraeus has amassed a distinguished and unvarnished record of military service to the United States as recognized by his receipt of a Defense Distinguished Service Medal, two

Distinguished Service Medals, two Defense Superior Service Medals, four Legions of Merit, the Bronze Star Medal for valor, the State Department Superior Honor Award, the NATO Meritorious Service Medal, and other awards and medals.

(8) A recent attack through a full-page advertisement in the New York Times by the liberal activist group, Moveon.org, impugns the honor and integrity of General Petraeus and all the members of the United States Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to reaffirm its support for all the men and women of the United States Armed Forces, including General David H. Petraeus, Commanding General, Multi-National Force-Iraq;

(2) to strongly condemn any effort to attack the honor and integrity of General Petraeus and all the members of the United States Armed Forces; and

(3) to specifically repudiate the unwarranted personal attack on General Petraeus by the liberal activist group Moveon.org.

SA 2809. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, line 6, strike the period, and insert ": *Provided further*, That, such funds may, for fiscal year 2008, be used to guarantee and make commitments to guarantee the notes or other obligations issued by a State for the purposes described in paragraphs (1) through (6) of section 108(a), only if the State agrees to distribute all funds subject to such guarantee or commitment to units of general local government in non-entitlement areas under the distribution plan established under section 106(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306)(d))."

SA 2810. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 70, between lines 20 and 21, insert the following:

SEC. 194. (a) Except as provided under subsection (b), none of the funds appropriated or otherwise made available under this title may be used for any earmark until all bridges in the United States that are classified under the Federal Highway Administration's bridge inspection program, as of the date of the enactment of this Act, as "structurally deficient" or "functionally obsolete" have been sufficiently repaired to no longer meet the criteria for such classifications.

(b) Funds appropriated under this title may be used for an earmark that is designated to repair—

(1) a bridge that is classified as "structurally deficient" or "functionally obsolete"; or

(2) a road with ride quality that is not classified as "good" or "acceptable".

(c) In this section, the term "earmark" means a provision or report language providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

SA 2811. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available under this Act may be spent for bicycle paths or bicycle trails.

SA 2812. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 232. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be made available for facility renovation at the International Peace Garden in Dunseith, North Dakota; Provided, That the amount made available for grants for the Economic Development Initiative is reduced by $450,000, and the amount made available for the Community Development Fund is reduced by $450,000.

SA 2813. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of Act, no funds made available under this Act may be used to carry out any activity relating to the design or construction of the America's Wetland Center in Lake Charles, Louisiana, until the date on which the Secretary of Housing and Urban Development, in consultation with the Administrator of the Federal Emergency Management Agency and the State of Louisiana, certifies to Congress that all residents of the State of Louisiana who were displaced as a result of Hurricane Katrina or Rita in 2005 are no longer living in temporary housing.

SA 2814. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act—

(1) none of the funds made available by this Act may be used for the construction of a new baseball stadium that is replacing Cobb Field in Billings, Montana;

(2) the amount made available by this Act for grants for the Economic Development Initiative is reduced by $500,000; and

(3) the amount made available by this Act for the Community Development Fund is reduced by $500,000.

SA 2815. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act—

(1) none of the funds made available by this Act may be used for the construction of the Peoria Riverfront Museum in Peoria, Illinois;

(2) the amount made available by this Act for grants for the Economic Development Initiative is reduced by $250,000; and

(3) the amount made available by this Act for the Community Development Fund is reduced by $250,000.

SA 2816. Ms. KLOBUCHAR (for herself and Mr. COLEMAN) proposed an amendment to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 20, between lines 13 and 14, insert the following:

I–35W BRIDGE REPAIR AND RECONSTRUCTION

For necessary expenses to carry out the project for repair and reconstruction of the Interstate I–35W bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, as authorized under section 1(c) of Public Law 110–56 (121 Stat. 558), up to $195,000,000, as documented by the Minnesota Department of Transportation, to remain available until expended, *Provided*, That that amount is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress): *Provided further*, That the Federal share of the costs of any project funded using amounts made available under this section shall be 100 percent in accordance with section 1(b) of Public Law 110–56 (121 Stat. 588).

SA 2817. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 87, line 9, strike the period and insert the following: *Provided further*, That, notwithstanding any other provision of law or regulation, or any independent decision of

the Secretary, during fiscal year 2008, the Secretary shall, in accordance with part 905.10(j) of title 24, Code of Federal Regulations and from amounts made available under this heading, award performance bonuses to public housing agencies that are designated high performers under the Public Housing Assessment System for the 2007 fiscal year.''.

SA 2818. Mr. DURBIN (for himself, Ms. SNOWE, Mr. KOHL, Ms. COLLINS, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 17 and 18, insert the following:

SEC. 232. Notwithstanding any other provision of law, a public housing agency that operates fewer than 250 units of federally subsidized public housing may elect, in lieu of converting to asset management, to permanently limit the agency's loss of public housing Operating Fund subsidy under the formula established in the final rule published by the Department of Housing and Urban Development on September 19, 2005, by reducing the agency's subsidy each year in an amount equal to 5 percent of the amount of Operating Fund subsidy the agency would have received in calendar year 2006 under the formula in effect immediately prior to the effective date of such final rule.

SA 2819. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 109, line 13, strike ''$59,040,000'' and insert ''$61,440,000''.

On page 109, line 23, strike ''$2,600,000'' and insert ''$5,000,000''.

On page 113, line 1, strike ''$175,000,000'' and insert ''$172,600,000''.

SA 2820. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 70, line 7, insert ''potatoes, specialty crops,'' after ''ethanol,''.

SA 2821. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 937. PHYSICIANS AND HEALTH CARE PROFESSIONALS COMPARABILITY ALLOWANCES.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1599. Physicians and health care professionals comparability allowances

''(a) AUTHORITY TO PROVIDE ALLOWANCES.—(1) Notwithstanding any other provision of law, and in order to recruit and retain highly qualified Department of Defense physicians and Department of Defense health care professionals, the Secretary of Defense may, subject to the provisions of this section, enter into a service agreement with a Department of Defense physician or a Department of Defense health care professional which provides for such physician or health care professional to complete a specified period of service in the Department of Defense in return for an allowance for the duration of such agreement in an amount to be determined by the Secretary and specified in the agreement, but not to exceed—

''(A) in the case of a Department of Defense physician—

''(i) $25,000 per annum if, at the time the agreement is entered into, the Department of Defense physician has served as a Department of Defense physician for 24 months or less; or

''(ii) $40,000 per annum if the Department of Defense physician has served as a Department of Defense physician for more than 24 months; and

''(B) in the case of a Department of Defense health care professional—

''(i) an amount up to $5,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for less than 10 years;

''(ii) an amount up to $10,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for at least 10 years but less than 18 years; or

''(iii) an amount up to $15,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for 18 years or more.

''(2)(A) For the purpose of determining length of service as a Department of Defense physician, service as a physician under section 4104 or 4114 of title 38 or active service as a medical officer in the commissioned corps of the Public Health Service under Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) shall be deemed service as a Department of Defense physician.

''(B) For the purpose of determining length of service as a Department of Defense health care professional, service as a nonphysician health care provider, psychologist, or social worker while serving as an officer described under section 302c(d)(1) of title 37 shall be deemed service as a Department of Defense health care professional.

''(b) CERTAIN PHYSICIANS AND PROFESSIONALS INELIGIBLE.—An allowance may not be paid under this section to any physician or health care professional who—

''(1) is employed on less than a half-time or intermittent basis;

''(2) occupies an internship or residency training position; or

''(3) is fulfilling a scholarship obligation.

''(c) COVERED CATEGORIES OF POSITIONS.—The Secretary of Defense shall determine categories of positions applicable to physicians and health care professionals within the Department of Defense with respect to which there is a significant recruitment and retention problem for purposes of this section. Only physicians and health care professionals serving in such positions shall be eligible for an allowance under this section. The amounts of each such allowance shall be determined by the Secretary, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians and health care professionals.

''(d) PERIOD OF SERVICE.—Any agreement entered into by a physician or health care professional under this section shall be for a period of one year of service in the Department of Defense unless the physician or health care professional requests an agreement for a longer period of service.

''(e) REPAYMENT.—Unless otherwise provided for in the agreement under subsection (f), an agreement under this section shall provide that the physician or health care professional, in the event that such physician or health care professional voluntarily, or because of misconduct, fails to complete at least one year of service under such agreement, shall be required to refund the total amount received under this section unless the Secretary of Defense determines that such failure is necessitated by circumstances beyond the control of the physician or health care professional.

''(f) TERMINATION OF AGREEMENT.—Any agreement under this section shall specify the terms under which the Secretary of Defense and the physician or health care professional may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician or health care professional for each reason for termination.

''(g) CONSTRUCTION WITH OTHER AUTHORITIES.—(1) An allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55 of title 5, chapter 81 or 87 of title 5, or other benefits related to basic pay.

''(2) Any allowance under this section for a Department of Defense physician or Department of Defense health care professional shall be paid in the same manner and at the same time as the basic pay of the physician or health care professional is paid.

''(h) ANNUAL REPORT.—Not later than June 30 each year, the Secretary of Defense shall submit to Congress a written report on the operation of this section during the preceding year. Each report shall include, with respect to the year covered by such report, information as to—

''(1) the nature and extent of the recruitment or retention problems justifying the use by the Department of Defense of the authority under this section;

''(2) the number of physicians and health care professionals with whom agreements were entered into by the Department of Defense;

''(3) the size of the allowances and the duration of the agreements entered into; and

''(4) the degree to which the recruitment or retention problems referred to in paragraph (1) were alleviated under this section.

''(i) DEFINITIONS.—In this section:

''(1) The term 'Department of Defense health care professional' means any individual employed by the Department of Defense who is a qualified health care professional employed as a health care professional and paid under any provision of law specified in subparagraphs (A) through (G) of paragraph (2).

''(2) The term 'Department of Defense physician' means any individual employed by the Department of Defense as a physician or dentist who is paid under a provision or provisions of law as follows:

''(A) Section 5332 of title 5, relating to the General Schedule.

''(B) Subchapter VIII of chapter 53 of title 5, relating to the Senior Executive Service.

''(C) Section 5371 of title 5, relating to certain health care positions.

''(D) Section 5376 of title 5, relating to certain senior-level positions.

''(E) Section 5377 of title 5, relating to critical positions.

''(F) Subchapter IX of chapter 53 of title 5, relating to special occupational pay systems.

''(G) Section 9902 of title 5, relating to the National Security Personnel System.

''(3) The term 'qualified health care professional' means any individual who is—

''(A) a psychologist who meets the Office of Personnel Management Qualification Standards for the Occupational Series of Psychologist as required by the position to be filled;

''(B) a nurse who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

''(C) a nurse anesthetist who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

''(D) a physician assistant who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Physician Assistant as required by the position to be filled;

''(E) a social worker who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Social Worker as required by the position to be filled; or

''(F) any other health care professional designated by the Secretary of Defense for purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by adding at the end the following new item:

''1599e. Physicians and health care professionals comparability allowances.''.

SA 2822. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as folows:

On page 87, strike line 10 and all that follows through page 113, line 9, and insert the following:

PUBLIC HOUSING OPERATING FUND

For 2008 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $4,300,000,000; of which $5,940,000 shall be for technical assistance related to the transition and implementation of asset-based management in public housing: *Provided*, That, in fiscal year 2008 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $100,000,000, to remain available until September 30, 2008, of which not to exceed $1,980,000 may be used for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $630,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, $2,000,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: *Provided further*, That of the amount provided under this heading, $1,980,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $9,000,000, to remain available until expended, of which $300,000 shall be for training and technical assistance activities.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $7,450,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $367,000,000.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,044,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $41,504,255.

COMMUNITY PLANNING AND DEVELOPMENT

OFFICE OF THE ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of the Assistant Secretary for Community Planning and Development, $1,520,000.

COMMUNITY PLANNING AND DEVELOPMENT SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of Community Planning and Development mission area, $93,770,000.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $300,100,000, to remain available until September 30, 2009, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2010: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Secretary may use not to exceed $1,485,000 of the funds under this heading for training, oversight, and technical assistance activities; and not to exceed $1,485,000 may be transferred to the Working Capital Fund.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $17,000,000, to remain available until expended, which amount shall be competitively awarded by September 1, 2008, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,060,000,000, to remain available until September 30, 2010, unless otherwise specified: *Provided*, That of the amount provided, $3,705,430,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et

seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That not to exceed $1,570,000 may be transferred to the Working Capital Fund: *Provided further*, That $3,000,000 is for technical assistance as authorized by section 107(b)(4) of such Act: *Provided further*, That $62,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 305 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, $248,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments: *Provided*, That none of the funds provided under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2006, 2007, and 2008, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, $40,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $6,000,000, to remain available until September 30, 2009, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $10,000,000, to remain available until September 30, 2009.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,970,000,000, to remain available until September 30, 2010, of which not to exceed $3,465,000 may be transferred to the Working Capital Fund: *Provided*, That up to $15,000,000 shall be available for technical assistance: *Provided further*, That of the total amount provided in this paragraph, up to $150,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $70,000,000, to remain available until September 30, 2010: *Provided*, That of the total amount provided under this heading, $26,500,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That $33,500,000 shall be made available for the first four capacity building activities authorized under section 4(b)(3) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997 and of which up to $5,000,000 may be made available for rural capacity building activities: *Provided further*, That of the total amount made available under this heading; $3,000,000 shall be made available to the Housing Assistance Council; $2,000,000 shall be made available to the National American Indian Housing Council; $3,000,000 shall be made available as a grant to the Raza Development Fund of La Raza for the HOPE Fund, of which $500,000 is for technical assistance and fund management, and $2,500,000 is for investments in the HOPE Fund and financing to affiliated organizations; and $2,000,000 shall be made available as a grant to the Housing Partnership Network for operating expenses and a program of affordable housing acquisition and rehabilitation.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,585,990,000, of which $1,580,990,000 shall remain available until September 30, 2010, and of which $5,000,000 shall remain available until expended for rehabilitation projects with ten-year grant terms: *Provided*, That of the amounts provided, $25,000,000 shall be set aside to conduct a demonstration program for the rapid re-housing of homeless families: *Provided further*, That of amounts made available in the preceding proviso, not to exceed $3,000,000 may be used to conduct an evaluation of this demonstration program: *Provided further*, That funding made available for this demonstration program shall be used by the Secretary, expressly for the purposes of providing housing and services to homeless families in order to evaluate the effectiveness of the rapid re-housing approach in addressing the needs of homeless families: *Provided further*, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing for individuals and families: *Provided further*, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to $8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further*, That not to exceed $2,475,000 of the funds appropriated under this heading may be transferred to the Working Capital Fund: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2008.

HOUSING PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR HOUSING, FEDERAL HOUSING COMMISSIONER

SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of the Assistant Secretary for Housing, Federal Housing Commissioner, $3,420,000.

HOUSING SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of Housing, $351,560,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area.

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $735,000,000, to remain available until September 30, 2011, of which up to $603,900,000 shall be for capital advance and project-based rental assistance awards: *Provided*, That, of the amount provided under this heading, up to $60,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $24,750,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for emergency capital repairs as determined by the Secretary: *Provided further*, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance

projects: *Provided further*, That not to exceed $1,400,000 of the total amount made available under this heading may be transferred to the Working Capital Fund: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $237,000,000, to remain available until September 30, 2011: *Provided*, That not to exceed $600,000 may be transferred to the Working Capital Fund: *Provided further*, That, of the amount provided under this heading $74,745,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further*, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center Inspections and inspection-related activities associated with section 811 Capital Advance Projects.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $27,600,000, to remain available until expended.

(RESCISSION)

Of the amounts made available under the heading ''Rent Supplement'' in Public Law 98–63 for amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $27,600,000 are rescinded.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2007, and any collections made during fiscal year 2008 and all subsequent fiscal years, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to $16,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2008 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2008, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $185,000,000,000.

During fiscal year 2008, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative contract expenses, $77,400,000, of which not to exceed $25,550,000 may be transferred to the Working Capital Fund, and of which up to $5,000,000 shall be for education and outreach of FHA single family loan products: *Provided*, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2008, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,600,000, to remain available until expended: *Provided*, That commitments to guarantee loans shall not exceed $45,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

For administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $78,111,000, of which not to exceed $15,692,000 may be transferred to the Working Capital Fund: *Provided*, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2008, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

For discount sales of multifamily real property under sections 207(1) or 246 of the National Housing Act (12 U.S.C. 1713(l), 1715z–11), section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11), or section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a), and for discount loan sales under section 207(k) of the National Housing Act (12 U.S.C. 1713(k)), section 203(k) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11(k)), or section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Act, 1997 (12 U.S.C. 1715z–11a(a)), $5,000,000, to remain available until September 30, 2009.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SALARIES AND EXPENSES

For the necessary salaries and expenses of the Office of the Government National Mortgage Association, $9,530,000.

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2009.

POLICY DEVELOPMENT AND RESEARCH

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH

SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of the Assistant Secretary for Policy Development and Research, $1,570,000.

POLICY DEVELOPMENT AND RESEARCH SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of Policy Development and Research, $19,310,000.

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $59,040,000, to remain available until September 30, 2009: *Provided*, That of the total amount provided

under this heading, $5,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: *Provided further*, That of the funds made available under this heading, $20,600,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974, as amended, as follows: $3,000,000 to support Alaska Native serving institutions and Native Hawaiian serving institutions as defined under the Higher Education Act, as amended; $2,600,000 for tribal colleges and universities to build, expand, renovate, and equip their facilities and to expand the role of the colleges into the community through the provision of needed services such as health programs, job training and economic development activities; $9,000,000 for the Historically Black Colleges and Universities program, of which up to $2,000,000 may be used for technical assistance; and $6,000,000 for the Hispanic Serving Institutions Program.

FAIR HOUSING AND EQUAL OPPORTUNITY

OFFICE OF THE ASSISTANT SECRETARY FOR FAIR HOUSING AND EQUAL OPPORTUNITY

SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of the Assistant Secretary for Fair Housing and Equal Opportunity, $1,490,000.

FAIR HOUSING AND EQUAL OPPORTUNITY SALARIES AND EXPENSES

For the necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, $69,390,000.

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $52,000,000, to remain available until September 30, 2009, of which $25,000,000 shall be to carry out activities pursuant to such section 561: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

SALARIES AND EXPENSES

For the necessary salaries and expenses of the Office of Healthy Homes and Lead Hazard Control, $6,140,000.

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $151,000,000, to remain available until September 30, 2009, of which $8,800,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: *Provided further*, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a Notice of Funding Availability: *Provided further*, That of the total amount made available under this heading, $2,000,000 shall be available for the Big Buy Program to be managed by the Office of Healthy Homes and Lead Hazard Control.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation *and maintenance* of both Department-wide and program-specific information systems, and for program-related development activities, $75,000,000, to remain available until September 30, 2009: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated.

SA 2823. Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. MENENDEZ, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DODD, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 147, between lines 8 and 9, insert the following:

SEC. 414. Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, a report detailing how the Federal Aviation Administration plans to alleviate air congestion and flight delays in the New York/New Jersey/Philadelphia Airspace by August 31, 2008.

SA 2824. Mr. GRASSLEY (for himself, Mr. VITTER, Mr. CRAPO, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In section 187 under the heading ''GENERAL PROVISIONS'' of title I, insert ''and any Member of Congress representing any affected State or district'' after ''Appropriations''.

SA 2825. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of the sections under the heading ''GENERAL PROVISIONS'' at the end of title I, add the following:

SEC. 1___. PROHIBITION ON IMPOSITION AND COLLECTION OF TOLLS ON CERTAIN HIGHWAYS CONSTRUCTED USING FEDERAL FUNDS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL HIGHWAY FACILITY.—

(A) IN GENERAL.—The term ''Federal highway facility'' means—

(i) any highway, bridge, or tunnel on the Interstate System that is constructed using Federal funds; or

(ii) any United States highway.

(B) EXCLUSION.—The term ''Federal highway facility'' does not include any right-of-way for any highway, bridge, or tunnel described in subparagraph (A).

(2) TOLLING PROVISION.—The term ''tolling provision'' means—

(A) section 129 of title 23, United States Code;

(B) section 1216(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212);

(C) section 1604(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 129 note; 119 Stat. 1250); and

(D) section 1012(b)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938).

