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Senate

The Senate met at 9 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Jim Henry, pastor emeritus, First Baptist Church, Orlando, FL.

The guest Chaplain offered the following prayer:

Bow your heads and hearts with me, please.

Dear Father, we acknowledge You as almighty, sovereign, holy God. Yours, O Lord, is the greatness and the power and the glory and the majesty, and the splendor for everything—in heaven and Earth—is Yours. I know, my God, that You test the heart and are pleased with integrity. Grant it for these who serve in this Senate. Remind every one of us that we are servant leaders, so give humility and not arrogance.

May your holy angels protect each household. Bless the staff and all of those who work behind the scenes with joy in their labor. Surround our Senators with people who would speak truth to their ears, so to place principle above temporary favor. Teach us to number our days that we may apply our hearts to wisdom, that we might discern the times. Instruct us with the reality that 100 years from now, names will be but print on the pages of history. Let their legacy be a nation that remains free and a lighthouse of hope to the world and that this Senate served this generation nobly. We desire Your ''Well done, good and faithful servant.'' So help us God.

In the name of my God, my Lord, my saviour Jesus Christ, I pray. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 4, 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.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Florida.

THE GUEST CHAPLAIN

Mr. NELSON of Florida. Mr. President, it is my privilege to start off this session by making some comments about our guest Chaplain, who has been a personal friend of mine in Orlando for the last three decades. He has pastored over those three decades the very significant and very dynamic First Baptist Church of Orlando, just recently handing over the reins to his successor after a transition period of some number of years which have seen that particular church become one of the dominant institutions in the State of Florida; among spiritual institutions, one of the giants.

Jim Henry is, indeed, a great leader in the church, not only among his flock, which was Orlando, but having risen to the position as the head of the Southern Baptist Convention. All of us in this political realm know the enormous tensions that have been raised in the religious community over various doctrines, the interpretation of the Scriptures, differences that arise and cause strife. As the leader of the Southern Baptist Convention, Jim Henry was the great healer, the great reconciler, bringing together the various sides to, in effect, emulate what Jesus of Nazareth taught.

It is interesting, in Jim's prayer this morning, he asked that we all become servant leaders. Isn't that true about the role model that was set by Jesus of Nazareth, a servant leader who said that if you want to be first, you should be last; if you want to be the master, you should be the servant? That principle, laid out in the Scriptures, is one of the greatest principles for us to follow as public servants. What is our obligation? To serve as servants of the public we represent.

It is with great privilege that I welcome my dear friend and one of the great spiritual leaders of America, Pastor Jim Henry, and thank him for his service as the Chaplain in the Senate for the day.

MEASURE PLACED ON THE CALENDAR

Mr. NELSON of Florida. I understand that H.R. 2828 is at the desk and due for a second reading.

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

The legislative clerk read as follows:

A bill (H.R. 2828) to provide compensation to relatives of United States citizens who

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

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were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998.

Mr. NELSON of Florida. I now object to any further proceedings at this time.

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

Mr. NELSON of Florida. I ask unanimous consent that the time I have used not be charged against the majority's time.

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

The Senator from Texas.

VETO OF SCHIP

Mr. CORNYN. Yesterday, the President vetoed the State Children's Health Insurance Program expansion that the Congress had sent to him, as he said he would. I would hope all of us would get down to work on the serious matter of trying to come up with a compromise which would achieve the original intent of Congress when we passed the legislation back in 1997 and when it was signed into law by President Clinton and which has served the Nation's children so well. Instead, it appears you can't take the politics out of politics and you can't take the politics out of Washington.

This matter has become a political football that is going to be used for partisan political gain. I think that is a shame. I say that not with a sense of anger but with a sense of disappointment that we would see something as important as providing health coverage to our Nation's children be used in political ads and that rather than have a veto-override vote in the House of Representatives forthwith, it has now been postponed by Speaker PELOSI to October 18 to give the Democratic Congressional Campaign Committee time to run ads against those who would likely uphold the veto in their congressional districts over the next week or so. That is a shame. I wish they would reconsider.

The problem, after all, with the bill Congress passed is that while the State Children's Health Insurance Program was designed to take up where Medicaid left off, this was fundamentally a welfare benefit, one which I believe the Congress wisely decided was necessary for our Nation's poor, low-income children, to make sure they got access to health coverage. But what we see is this vehicle was then used, with a 140-percent increase in Federal spending, to take this program not just from children up to 200 percent of poverty but to then say this can be a wealth transfer from the pockets of the American taxpayers to the middle class because under the bill the President vetoed, up to 400 percent of poverty level could be covered by this welfare benefit. That translates to a family of four roughly making $80,000 a year. It is simply unacceptable, from my perspective, to say that you can take money from the pockets of the American taxpayer not for a welfare benefit to help those in need but to help those who already have their own health insurance, simply to provide a free benefit to those who are already covered by their own health insurance. There is no sound basis upon which to take what is essentially a welfare benefit and transform that into a middle-class entitlement—unless, of course, there is something else going on here, which I suspect there is. I will talk about that in a moment.