(b) PROHIBITION.—

(1) IN GENERAL.—None of the funds made available by this Act shall be used to consider or approve an application to permit the imposition or collection of any toll on any portion of a Federal highway facility—

(A)(i) that is in existence on the date of enactment of this Act; and

(ii) on which no toll is imposed or collected under a tolling provision on that date of enactment; or

(B) that would result in the Federal highway facility having fewer non-toll lanes than before the date on which the toll was first imposed or collected.

(2) EXEMPTION.—Paragraph (1) shall not apply to the imposition or collection of a toll on a Federal highway facility—

(A) on which a toll is imposed or collected under a tolling provision on the date of enactment of this Act; or

(B) that is constructed, under construction, or the subject of an application for construction submitted to the Secretary, after the date of enactment of this Act.

(c) STATE BUY-BACK.—None of the funds made available by this Act shall be used to impose or collect a toll on a Federal highway facility that is purchased by a State on or after the date of enactment of this Act.

SA 2826. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 18, between lines 2 and 3, insert the following:

SEC. 116. (a) GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT ON FLIGHT DELAYS.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Administrator of the Federal Aviation Administration for the New York/New Jersey/Philadelphia Metropolitan Airspace Redesign until the Comptroller General of the United States submits the report required by subsection (c).

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the efficacy of strategies employed by the Administrator of the Federal Aviation Administration and the Secretary of Transportation to address flight delays at airports in the United States.

(2) CONTENTS.—The study required by paragraph (1) shall include an assessment of—

(A) efforts by the Administrator of the Federal Aviation Administration to induce voluntary schedule reductions by air carriers at Chicago O'Hare International Airport;

(B) the mandatory flight reduction operations instituted by the Administrator of the Federal Aviation Administration at LaGuardia Airport and Ronald Reagan Washington National Airport;

(C) the New York/New Jersey/Philadelphia Metropolitan Airspace Redesign; and

(D) any other significant efforts by the Administrator of the Federal Aviation Administration or the Secretary of Transportation to reduce flight delays at airports in the United States.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report including—

(1) the results of the study required by subsection (b); and

(2) recommendations regarding which of the strategies described in subsection (b) reduce airport delays most effectively when employed for periods of 6 months or less.

SA 2827. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, between lines 2 and 3, insert the following:

SEC. 116. (a) STUDY OF NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE REDESIGN.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign to determine whether such redesign will meet the targets set by the Federal Aviation Administration of—

(1) a 20 percent reduction of air travel delays in such airspace by 2011; and

(2) eliminating exposure to aircraft noise for not less than 500,000 people in such metropolitan area.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report setting forth the findings of the Comptroller General with respect to the study required by subsection (a).

(c) REVERSION TO PREVIOUS AIRSPACE DESIGN.—If the report submitted to Congress in accordance with subsection (b) contains a finding by the Comptroller General that the targets specified in subsection (a) will not be met by the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the Administrator of the Federal Aviation Administration shall immediately revert the New York/New Jersey/Philadelphia Metropolitan Area airspace design to the airspace design for such area in effect on September 1, 2007.

SA 2828. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 8 and 9, insert the following:

SEC. 414. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to implement the airspace redesign alternative preferred by the Federal Aviation Administration with respect to the New York/New Jersey/Philadelphia Airspace Redesign Project.

SA 2829. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 18, between lines 2 and 3, insert the following:

SEC. 116. (a) GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON FLIGHT DELAYS.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the efficacy of strategies employed by the Administrator of the Federal Aviation Administration and the Secretary of Transportation to address flight delays at airports in the United States.

(2) CONTENTS.—The study required by paragraph (1) shall include an assessment of—

(A) efforts by the Administrator of the Federal Aviation Administration to induce voluntary schedule reductions by air carriers at Chicago O'Hare International Airport;

(B) the mandatory flight reduction operations instituted by the Administrator of the Federal Aviation Administration at LaGuardia Airport and Ronald Reagan Washington National Airport;

(C) the New York/New Jersey/Philadelphia Metropolitan Airspace Redesign; and

(D) any other significant efforts by the Administrator of the Federal Aviation Administration or the Secretary of Transportation to reduce flight delays at airports in the United States.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report including—

(1) the results of the study required by subsection (a); and

(2) recommendations regarding which of the strategies described in subsection (a) reduce airport delays most effectively when employed for periods of 6 months or less.

SA 2830. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall establish and maintain on the homepage of the Internet website of the Department of Housing and Urban Development—

(1) a direct link to the Internet website of the Office of Inspector General of the Department of Housing and Urban Development; and

(2) a mechanism by which individuals may anonymously report cases of waste, fraud, or abuse with respect to the Department of Housing and Urban Development.

SA 2831. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall establish and maintain on the homepage of the Internet website of the Department of Transportation—

(1) a direct link to the Internet website of the Office of Inspector General of the Department of Transportation; and

(2) a mechanism by which individuals may anonymously report cases of waste, fraud, or abuse with respect to the Department of Transportation.

SA 2832. Mr. BOND (for himself, Mr. DODD, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 95, after the period at the end of line 25, begin with the following new paragraph:

Of the overall funds made available for this account, up to $100,000,000 may be made available for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Secretary of Housing and Urban Development (''Secretary,'' ''the Department'') is authorized to provide, or contract with public, private or nonprofit entities (including the Neighborhood Reinvestment Corporation and Housing Finance Agencies) to make awards (with up to a 25 percent match by an entity of the amount made available to such entity) (except for the match, some or all of the award may be repayable by the contractor to the Secretary, upon terms determined by the Secretary) to provide mitigation assistance to eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure, including mortgages known as subprime mortgages;

(2) These loss mitigation activities shall only be made available to homebuyers with mortgages in default or in danger of default where such activities are likely to ensure the

long-term affordability of any mortgage retained pursuant to such activity; No Federal funds made available under this paragraph may be provided directly to lenders or homeowners for foreclosure mitigation assistance. An entity may use its own funds (including its match contribution) for foreclosure mitigation assistance subject to repayment requirements and the regulations issued by the Secretary;

(3) Loss mitigation activities shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, the possible purchase of the mortgage, refinancing opportunities or the approval of a work-out strategy by all interested parties, and an assessment of the feasibility of the following measures, including:

(I) waiver of any late payment change or, as applicable, penalty interest;

(II) forbearance pursuant to the written agreement between the borrower and servicer providing for a temporary reduction in monthly payments followed by a reamortization and new payment schedule that includes any arrearage;

(III) waiver, modification, or variation of any term of a mortgage, including modification that changes the mortgage rate, including the possible elimination of the adjustable rate mortgage requirements, forgiving the payment of principal and interest, extending the final maturity rate of such mortgage, or beginning to include an escrow for taxes and insurance;

(IV) acceptance of payment from the homebuyer of an amount less than the stated principal balance in financial satisfaction of such mortgage;

(V) assumption;

(VI) pre-foreclosure sale;

(VII) deed in lieu of foreclosure; and

(VIII) such other measures, or combination of measures, to make the mortgage both feasible and reasonable to ensure the long-term affordability of any mortgage retained pursuant to such activity.

(4) Activities described in subclasses (V), (VI), and (VII) shall be only pursued after a reasonable evaluation of the feasibility of the activities described in subclasses (I), (II), (III), (IV), and (VIII), based on the homeowner's circumstances.

(5) The Secretary shall develop a listing of mortgage foreclosure mitigation entities with which it has agreements as well as a listing of counseling centers approved by the Secretary, with the understanding that an eligible mortgage foreclosure mitigation entity may also operate as a counseling center.

(6) Any mitigation funds recovered by the Department of Housing and Urban Development shall be revolved back into the overall mitigation fund or for other counseling activities, maintained by the Department and revolved back into mitigation and counseling activities

(7) The Department shall report annually to the Congress on its efforts to mitigate mortgage default. Such report shall identify all methods of success and housing preserved and shall include all recommended efforts that will or likely can assist in the success of this program.

SA 2833. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that:

(1) Millions of American families are at risk of losing their homes in foreclosure as their adjustable-rate subprime loans have reset or will reset in the near future.

(2) Based on recent housing data, the current foreclosure crisis is likely just the tip of the iceberg, as nearly 2,000,000 adjustable-rate subprime mortgages are scheduled to reset by the end of 2008.

(3) Rising foreclosures in a weak housing market could cause an accelerating decline in home values as more houses come on the market for resale (either from their owners or as the result of foreclosures), and if such a situation develops, the United States may see additional declines in home prices and negative effects on the Nation's economy.

(4) Foreclosures have a significant negative impact, not only on the borrower and lender, but also on neighboring homeowners and the surrounding community because of lower property values, decreased property tax revenues, and higher municipal maintenance costs.

(5) A cost-effective way of preventing foreclosures is to engage experienced nonprofit organizations in the negotiations between borrowers and lenders for loan modifications and refinancings.

(6) Many of these nonprofits are already overwhelmed by requests for assistance, with some having received as many requests for assistance in the first 6 months of this year as they did in all of last year.

(7) It is essential that the capacity of these qualified housing counselors be increased with additional funding, especially in light of increasing evidence that some homeowners are falling victim to fraudulent mortgage foreclosure avoidance schemes.

(8) The Subcommittee on Transportation, Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the Senate has recognized the need for increased funding for foreclosure-avoidance nonprofits by providing in this Act $100,000,000 for these efforts.

(9) The Federal Government cannot solve this problem by itself, and the efforts of others, particularly those banks and mortgage servicers that have the ability, through loan modifications and refinancings, to help homeowners avoid foreclosures, are essential to addressing this problem.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the subprime crisis poses a danger to the housing market and the economy as a whole, and efforts and resources at all levels of government and in the private sector should be devoted to alleviating this ongoing problem that threatens millions of American families and their homes.

SA 2834. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 73, line 8, strike ''$252,010,000'' and insert ''$251,630,000''.

On page 110, line 23, strike ''$52,000,000'' and insert ''$52,380,000''.

On page 111, line 6, strike the period and insert the following: '': *Provided further*, That of the funds made available under this heading, $380,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited english proficiency in utilizing the services provided by the Department of Housing and Urban Development.''.

SA 2835. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 17 and 18, insert the following:

SEC. 232. The Secretary of Housing and Urban Development shall give priority consideration to applications from the housing authorities of the Counties of San Bernardino and Santa Clara and the City of San Jose, California to participate in the Moving to Work Demonstration Agreement under section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996; Public Law 104-134): *Provided, That* upon turnover, existing requirements on the reissuance of section 8 vouchers shall be maintained to ensure that not less than 75 percent of all vouchers shall be made available to extremely low-income families.

SEC. 233. The Secretary of Housing and Urban Development may, notwithstanding any other provision of law, approve additional Moving to Work Demonstration Agreements, which are entered into between a public housing agency that is not currently under receivership and the Secretary under section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996; Public Law 104-134), but at no time may the number of active Moving to Work Demonstration Agreements exceed 32.

SA 2836. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 8 and 9, insert the following:

SEC. 414. SENSE OF THE SENATE REGARDING FEDERAL AVIATION ADMINISTRATION EQUIPMENT.

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

(1) The American public relies on the air traffic control infrastructure for its safety and American commerce is dependent on it for its continued health.

(2) The delays in modernization of technology by the Federal Aviation Administration have put both safety and commerce at risk.

(3) Safety must be first and foremost on the Federal Aviation Administration agenda when it comes to implementing modernization plans.

(4) So far this year, there have been 339 potential catastrophes, incidents where planes got too close to each other or to objects on the ground.

(5) As recently as August 16, a passenger jet on the runway at Los Angeles International Airport came within just 37 feet of another aircraft.

(6) In addition to safety, dependability is vital to American commerce.

(7) More than 909,000 flights were delayed between January and June 2007, twice the number of flights that were delayed in 2002.

(8) United States airlines canceled more than 30,000 flights in the summer of 2007, nearly twice as many as were canceled in the summer of 2006.

(9) The Federal Aviation Administration recorded 159,000 delays from June through August 27, up 19 percent over the same period last year.

(10) The Federal Aviation Administration predicts 1,000,000,000 passengers a year will take to the skies by 2015, a 36 percent increase from the current level.

(11) The initial implementation date for the next generation technology was scheduled to be 2014, but the Federal Aviation Administration has delayed that date to 2025.

(12) The Subcommittee on Transportation and Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the Senate has appropriated funds for the modernization of the air traffic control system in this Act.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Federal Aviation Administration should fully utilize the funds appropriated to expedite the implementation of the next generation technology needed to modernize the equipment used by the Federal Aviation Administration and to triple the system capacity of the national airspace reducing delays and enhancing safety.

SA 2837. Ms. SNOWE (for herself and Mr. CARPER) submitted an amendment intended to be proposed by her to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 70, between lines 20 and 21, insert the following:

SEC. 1____. In providing funding for highway projects, the Secretary of Transportation shall consider the use of recycled aggregates and other materials, including reused concrete and asphalt, in highway projects, to the maximum extent practicable and whenever economically feasible.

SA 2838. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 20 and 21, insert the following:

SEC. 1____. The table contained in section 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027) is amended in item number 3 by inserting '', upgrade of Freedom Crider Road in Beaver County, Pennsylvania, and redesignation of Route 60 as Interstate 376 in Beaver County, Pennsylvania'' after ''Construction of Aliquippa Ambridge Bridge of Beaver County, Pennsylvania''.

SA 2839. Mr. MARTINEZ (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 95, line 25, strike the period and insert the following: '': *Provided further*, That, from amounts appropriated or otherwise made available under this heading, $25,000,000 shall be made available to promote broader participation in homeownership through the American Dream Downpayment Initiative, as such initiative is set forth under section 271 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12821).''.

SA 2840. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 20 and 21, insert the following:

SEC. 1____. Of the amounts made available under the heading ''CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION'', not less than $3,000,000 shall be made available for the Greater Ouachita Port and Intermodal Facility, Louisiana.

SA 2841. Mr. KENNEDY (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 8 and 9, insert the following:

SEC. 414. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(1) in item number 451—

(A) by striking ''Design and Construction of parking areas'' and inserting ''for an energy efficient visitors center, design and construction of parking areas, and repair and regrade of White Pond Road''; and

(B) by striking ''$420,000'' and inserting ''$1,720,000''; and

(2) in item number 2886, by striking ''$1,500,000'' and inserting ''$200,000''.

SA 2842. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 70, between lines 20 and 21, insert the following:

SEC. 194. (a) Not less frequently than once every 3 months, the Secretary of Transportation shall inspect every commercial motor vehicle authorized to enter the United States through the demonstration program to ensure that every participating commercial motor vehicle complies with all applicable safety standards established for United States commercial motor vehicles.

(b) The Secretary of Transportation shall conduct an on-site preauthorization safety audit of every motor carrier domiciled in Mexico that participates in the demonstration program to ensure compliance with all applicable safety standards established for motor carriers domiciled in the United States.

(c) The Secretary of Transportation shall verify, at the point of entry, the safety compliance of every motor vehicle and motor vehicle operator that enters the United States through the demonstration program to ensure that every motor vehicle and motor vehicle operator meets all applicable safety standards established for United States commercial motor vehicles and motor vehicle operators.

(d)(1) Not later than 120 days after the commencement of the demonstration program, the Inspector General of the Department of Transportation shall submit a certification to Congress that the Secretary of Transportation is in compliance with this section.

(2) No funds made available under this Act may be used for the demonstration program if the Inspector General fails to submit the certification required under paragraph (1).

(e)(1) Not later than 60 days before implementing a cross-border motor carrier inspection program based on the demonstration program, the Secretary of Transportation shall submit written notification that describes the Secretary's intention to implement the inspection program to—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Appropriations of the House of Representatives; and

(D) the Committee on Transportation and Infrastructure of the House of Representatives.

(2) The Secretary may not implement the inspection program if Congress passes a law that terminates the program.

(f) In this section—

(1) the term ''commercial zones'' means the commercial zones along the international border between the United States and Mexico; and

(2) the term ''demonstration program'' means the cross-border motor carrier demonstration program that authorizes motor carriers domiciled in Mexico to operate beyond the commercial zones along the international border between the United States and Mexico.

(g) Of the amounts appropriated for the Office of the Secretary under this title, sufficient funds shall be made available to the Secretary of Transportation to carry out this section.

SA 2843. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 194. (a) Except as provided under subsection (b), none of the funds appropriated or otherwise made available under this title may be used for any earmark until all

bridges in the United States that are classified under the Federal Highway Administration's bridge inspection program, as of the date of the enactment of this Act, as ''structurally deficient'' or ''functionally obsolete'' have been sufficiently repaired to no longer meet the criteria for such classifications.

(b) Funds appropriated under this title may be used for an earmark that is designated to repair—

(1) a bridge that is classified as ''structurally deficient'' or ''functionally obsolete''; or

(2) a road with ride quality that is not classified as ''good'' or ''acceptable''.

(c) In this section, the term ''earmark''—

(1) means a provision or report language providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process; and

(2) does not include any provision that provides funding for a specific mass transit project.

SA 2844. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NONAPPLICATION OF PROVISIONS.

None of the funds made available by this Act may be used to implement the provisions, or make payments subject to the provisions, of subchapter IV of part A of chapter 31 of title 40, United States Code, with respect to a contract for the construction or maintenance of any bridge which, as of the date of enactment of this Act, is classified under the Federal Highway Administration's bridge inspection program as ''structurally deficient'' or ''functionally obsolete''.

SA 2845. Mr. STEVENS (for himself, Mr. INOUYE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 16, beginning with line 8, strike through line 2 on page 18, and insert the following:

SEC. 115. MULTICREW COVERED OPERATIONS SERVICE BY OLDER PILOTS.

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by adding at the end thereof the following:

''§ 44729. Age standards for pilots

''(a) IN GENERAL.—Subject to the limitation in subsection (c), a pilot may serve in multicrew covered operations until attaining 65 years of age.

''(b) COVERED OPERATIONS DEFINED.—In this section, the term 'covered operations' means operations under part 121 of title 14, Code of Federal Regulations.

''(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—

''(1) APPLICABILITY OF ICAO STANDARD.—A pilot who has attained 60 years of age may serve as pilot-in-command in covered operations between the United States and another country only if there is another pilot in the flight deck crew who has not yet attained 60 years of age.

''(2) SUNSET OF LIMITATION.—Paragraph (1) shall cease to be effective on such date as the Convention on International Civil Aviation provides that a pilot who has attained 60 years of age may serve as pilot-in-command in international commercial operations without regard to whether there is another pilot in the flight deck crew who has not attained age 60.

''(d) SUNSET OF AGE-60 RETIREMENT RULE.—On and after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, section 121.383(c) of title 14, Code of Federal Regulations, shall cease to be effective.

''(e) APPLICABILITY.—

''(1) NONRETROACTIVITY.—No person who has attained 60 years of age before the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008 may serve as a pilot for an air carrier engaged in covered operations unless—

''(A) such person is in the employment of that air carrier in such operations on such date of enactment as a required flight deck crew member; or

''(B) such person is newly hired by an air carrier as a pilot on or after such date of enactment without credit for prior seniority or prior longevity for benefits or other terms related to length of service prior to the date of rehire under any labor agreement or employment policies of the air carrier.

''(2) PROTECTION FOR COMPLIANCE.—An action taken in conformance with this section, taken in conformance with a regulation issued to carry out this section, or taken prior to the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008 in conformance with section 121.383(c) of title 14, Code of Federal Regulations (as in effect before such date of enactment), may not serve as a basis for liability or relief in a proceeding, brought under any employment law or regulation, before any court or agency of the United States or of any State or locality.

''(f) AMENDMENTS TO LABOR AGREEMENTS AND BENEFIT PLANS.—Any amendment to a labor agreement or benefit plan of an air carrier that is required to conform with the requirements of this section or a regulation issued to carry out this section, and is applicable to pilots represented for collective bargaining, shall be made by agreement of the air carrier and the designated bargaining representative of the pilots of the air carrier.

''(g) MEDICAL STANDARDS AND RECORDS.—

''(1) MEDICAL EXAMINATIONS AND STANDARDS.—Except as provided by paragraph (2), a person serving as a pilot for an air carrier engaged in covered operations shall not be subject to different medical standards, or different, greater, or more frequent medical examinations, on account of age unless the Secretary determines (based on data received or studies published after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008) that different medical standards, or different, greater, or more frequent medical examinations, are needed to ensure an adequate level of safety in flight.

''(2) DURATION OF FIRST-CLASS MEDICAL CERTIFICATE.—No person who has attained 60 years of age may serve as a pilot of an air carrier engaged in covered operations unless the person has a first-class medical certificate. Such a certificate shall expire on the last day of the 6-month period following the date of examination shown on the certificate.

''(h) SAFETY.—

''(1) TRAINING.—Each air carrier engaged in covered operations shall continue to use pilot training and qualification programs approved by the Federal Aviation Administration, with specific emphasis on initial and recurrent training and qualification of pilots who have attained 60 years of age, to ensure continued acceptable levels of pilot skill and judgment.

''(2) LINE EVALUATIONS.—Not later than 6 months after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, and every 6 months thereafter, an air carrier engaged in covered operations shall evaluate the performance of each pilot of the air carrier who has attained 60 years of age through a line check of such pilot. Notwithstanding the preceding sentence, an air carrier shall not be required to conduct for a 6-month period a line check under this paragraph of a pilot serving as second-in-command if the pilot has undergone a regularly scheduled simulator evaluation during that period.

''(3) GAO REPORT.—Not later than 24 months after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effect, if any, on aviation safety of the modification to pilot age standards made by subsection (a).''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following:

''44729. Age standards for pilots''.

SA 2846. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 137, between lines 17 and 18, insert the following:

SEC. 232. Not later than 90 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) develop a formal, structured, and written plan that the Department of Housing and Urban Development shall use when monitoring for compliance with the specific relocation restrictions in—

(A) the Community Development Block Grant entitlement program; and

(B) the Community Development Block Grant State program that receives economic development funds from the Department of Housing and Urban Development; and

(2) submit such plan to the Committee on Appropriations of both the Senate and the House of Representatives.

SA 2847. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes;

which was ordered to lie on the table; as follows:

On page 137, between lines 17 and 18, insert the following:

SEC. 232. (a) FINDINGS.—Congress finds the following:

(1) In a recent report, the Government Accountability Office (GAO) cited the lead analysis of Bureau of Labor Statistics survey data suggesting that in the fourth quarter of 2006 over 20,000 workers suffered job losses occurring because of business relocations within the United States, the majority of which crossed State lines.

(2) That State and local governments could be spending from $20,000,000,000 to $50,000,000,000 annually on business incentives.

(3) That States and local governments may be using tens of billions of dollars of Federal funds on economic development and business incentives.

(4) GAO identified 17 large Federal economic development programs that State and local governments use to attract and retain jobs.

(5) Nine of these Federal economic development programs prohibit using program funds to relocate a business if such move would cause a loss of jobs in the original location of the business.

(6) Unfortunately, GAO found that several Federal agencies, including the Department of Housing and Urban Development, operate 6 Federal economic development programs, including the Community Development Block Grant entitlement and State programs, that contain no formal written monitoring guidance specific to the employer relocation restriction.

(7) GAO suggests that without structured guidance and procedures in place to monitor compliance with such restriction, Federal agencies have limited assurance that grant recipients and others are complying with the statutory and regulatory requirements, and are spending funds on allowable activities.

(8) GAO recommends, among other things, that the Secretary of Housing and Urban Development develop and implement formal and structured guidance for the Department of Housing and Urban Development to follow when monitoring for compliance with the nonrelocation provisions in the Community Development Block Grant entitlement and State programs.

(9) American taxpayers ought to know that their Federal tax dollars are being used by State and local governments appropriately and that relocation restrictions are being followed to ensure that Federal financial assistance does not benefit one community at the expense of another.

(b) DEVELOPMENT, IMPLEMENTATION, AND SUBMISSION OF PLAN.—Not later than 90 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) develop a formal, structured, and written plan that the Department of Housing and Urban Development shall use when monitoring for compliance with the specific relocation restrictions in—

(A) the Community Development Block Grant entitlement program; and

(B) the Community Development Block Grant State program that receives economic development funds from the Department of Housing and Urban Development; and

(2) submit such plan to the Committee on Appropriations of both the Senate and the House of Representatives.

SA 2848. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 137, between lines 17 and 18, insert the following:

SEC. 232. (a) REQUIRED SUBMISSIONS FOR FISCAL YEARS 2007 AND 2008.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives for fiscal year 2007 and 2008—

(A) a complete and accurate accounting of the actual project-based renewal costs for project-based assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(B) revised estimates of the funding needed to fully fund all 12 months of all project-based contracts under such section 8, including project-based contracts that expire in fiscal year 2007 and fiscal year 2008; and

(C) all sources of funding that will be used to fully fund all 12 months of the project-based contracts for fiscal years 2007 and 2008.

(2) UPDATED INFORMATION.—At any time after the expiration of the 60-day period described in paragraph (1), the Secretary may submit corrections or updates to the information required under paragraph (1), if upon completion of an audit of the project-based assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), such audit reveals additional information that may provide Congress a more complete understanding of the Secretary's implementation of the project-based assistance program under such section 8.

(b) REQUIRED SUBMISSIONS FOR FISCAL YEAR 2009.—As part of the Department of Housing and Urban Development's budget request for fiscal year 2009, the Secretary of Housing and Urban Development shall submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives complete and detailed information, including a project-by-project analysis, that verifies that such budget request will fully fund all project-based contracts under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) in fiscal year 2009, including expiring project-based contracts.

SA 2849. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 8 and 9, insert the following:

SEC. 414. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this Act, or previously appropriated by Congress, may be obligated or expended to implement the New York/New Jersey/Philadelphia Region Airspace Redesign Project, proposed in the Federal Aviation Administration Record of Decision issued September 5, 2007, after the date that is 120 days after the date of the implementation of any new navigational procedures used as a result of the Project, unless the Administrator of the Federal Aviation Administration conducts the reviews described in subsection (b) and submits the reports described in subsection (c).

(b) REVIEW.—The review described in this subsection is a review of noise impacts caused by the implementation of the Airspace Redesign Project during the first 120 days any new navigational procedures used as a result of the Project are implemented. Each review shall include an opportunity for public comment and provide for public meetings within 15 miles of each census tract affected by slight-to-moderate and significant noise increases as described in FAA Order 1050.1E, the Noise Integrated Routing System.

(c) REPORT.—The report described in this subsection means a report on the results of each review conducted under subsection (b) that is submitted, not later than 30 days after the last public meeting described in subsection (b), and 30 days after each review conducted thereafter, to the Committee on Appropriations of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives.

SA 2850. Mr. DURBIN (for himself, Mr. SPECTER, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 4, line 6, strike ''$14,115,000'' and insert ''$13,615,000''

On page 48, line 7, strike ''$88,795,000'' and insert ''$89,295,000''

On page 48, line 18, strike ''$4,943,589'' and insert ''$5,443,589''.

On page 56, between lines 16 and 17, insert the following:

SEC. 169. (a) Using not more than $500,000 of the amount made available to the Office of Research, Demonstration and Innovation of the Federal Transit Administration under this title, the Administrator of the Federal Transit Administration shall conduct a study of the public transportation agencies in the urbanized areas described in section 5337(a) of title 49, United States Code (referred to in this section as ''agencies'').

(b) The study conducted under subsection (a) shall—

(1) analyze the state of repair of the agencies' rail infrastructure, including bridges, ties, and rail cars;

(2) calculate the amount of Federal funding received by the agencies during the 9-year period ending September 30, 2007, pursuant to—

(A) the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240);

(B) the Transportation Equity Act for the 21st Century (Public Law 105–178); and

(C) the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (Public Law 109–59);

(3) estimate the minimum amount of funding necessary to bring all of the infrastructure described in paragraph (1) into a state of good repair; and

(4) determine the changes to the rail modernization formula program that would be required to bring all of the infrastructure described in paragraph (1) into a state of good repair.

(c) Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of

Representatives a report that contains the results of the study conducted under this section.

SA 2851. Mr. DURBIN (for himself, Ms. SNOWE, Mr. KOHL, Ms. COLLINS, Mr. KERRY, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 17 and 18, insert the following:

SEC. 232. Notwithstanding any other provision of law, a public housing agency that operates fewer than 250 units of federally subsidized public housing may elect, in lieu of converting to asset management, to limit for fiscal years 2008 and 2009 the agency's loss of public housing Operating Fund subsidy under the formula established in the final rule published by the Department of Housing and Urban Development on September 19, 2005, by reducing the agency's subsidy in each such year in an amount equal to 7 percent of the amount of Operating Fund subsidy the agency would have received in calendar year 2006 under the formula in effect immediately prior to the effective date of such final rule.

SA 2852. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 137, between lines 17 and 18, insert the following:

SEC. 232. (a) The amounts provided under the subheading ''Program Account'' under the heading ''Community Development Loan Guarantees'' may be used to guarantee, or make commitments to guarantee, notes or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: *Provided*, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in nonentitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SA 2853. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, between lines 2 and 3, insert the following:

SEC. 116. Section 47107(q) of title 49, United States Code, is amended by striking ''300,000'' and inserting ''250,000''.

SA 2854. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 17 and 18, insert the following:

SEC. 232. (a) Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (4)(D)—

(A) by redesignating clauses (i), (ii), (iii), and (iv) as subclauses (I), (II), (III), and (IV), respectively, and adjusting the margin accordingly;

(B) by striking ''means lands'' and inserting the following ''means—

''(i) lands''; and

(C) by striking the period and the end and inserting the following: ''; and

''(ii) during the applicable period, areas adjacent to or within a reasonable commuting distance of lands described in clause (i) that are directly economically affected by the closing of a military installation, as determined by the Secretary of Housing and Urban Development.''; and

(2) by adding at the end the following:

''(8) APPLICABLE PERIOD.—The term 'applicable period' means the period—

''(A) beginning on the date the Secretary of Housing and Urban Development determines that the relevant area is directly economically affected by the closing of a military installation; and

''(B) ending on the date established by the Secretary of Housing and Urban Development, which shall be not later than 5 years after the date described in subparagraph (A).''.

(b) Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall conduct a study of the feasibility of, and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding, designating as a HUBZone (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) any area that does not qualify as a HUBZone solely because that area is located within a county located within a metropolitan statistical area (as defined by the Office of Management and Budget). The report submitted under this subsection shall include any legislative recommendations relating to the findings of the feasibility study conducted under this subsection.

SA 2855. Mr. SPECTER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, strike line 9 and all that follows through ''*Provided*,'' on line 15, and insert the following:

To make grants for capital improvements and related infrastructure improvements at qualified shipyards that will facilitate the efficiency, cost effectiveness, and quality of domestic ship construction or repair for commercial and Federal Government use, $20,000,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, under this heading the term ''qualified shipyard'' means a shipyard located in the United States that employees no more than 1,000 employees at any ship construction or repair facility and no more than 5,000 employees in the aggregate: *Provided further*,

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SA 2856. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 44, strike lines 6 through 13 and insert ''of this Act.''.

SA 2857. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds provided or limited under this Act may be used to issue a final regulation under section 5309 of title 49, United States Code.

SA 2858. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

''SEC. ____. APPLICATION FOR MOVING TO WORK DEMONSTRATION PROGRAM.

Upon the submission of an application for participation in the moving to work demonstration program under section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996; 42 U.S.C. 1437f note) by the Covington Housing Consortium of Covington, Kentucky, the Secretary of Housing and Urban Development shall—

(1) consider such application, notwithstanding—

(A) the limitation under subsection (b) of such section on the number of public housing agencies that may participate in such program; or

(B) any limitation regarding the date for the submission of applications for participation in such program; and

(2) approve or disapprove the application based on the criteria for selection for participation in such program, notwithstanding the limitations referred to in paragraph (1) of this subsection.''

SA 2859. Mr. SHELBY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the

fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 50, line 21, insert ''*Provided further*, That of the funds available to carry out the bus program under section 5309 of title 49, United States Code, which are not otherwise allocated under this Act or under SAFETEA-LU (Public Law 109–59), not more than 10 percent may be expended to carry out the Urban Partnership Congestion Initiative:'' after ''5309(b)(3):''.

SA 2860. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2791 proposed by Mrs. MURRAY to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 218. (a) The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this subsection shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation, and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

(b) For an additional amount of obligation limitation to be distributed for the purpose of section 144(e) of title 23, United States Code, $5,000,000,000: *Provided*, That such obligation limitation shall be used only for a purpose eligible for obligation with funds apportioned under such section and shall be distributed in accordance with the formula in such section: *Provided further*, That in distributing obligation authority under this subsection, the Secretary shall ensure that such obligation limitation shall supplement and not supplant each State's planned obligations for such purposes.

(c) Amounts made available under this section are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SA 2861. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 3074, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. ___. TECHNICAL CORRECTION FOR NORTHWEST ARKANSAS ITS.

Funds provided in Division H of Public Law 108–447 for 'ITS—Northwest Arkansas Regional Architecture' and 'Northwest Arkansas Regional Planning Commission—ITS Regional Architecture' shall be available for ITS deployment in Northwest Arkansas.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, September 12, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purposes of this hearing are to receive testimony on the status of energy efficient lighting technologies and on S. 2017, the Energy Efficient Lighting for a Brighter Tomorrow Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Britni_Rillera@energy.senate.gov.

For further information, please contact Deborah Estes or Britni Rillera.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that two bills have been added to a previously announced hearing before the Committee on Energy and Natural Resources, Subcommittee on Public Lands and Forests.

The hearing will be held on September 20, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The two bills are S. 1143, to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes; and S. 2034, to amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild or scenic rivers, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks or Rachel Pasternack.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Monday, September 24, 2007, at 3 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider scientific assessments of the impacts of global climate change on wildfire activity in the United States.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Scott Miller or Rachel Pasternack.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, September 25, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purposes of this hearing are to receive testimony on S. 1756, a bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes; and to receive testimony on the implementation of the Compact of Free Association between the United States and the Marshall Islands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Britni_Rillera@energy.senate.gov.

For further information, please contact Allen Stayman or Britni Rillera.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, September 26, 2007, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1543, a bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources by creating a program of geothermal research, development, demonstration

and commercial application to support the achievement of a national geothermal energy goal.

Due to the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Rosemarie_calabro@energy.senate.gov.

For further information, please contact Allyson Anderson or Rosemarie Calabro.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 11, at 2 p.m. in open session to receive testimony on the situation in Iraq and progress made by the Government of Iraq in meeting benchmarks.

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

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 11, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on the ''U.S.-Peru Trade Promotion Agreement.''

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 11, 2007, at 9:30 a.m. to hold a hearing on Iraq.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 11, 2007, at 2:15 p.m. to hold a business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 11, 2007, at 2:30 p.m. to hold a closed business meeting.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, September 11, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 127, to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge; S. 327 and H.R. 359, to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; S. 868, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System S. 1051, to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia at Constitution Gardens previously approved to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution; S. 1184 and H.R. 1021; to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes; S. 1247, to amend the Weir Farm National Historic Site Establishment Act of 1990 to limit the development of any property acquired by the Secretary of the interior for the development of visitor and administrative facilities for the Weir Farm National Historic Site, and for other purposes; S. 1304, to amend the National Trails System Act to designate the Arizona National Scenic Trail; S. 1329, to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; H.R. 759, to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the ''Bob Hope Memorial Library''; and H.R. 807, to direct the Secretary of the Interior to conduct a special resource study to determine the feasibility and suitability of establishing a memorial to the Space Shuttle Columbia in the State of Texas and for its inclusion as a unit of the National Park System.

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

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008

On Thursday, September 6, 2007, the Senate passed H.R. 2764, as amended, as follows:

H.R. 2764

Resolved, That the bill from the House of Representatives (H.R. 2764) entitled ''An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,820,375,000: Provided, That of the amount made available under this heading, not to exceed $10,000,000 may be transferred to and merged with ''Emergencies in the Diplomatic and Consular Service'', to be available only for emergency evacuations and terrorism rewards: Provided further, That of the funds appropriated under this heading, $8,131,000 shall be available for the Office of the Director of United States Foreign Assistance and $1,000,000 shall not be obligated until consultations with the Congress, arising from the report submitted pursuant to section 653(a) of the Foreign Assistance Act of 1961, have been completed: Provided further, That of the amount made available under this heading, not less than $364,905,000 shall be available only for public diplomacy international information programs: Provided further, That of the funds made available under this heading, $5,000,000 shall be made available for a demonstration program to expand access to consular services: Provided further, That of the funds made available under this heading, $40,000,000 shall be made available for passport operations, facilities, and systems: Provided further, That the funds appropriated by the previous proviso shall be in addition to amounts otherwise made available for such purposes: Provided further, That during fiscal year 2008, foreign service annuitants may be employed, notwithstanding section 316.401 of title 5, Code of Federal Regulations, pursuant to waivers under section 824(g)(1)(C)(ii) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)(1)(C)(ii)): Provided further, That of the funds made available under this heading in this Act and in prior Acts making appropriations for the Department of State, foreign operations, export financing and related programs, up to $200,000,000 may be transferred to, and merged with, funds appropriated under the heading ''Millennium Challenge Corporation'', subject to section 615 of this Act: Provided further, That of the funds appropriated under this heading, $6,000,000 shall be made available for the Ambassador's Fund for Cultural Preservation of which $1,500,000 shall be for grants of not less than $500,000 for significant historic preservation projects: Provided further, That there shall be one additional senior permanent position at United States Embassy Moscow whose sole responsibilities shall

be to monitor human rights and the implementation of Russian laws relating to nongovernmental organizations, communicate United States support for human rights defenders and journalists who are harassed and arrested, and support the work of civil society groups: Provided further, That funds available under this heading may be made available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: Provided further, That funds appropriated under this heading are available, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account in this title.

In addition, not to exceed $1,558,390 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security protection, $909,598,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $63,743,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $35,508,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $509,482,000, to remain available until expended: Provided, That not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized: Provided further, That of the funds available under this heading up to $2,000,000 may be made available to the Senator Paul Simon Study Abroad Foundation, subject to authorization: Provided further, That if a majority of the Board of Directors of such Foundation is not confirmed by the Senate by August 1, 2008, the Secretary shall provide $1,000,000 of such funds to the Benjamin A. Gilman International Scholarship Program and $1,000,000 shall be provided to the Fulbright Program to augment existing study abroad programs.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,175,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $14,000,000, to remain available until September 30, 2009.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $792,534,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $649,278,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $9,000,000, only for emergency evacuations and terrorism rewards, to remain available until expended, of which not to exceed $1,000,000 may be transferred to and merged with the ''Repatriation Loans Program Account'', subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $678,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with ''Diplomatic and Consular Programs''.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $16,351,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,374,400,000, to remain available until September 30, 2009: Provided, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: Provided further, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations budget for the biennium 2008–2009 to exceed the revised United Nations budget level for the biennium 2006–2007 of $4,173,895,900: Provided further, That any payment of arrearages under this title shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,352,000,000, of which 15 percent shall remain available until September 30, 2009: Provided, That at least 15 days in advance of voting in the United Nations Security Council (or in an emergency as far in advance as is practicable) for any new or expanded United Nations peacekeeping mission, the Secretary of State shall, with regard to any new or expanded mission, notify the Committees on Appropriations and other appropriate Committees of the Congress of its estimated cost and duration, the United States national interest that will be served, the planned exit strategy, the specific measures the United Nations is taking to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any such mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission; and a notification of funds pursuant to section 615 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only after a determination by the Secretary of State that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $30,430,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $88,425,000, to remain available until expended, as authorized, of which, $100,000 may be made available to repair, relocate, or replace fencing along the international border between the United States and Mexico: Provided, That of the funds appropriated under this heading, up to $400,000 should be made available for the repair or replacement of the Nogales Wash Flood Control Project and International Outfall Interceptor, of which up to $66,000,000 shall be made available only for construction in the United States of secondary wastewater treatment capability.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission,

United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $11,250,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $27,054,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324: Provided further, That funds appropriated under this heading shall be available for programs in the amounts contained in the table included in the report accompanying this Act and no proposal for deviation from those amounts shall be considered.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $16,000,000, to remain available until expended, as authorized.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2008, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2008, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2008, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $20,000,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

RELATED AGENCIES

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation and operation of necessary equipment, including aircraft, for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, $662,727,000: Provided, That of the total amount in this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $10,748,000, to remain available until expended, as authorized.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until September 30, 2009.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,037,000, to remain available until September 30, 2009.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $2,000,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2009.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $2,962,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2008: Provided, That funds appropriated under this heading shall only be available for obligation in accordance with a spending plan submitted to the Committees on Appropriations which effectively addresses the recommendations of the Government Accountability Office's audit of the Commission: Provided further, That the Commission shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by the Commission during any previous fiscal year.