In my own State, I wish we would redouble our efforts to focus our vision on the original intent of the SCHIP legislation because in my State, there are roughly 500,000 Medicaid-eligible children who are not covered by Medicaid. Why? Because their parents haven't signed them up for benefits they are entitled to under the law. There are an additional 200,000 SCHIP-eligible children, up to 200 percent of poverty level in Texas, who are not signed up for that benefit. So why in the world, when there are still children in the target population we are trying to help who remain uncovered, are we going to be diverted by a huge expansion of this program beyond its original intent to cover adults in 14 States? In the State of Wisconsin, more adults than children are covered by the State Children's Health Insurance Program—obviously, that was not part of Congress's original intent—up to 400 percent of poverty level, up to $80,000-plus for a family of four. It is simply another example of a well-intended, perhaps as originally intended, program that has now been expanded beyond all recognition.

If possible, I would say this was the equivalent of mission creep for the U.S. military. It is clearly another example of trying to use a successful Government program, a welfare benefit for low-income kids, and to expand it beyond recognition—another example, I am afraid, of wasteful Washington spending run amok.

The question is not whether the State Children's Health Insurance Program will continue. Even after the President's veto, as my colleagues know, we passed a continuing resolution which would continue the current program through November 16. I know today that if we had an opportunity to vote on a continuation of the current program as targeted, it would pass unanimously in the Senate. But rather than take care of business, rather than do our jobs, unfortunately this has degenerated into political gamesmanship, where the House leadership, Speaker PELOSI and others, have decided that rather than have the vote on the override of the President's veto, which they know will be sustained, immediately they have decided to put it off until October 18 in order for the political games to continue.

Obviously, this is another reason Congress's approval rating in most public opinion polls is well under 20 percent. The American people wonder why is it that Washington is not hearing what they are saying when it comes to being good stewards of the taxpayers' dollars, when it comes to making sure the money we do spend that they earn and which is transferred to the U.S. Treasury is spent efficiently and effectively on important programs we all support as opposed to these programs being used essentially as a Trojan horse for other objectives.

The final concern I have about this vast expansion of the SCHIP program—a 140-percent increase over the current program—is it clearly represents another step toward a Washington-controlled health care system, something I think would be a tragedy for our country. Eventually, it would crowd out the private sector and the choice and the individual decisionmaking Americans can make with their own health care provider to determine what is in their best interest, what kind of treatment they want to have for their health care needs, as opposed to turning that over to Government bureaucrats.

There are three things I can guarantee will happen when Washington makes all the health care decisions. No. 1 is, it will be expensive. It will not be free, or I should say you would be surprised at how expensive ''free'' health care turns out to be in terms of the tax payments that will be required to support it.

Secondly, I will tell you that a Washington-controlled health care system will be excessively bureaucratic. It is just in the nature of Washington. With central Government control for 300 million people, there will be more red tape than anybody can imagine. It will make it harder to get access to the health care that right now is readily available for virtually all Americans. The question is, how are we going to deliver it the most efficiently, not whether they can get access to it. Because we all agree they should have and do have access to health care today.

The third thing I will say is, I will guarantee once Washington makes all health care decisions, it will be controlled by rationing. The costs of health care delivery—when Washington makes all the decisions—will be controlled by rationing. What is the evidence of that? Well, if you look right now at the reimbursement rates Medicare, Medicaid, and SCHIP provide to

health care providers, who provide health care services under those programs, those reimbursement rates are much lower than private health insurance.

Where I live in Austin, TX, only 18 percent of physicians are accepting new Medicare patients. Why? It is because the reimbursement rates set by the Federal Government are so low that most doctors cannot treat new Medicare patients and keep their doors open for other business.

So if we continue down this road to a single-payer, Government-run health care system out of Washington, DC, it will be expensive, it will be bureaucratic, and it will result in rationing such as citizens of Canada and the United Kingdom currently have with their single-payer system, where the kinds of access to health care we take for granted in this country—and we can get in a matter of hours or a matter of days, at most—they have to wait months and years because of the rationing resulting from a single-payer, Government-run health care system.

That is the wrong prescription for the American people. I believe once they begin to realize this radical expansion of this program—which has a very important target audience of 200 percent of poverty, poor kids—has now been blown up into something that hardly anybody would recognize, covering middle-class Americans, resulting in a vast wealth transfer from the taxpayers to the middle class—and that it is not just a welfare benefit, but an incremental step toward a single-payer, Washington-controlled health care system—I think that would be the wrong prescription for America.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to spend a few minutes talking about this issue of health care and children's health care, the issue about all the politics that are involved, and the issue about the next election and how you can make somebody look bad because they do not agree that we ought to transfer a large segment of our health care to the Government.

I think it is most important that the American people ought to be asking some questions. Why is it we have a health care program that we are putting out that the President rightly vetoed that pays $4,000 to buy $2,300 worth of care? It is a simple question. We are going to pay $1,700 more than we should to run it through the Government—to buy $2,300 worth of care. That makes no sense. But whoever said Washington makes sense?