UNITED STATES SENATE-CHINA INTERPARLIAMENTARY GROUP

SALARIES AND EXPENSES

For necessary expenses of the United States Senate-China Interparliamentary Group, as authorized under section 153 of the Consolidated Appropriations Act, 2004 (22 U.S.C. 276n; Public Law 108–99; 118 Stat. 448), $150,000, to remain available until September 30, 2009.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $25,000,000, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS TITLE

ALLOWANCES AND DIFFERENTIALS

SEC. 101. Funds appropriated under this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 102. The Department of State and the Broadcasting Board of Governors shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

EMBASSY CONSTRUCTION

SEC. 103. (a) Except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the Marine Corps.

PEACEKEEPING MISSIONS

SEC. 104. None of the funds made available under title I of this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

DENIAL OF VISAS

SEC. 105. (a) None of the funds appropriated or otherwise made available under this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2008.

UNITED STATES CITIZENS BORN IN JERUSALEM

SEC. 106. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

STATE DEPARTMENT AUTHORITIES

SEC. 107. Funds appropriated under this Act for the Broadcasting Board of Governors and

the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

RESTRICTION ON CONTRIBUTIONS TO THE UNITED NATIONS

SEC. 108. None of the funds appropriated or otherwise made available under any title of this Act may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.

PERSONNEL ACTIONS

SEC. 109. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 615 of title VI of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 110. None of the funds made available in this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has provided support for acts of international terrorism.

PALESTINIAN BROADCASTING CORPORATION

SEC. 111. None of the funds appropriated or otherwise made available in this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 112. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State determines that such attendance is in the national interest: Provided, That for purposes of this section the term ''international conference'' shall mean a conference attended by representatives of the United States Government and representatives of foreign governments, international organizations, or nongovernmental organizations.

PEACEKEEPING ASSESSMENT

SEC. 113. Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, as amended (22 U.S.C. 287e note) is further amended at the end by adding the following:

''(v) For assessments made during calendar year 2008, 27.1 percent.''

ALHURRA BROADCASTING

SEC. 114. Funds appropriated by this Act, and any subsequent emergency supplemental appropriations Act for fiscal year 2008, may be made available for the programs and activities of Alhurra only if the Secretary of State certifies and reports to the Committees on Appropriations that Alhurra does not advocate on behalf of any organization that the Secretary knows, or has reason to believe, engages in terrorist activities.

SEC. 115. COMMISSION FINANCIAL MANAGEMENT. (a) TERM LIMITS.—Section 1238(b)(3) of Public Law 106–398 is amended by striking subparagraph (G) and inserting the following:

''(G) a member of the Commission may not be reappointed for an additional term of service if that member has twice been appointed to the Commission; and''.

(b) REQUIREMENT FOR PERFORMANCE REVIEWS.—The United States-China Economic and Security Review Commission shall comply with chapter 43 of title 5, United States Code, regarding the establishment and regular review of employee performance appraisals.

(c) LIMITATION ON CASH AWARDS.—The United States-China Economic and Security Review Commission shall comply with section 4505a of title 5, United States Code, with respect to limitations on payment of performance-based cash awards.

(d) ANNUAL FINANCIAL AUDIT.—The Commission shall provide to Congress an annual comprehensive independent financial audit of all obligations and expenditures, not later than June 30 each year hereafter.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SEC. 116. (a) The amount appropriated or otherwise made available by this title under the heading ''COMMISSION ON SECURITY AND COOPERATION IN EUROPE'' is hereby increased by $333,000.

(b) The amount appropriated or otherwise made available by this title for the Department of State under the heading ''DIPLOMATIC AND CONSULAR PROGRAMS'' is hereby reduced by $333,000.

COOPERATION WITH THE GOVERNMENT OF MEXICO

SEC. 117. (a) COOPERATION REGARDING BORDER SECURITY.—The Secretary of State, in cooperation with the Secretary of Homeland Security and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, should work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug trafficking and smuggling between the United States and Mexico;

(4) the reduction of gang membership in the United States and Mexico;

(5) the reduction of violence against women in the United States and Mexico; and

(6) the reduction of other violence and criminal activity.

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, should work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under Federal law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, should work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico on the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations describing the actions taken by the United States and Mexico pursuant to this section.

REPORT REGARDING USE OF LEVEES

SEC. 118. Not later than 90 days after the date of enactment of this Act, the United States Commissioner of the International Boundary and Water Commission, in cooperation and coordination with the Secretary of Homeland Security and the Chief of Engineers of the United States Army Corps of Engineers, shall submit to Congress a report regarding the use by U.S. Customs and Border Protection of flood control levees under the control of the International Boundary and Water Commission, which shall—

(1) discuss the purpose and importance of—

(A) any such use of such levees ongoing on the date of enactment of this Act; and

(B) any anticipated such use of such levees after the date of enactment of this Act;

(2) describe the frequency and means of, and approximate number of officers and employees of the U.S. Customs and Border Protection who, access such levees;

(3) describe the level of degradation of such levees as a result of such use; and

(4) identify any formal agreements that may be needed between the Department of Homeland Security and the International Boundary and Water Commission or the Department of State to ensure needed access to such levees.

DEPARTMENT OF STATE INSPECTOR GENERAL

SEC. 119. (a) LINK TO OFFICE OF INSPECTOR GENERAL FROM HOMEPAGE OF DEPARTMENT OF STATE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall establish and maintain on the homepage of the Internet website of the Department of State a direct link to the Internet website of the Office of Inspector General of the Department of State.

(b) ANONYMOUS REPORTING OF WASTE, FRAUD, OR ABUSE.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of State shall establish and maintain on the homepage of the Internet website of the Office of Inspector General a mechanism by which individuals can anonymously report cases of waste, fraud, or abuse with respect to the Department of State.

CONSULAR OPERATIONS

SEC. 120. (a) The Secretary of State shall establish visa processing facilities in Iraq within 180 days of enactment of this Act in which aliens may apply and interview for admission to the United States.

(b) The Secretary of State shall report to the Congress no later than 30 days after enactment of this Act on funding and security requirements for consular operations in Iraq in fiscal year 2008.

REFERENCES

SEC. 121. Except as otherwise provided in this title, any reference in this title to ''this Act'' shall be deemed to be a reference only to title I.

TITLE II

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $1,000,000, to remain available until September 30, 2009.

LOANS PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance

under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2008: Provided further, That 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank under this or any prior Act should be used for renewable energy and environmentally beneficial products and services.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $68,000,000, to remain available until September 30, 2011: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2026, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2008, 2009, 2010, and 2011: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $78,000,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2008.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: Provided, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0: Provided further, That amounts collected in fiscal year 2008 in excess of obligations, up to $50,000,000, shall become available October 1, 2008 and shall remain available until September 30, 2011.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $47,500,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $21,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2008, 2009, and 2010: Provided further, That funds so obligated in fiscal year 2008 remain available for disbursement through 2016; funds obligated in fiscal year 2009 remain available for disbursement through 2017; funds obligated in fiscal year 2010 remain available for disbursement through 2018: Provided further, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,400,000, to remain available until September 30, 2009.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2008, unless otherwise specified herein, as follows:

GLOBAL HEALTH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $6,621,425,000, to remain available until September 30, 2009: Provided, That this amount shall be made available for such activities as: (1) child survival programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children displaced or orphaned by AIDS; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: Provided further, That of the funds appropriated under this heading, not to exceed $350,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: $450,000,000 for child survival and maternal health; $15,000,000 for vulnerable children; $724,675,000 for other infectious diseases, including $200,000,000 for tuberculosis control, of which $15,000,000 shall be used for the Global TB Drug Facility; and $395,000,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: Provided further, That of the funds appropriated under this heading, $75,000,000 should be made available for a United States contribution to The GAVI Fund, and up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading ''Operating Expenses of the United States Agency for International Development'' for costs directly related to global health, but funds made available for such costs may not be derived from amounts made available for contribution under this and preceding provisos: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President, supports, or participates in the management of, a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only for voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services with proven effectiveness, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States

Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That to the maximum extent practicable, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement should be made available only for the procurement of condoms manufactured in the United States: Provided further, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

Of the funds appropriated under this heading, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, including for children displaced or orphaned by AIDS, $5,050,000,000, to remain available until expended, of which $550,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25) for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2008 may be made available to the United States Agency for International Development for technical assistance related to the activities of the Global Fund: Provided further, That of the funds appropriated by this paragraph, up to $13,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the Global AIDS Coordinator: Provided further, That the Global AIDS Coordinator shall include in each country operational plan for fiscal year 2008 a health workforce strategy for meeting HIV/AIDS goals without reducing the capacity of the country to meet other health needs, particularly child survival and maternal health: Provided further, That of the funds appropriated by this paragraph, not less than $45,000,000 shall be made available to support the development of microbicides as a means for combating HIV/AIDS, and not less than $40,000,000 shall be made available for a United States contribution to UNAIDS: Provided further, That funds made available under this heading shall be made available notwithstanding the second sentence of section 403(a) of Public Law 108–25.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,455,000,000, to remain available until September 30, 2009: Provided, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $43,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the funds appropriated by this Act, not less than $250,000,000 shall be made available for microenterprise and microfinance development programs for the poor, especially women: Provided further, That of the funds appropriated under this heading, not less than $29,000,000 shall be made available for Collaborative Research Support Programs: Provided further, That of the funds appropriated under this heading, $750,000 shall be made available to implement 7 U.S.C. section 1736g–2(a)(2)(C) to improve food aid product quality and nutrient delivery: Provided further, That of the funds appropriated under this heading, not less than $22,000,000 should be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading, $12,000,000 should be made available for cooperative development programs within the Office of Private and Voluntary Cooperation: Provided further, That of the funds appropriated in this Act, not less than $300,000,000 shall be made available for safe drinking water and sanitation supply projects only to implement the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121), of which not less than $125,000,000 should be made available for such projects in Africa including drilling wells in northern Niger, Mali and elsewhere in the African Sahel region.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $322,350,000, to remain available until expended, of which $20,000,000 should be for famine prevention and relief.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: Provided further, That if the President determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $21,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading ''Assistance for Eastern Europe and the Baltic States'': Provided, That such funds shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: Provided further, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: Provided further, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,920,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided, That funds made available under this heading shall remain available until September 30, 2010.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $645,700,000, of which up to $25,000,000 may remain available until September 30, 2009: Provided, That none of the funds appropriated under this heading and under the heading ''Capital Investment Fund'' may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed $1,000,000: Provided further, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2009: Provided further, That any decision to open a new overseas mission or office of the United States Agency for International Development or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to ''Operating Expenses of the United States Agency for International Development'' in accordance with the provisions of those sections.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $90,508,000, to remain available until expended:

Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not to exceed $75,144,500 may be made available for the purposes of implementing the Capital Security Cost Sharing Program.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $38,000,000, to remain available until September 30, 2009, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $3,015,000,000, to remain available until September 30, 2009: Provided, That funds appropriated under this heading that are available for Egypt shall be provided with the understanding that Egypt will undertake significant economic and democratic reforms which are additional to those which were undertaken in previous fiscal years, including the benchmarks accompanying the ''Financial Sector Reform Memorandum of Understanding'' dated March 20, 2005: Provided further, That with respect to the provision of assistance for Egypt for democracy, human rights and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the Government of Egypt: Provided further, That of the funds appropriated under this heading that are available for assistance for Egypt, not less than $15,000,000 should be made available for democracy, human rights and governance programs and not less than $50,000,000 should be used for education programs, of which not less than $10,000,000 should be made available for scholarships for Egyptian students with high financial need to attend United States accredited institutions of higher education in Egypt: Provided further, That funds appropriated under this heading that are available for assistance for Cyprus should be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That of the funds appropriated under this heading, $363,547,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, $75,000,000 shall be made available for assistance for the West Bank and Gaza, of which not to exceed $2,000,000 may be used for administrative expenses of the United States Agency for International Development, in addition to funds otherwise available for such purposes, to carry out programs in the West Bank and Gaza: Provided further, That of the funds appropriated under this heading, not less than $30,000,000 shall be made available for assistance for the Philippines and not less than $10,700,000 shall be made available for assistance for Vietnam: Provided further, That $45,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon, of which not less than $10,000,000 should be made available for scholarships and direct support of United States educational institutions in Lebanon, and of which not less than $500,000 shall be made available to the United States Forest Service for forest management and wildlife conservation programs in Lebanon: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for the fund established by section 2108 of Public Law 109–13: Provided further, That of the funds appropriated under this heading, $3,000,000 shall be made available for programs to promote democracy and human rights in North Korea: Provided further, That of the funds appropriated under this heading for assistance for Cambodia, $15,000,000 shall be made available to support, democracy, the rule of law, and human rights in Cambodia, including assistance for democratic political parties: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading may be made available for programs and activities in the Central Highlands of Vietnam: Provided further, That of the funds appropriated under this heading for the Middle East Partnership Initiative, not less than $5,000,000 shall be made available to rescue Iraqi scholars: Provided further, That of the funds appropriated under this heading that are available for assistance for the Democratic Republic of Timor-Leste, up to $1,000,000 may be available for administrative expenses of the United States Agency for International Development in addition to amounts otherwise made available for such purposes: Provided further, That of the funds appropriated under this heading, not less than $12,000,000 shall be made available for a United States contribution to the Special Court for Sierra Leone, not less than $3,000,000 shall be made available for a United States contribution to the Extractive Industries Transparency Initiative Trust Fund, not less than $3,000,000 shall be made available to support implementation of the Kimberley Process Certification Scheme with an emphasis on support for regional efforts to combat cross-border smuggling and for monitoring by civil society groups, not less than $4,000,000 should be made available for a United States contribution to the International Commission Against Impunity in Guatemala, not less than $2,500,000 shall be made available for East Asia and Pacific Environmental Initiatives, and not less than $5,000,000 shall be made available for programs to protect biodiversity in Colombia's national parks and indigenous reserves: Provided further, That funds appropriated under this heading that are made available for a Middle East Financing Facility, Middle East Enterprise Fund, or any other similar entity in the Middle East shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not less than $10,000,000 shall be made available for labor and environmental capacity building activities relating to the free trade agreements with the countries of Central America and the Dominican Republic: Provided further, That of the funds appropriated under this heading, $45,700,000 should be made available to promote democracy in Cuba, and to assist the pro-democracy movement in Cuba: Provided further, That of the funds appropriated under this heading, not less than $10,000,000 should be made available for (1) programs to locate and identify persons missing as a result of armed conflict, violations of human rights, or natural disasters; (2) to assist governments in meeting their obligations regarding missing persons; and (3) to support investigations and prosecutions related to war crimes, crimes against humanity, genocide and other crimes under international law: Provided further, That of the funds appropriated under this heading, not more than $500,000 should be made available for the Department of Energy's National Nuclear Security Administration to support initiatives which bring together public officials and private individuals from nations involved in the Six-Party Talks for informal discussions on resolving the North Korea nuclear issue.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $294,568,000, to remain available until September 30, 2009, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(c) The provisions of section 628 of this Act shall apply to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 628 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $401,885,000, to remain available until September 30, 2009: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That funds made available for the Southern Caucasus region may be used, notwithstanding any other provision of law, for confidence-building measures and other activities in furtherance of the peaceful resolution of regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the funds appropriated under this heading, not less than $8,000,000 shall be made available for humanitarian, conflict mitigation, human rights, civil society, and relief and recovery assistance for Chechnya, Ingushetia, Dagestan, and North Ossetia-Alania in the North Caucasus: Provided further, That of the funds appropriated under this heading that are available for assistance for Russia, not less than $500,000 shall be made available to the United States Forest Service for forest management and wildlife conservation programs in the Russian Far East: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of Public Law 102–511 shall be subject to a 6 percent ceiling on administrative expenses.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $22,000,000, to remain available until September 30, 2009.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, $30,000,000, to remain available until September 30, 2009: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: Provided further, That interest earned shall be used only

for the purposes for which the grant was made: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, (1) in exceptional circumstances the Board of Directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project and (2) a project may exceed the limitation by up to $10,000 if the increase is due solely to foreign currency fluctuation: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $323,500,000, to remain available until September 30, 2009: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That the Director may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $2,000,000: Provided further, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, $1,200,000,000, to remain available until expended: Provided, That of the funds appropriated under this heading, up to $75,000,000 may be available for administrative expenses of the Millennium Challenge Corporation: Provided further, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for candidate countries for fiscal year 2008: Provided further, That none of the funds available to carry out section 616 of such Act may be made available until the Chief Executive Officer of the Millennium Challenge Corporation provides a report to the Committees on Appropriations listing the candidate countries that will be receiving assistance under section 616 of such Act, the level of assistance proposed for each such country, a description of the proposed programs, projects and activities, and the implementing agency or agencies of the United States Government: Provided further, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: Provided further, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates not more than 50 percent of the entire amount of the United States Government funding anticipated for the duration of the Compact, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed the entire amount of the United States Government funding anticipated for the duration of the Compact.

DEPARTMENT OF STATE

DEMOCRACY FUND

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, $177,000,000, of which the following amounts shall be made available, subject to the regular notification procedures of the Committees on Appropriations, until September 30, 2010—

(1) $75,000,000 for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, of which $15,000,000 shall be for democracy and rule of law programs in the People's Republic of China, Hong Kong, and Taiwan: Provided, That assistance for Taiwan should be matched from sources other than the United States Government: Provided further, That $10,000,000 shall be made available for programs and activities for the promotion of democracy in countries located outside the Middle East region with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: Provided further, That funds used for such purposes should support new initiatives and activities in those countries; and

(2) $102,000,000 for the National Endowment for Democracy: Provided, That of the funds appropriated by this Act under the headings ''Development Assistance'', ''Economic Support Fund'', and ''Assistance for the Independent States of the Former Soviet Union'', an additional $18,000,000 shall be made available for the programs and activities of the National Endowment of Democracy.

(b) Funds appropriated by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of this or any other Act and, with regard to the National Endowment for Democracy, any regulation. Funds appropriated under this heading are in addition to funds otherwise available for such purposes.

(c) The Assistant Secretary of State for Democracy, Human Rights and Labor shall be responsible for—

(1) all policy, funding, and programming decisions regarding funds made available in this Act and subsequent Acts making appropriations for the Department of State, foreign operations, export financing, and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor; and

(2) the development of strategies for the promotion of democracy globally and the coordination of democracy programs between the United States Department of State and the United States Agency for International Development.

(d) For the purposes of funds appropriated by this Act, the term ''promotion of democracy'' means programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

(e) Any contract, grant or cooperative agreement (or any amendment to any contract, grant, or cooperative agreement) in excess of $2,500,000 for the promotion of democracy under this Act shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $558,449,000, to remain available until September 30, 2010: Provided, That during fiscal year 2008, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That of the funds appropriated under this heading, not less than $19,000,000 shall be made available for training programs and activities of the International Law Enforcement Academies: Provided further, That funds appropriated under this heading shall be made available for training of foreign law enforcement and judicial personnel in the prevention of violence and discrimination on account of sexual orientation or gender identity: Provided further, That of the funds appropriated under this heading, not less than $10,500,000 should be made available for programs to combat trafficking in persons and migrant smuggling: Provided further, That of the funds appropriated under this heading, not more than $38,000,000 may be available for administrative expenses.

ANDEAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

(a) For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug, economic and social development, rule of law, and other activities in the Andean region of South America, $415,050,000, to remain available until September 30, 2010.

(b) In fiscal year 2008, funds available to the Department of State for assistance to the Government of Colombia may be made available to support a unified campaign against drug trafficking, against activities by organizations designated as Foreign Terrorist Organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore civilian government authority and respect for human rights in areas under the effective control of paramilitary organizations or successor armed groups: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any such organization, the helicopter shall be immediately returned to the United States: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations.

(c) Of the funds appropriated under this heading that are available for assistance for Colombia, not less than $22,000,000 shall be made available for the Office of the Attorney General, of which $5,000,000 shall be for the Human Rights Unit, $5,000,000 shall be for the Justice and Peace Unit, $9,000,000 shall be used to develop a witness protection program for victims of armed groups, and $3,000,000 shall be for investigations of mass graves and identification of remains: Provided further, That of the funds appropriated under this heading that are available for assistance for Colombia, $5,000,000 shall be for the Office of the Procuraduria General de la Nacion, $3,000,000 shall be for the Office of the Defensoria del Pueblo, and $750,000 shall be made available for a United States contribution to the Office of the United Nations High Commissioner for Human Rights in Colombia to support monitoring and public reporting of human rights conditions in the field.

(d) Funds appropriated by this Act that are available for aerial eradication of coca in Colombia may be made available only for targeted eradication in specific areas and only if the Secretary of State certifies to the Committees on Appropriations that manual eradication in such areas is not practicable and that aerial eradication will not contribute to a significant loss of biodiversity: Provided, That not more than 20 percent of such funds may be made available unless the Secretary of State certifies to the

Committees on Appropriations that: (1) the herbicide is being used in accordance with EPA label requirements for comparable use in the United States and with Colombian laws; and (2) the herbicide, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment including endemic species: Provided further, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that complaints of harm to health or licit crops caused by such aerial eradication are thoroughly evaluated and fair compensation is being paid in a timely manner for meritorious claims, and the Secretary submits a report to the Committees on Appropriations detailing all claims, evaluations, and compensation paid during the twelve month period prior to the date of enactment of this Act: Provided further, That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in municipalities where security permits for small-acreage growers whose illicit crops are targeted for aerial eradication: Provided further, That funds appropriated by this Act may be used for aerial eradication in Colombia's national parks or reserves only if the Secretary of State certifies to the Committees on Appropriations on a case-by-case basis that there are no practicable alternatives and the eradication is conducted in accordance with Colombian laws: Provided further, That of the funds appropriated under this heading that are available for Colombia, $10,000,000 shall be transferred to, and merged with, funds appropriated under the heading ''Foreign Military Financing Program'' and shall be made available only for assistance for the Colombian military to provide security for manual eradication programs, including in national parks: Provided further, That none of the funds appropriated by this Act shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people.

(e) No United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia.

(f) Rotary and fixed wing aircraft supported with funds appropriated under this heading for assistance for Colombia should be used for drug eradication and interdiction including to transport personnel in connection with manual eradication programs, and to provide transport in support of alternative development programs and investigations of cases under the jurisdiction of the Attorney General, the Procuraduria General de la Nacion, and the Defensoria del Pueblo.

(g) Funds appropriated under this heading that are made available for assistance for the Bolivian military and police may be made available for such purposes only if the Secretary of State certifies to the Committees on Appropriations that the Bolivian military and police are respecting human rights, and civilian judicial authorities are investigating and prosecuting, with the full cooperation, military and police personnel who have been implicated in the military and police gross violations of human rights.

(h) Of the funds appropriated under this heading, not more than $16,000,000 may be available for administrative expenses of the Department of State, and not more than $8,000,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

(i) The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $889,000,000, to remain available until expended: Provided, That not more than $23,000,000 may be available for administrative expenses: Provided further, That $40,000,000 of the funds made available under this heading shall be made available for refugees resettling in Israel: Provided further, That funds made available under this heading shall be made available for assistance for refugees from North Korea.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $45,000,000, to remain available until expended: Provided, That funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of such Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $499,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That of this amount not to exceed $32,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That of the funds appropriated under this heading, not less than $30,000,000 shall be made available for the Biosecurity Engagement Program: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds made available for demining and related activities, not to exceed $700,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That funds appropriated under this heading that are available for ''Anti-terrorism Assistance'' and ''Export Control and Border Security'' shall remain available until September 30, 2009.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $22,800,000, to remain available until September 30, 2010, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $200,300,000, to remain available until September 30, 2010: Provided, That not less than $20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: Provided further, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;
(2) the African Development Fund;
(3) the African Development Bank; and
(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as ''enclave'' loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

SUPPORT OF FOREIGN LAW ENFORCEMENT EFFORTS TO LOCATE UNITED STATES CITIZENS KIDNAPPED IN AREAS AFFECTED BY VIOLENT DRUG TRAFFICKING

SEC. 301. Funds appropriated or otherwise made available by this title under the heading ''INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT'' should be available for the support of efforts of foreign law enforcement authorities to locate United States citizens who have been kidnapped in, or are otherwise missing from, areas affected by violent drug trafficking.

TITLE IV

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $85,877,000, of which up to $3,000,000 may remain available until expended: Provided, That funds appropriated under this heading shall not be available for Equatorial Guinea: Provided further, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Cote d'Ivoire, Guinea, Libya, and Nepal may be made available only for expanded international military education and training: Provided further, That expanded international military education and training may include English language training for purposes of funds appropriated under this heading: Provided further, That funds made available under this heading for assistance for Haiti, Guatemala, the Democratic Republic of the Congo, Sri Lanka, Ethiopia, Bangladesh, Libya, Angola, and Nigeria may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,579,000,000: Provided, That of the funds appropriated under this heading, not less than $2,400,000,000 shall be available for grants only for Israel: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 2007, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $631,200,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, $300,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, not less than $8,413,000 shall be made available for assistance for Tunisia: Provided further, That of the funds appropriated under this heading that are available for assistance for Morocco, not more than $2,000,000 may be obligated until the Secretary of State certifies and reports to the Committees on Appropriations that Moroccan Government authorities in the territory of the Western Sahara have (1) ceased to persecute, detain, and prosecute individuals for peacefully expressing their opinions regarding the status and future of the Western Sahara and for documenting violations of human rights; and (2) provided unimpeded access to internationally recognized human rights organizations, journalists, and representatives of foreign governments to the Western Sahara: Provided further, That of the funds appropriated under this heading, not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That funds made available under this heading for assistance for Egypt should be made available for counterterrorism and border security programs in the Sinai: Provided further, That of the funds appropriated under this heading that are available for Colombia, $10,000,000 shall be made available for medical and rehabilitation assistance, removal of landmines, and to enhance communications capabilities: Provided further, That funds appropriated or otherwise made available by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further, That 0.1 percent of the funds appropriated under this heading shall be transferred to and merged with funds appropriated under the heading ''Economic Support Fund'' to be made available to the Bureau of Democracy, Human Rights and Labor, Department of State, to ensure adequate monitoring of the use of assistance made available under this heading in countries where such monitoring is most needed, in addition to amounts otherwise available for such purposes.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan: Provided further, That none of the funds appropriated under this heading may be made available for assistance for Haiti, Guatemala, Nepal, Sri Lanka, Pakistan, Bangladesh, Philippines, Indonesia, Bosnia and Herzegovina, Ethiopia, and Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $41,900,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $395,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2008 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2008 may be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $273,200,000: Provided, That of the funds made available under this heading, not less than $25,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: Provided further, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE V

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $106,763,000 to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility (GEF), by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,000,000,000, to remain available until expended: Provided, That funds appropriated under this heading should not be obligated until the Secretary of the Treasury reports to the Committees on Appropriations that he has received written assurance from the President of the World Bank that the bank's management will not recommend or support any loan, grant, credit or other financing for any infrastructure project which would contribute to significant loss of tropical forest or biodiversity.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $65,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $2,037,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $31,918,770.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $105,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $10,159 for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $18,072,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $313,925,000: Provided, That of the funds appropriated under this heading that are available for the Organization of American States Fund for Strengthening Democracy, $500,000 shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE VI

GENERAL PROVISIONS

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 601. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section ''international financial institutions'' are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

ALLOCATIONS

SEC. 602. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

''Educational and Cultural Exchange Programs''.

''Embassy Security, Construction, and Maintenance''.

''International Fisheries Commissions''.

''International Broadcasting Operations''.

''Global Health Programs''.

''Economic Support Fund''.

''Assistance for Eastern Europe and the Baltic States''.

''Assistance for the Independent States of the Former Soviet Union''.

''Democracy Fund''.

''Andean Programs''.

''Nonproliferation, Anti-Terrorism, Demining and Related Programs''.

''Foreign Military Financing Program''.

''International Organizations and Programs''.

(b) Any proposed increases or decreases to the amounts contained in such tables in the accompanying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 603. Of the funds appropriated or made available pursuant to title III of this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNOBLIGATED BALANCES

SEC. 604. Any Department or Agency to which funds are appropriated or otherwise made available by this Act shall provide, upon request of the Committees on Appropriations, an accurate accounting by program, project, and activity of the funds received by such Department or Agency in this fiscal year or any previous fiscal year that remain unobligated and unexpended.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 605. Of the funds appropriated or made available pursuant to this Act, not to exceed $250,000 shall be available for representation and entertainment allowances, of which not to exceed $5,000 shall be available for entertainment allowances, for the United States Agency for International Development during the current fiscal year: Provided, That no such entertainment funds may be used for the purposes listed in section 648 of this Act: Provided further, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading ''Foreign Military Financing Program'', not to exceed $4,000 shall be available for entertainment expenses and not to exceed $130,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading ''International Military Education and Training'', not to exceed $55,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $4,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act under the heading ''United States-China Economic and Security Review Commission'', not to exceed $3,000 shall be available for official reception, representation, and entertainment allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading ''Trade and Development Agency'', not to exceed $4,000 shall be available for representation and entertainment allowances: Provided further, That of the funds made available by this Act under the heading ''Millennium Challenge Corporation'', not to exceed $115,000 shall be available for representation and entertainment allowances.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 606. (a) PROHIBITION ON TAXATION.—None of the funds appropriated by this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2008 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2009 and allocated for the central government of such country and for the West Bank and Gaza Program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the policy of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms ''taxes'' and ''taxation'' refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term ''bilateral agreement'' refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement

between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 607. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, North Korea, Iran, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 608. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFERS

SEC. 609. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 104 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b)(1) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—None of the funds made available by this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(c) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President provides notification in accordance with the regular notification procedures of the Committees on Appropriations.

(d) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: Provided, That funds transferred under such authority may be made available for the cost of such audits.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 610. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

AVAILABILITY OF FUNDS

SEC. 611. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the heading ''Assistance for Eastern Europe and the Baltic States'', shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the Director of the Trade and Development Agency shall notify the Committees on Appropriations not later than 15 days prior to any reobligation of funds appropriated for the purposes of section 661 of part II of the Foreign Assistance Act of 1961.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 612. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 613. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 614. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 615. (a) None of the funds made available in all titles of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) closes or opens a mission or post; (6) reorganizes or renames offices; (7) reorganizes programs or activities; or (8) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agencies or department funded under title I of this Act that remain available for obligation or expenditure in fiscal

year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies or department funded by title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $750,000 or ten percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by ten percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under titles II through V of this Act for ''Global Health Programs'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Andean Programs'', ''Assistance for Eastern Europe and the Baltic States'', ''Assistance for the Independent States of the Former Soviet Union'', ''Economic Support Fund'', ''Democracy Fund'', ''Peacekeeping Operations'', ''Capital Investment Fund'', ''Operating Expenses of the United States Agency for International Development'', ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Millennium Challenge Corporation'' (by country only), ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peace Corps'', and ''Migration and Refugee Assistance'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this subsection shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles III or IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 616. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2009: Provided, That section 307(a) of the Foreign Assistance Act of 1961 is amended by striking ''Libya,''.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 617. (a) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(c) Funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(d)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 618. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 619. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2008, for programs under title II of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 620. None of the funds appropriated by this Act shall be obligated or expended for assistance for Serbia, Sudan, Zimbabwe, Pakistan, Cuba, the Dominican Republic, Iran, Haiti, Mexico, Nepal, or Cambodia except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 621. For the purpose of titles II through V of this Act ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: ''Economic Support Fund'' and ''Foreign Military Financing Program'', ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development ''program, project, and activity'' shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

GLOBAL HEALTH ACTIVITIES

SEC. 622. Up to $13,500,000 of the funds made available by this Act for assistance under the heading ''Global Health Programs'', may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States

Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to $3,500,000 of the funds made available by this Act for assistance under the heading ''Development Assistance'' may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading ''Global Health Programs'' and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: Provided further, That of the funds appropriated under title III of this Act, not less than $461,060,000 shall be made available for family planning/reproductive health: Provided further, That in order to prevent unintended pregnancies, abortions, and the transmission of sexually transmitted infections, including HIV/AIDS, no contract or grant for the exclusive purpose of providing donated contraceptives in developing countries shall be denied to any nongovernmental organization solely on the basis of the policy contained in the President's March 28, 2001, Memorandum to the Administrator of the United States Agency for International Development with respect to providing contraceptives in developing countries, or any comparable administration policy regarding the provision of contraceptives.

AFGHANISTAN

SEC. 623. Of the funds appropriated by titles III and IV of this Act, up to $1,057,050,000 may be made available for assistance for Afghanistan, of which not less than $75,000,000 should be made available to support programs that directly address the needs of Afghan women and girls, of which not less than $12,000,000 shall be made available for grants to support training and equipment to improve the capacity of women-led Afghan nongovernmental organizations and to support the activities of such organizations, and not less than $3,000,000 should be made available for reforestation activities: Provided, That funds made available pursuant to the previous proviso for reforestation activities should be matched, to the maximum extent possible, with contributions from American and Afghan businesses: Provided further, That of the funds appropriated by this Act that are available for Afghanistan, $20,000,000 should be made available through United States universities to develop agriculture extension services for Afghan farmers, $2,000,000 should be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund, and not less than $10,000,000 shall be made available for continued support of the United States Agency for International Development's Afghan Civilian Assistance Program.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 624. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

GLOBAL FUND MANAGEMENT

SEC. 625. Notwithstanding any other provision of this Act, 20 percent of the funds that are appropriated by this Act for a contribution to support the Global Fund to Fight AIDS, Tuberculosis and Malaria (the ''Global Fund'') shall be withheld from obligation to the Global Fund until the Secretary of State certifies to the Committees on Appropriations that the Global Fund—

(1) is releasing incremental disbursements only if grantees demonstrate progress against clearly defined performance indicators;

(2) is providing support and oversight to country-level entities, such as country coordinating mechanisms, principal recipients, and local Fund agents, to enable them to fulfill their mandates;

(3) has a full-time, professional, independent Office of Inspector General that is fully operational;

(4) requires local Fund agents to assess whether a principal recipient has the capacity to oversee the activities of sub-recipients;

(5) is making progress toward implementing a reporting system that breaks down grantee budget allocations by programmatic activity;

(6) has adopted and is implementing a policy to publish on a publicly available website all program reviews, program evaluations, internally and externally commissioned audits, and inspector general reports and findings, not later than 7 days after they are received by the Global Fund Secretariat, except that such information as determined necessary by the Inspector General to protect the identity of whistleblowers or other informants to investigations and reports of the Inspector General, or proprietary information, may be redacted from such documents; and

(7) is tracking and encouraging the involvement of civil society in country coordinating mechanisms and program implementation.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 626. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available for assistance to the government of any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism or other gross violation of human rights; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to such government if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 627. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 628. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of

the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 629. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available by this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

INTERNATIONAL FAMILY PLANNING AND REPRODUCTIVE HEALTH

SEC. 630. (a) Funds appropriated by this Act may be made available for a United States contribution to the United Nations Population Fund (UNFPA).

(b) None of the funds appropriated by this Act may be made available to UNFPA for a country program in the People's Republic of China.

(c) Funds appropriated by this Act may not be made available to UNFPA unless—

(1) UNFPA maintains amounts made available under this section in an account separate from other accounts of UNFPA;

(2) UNFPA does not commingle amounts made available to UNFPA under this section with other sums; and

(3) UNFPA does not fund abortions.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 631. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 632. None of the funds appropriated by this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

COMPREHENSIVE EXPENDITURES REPORT

SEC. 633. Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the total amount of United States Government expenditures in fiscal year 2006, by Federal agency, for programs and activities in each foreign country, identifying the line item as presented in the President's Budget Appendix and the purpose for which the funds were provided: Provided, That, if required, information may be submitted in classified form.

SPECIAL AUTHORITIES

SEC. 634. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 612 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles II and III of this Act that are made available for Iraq, Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(f) VIETNAMESE REFUGEES.—Section 594(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (enacted as division D of Public Law 108–447; 118 Stat. 3038) is amended by striking ''and 2007'' and inserting ''through 2009''.

(g) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(h) CHINA PROGRAMS.—Notwithstanding any other provision of law, of the funds appropriated under the heading ''Development Assistance'' in this Act, not less than $10,000,000 shall be made available to United States educational institutions and nongovernmental organizations for programs and activities in the People's Republic of China relating to the environment, democracy, and the rule of law: Provided, That funds made available pursuant to this authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(i) EXTENSION OF AUTHORITY.—

(1) With respect to funds appropriated by this Act that are available for assistance for Pakistan, the President may waive the prohibition on assistance contained in section 608 of this Act subject to the requirements contained in section 1(b) of Public Law 107–57, as amended, for a determination and certification, and consultation, by the President prior to the exercise of such waiver authority.

(2) Notwithstanding the date contained in section 6 of Public Law 107–57, as amended, the provisions of sections 2 and 4 of that Act shall remain in effect through the current fiscal year.

(j) MIDDLE EAST FOUNDATION.—Funds appropriated by this Act and prior Acts under the heading ''Economic Support Fund'' that are available for the Middle East Partnership Initiative may be made available, including as an endowment, notwithstanding any other provision of law and following consultations with the Committees on Appropriations, to establish and operate a Middle East Foundation, or any other similar entity, whose purpose is to support democracy, governance, human rights, and the rule of law in the Middle East region: Provided, That such funds may be made available to the Foundation only to the extent that the Foundation has commitments from sources other than the United States Government to at least match the funds provided under the authority of this subsection: Provided further, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section and the requirement that a majority of the members of the board of directors be citizens of the United States provided in subsection (d)(3(B) of that section) shall be deemed to apply to any such foundation or similar entity referred to under this subsection, and to funds made available to such entity, in order to enable it to provide assistance for purposes of this section: Provided further, That prior to the initial obligation of funds for any such foundation or similar entity pursuant to the authorities of this subsection, other than for administrative support, the Secretary of State shall take steps to ensure, on an ongoing basis, that any such funds made available pursuant to such authorities are not provided to or through any individual or group that the management of the foundation or similar entity knows or has reason to believe, advocates, plans, sponsors, or otherwise engages in

terrorist activities: Provided further, That section 629 of this Act shall apply to any such foundation or similar entity established pursuant to this subsection: Provided further, That the authority of the Foundation, or any similar entity, to provide assistance shall cease to be effective on September 30, 2010.

(k) EXTENSION OF AUTHORITY.—Section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C. 2778 note) is amended by striking ''During the 16 year period beginning on October 23, 1992'' and inserting ''During the 22 year period beginning on October 23, 1992'' before the period at the end.

(l) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 2007'' and inserting ''2007, and 2008''; and

(B) in subsection (e), by striking ''2007'' each place it appears and inserting ''2008''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''2007'' and inserting ''2008''.

(m) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than $10,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(n) CAPITAL SECURITY COST-SHARING.—Notwithstanding any other provision of law, of the funds appropriated under the heading ''Embassy Security, Construction, and Maintenance'', not less than $2,000,000 shall be made available for the Capital Security Cost-Sharing fees of the Library of Congress for fiscal year 2008.

(o) DEMOBILIZATION, DISARMAMENT, AND REINTEGRATION ASSISTANCE.—Notwithstanding any other provision of law, policy or regulation, funds appropriated by this Act and prior acts making appropriations for foreign operations, export financing, and related programs may be made available to support programs to demobilize, disarm, and reintegrate into civilian society former combatants of foreign governments or organizations who have renounced involvement or participation in such organizations.

(p) NONGOVERNMENTAL ORGANIZATIONS.—With respect to the provision of assistance for democracy, human rights and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 635. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ELIGIBILITY FOR ASSISTANCE

SEC. 636. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'': Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2008, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

RESERVATIONS OF FUNDS

SEC. 637. (a) Funds appropriated under titles II through V of this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and earmarks levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

ASIA

SEC. 638. (a) FUNDING LEVELS.—Of the funds appropriated by this Act under the headings ''Global Health Programs'' and ''Development Assistance'', not less than the amount of funds initially allocated for each such account pursuant to subsection 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2006 shall be made available for Cambodia, Philippines, Vietnam, Asia and Near East Regional, and Regional Development Mission/Asia: Provided, That for the purposes of this subsection, ''Global Health Programs'' shall mean ''Child Survival and Health Programs Fund''.

(b) BURMA.—

(1) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(2) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $11,000,000 shall be made available to support democracy activities in Burma, along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma's borders: Provided, That funds made available under this heading may be made available notwithstanding any other provision of law: Provided further, That in addition to assistance for Burmese refugees provided under the heading ''Migration and Refugee Assistance'' in this Act, not less than $3,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical and other humanitarian assistance to internally displaced persons in eastern Burma: Provided further, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) TIBET.—

(1) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, not less than $5,000,000 of the funds appropriated by this Act under the heading ''Economic Support Fund'' should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, and not less than $250,000 should be made available to the National Endowment for Democracy for human rights and democracy programs relating to Tibet.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 639. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 640. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

REQUESTS FOR DOCUMENTS

SEC. 641. (a) None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

(b) Notwithstanding any other provision of law or regulation, the Administrator of the United States Agency for International Development shall provide to the Committees on Appropriations, on a timely basis, such information on the obligation and expenditure of funds appropriated by this Act and prior Acts, pursuant to grants, cooperative agreements, and contracts entered into or financed by the agency, as may be requested by the Committee on Appropriations to satisfy oversight responsibilities of those Committees.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 642. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act of 1979. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the President makes a determination pursuant to subsection (b), the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES

SEC. 643. (a) Subject to subsection (c), of the funds appropriated under titles II through V by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the Committees on Appropriations stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the Committees on Appropriations, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term ''fully adjudicated'' includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(2) The term ''parking fines and penalties'' means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997, through September 30, 2007.

(3) The term ''unpaid property taxes'' means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 644. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 645. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available for tribunals other than Yugoslavia, Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 646. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 647. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 648. None of the funds appropriated or otherwise made available by this Act under the heading ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Global Health Programs'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

WESTERN HEMISPHERE

SEC. 649. (a) CENTRAL AMERICA.—Of the funds appropriated by this Act under the headings ''Global Health Programs'' and ''Development Assistance'', not less than the amount of funds initially allocated for each such account pursuant to section 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2006 shall be made available for El Salvador, Guatemala, Nicaragua, Honduras, Ecuador, Peru, Bolivia, Brazil, Latin America and Caribbean Regional, Central America Regional, and South America Regional: Provided, That for the purposes of this subsection, ''Global Health Programs'' shall mean ''Child Survival and Health Programs Fund''.

(b)(1) HAITI.—Of the funds appropriated by this Act under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $106,200,000 shall be made available for assistance for Haiti, of which not less than $5,000,000 shall be for programs to improve court administration and reduce pre-trial detention and of which not less than $5,000,000 shall be made available for watershed remediation and reforestation activities.

(2) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(3) None of the funds made available in this Act under the heading ''International Narcotics Control and Law Enforcement'' may be used to

transfer excess weapons, ammunition or other lethal property of an agency of the United States Government to the Government of Haiti for use by the Haitian National Police until the Secretary of State certifies to the Committees on Appropriations that the United Nations Mission in Haiti has ensured that any members of the Haitian National Police who have been credibly alleged to have committed serious crimes, including drug trafficking and human rights violations, have been suspended.

(c) DOMINICAN REPUBLIC.—Of the funds appropriated by this Act under the headings ''Global Health Programs'' and ''Development Assistance'', not less than $23,600,000 shall be made available for assistance for the Dominican Republic, of which not less than $5,000,000 shall be made available for basic health care, nutrition, sanitation, education, and shelter for migrant sugar cane workers and other residents of batey communities.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 650. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 651. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding the following section:

''SEC. 620J. LIMITATION ON ASSISTANCE TO SECURITY FORCES.

''(a) IN GENERAL.—No assistance shall be furnished under this Act or the Arms Export Control Act to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights.

''(b) EXCEPTION.—The prohibition in subsection (a) shall not apply if the Secretary determines and reports to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice.

''(c) DUTY TO INFORM.—In the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.''.

FOREIGN MILITARY TRAINING REPORT

SEC. 652. The annual foreign military training report required by section 656 of the Foreign Assistance Act of 1961 shall be submitted by the Secretary of Defense and the Secretary of State to the Committees on Appropriations by the date specified in that section.

AUTHORIZATION REQUIREMENT

SEC. 653. Funds appropriated by this Act, except funds appropriated under the headings ''Trade and Development Agency'' and ''Overseas Private Investment Corporation'', may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

AVIAN INFLUENZA PREPAREDNESS

SEC. 654. Notwithstanding any other provision of law except section 551 of Public Law 109–102, of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', $12,500,000 shall be made available to enhance the preparedness of militaries in Asia and Africa to respond to an avian influenza pandemic, and of the funds appropriated by this Act under the heading ''Peacekeeping Operations'', $12,500,000 shall be transferred to, and merged with, funds made available under the heading ''Foreign Military Financing Program'' to be used for this purpose.

PALESTINIAN STATEHOOD

SEC. 655. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is important to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 650 of this Act (''Limitation on Assistance to the Palestinian Authority'').

COLOMBIA

SEC. 656. (a) FUNDING.—Funds appropriated by this Act that are available for assistance for Colombia shall be made available in the amounts indicated in the table in the accompanying report.

(b) DETERMINATION AND CERTIFICATION REQUIRED.—Funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(1) Up to 70 percent of such funds may be obligated prior to the certification and report by the Secretary of State pursuant to paragraph (2).

(2) Up to 15 percent of such funds may be obligated only after the Secretary of State consults with, and subsequently certifies and submits a written report to, the Committees on Appropriations that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank who, according to the Minister of Defense, the Attorney General or the Procuraduria General de la Nacion, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations or successor armed groups.

(B) The Colombian Government is vigorously investigating and prosecuting, in the civilian justice system, those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations or successor armed groups, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted such organizations or successor groups.

(C) The Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Colombian Armed Forces have taken all necessary steps to sever links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations and successor armed groups, especially in regions where such organizations or successor groups have a significant presence.

(E) The Colombian Government is dismantling paramilitary leadership and financial networks by arresting and prosecuting under civilian criminal law individuals who have provided financial, planning, or logistical support, or have otherwise aided or abetted paramilitary organizations or successor armed groups, by identifying and confiscating land and other assets illegally acquired by such organizations or their associates and returning such land or assets to their rightful owners, by revoking reduced sentences for demobilized paramilitaries who engage in new criminal activity, and by arresting, prosecuting under civilian criminal law, and when requested, promptly extraditing to the United States members of successor armed groups.

(F) The Colombian Armed Forces are not violating the land and property rights of Colombia's indigenous and Afro-Colombian communities, and are distinguishing between civilians, including displaced persons, and combatants in their operations.

(3) The balance of such funds may be obligated after July 31, 2008, if, before such date, the Secretary of State consults with, and subsequently certifies and submits a written report to, the Committees on Appropriations, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore civilian government authority and respect for human rights in areas under the effective control of paramilitary organizations or successor armed groups and guerrilla organizations.

(c) REPORT.—The reports required by subsections (a)(2) and (a)(3) of this section shall contain, with respect to each such subsection, a detailed description of the actions taken by the

Colombian Government or Armed Forces which support each requirement of the certification, and the cases or issues brought to the attention of the Secretary for which the actions taken by the Colombian Government or Armed Forces have been inadequate.

(d) CONGRESSIONAL NOTIFICATION.—Funds made available by this Act for the Colombian Armed Forces shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) CONSULTATIVE PROCESS.—Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2008, the Secretary of State shall consult with Colombian and internationally recognized human rights organizations regarding progress in meeting the conditions contained in subsection (a).

(f) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term ''aided or abetted'' means to provide any support to paramilitary or successor armed groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term ''paramilitary groups'' means illegal self-defense groups and illegal security cooperatives, including those groups and cooperatives that have formerly demobilized but continue illegal operations, as well as parts thereof.

ILLEGAL ARMED GROUPS

SEC. 657. (a) DENIAL OF VISAS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), or successor armed groups, including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State certifies and reports to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for humanitarian reasons.

WEST BANK AND GAZA ASSISTANCE

SEC. 658. (a) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(b) PROHIBITION.—None of the funds appropriated by this Act for assistance under the West Bank and Gaza program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(c) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' that are made available for assistance for the West Bank and Gaza, up to $500,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

WAR CRIMINALS

SEC. 659. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the ''Tribunal'') all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section:

(1) COUNTRY.—The term ''country'' means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term ''entity'' refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term ''municipality'' means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term ''Dayton Accords'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 660. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

FUNDING FOR SERBIA

SEC. 661. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2008, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2008, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia subject to the conditions in subsection (c).

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of Serbia is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, timely information on the location, movement, and sources of financial support of indictees, and the surrender and transfer of indictees or assistance in their apprehension, including Ratko Mladic and Radovan Karadzic;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply to Kosovo, humanitarian assistance or assistance to promote democracy.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 662. (a) AUTHORITY.—Funds made available by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 663. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as

amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as ''Paris Club Agreed Minutes''.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading ''Debt Restructuring''.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 664. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

RECONCILIATION PROGRAMS

SEC. 665. Of the funds appropriated under the heading ''Economic Support Fund'', not less than $20,000,000 shall be made available to support reconciliation programs and activities which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil conflict and war.

SUDAN

SEC. 666. (a) LIMITATION ON ASSISTANCE.—Subject to subsection (b):

(1) Notwithstanding section 501(a) of the International Malaria Control Act of 2000 (Public Law 106–570) or any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(2) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(b) Subsection (a) shall not apply if the Secretary of State determines and certifies and reports to the Committees on Appropriations that—

(1) the Government of Sudan is honoring its pledges to cease attacks upon civilians and has disarmed and demobilized the Janjaweed and other government-supported militias;

(2) the Government of Sudan and all government-supported militia groups are honoring their commitments made in all previous cease-fire agreements; and

(3) the Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and that has the support of the United States.

(c) EXCEPTIONS.—The provisions of subsection (a) shall not apply to—

(1) humanitarian assistance;

(2) assistance for Darfur and for areas outside the control of the Government of Sudan; and

(3) assistance to support implementation of the Comprehensive Peace Agreement and the Darfur Peace Agreement or any other internationally-recognized peace agreement in Sudan.

(d) DEFINITIONS.—For the purposes of this Act, the term ''Government of Sudan'' shall not include the Government of Southern Sudan.

TRANSPARENCY AND ACCOUNTABILITY

SEC. 667. (a) UNITED NATIONS DEVELOPMENT PROGRAM.—Prior to the initial obligation of funds appropriated in this Act under the heading ''International Organizations and Programs'' for a United States contribution to the United Nations Development Program (UNDP), the Secretary of State shall certify and report to the Committees on Appropriations that UNDP is—

(1) giving adequate and appropriate access to information to the United States Mission to the United Nations regarding UNDP's programs and activities, as requested, including in North Korea and Burma;

(2) conducting appropriate oversight of UNDP programs and activities globally; and

(3) implementing the whistleblower protection policy established by the United Nations Secretariat in December 2005.

(b) WORLD BANK.—Twenty percent of the funds appropriated by this Act under the heading ''International Development Association'' shall be withheld from disbursement until the Secretary of the Treasury reports to the Committees on Appropriations that—

(1) the World Bank has made publicly available, in an appropriate manner, financial disclosure forms of senior World Bank personnel, including those at the level of managing director, vice president, and above;

(2) the World Bank has established a plan and maintains a schedule for conducting regular, independent audits of internal management controls and procedures for meeting operational objectives, and is making reports describing the scope and findings of such audits available to the public;

(3) the World Bank is adequately staffing and sufficiently funding the Department of Institutional Integrity;

(4) the World Bank has made publicly available the Department of Institutional Integrity's November 23, 2005 ''Report of Investigation into Reproductive and Child Health I Project Credit N0180 India'' and any subsequent detailed implementation review, and is implementing the recommendations of the Department of Institutional Integrity regarding this project, including recommendations concerning the prosecution of individuals engaged in corrupt practices; and

(5) the World Bank has made publicly available the ''Volker Panel'' report regarding the review and evaluation of the mandate and authorities, policies, procedures, practices, independence, reporting lines, and oversight mechanisms of the World Bank's Department of Institutional Integrity.

(c) REPORT.—The Comptroller General of the United States shall conduct an assessment of the financial management and oversight of programs and activities funded under the headings ''Millennium Challenge Corporation'', ''Global Health Programs'' (for HIV/AIDS programs), and ''Global HIV/AIDS Initiative'' in this Act and prior Acts making appropriations for foreign operations, export financing, and related programs. The assessment shall include an examination of donor coordination efforts, and recommendations for improving financial oversight of such programs and activities.

(d) NATIONAL BUDGET TRANSPARENCY.—(1) None of the funds appropriated by this Act may be made available for assistance for the central government of any country that fails to make publicly available on an annual basis its national budget, to include income and expenditures.

(2) The Secretary of State may waive subsection (d)(1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that to do so is important to the national interests of the United States.

(3) The reporting requirement pursuant to section 585(b) of Public Law 108–7 regarding fiscal transparency and accountability in countries whose central governments receive United States foreign assistance shall apply to this Act.

EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

SEC. 668. Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during fiscal year 2008, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Former Yugoslavian Republic of Macedonia, Georgia, India, Iraq, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, and Ukraine.

ZIMBABWE

SEC. 669. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

DEVELOPMENT GRANTS PROGRAM

SEC. 670. (a) ESTABLISHMENT OF THE PROGRAM.—There is established within the United States Agency for International Development (USAID) a Development Grants Program (DGP) to provide small grants to United States and indigenous nongovernmental organizations for the purpose of carrying out the provisions of chapters 1 and 10 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961.

(b) ELIGIBILITY FOR GRANTS.—Grants from the DGP shall be made only for proposals of nongovernmental organizations identified in the report accompanying this Act that are recommended for consideration for funding by that report, and for proposals of other nongovernmental organizations that apply.

(c) COMPETITION.—To the maximum extent practicable, grants made pursuant to the authority of this section shall be open, transparent and competitive.

(d) SIZE OF PROGRAM AND INDIVIDUAL GRANTS.—

(1) Of the funds appropriated by this Act to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $50,000,000 shall be made available for purposes of this section: Provided, That not more than 50 percent of this amount shall be derived from funds appropriated to carry out chapter 1 of part I of such Act.

(2) No individual grant, or grant amendment, made pursuant to this section shall exceed $2,000,000.

(e) AVAILABILITY OF OTHER FUNDS.—Funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 665, Reconciliation Programs.

(f) DEFINITION.—For purposes of this section, the term ''nongovernmental organization'' means a private and voluntary organization or for-profit entity, and shall not include entities owned in whole or in part by a government or governmental entity.

(g) REPORT.—Within 90 days from the date of enactment of this Act, and after consultation with the Committees on Appropriations, the Administrator of USAID shall submit a report to those Committees describing the procedures and mechanisms USAID will use to implement this section.

MONITORING OF MILITARY ASSISTANCE

SEC. 671. Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the procedures being applied, on a country-by-country basis, to monitor whether funds appropriated by this Act under the heading ''Foreign Military Financing Program'' for assistance for Bangladesh, Democratic Republic of the Congo, Ethiopia, Pakistan, Philippines, and Sri Lanka, are misused by units of the security forces of such countries against civilians, including civilians who are members of political opposition parties and human rights groups.

DISASTER ASSISTANCE AND RECOVERY

SEC. 672. (a) Funds made available to the Comptroller General under chapter 4 of title I of the Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 69) and section 593 of the Foreign Operations, Export Financing, and Programs Agencies Appropriations Act, 2001 (Public Law 106–429; 114 Stat. 1900A–59) to monitor the provisions of assistance to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, and to monitor the earthquake relief and reconstruction efforts in El Salvador under section 561 of the Foreign Operations, Export Financing, and Programs Agencies Appropriations Act, 2002 (Public Law 107–115; 115 Stat. 2162) shall also be available to the Comptroller General to monitor any other disaster assistance and recovery effort.

(b) This section shall apply with respect to fiscal year 2008 and each year thereafter.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 673. (a) AUTHORITY.—Up to $81,000,000 of the funds made available in this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'', may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2009.

(c) CONDITIONS.—The authority of subsection (a) may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other nondirect-hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'', are eliminated.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other nondirect-hire personnel.

(e) CONSULTATIONS.—The USAID Administrator shall consult with the Committees on Appropriations at least on a quarterly basis concerning the implementation of this section.

(f) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate. Funds made available to carry out this section may be transferred to and merged and consolidated with funds appropriated for ''Operating Expenses of the United States Agency for International Development''.

(g) MANAGEMENT REFORM PILOT.—Of the funds made available in subsection (a), USAID may use, in addition to funds otherwise available for such purposes, up to $15,000,000 to fund overseas support costs of members of the Foreign Service with a Foreign Service rank of four or below: Provided, That such authority is only used to reduce USAID's reliance on overseas personal services contractors or other nondirect-hire employees compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States''.

(h) DISASTER SURGE CAPACITY.—Funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'', may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by the United States Agency for International Development whose primary responsibility is to carry out programs in response to natural disasters.

OPIC TRANSFER AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

SEC. 674. Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title II of this Act may be transferred to and merged with funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: Provided, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: Provided further, That funds earmarked by this Act shall not be transferred pursuant to this section: Provided further, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

REPORTING REQUIREMENT

SEC. 675. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2008, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings ''Foreign Military Financing Program'', ''International Military Education and Training'', and ''Peacekeeping Operations'': Provided, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

ENVIRONMENT AND ENERGY CONSERVATION PROGRAMS

SEC. 676. (a) BIODIVERSITY.—Of the funds appropriated under the heading ''Development Assistance'', not less than $195,000,000 shall be made available for programs and activities which directly protect biodiversity, including forests, in developing countries, of which not less than the amount of funds initially allocated pursuant to section 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2006 shall be made available for such activities in Brazil, Colombia, Ecuador, Peru and Bolivia, and that in addition to such amounts for such countries not less than $15,000,000 shall be made available for the United States Agency for International Development's Amazon Basin Conservation Initiative: Provided, That of the funds appropriated by this Act, not less than $2,000,000 should be

made available for wildlife conservation and protected area management in the Boma-Jonglei landscape of Southern Sudan, and not less than $17,500,000 shall be made available for the Congo Basin Forest Partnership of which not less than $2,500,000 shall be made available to the United States Fish and Wildlife Service for wildlife conservation programs in Central Africa.

(b) ENERGY.—

(1) Of the funds appropriated by this Act, not less than $195,000,000 shall be made available to support clean energy and other climate change programs in developing countries, of which not less than $125,000,000 should be made available to directly promote and deploy energy conservation, energy efficiency, and renewable and clean energy technologies with an emphasis on small hydro, solar and wind energy, and of which the balance should be made available to directly: (1) reduce greenhouse gas emissions; (2) increase carbon sequestration activities; and (3) support climate change mitigation and adaptation programs.

(2) The Secretary of State shall convene an interagency committee, including appropriate officials of the Department of State, the United States Agency for International Development, and the Environmental Protection Agency, to evaluate the specific needs of developing countries in adapting to climate change impacts: Provided, That the Secretary shall submit a report to the Committees on Appropriations not later than September 1, 2008, describing such needs, on a country-by-country and regional basis, and the actions planned and being taken by the United States, including funding provided to developing countries specifically for adaptation to climate change impacts.

(c) EXTRACTION OF NATURAL RESOURCES.—

(1) The Secretary of the Treasury shall inform the managements of the international financial institutions and the public that it is the policy of the United States that any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource should not be provided unless the government of the country has in place functioning systems for: (A) accurately accounting for revenues and expenditures in connection with the extraction and export of the type of natural resource to be extracted or exported; (B) the independent auditing of such accounts and the widespread public dissemination of the audits; and (C) verifying government receipts against company payments including widespread dissemination of such payment information, and disclosing such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(2) Not later than 180 days after the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of oil, gas, coal, timber, or other national resource since September 30, 2007, and whether each institution considered, in its proposal for such assistance, the extent to which the country has functioning systems described in paragraph (c)(1).

(d) Funds appropriated under titles II, III and IV of this Act shall to the maximum extent practicable, be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

UZBEKISTAN

SEC. 677. (a) LIMITATION ON ASSISTANCE.—Funds appropriated by this Act may be made available for assistance for the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the ''Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America'', including respect for human rights, establishing a genuine multiparty system, and ensuring free and fair elections, freedom of expression, and the independence of the media; and

(2) a credible international investigation of the May 13, 2005, shootings in Andijan is underway with the support of the Government of Uzbekistan.

(b) SANCTIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall send to the appropriate congressional committees a list of officials of the Government of Uzbekistan and their immediate family members who the Secretary has credible evidence to believe have been involved in the Andijan massacre or in other gross violations of human rights in Uzbekistan;

(c) IMPOSITION OF SANCTIONS.—Not later than 10 days after the list described in subsection (b) is submitted to the appropriate congressional committees, the following sanctions shall apply:

(1) Any individual on the list submitted under subsection (b) shall be ineligible for a visa to enter the United States.

(2) No property or interest in property belonging to an individual on the list submitted under subsection (b), or to a member of the immediate family of such individual if the property is effectively under the control of such individual, may be transferred, paid, exported, withdrawn, or otherwise dealt with, if the property is within the United States or within the possession or control of a United States person, including the overseas branch of such person, or after the date of the enactment of this Act comes within the control of such person.

(3) No United States person may engage in financial transactions with an individual on the list submitted under subsection (b), or with a member of the immediate family of such individual if the transaction will benefit an individual on the list submitted under subsection (b).

(c) FREEZING OF ASSETS.—

(1) IN GENERAL.—The Secretary of the Treasury shall immediately block any assets, property, transactions in foreign exchange, currency, or securities, and transfers of credit or payments between, by, through, or to any banking institution under the jurisdiction of the United States of an individual identified under subsection (b) of this section.

(2) REPORTING REQUIREMENT.—Not later than 15 days after a decision to freeze the assets identified in this subsection of any individual identified under subsection (b), the Secretary of the Treasury shall—

(A) report the name of such individual to the Committees on Appropriations; and

(B) require any United States financial institution holding such funds or assets to promptly report those funds and assets to the Office of Foreign Assets Control.

CENTRAL ASIA

SEC. 678. (a) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights during the preceding 6 month period.

(b) The Secretary of State may waive subsection (a) if the Secretary determines and reports to the Committees on Appropriations that such a waiver is important to the national security of the United States.

(c) Not later than October 1, 2008, the Secretary of State shall submit a report to the Committees on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the 12-month period ending 30 days prior to submission of such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(d) For purposes of this section, the term ''countries of Central Asia'' means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

DISABILITY PROGRAMS

SEC. 679. (a) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $4,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect the rights of people with disabilities in developing countries, of which $1,500,000 should be made available to disability advocacy organizations that have expertise in working to protect the rights and increasing the independence and full participation of people with disabilities: Provided, That funds for disability advocacy organizations should be used for training and technical assistance for foreign disabled persons organizations in such areas as advocacy, education, independent living, and transportation, with the goal of promoting equal participation of people with disabilities in developing countries: Provided further, That USAID should seek to disburse at lease 25 percent of the funds made available pursuant to this subsection in the form of small grants.

(b) Funds appropriated under the heading ''Operating Expenses of the United States Agency for International Development'' shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the Administrator of USAID shall seek to ensure that, where appropriate, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight and technical support.

(e) Not later than 180 days after the date of enactment of this Act, and 180 days thereafter, the Administrator of USAID shall submit a report describing the programs, activities, and organizations funded pursuant to this section.

NEGLECTED TROPICAL DISEASES

SEC. 680. Of the funds appropriated under the heading ''Global Health Programs'', not less than $15,000,000 shall be made available for continued support of the United States Agency for International Development's cooperative agreement to implement an integrated response to the control of neglected diseases including intestinal parasites, schistosomiasis, lymphatic filariasis, onchocerciasis, trachoma and leprosy: Provided, That the Administrator of the United States Agency for International Development shall work with relevant technical organizations addressing the specific diseases, recipient countries, donor countries, the private sector, UNICEF and the World Health Organization to develop a multilateral, integrated initiative to control these diseases that will enhance coordination and effectiveness and maximize the leverage of United States contributions with those of

other donors: Provided further, That funds made available pursuant to this section shall be subject to the regular notification procedures of the Committees on Appropriations.

ORPHANS, DISPLACED AND ABANDONED CHILDREN

SEC. 681. Of the funds appropriated under title III of this Act, $3,000,000 should be made available for activities to improve the capacity of foreign government agencies and nongovernmental organizations to prevent child abandonment, address the needs of orphans, displaced and abandoned children and provide permanent homes through family reunification, guardianship and domestic adoptions: Provided, That funds made available under title III of this Act should be made available, as appropriate, consistent with—

(1) the goal of enabling children to remain in the care of their family of origin, but when not possible, placing children in permanent homes through adoption;

(2) the principle that such placements should be based on informed consent which has not been induced by payment or compensation;

(3) the view that long-term foster care or institutionalization are not permanent options and should be used when no other suitable permanent options are available; and

(4) the recognition that programs that protect and support families can reduce the abandonment and exploitation of children.

COORDINATOR OF ACTIVITIES RELATING TO INDIGENOUS PEOPLES INTERNATIONALLY

SEC. 682. (a) COORDINATOR.—After consultation with the Committees on Appropriations and not later than 90 days after the enactment of this Act, there shall be established within the Department of State in the immediate office of the Director of United States Foreign Assistance a Coordinator of Activities Relating to Indigenous Peoples Internationally (hereinafter in this section referred to as the ''Coordinator''), who shall be appointed by the Director. The Coordinator shall report directly to the Director.

(b) RESPONSIBILITIES.—The Coordinator shall:

(1) Serve as a principal advisor to the Director of United States Foreign Assistance and the Administrator of the United States Agency for International Development on matters relating to the rights and needs of indigenous peoples internationally and should represent the United States Government on such matters in meetings with foreign governments and multilateral institutions.

(2) Provide for the oversight and coordination of all resources, programs, projects, and activities of the United States Government to protect the rights and address the needs of indigenous peoples internationally; and

(3) Develop and coordinate assistance strategies with specific goals, guidelines, benchmarks, and impact assessments (including support for local indigenous peoples' organizations).

(c) FUNDS.—Of the funds appropriated by this Act under the heading ''Diplomatic and Consular Programs'', not less than $250,000 shall be made available for implementing the provisions of this section.

(d) REPORT.—Not later than one year after the enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations describing progress made in implementing this section.

OVERSIGHT OF IRAQ RECONSTRUCTION

SEC. 683. Subsection (o) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 129 Stat. 2397), section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), and section 3801 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(1) in subsection (o)(1)(B) by striking ''fiscal year 2006 or fiscal year 2007'' and inserting ''fiscal years 2006 through 2008''. Section 1054 of Public Law 109–364 is amended by striking ''fiscal year 2006'' and inserting ''fiscal years 2006 through 2008''; and

(2) by adding at the end of such section the following subsection:

''(p) RULE OF CONSTRUCTION.—For the purposes of carrying out the duties of the Inspector General, any United States funds appropriated or otherwise made available for fiscal years 2006 through 2008 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.''.

DEMOBILIZATION AND DISARMAMENT IN COLOMBIA

SEC. 684. (a) AVAILABILITY OF FUNDS.—Of the funds appropriated in this Act, up to $12,000,000 may be made available in fiscal year 2008 for assistance for the demobilization and reintegration of former members of foreign terrorist organizations (FTOs) in Colombia, if the Secretary of State consults with and makes a certification described in subsection (b) to the Committees on Appropriations prior to the initial obligation of amounts for such assistance for the fiscal year involved.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) assistance for the fiscal year will be provided only for individuals who have: (A) verifiably renounced and terminated any affiliation or involvement with FTOs or other illegal armed groups; (B) are meeting all the requirements of the Colombia Demobilization Program, including having disclosed their involvement in past crimes and their knowledge of the FTO's structure, financing sources, illegal assets, and the location of kidnapping victims and bodies of the disappeared; and (C) are not involved in acts of intimidation or violence;

(2) the Government of Colombia is providing full cooperation to the Government of the United States to extradite the leaders and members of the FTOs who have been indicted in the United States for murder, kidnapping, narcotics trafficking, or other violations of United States law, and is immediately extraditing to the United States those commanders, leaders and members indicted in the United States who have breached the terms of the Colombia Demobilization Program, including by failing to fully confess their crimes, failing to disclose their illegal assets, or committing new crimes since the approval of the Justice and Peace Law;

(3) the Government of Colombia is not taking any steps to legalize the titles of land or other assets illegally obtained and held by FTOs, their associates, or successors, has established effective procedures to identify such land and other assets, and is confiscating and returning such land and other assets to their rightful owners;

(4) the Government of Colombia is implementing a concrete and workable framework for dismantling the organizational structures of foreign terrorist organizations; and

(5) funds shall not be made available as cash payments to individuals and are available only for activities under the following categories: verification, reintegration (including training and education), vetting, recovery of assets for reparations for victims, and investigations and prosecutions.

(c) NOTIFICATION.—Funds made available by this Act for demobilization and reintegration of members of FTOs shall be subject to the regular notification procedures of the Committees on Appropriations.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

(2) FOREIGN TERRORIST ORGANIZATION.—The term ''foreign terrorist organization'' means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

INDONESIA

SEC. 685. Of the funds appropriated under the heading ''Foreign Military Financing Program'', $15,700,000 may be made available for assistance for Indonesia, and an additional $2,000,000 may be made available when the Secretary of State reports to the Committees on Appropriations that the Government of Indonesia has written plans to effectively—

(1) provide accountability for past violations of human rights by members of the Indonesian military;

(2) allow public access to West Papua; and

(3) pursue the criminal investigation, and provide the projected timeframe for completing the investigation, of the murder of Munir Said Thalib.

ASSISTANCE FOR GUATEMALA

SEC. 686. (a) Funds appropriated by this Act under the heading ''International Military Education and Training'' that are available for assistance for Guatemala, other than for expanded international military education and training, may be made available only for the Guatemalan Air Force and Navy: Provided, That such funds may be made available only if the Secretary of State certifies that the Guatemalan Air Force and Navy are respecting human rights and are cooperating with civilian judicial investigations and prosecutions of military personnel who have been credibly alleged to have committed violations of human rights.

(b) Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', not more than $500,000 may be made available for the Guatemalan Air Force and Navy: Provided, That such funds may be made available only if the Secretary of State certifies that the Guatemalan Air Force and Navy are respecting human rights and are cooperating with civilian judicial investigations and prosecutions of military personnel who have been credibly alleged to have committed violations of human rights, and the Guatemalan Armed Forces are fully cooperating with the International Commission Against Impunity in Guatemala.

(c) Funds made available for assistance for Guatemala under the headings referred to in this section shall be subject to the regular notification procedures of the Committees on Appropriations.

CHILD SOLDIERS

SEC. 687. (a) No military assistance shall be furnished with funds appropriated by this Act and, during the current fiscal year, no military equipment or technology shall be sold or transferred pursuant to the authorities contained in this Act or any other Act, to the government of a country that is identified by the Department of State's 2006 Country Reports on Human Rights Practices as having governmental armed forces or government-supported armed groups, including paramilitaries, militias, or civil defense forces, forces that recruit or use child soldiers.

(b) The Secretary of State may provide assistance or defense articles otherwise prohibited under subsection (a) to a country upon certifying to the Committees on Appropriations that the government of such country has implemented effective measures to demobilize children from its forces or from government-supported armed groups and prohibit and prevent the future recruitment or use of child soldiers.

(c) The Secretary of State may waive the application to a country of the prohibition in subsection (a) if the Secretary determines and reports to the Committees on Appropriations that such waiver is important to the national interest of the United States.

PHILIPPINES

SEC. 688. Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', not to exceed $30,000,000 may be made available for assistance for the Philippines, and an additional $2,000,000 may be made available when the Secretary of State reports to the Committees on Appropriations that—

(1) the Philippine Government is implementing the recommendations of the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions;

(2) the Philippine Government is implementing a policy of promoting military personnel who demonstrate professionalism and respect for human rights, and is investigating and prosecuting military personnel and others who have been credibly alleged to have committed extrajudicial executions or other violations of human rights; and

(3) the Philippine military is not engaging in acts of intimidation or violence against members of legal organizations who advocate for human rights.

PAKISTAN

SEC. 689. (a) Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'', $300,000,000 may be made available for assistance for Pakistan, unless the Secretary of State reports to the Committees on Appropriations that the Government of Pakistan is not—

(1) making effective and consistent efforts to prevent Al Qaeda and associated terrorist groups from operating in the territory of Pakistan, including by eliminating terrorist training camps or facilities, arresting members of Al Qaeda and associated terrorist groups, and countering recruitment efforts;

(2) making effective and consistent efforts to prevent the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan, including by arresting Taliban leaders, stopping cross-border incursions, and countering recruitment efforts; and

(3) implementing democratic reforms, including by—

(A) allowing free, fair and inclusive elections in accordance with internationally recognized democratic norms;

(B) ensuring freedom of expression and ending harassment of journalists and government critics by security and intelligence forces; and

(C) respecting the independence of the judiciary and implementing judicial decisions.

(b) If the Secretary reports pursuant to subsection (a), funds that are available for assistance for Pakistan pursuant to this section which have not been made available may be transferred to and merged with funds appropriated by this Act under the heading ''Economic Support Fund'' and used for basic education, health, micro-enterprise development, and democracy programs in Pakistan.

SRI LANKA

SEC. 690. None of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Sri Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, unless the Secretary of State certifies and reports to the Committees on Appropriations that—

(1) the Sri Lankan military is suspending and the Sri Lankan Government is bringing to justice members of the military who have been credibly alleged to have committed gross violations of human rights, including extrajudicial executions and the recruitment of child soldiers;

(2) the Sri Lankan Government has provided unimpeded access to humanitarian organizations and journalists to Tamil areas of the country; and

(3) the Sri Lankan Government has agreed to the establishment of a field presence of the Office of the United Nations High Commissioner for Human Rights in Sri Lanka.

PEACE CORPS SEPARATION PAY

SEC. 691. (a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund for the Peace Corps to provide separation pay for host country resident personal services contractors of the Peace Corps.

(b) FUNDING.—The Director of the Peace Corps may deposit in such fund—

(1) amounts previously obligated and not canceled for separation pay of host country resident personal services contractors of the Peace Corps; and

(2) amounts obligated for fiscal years after 2006 for the current and future costs of separation pay for host country resident personal services contractors of the Peace Corps.

(c) AVAILABILITY.—Beginning in fiscal year 2007 and thereafter, amounts in the fund are available without fiscal year limitation for severance, retirement, or other separation payments to host country resident personal services contractors of the Peace Corps in countries where such pay is legally authorized.

MULTILATERAL DEVELOPMENT BANKS

SEC. 692. (a) INDEPENDENT AUDITING AND INSPECTOR GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director to each multilateral development bank to inform the bank of, and use the voice and vote of the United States to achieve at the bank, the following United States policy goals:

(1) Each multilateral development bank should—

(A) establish an independent Office of Inspector General, establish or strengthen an independent auditing function at the bank, and require that the Inspector General and the auditing function report directly to the board of directors of the bank; and

(B) adopt and implement an internationally recognized internal controls framework, allocate adequate staffing to auditing and supervision, require external audits of internal controls, and external audits of loans where fraud is suspected.

(2) Each multilateral development bank should establish effective procedures for the receipt, retention, and treatment of—

(A) complaints received by the bank regarding fraud, accounting, mismanagement, internal accounting controls, or auditing matters; and

(B) the confidential, anonymous submission, particularly by employees of the bank, of concerns regarding fraud, accounting, mismanagement, internal accounting controls, or auditing matters.

(b) WORLD BANK INSPECTION PANEL.—The Secretary of the Treasury shall instruct the United States Executive Director to the World Bank to inform the Bank of, and use the voice and vote of the United States to achieve transparency reforms of the selection process for members of the World Bank Inspection Panel, including—

(1) Widely circulating Inspection Panel position vacancy announcements on the Inspection Panel's website and in appropriate publications;

(2) Notifying civil society organizations on the Inspection Panel's website and on other appropriate World Bank websites and inviting nominations from such groups;

(3) Making public the schedule of the selection process;

(4) Posting the list of nominees and applicants on the Inspection Panel's website; and

(5) Including a civil society representative on the World Bank selection committee for the Inspection Panel member.

(c) ANTI-CORRUPTION TRUST PILOT PROGRAM.—

(1) AUTHORITY.—The Secretary of the Treasury shall seek the creation of a pilot program that establishes an Anti-Corruption Trust at the World Bank, the purposes of which should include—

(A) to assist poor countries in investigations and prosecutions of fraud and corruption related to loans, grants, or credits of the World Bank; and

(B) to determine whether such a program should be carried out at other multilateral development banks.

(2) POOR COUNTRIES DEFINED.—In this subsection, the term ''poor countries'' means countries eligible to borrow from the International Development Association.

(3) REPORT.—Not later than 180 days after enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report detailing the actions taken to establish the Anti-Corruption Trust.

(c) AUTHORIZATIONS.—

(1) Section 501(i) of title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public law 106–113, as amended by section 591(b) of Division D of Public Law 108–447, is further amended by striking ''fiscal'' and all that follows through ''which'' and inserting in lieu thereof ''fiscal years 2000–2010, which''.

(2) Section 801(b)(1)(ii) of Public Law 106–429, as amended by section 591(a)(2) of Division D of Public law 108–447, is further amended by striking ''fiscal years 2004–2006'' and by inserting in lieu thereof ''fiscal years 2004–2010.''.

MILLENNIUM CHALLENGE CORPORATION

SEC. 693. Section 607(b) of the Millennium Challenge Act of 2003 (22 U.S.C. 7706) is amended—

(1) in paragraph (2)(B) by striking ''and the sustainable management of natural resources'';

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''and'';

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding the following subparagraph:

''(C) promote the protection of biodiversity and the transparent and sustainable management and use of natural resources.''.

MATERIAL SUPPORT

RELIEF FOR IRAQI, MONTAGNARDS, HMONG AND OTHER REFUGEES WHO DO NOT POSE A THREAT TO THE UNITED STATES

SEC. 694. (a) AMENDMENT TO AUTHORITY TO DETERMINE THE BAR TO ADMISSION INAPPLICABLE.—Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows:

''The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine in such Secretary's sole unreviewable discretion that subsection (a)(3)(B) shall not apply with respect to an alien within the scope of that subsection or that subsection (a)(3)(B)(vi)(III) shall not apply to a group within the scope of that subsection, except that no such waiver may be extended to an alien who is within the scope of subsection (a)(3)(B)(i)(II), no such waiver may be extended to an alien who is a member or representative of, has voluntarily and knowingly engaged in or endorsed or espoused or persuaded others to endorse or espouse or support terrorist activity on behalf of, or has voluntarily and knowingly received military-type training from a terrorist organization that is described in subclause (I) or (II) of subsection (a)(3)(B)(vi), and no such waiver may be extended to a group that has engaged terrorist activity against the United States or another democratic country or that has purposefully engaged in a pattern or practice of terrorist activity that is directed at civilians. Such a determination shall neither prejudice the ability of the United States Government to commence criminal or civil proceedings involving a beneficiary of such a determination or any other person, nor create any substantive or procedural right or benefit for a beneficiary of such a determination or any other person. Notwithstanding

any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review such a determination or revocation except in a proceeding for review of a final order of removal pursuant to section 1252 of this title, and review shall be limited to the extent provided in section 1252(a)(2)(D). The Secretary of State may not exercise the discretion provided in this clause with respect to an alien at any time during which the alien is the subject of pending removal proceedings under section 1229a of this title.''.

(b) AUTOMATIC RELIEF FOR THE HMONG AND OTHER GROUPS THAT DO NOT POSE A THREAT TO THE UNITED STATES.—For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), the Karen National Union/Karen Liberation Army (KNU/KNLA), the Chin National Front/Chin National Army (CNF/CNA), the Chin National League for Democracy (CNLD), the Kayan New Land Party (KNLP), the Arakan Liberation Party (ALP), the Mustangs, the Alzados, the Karenni National Progressive Party, and appropriate groups affiliated with the Hmong and the Montagnards shall not be considered to be a terrorist organization on the basis of any act or event occurring before the date of enactment of this section. Nothing in this subsection may be construed to alter or limit the authority of the Secretary of State or the Secretary of Homeland Security to exercise his discretionary authority pursuant to 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)(i)).

(c) TECHNICAL CORRECTION.—(1) In General.—Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)) is amended by striking ''Subclause (VII)'' and replacing it with ''Subclause (IX)''.

(d) DESIGNATION OF THE TALIBAN AS A TERRORIST ORGANIZATION.—For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), the Taliban shall be considered to be a terrorist organization described in subclause (I) of clause (vi) of that section.

(e) REPORT ON DURESS WAIVERS.—The Secretary of Homeland Security shall provide to the Committees on the Judiciary of the United States Senate and House of Representatives a report, not less than 180 days after the enactment of this Act and every year thereafter, which may include a classified annex, if appropriate, describing—

(1) the number of individuals subject to removal from the United States for having provided material support to a terrorist group who allege that such support was provided under duress;

(2) a breakdown of the types of terrorist organizations to which the individuals described in paragraph (1) have provided material support;

(3) a description of the factors that the Department of Homeland Security considers when evaluating duress waivers; and

(4) any other information that the Secretary believes that the Congress should consider while overseeing the Department's application of duress waivers.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section, and these amendments and sections 212(a)(3)(B) and 212(d)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B) and 1182(d)(3)(B)), as amended by these sections, shall apply to—

(A) removal proceedings instituted before, on, or after the date of enactment of this section; and

(B) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

CLUSTER MUNITIONS

SEC. 695. During the current fiscal year, no military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions have a 99 percent or higher tested rate; and

(2) the agreement applicable to the assistance, transfer, or sale of the cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present.

CUBA

SEC. 696. (a) Subject to subsection (b), of the funds appropriated by this Act under the heading ''International Narcotics Control and Law Enforcement'', $1,000,000 shall be made available for preliminary work by the Department of State, or such other entity as the Secretary of State may designate, to establish cooperation with appropriate agencies of the Government of Cuba on counter-narcotics matters, including matters relating to cooperation, coordination, and mutual assistance in the interdiction of illicit drugs being transported through Cuba airspace or over Cuba waters.

(b) The amount in subsection (a) shall not be available if the Secretary certifies to the Committees on Appropriations that—

(1) Cuba does not have in place appropriate procedures to protect against the loss of innocent life in the air and on the ground in connection with the interdiction of illegal drugs; and

(2) there is credible evidence of involvement of the Government of Cuba in drug trafficking during the preceeding 10 years.

LIBYA

SEC. 697. (a) None of the funds appropriated by this Act may be made available for—

(1) construction of a new United States embassy in Libya;

(2) activities in Libya related to energy development; or

(3) activities in Libya which support investment in Libya's hydrocarbon sector, including the processing of applications for dual-use export licenses.

(b) The prohibitions in subsection (a) shall no longer apply if the Secretary of State certifies to the Committees on Appropriations that the Government of Libya has made the final settlement payments to the Pan Am 103 victims' families, paid to the LaBelle Disco bombing victims their agreed upon settlement amounts, and is engaging in good faith settlement discussions regarding other relevant terrorism cases.

(c) Not later than 90 days after enactment of this Act and 90 days thereafter, the Secretary shall submit a report to the Committees on Appropriations describing (1) actions taken by the Department of State to facilitate a resolution of these cases; and (2) United States commercial activities in Libya's energy sector.

CARRY FORWARD OF UNUSED SPECIAL IMMIGRANT VISAS

SEC. 698. Section 1059(c) of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) is amended by adding at the end the following:

''(3) CARRY FORWARD.—If the numerical limitation described in paragraph (1) is not reached during a given fiscal year, the numerical limitation for the following fiscal year shall be increased by a number equal to the difference between the number of visas authorized for the given fiscal year and the number of aliens provided special immigrant status during the given fiscal year.''.

GLOBAL FUND CONTRIBUTION

(INCLUDING RESCISSION OF FUNDS)

SEC. 699. (a) The amount appropriated or otherwise made available by title III for bilateral assistance for Global Health Programs is hereby increased by $40,000,000.

(b) The amount appropriated or otherwise made available for such purpose and available for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria is hereby increased by $40,000,000.

(c) Of the unobligated balances of amounts appropriated or otherwise made available in prior appropriations Acts under the heading ''Economic Support Fund'', $40,000,000 is rescinded.

REFERENCES

SEC. 699A. Except as otherwise provided, any reference in titles II through V, including the general provisions for such titles, to ''this Act'' shall be deemed to be a reference to titles II through V of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008.

SUPPORT FOR DEMOCRACY, THE RULE OF LAW, AND GOVERNANCE IN IRAN

SEC. 699B. Of the amount appropriated or otherwise made available by title III for other bilateral economic assistance under the heading ''ECONOMIC SUPPORT FUND'', $75,000,000 shall be made available for programs of the Bureau of Near Eastern Affairs of the Department of State to support democracy, the rule of law, and governance in Iran.

REMOVAL OF CERTAIN RESTRICTIVE ELIGIBILITY REQUIREMENTS APPLICABLE TO FOREIGN NONGOVERNMENTAL ORGANIZATIONS

SEC. 699C. Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations shall not be ineligible for such assistance solely on the basis of health or medical services, including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States, and shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

SEC. 699D. None of the funds made available in this Act may be expended in violation of section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) (relating to discontinuing granting visas to nationals of countries that are denying or delaying accepting aliens removed from the United States).

ADDITIONAL PEACE CORPS FUNDING

SEC. 699E. (a) The amount appropriated or otherwise made available by title III under the heading ''PEACE CORPS'' is hereby increased by $10,000,000.

(b) The amount appropriated or otherwise made available by title IV under the heading ''FOREIGN MILITARY FINANCING PROGRAM'' is hereby reduced by $10,000,000.

RIGHT TO BEAR ARMS

SEC. 699F. None of the funds made available under this Act may be made available to any international organization, agency, or entity (including the United Nations) that requires the registration of or taxes a gun owned by a citizen of the United States.

TRANSPARENCY AND ACCOUNTABILITY OF THE UNITED NATIONS

SEC. 699G. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used by the Department of State as a contribution to the United Nations or any subsidiary body of the United Nations, including any organization that is authorized to use the United Nations logo, until the Secretary of State certifies that the United Nations, such subsidiary body of the United Nations, or such organization, as the case may be, is fully and publicly transparent about all of its spending, including for procurement purposes, that occurred

during fiscal year 2007, including the posting on a publicly available web site of—

(1) copies of all contracts, grants, subcontracts, and subgrants awarded or utilized during fiscal year 2007;

(2) copies of all program reviews, audits, budgets, and project progress reports relating to fiscal year 2007; and

(3) any other financial information deemed necessary by the Secretary.

(b) The documents required to be made available under subsection (a) shall be in unredacted form, except that such information as determined necessary by the Secretary to protect the identity of whistleblowers or other informants to investigations and reports and proprietary information may be redacted.

WITHHOLDING OF UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL

SEC. 699H. (a)(1) No funds appropriated or otherwise made available by this Act for contributions to international organizations may be made available to support the United Nations Human Rights Council.

(2) The prohibition under paragraph (1) shall not apply if—

(A) the President determines and certifies to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives that the provision of funds to support the United Nations Human Rights Council is in the national interest of the United States; or

(B) the United States is a member of the Human Rights Council.

SEC. 699I. STUDY OF WORLD BANK'S EFFORTS TO MEASURE THE SUCCESS OF THE PROJECTS IT FINANCES. (a) SENSE OF CONGRESS.—It is the sense of Congress that the World Bank should increase its focus on performance requirements and measurable results.

(b) STUDY.—The Comptroller General of the United States should conduct a study on the actions taken by the World Bank to—

(1) measure the success of the projects financed by IDA;

(2) employ accurate means to measure the effectiveness of projects financed by IDA;

(3) combat corruption in governments that receive IDA funding;

(4) establish clear objectives for IDA projects and tangible means of assessing the success of such projects; and

(5) use World Bank processes and procedures for procurement of goods and services on projects receiving financial assistance from the World Bank.

SEC. 669J. SENSE OF THE SENATE REGARDING IRAQ REFUGEE CRISIS. (a) FINDINGS.—Congress makes the following findings:

(1) The annual United States worldwide ceiling for refugees has been 70,000 since 2002.

(2) The Department of State has yet to use all of the available allocation that could be used for Iraqi refugees.

(3) Since 2003, more than 2,000,000 Iraqis have fled their country and over 2,000,000 Iraqis are also displaced within Iraq.

(4) It has become increasingly clear that people who have assisted the United States, Iraqi Christians and other religious minorities cannot safely return to Iraq.

(5) The United States Government has an obligation to help these refugees and should act swiftly to do so.

(6) The United States Government should increase the allocation of refugee slots for Iraqi refugees for resettlement in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should act swiftly to respond to the deepening humanitarian and refugee crisis in Iraq by using the entire United States refugee allocation for the Near East/South Asia region and any unused portion of the worldwide allocation for Iraqi refugees, particularly people who have assisted the United States and religious minorities.

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 699K. (a) The amount appropriated or otherwise made available by title II for the Overseas Private Investment Corporation under the heading ''PROGRAM ACCOUNT'' is hereby increased by $8,000,000.

(b) The amount appropriated or otherwise made available by title V for ''CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION'' is hereby reduced by $8,000,000.

UNITED STATES-EGYPT FRIENDSHIP ENDOWMENT

SEC. 699L. Of the funds appropriated by this Act and prior Acts making appropriations for foreign operations, export financing, and related programs under the heading ''Economic Support Fund'' that are available for assistance for Egypt, up to $500,000,000 may be made available for an endowment to further social, economic and political reforms in Egypt: Provided, That the Secretary of State shall consult with the Committees on Appropriations on the establishment of such an endowment and appropriate benchmarks for the uses of these funds.

IRAQ

SEC. 699M. (a) None of the funds appropriated or otherwise made available by this Act may be made available for assistance for Iraq.

(b) Not later than 30 days after enactment of this Act the Secretary of State shall submit a report to the Committees on Appropriations detailing the extent to which the Government of Iraq is committed to combating corruption in Iraq and the specific actions and achievements of the Government of Iraq in combating corruption, to include a list of those senior Iraqi leaders who have been credibly alleged to be engaged in corrupt practices and activities.

(c) Notwithstanding any other provision of law, policy, or regulation, none of the funds made available in this Act or any other Act making appropriations for foreign operations, export financing, and related programs may be made available for assistance for Iraq unless the Secretary of State, in consultation with the Secretary of Defense, certifies to the Committees on Appropriations that the Departments of State and Defense are providing the Committees on Appropriations, including relevant staff, regular, full and unfettered access to programs in Iraq for the purposes of conducting oversight.

(d) Subsections (a) and (c) shall not apply to the ninth and thirteenth provisos under the heading ''Economic Support Fund'' in this Act.

ANTI-KLEPTOCRACY

SEC. 699N. (a) In furtherance of the National Strategy to Internationalize Efforts Against Kleptocracy and Presidential Proclamation 7750, not later than 90 days after the date of enactment of this Act the Secretary of State shall send to the appropriate congressional committees a list of officials of the governments of Angola, Burma, Cambodia, Equatorial Guinea, Democratic Republic of the Congo, and the Republic of the Congo, and their immediate family members, who the Secretary has credible evidence to believe have been involved in corruption relating to the extraction of natural resources in their countries.

(b) Not later than 10 days after the list described in subsection (a) is submitted to the appropriate congressional committees, the following sanctions shall apply:

(1) Any individual on the list submitted under subsection (a) shall be ineligible for a visa to enter the United States.

(2) No property or interest in property belonging to an individual on the list submitted under subsection (a), or to a member of the immediate family of such individual if the property is effectively under the control of such individual, may be transferred, paid, exported, withdrawn, or otherwise dealt with, if the property is within the United States or within the possession or control of a United States person, including the overseas branch of such person, or after the date of the enactment of this Act comes within the control of such person.

(3) No United States person may engage in financial transactions with an individual on the list submitted under subsection (a), or with a member of the immediate family of such individual if the transaction will benefit an individual on the list submitted under subsection (a).

UGANDA

SEC. 699O. (a) Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing a strategy for substantially enhancing United States efforts to resolve the conflict between the Lord's Resistance Army (LRA) and the Government of Uganda (GOU), including—

(1) direct and sustained participation by the United States in confidence-building measures in furtherance of the peace process;

(2) increased diplomatic pressure on the Democratic Republic of the Congo (to eliminate the LRA's current safe haven) and on Sudan;

(3) brokering direct negotiations between the GOU and the leaders of the LRA on personal security arrangements; and

(4) financial support for disarmament, demobilization, and reintegration to provide mid-level LRA commanders incentives to return to civilian life.

(b) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $5,000,000 shall be made available to implement the strategy described in subsection (a).

COMPREHENSIVE NUCLEAR THREAT REDUCTION AND SECURITY PLAN

SEC. 699P. (a) Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a comprehensive nuclear threat reduction and security plan, in classified and unclassified forms—

(1) for ensuring that all nuclear weapons and weapons-usable material at vulnerable sites are secure by 2012 against the threats that terrorists have shown they can pose;

(2) for working with other countries to ensure adequate accounting and security for such materials on an ongoing basis thereafter; and

(3) for making security improvements to ensure, to the maximum extent feasible, that the existing United States nuclear weapons stockpile and weapons-usable material be protected from the threats terrorists have shown they can pose.

(b) For each element of the accounting and security effort described under subsection (a)(2), the plan shall—

(1) clearly designate agency and departmental responsibility and accountability;

(2) specify program goals, with metrics for measuring progress, estimated schedules, and specified milestones to be achieved;

(3) provide estimates of the program budget requirements and resources to meet the goals for each year;

(4) provide the strategy for diplomacy and related tools and authority to accomplish the program element;

(5) provide a strategy for expanding the financial support and other assistance provided by other countries, particularly Russia, the European Union and its member states, China, and Japan, for the purposes of securing nuclear weapons and weapons-usable material worldwide;

(6) outline the progress in and impediments to securing agreement from all countries that possess nuclear weapons or weapons-usable material on a set of global nuclear security standards, consistent with their obligation to comply with United Nations Security Council Resolution 1540;

(7) describe the steps required to overcome impediments that have been identified; and

(8) describe global efforts to promulgate best practices for securing nuclear materials.

(c) SENSE OF THE SENATE. The Administration shall not sign any agreement with the Russian Federation on low enriched uranium that does not include a requirement that a portion of the low enriched uranium be derived from highly enriched uranium.

RULE OF LAW AND BORDER SECURITY IN EGYPT

SEC. 699Q. (a) The Senate makes the following findings:

(1) Fighting in Gaza during the summer of 2007 demonstrated that the terrorist organization Hamas, which unlawfully seized control over Gaza in June 2007, has been able to achieve a dramatic increase in the quantity and sophistication of arms at its disposal.

(2) Without these arms, the terrorist organization would not have been able to seize control over the Gaza territory.

(3) There is substantial evidence that a significant proportion of these arms were smuggled across the border between Gaza and Egypt.

(4) The Egyptian military is a capable force, made possible in substantial part by a close relationship with the United States.

(5) Concurrent with the escalation of dangerous arms smuggling across the border between Egypt and Gaza has been a retrogression in the rule of law in Egypt.

(6) This loss of hard-earned ground has been characterized by reports of harsh reaction by the Government of Egypt to dissent, including the jailing of political opponents.

(7) The United States has provided aid to Egypt in excess of $28,000,000,000 over the past three decades.

(b) The Senate—

(1) reaffirms its long-standing friendship with the people of Egypt;

(2) believes that our friendship with Egypt requires the Senate to address such vital policy concerns;

(3) urges the Government of Egypt to make concrete and measurable progress on restoring the rule of law, including improving the independence of the judiciary and improving criminal procedures and due process rights and halting the cross-border flow of arms to Gaza;

(4) believes it is the best interest of Egypt, the region, and the United States that Egypt takes prompt action to demonstrate progress on these matters; and

(5) urges the Department of State to work vigorously and expeditiously with the Government of Egypt and the Government of Israel to bring the border between Egypt and Gaza border under effective control.

This Act may be cited as the ''Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar nominations Nos. 74, 275, 295, and 296; that the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John F. Kelly, 0000

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Ronald Spoehel, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration.

DEPARTMENT OF JUSTICE

Michael David Credo, of Louisiana, to be United States Marshal for the Eastern District of Louisiana for the term of four years.

Esteban Soto III, of Maryland, to be United States Marshal for the District of Puerto Rico for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 316, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 316) designating the week of October 21 through October 27, 2007, as ''National Childhood Lead Poisoning Prevention Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 316) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 316

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 240,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 21 through October 27, 2007, as ''National Childhood Lead Poisoning Prevention Week''; and

(2) calls upon the people of the United States to observe National Childhood Lead Poisoning Prevention Week with appropriate programs and activities.

MINORITY PARTY MEMBERSHIP ON THE COMMITTEE ON VETERANS' AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 317 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 317) to constitute the minority party's membership on the Committee on Veterans' Affairs for the remainder of the 110th Congress or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 317) was agreed to.

The resolution is as follows:

S. RES. 317

Resolved, That the following shall constitute the minority party's appointments to the Committee on Veterans' Affairs for the remainder of the 110th Congress or until their successors are chosen:

Mr. Burr, Mr. Specter, Mr. Craig, Mr. Isakson, Mr. Graham, Mrs. Hutchison, Mr. Ensign.

PERCY SUTTON POST OFFICE BUILDING

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 954 and that the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 954) to designate the facility of the United States Postal Service located at 365 West 125th Street in New York, New York, as the ''Percy Sutton Post Office Building.''

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, I rise today to express my support for H.R. 954, a bill to designate the post office located at 365 West 125th Street in Harlem as the Percy Sutton Post Office Building. Percy Sutton is a giant of the New York community. He is a patriot, a veteran Tuskegee Airman, and a pioneering leader in multiple fields—politician, civil rights activist, lawyer and entrepreneur. And, through a lifetime of extraordinary work in the public and

private sectors, he has been the driving force behind the exemplary renaissance of Harlem.

Simply put, Percy Sutton is a commendable American, who never stopped believing in the promise of our Nation, that all men are created equal and endowed by their creator with certain inalienable rights, even when legally sanctioned discrimination held him down. By dint of his talent, hard work, optimism and faith in the possibility of America, he became the perfect embodiment of the transformation of America from a separate and unequal place to a more perfect union.

Percy is an intellectual of the first order who worked at a New York post office to put himself through law school. Therefore, naming the post office in his honor, in his beloved Harlem—a community he has done so much for—is a perfect tribute to this prominent American.

The youngest of 15 children, Percy Sutton was born on November 24, 1920, in San Antonio, TX. His parents were both educators, and his father went on to become one of the first African American principals in the Nation. All of his siblings graduated from college, and his brothers include the first black elected official in San Antonio and a judge on the New York Supreme Court.

Percy Sutton attended Prairie View A&M University, Tuskegee Institute, and the Hampton Institute. His public service career began when Sutton served with the now legendary Tuskegee Airmen in World War II, winning combat stars as an intelligence officer. Despite being barred from flying fighter planes for the Army Air Corps because of his race, he remained committed to serving his country. After an honorable discharge from the Army, he enrolled in Brooklyn Law School. During this time, he worked for the U.S. Post Office in New York as a clerk during the evening shift and later as a conductor in the New York City subway system to put himself through school.

Motivated to fight racial discrimination, upon finishing law school Sutton become an important civil rights advocate. His commitment to fight for justice and equality lead him to become a well-known attorney, representing Malcolm X and other activists during the civil rights era. Sutton also served as president of the New York chapter of the NAACP.

Percy has also been a pillar in Harlem and New York politics. A leader of the Harlem political scene, he worked with Mayor David Dinkins, Congressman CHARLES RANGEL, and former New York Secretary of State Basil Paterson to create a lasting force for effective community representation at the local, State and national levels. In 1964, Sutton was elected to the New York State Assembly, where he served for 2 years before becoming the president for the Borough of Manhattan for 10 years, when that office was at the center of gravity of New York City's policymaking apparatus.

His strong ties to Harlem can be further seen in the historic Apollo Theatre, which he purchased and completely revitalized in 1980. Sutton also produced ''It's Showtime at the Apollo.'' Today, as Harlem thrives, the Apollo Theatre remains a cornerstone of the community. Sutton also started the Inner City Broadcasting Company, home of the first African American owned radio station in New York. Through it all, Percy was a trail blazer in the extraordinary transformation of Harlem. While victory has many fathers and mothers, no one person has done more, for more time, or more effectively to realize this vision, than Percy Sutton.

Percy Sutton's impact on his community and his country is immeasurable. Renaming the post office building in Harlem, the neighborhood for which he has done so much, the Percy Sutton Post Office is a perfect tribute to this special man.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The bill (H.R. 954) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR WEDNESDAY, SEPTEMBER 12, 2007

Mrs. MURRAY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m., Wednesday, September 12, 2007; that on Wednesday, following the prayer and the 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 resume consideration of H.R. 3074, the Transportation Appropriations Act as provided for under a previous order; and that the first vote in sequence be with respect to the DeMint amendment.

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

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mrs. MURRAY. Mr. President, if there is no further business today, I ask unanimous consent the Senate now stand adjourned under the previous order.

There being no objection, the Senate, at 9:41 p.m., adjourned until Wednesday, September 12, 2007, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, September 11, 2007:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RONALD SPOEHEL, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN F. KELLY, 0000

DEPARTMENT OF JUSTICE

MICHAEL DAVID CREDO, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

ESTEBAN SOTO III, OF MARYLAND, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF PUERTO RICO FOR THE TERM OF FOUR YEARS.