As a matter of fact, this bill is more nonsensical than any bill we have passed this year. It assumes that 22 million Americans now have to start smoking to pay the taxes that will pay for this bill. Twenty-two million? Right now we have a problem with the cost of tobacco use in this country and long-term care.

The other situation which has not been characterized is, if you look at the CBO scoring, for any one new child who goes on SCHIP under this bill, one comes off of private insurance. It is one for one. That is what the CBO says. So what we are doing is, we are asking the American taxpayers—but, actually, we are not. We are asking the very children whom we are supposedly going to give care to, to allow us to borrow money now to pay for their care so they can pay a higher tax rate 25 years from now.

This bill lacks integrity in terms of the way it pays for itself. Everybody knows that. It is another little wink and nod from Washington: Yes, we have a pay-go rule. Yes, we are going to pay for it. But, oh, by the way, it costs $121 billion, but we are only going to tell you it costs $35 billion. And, by the way, we don't have the tax revenues to pay for it, so we are going to lie about the tax revenues on it.

It is important that Washington start getting what America has already got; that is, how about some plain words that have to do with our health care situation? If we want to move to national health care, let's have a debate about national health care. Let's talk about the fact that in England the average length of time waiting for treatment for a cancer after it is diagnosed—they are trying to move from 10 months to 3 months. In this country it is 4 weeks. It is 4 weeks. The cure rates for cancers in this country are 50 percent to 100 percent better than anywhere else that has a nationalized health care system. Why is that? Why is it that 80 percent of all the innovation in health care in terms of new medical products, new techniques, new devices, new diagnostics come out of this country's private sector?

Let's have a real debate about national health care. But let's quit lying to the American people that in the name of children we are going to spend their future money to create a segue to national health care.

In the State of New Jersey, well over half the money for children's health care is spent on adults. In the State of Florida, 750,000 kids under 200 percent of the poverty level are not on SCHIP right now. In the State of Texas, 700,000 are not. Yet we are going to create a system to raise—it is important the American people know what 200 percent of the poverty level is. It is $42,000 a year.

What we are saying under the present SCHIP bill—the one that has been extended with the CR—is if you as a family make less than that, we are going to help you out with your kids. But if you make more than that, you ought to be contributing.

This body does not care about kids because it voted against a premium support amendment to allow kids in these higher income families a way to buy health insurance. What we have said is no, we cannot do that. But we can certainly be dishonest about what our intentions are in the rest of the bill.

So as the American public hears all the criticism of those who say: We don't want more Government; we want less; we want the Government we have to be more efficient, more transparent, and more accountable—as they criticize us for those positions, they are going to say we don't care about children.

Do you care about children if you are going to steal their future by undermining their ability to have a future by not paying for and growing the Government and borrowing more and more money? It cannot happen. We cannot give our children a future if we continue to be dishonest with ourselves and dishonest with the American public.

I think President Bush is right on this issue. No. I don't think so. I know he is. One of the reasons we are having difficulty at this time in our country with health care is because 52 percent of the health care now is run by the Government. Why is it a large percentage of people who are now coming on to Medicare—and in 3 years the baby boomers start coming on to Medicare—why is it the vast majority of them cannot find a Medicare physician? Why is that? Could it be that we have promised something we are not going to pay for, so we are going to reimburse at a lower level?

The next thing to come out of this body will be: If you are a physician in this country, you have to take Medicare, just as in Massachusetts you have to take Medicaid. Our health care system ought to be about freedom and choice and personal responsibility, and, yes, it ought to be about helping those who need our help. But, quite frankly, if you are making $80,000 a year in this country, we ought to be about paying off debt rather than paying for your child's health insurance. That is what this bill does. That is what this bill allows.

So we are going to have a debate. We are going to see the political games played out. This bill will not be overridden in the House, and then we are going to have to come back and address it. My hope is when we address it, we will add premium support for those who are on the edge so we can help those who are in private insurance stay in private insurance, we will be honest on how we pay for it. The most disappointing thing about this bill is the lack of integrity and honesty and character in terms of the way it is paid for. It shows the depths of which we fool ourselves and play the game of politics rather than play the game of statesmanship. It is a disappointing aspect, and I would say our approval rating is well earned just on the basis of this bill.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

SCHIP VETO

Mr. WHITEHOUSE. Mr. President, as I have traveled around Rhode Island, I have met so many families who worry about health care. Will their child fall ill? Will the price of prescription drugs or a visit to the doctor go up again?

As health care costs skyrocket and the number of uninsured Americans approaches a staggering 50 million, we have a solemn obligation to make health care more accessible and affordable.

This obligation is not new. For decades, our Government has treated it as one of the most sacred promises we keep with the American people, and it has been one of our best opportunities to just plain do the right thing. Initiatives such as Medicare and Medicaid are among our greatest accomplishments. The Children's Health Insurance Program is a shining light in the American health care system, providing health coverage to millions of American children whose families could not otherwise afford insurance.

Since its creation in 1997, the Children's Health Insurance Program has given children in America's working families better access to medical care for common conditions such as asthma or ear infections, better school attendance rates, better academic achievement, better medical access, and more preventive care. It means that children stay out of expensive urgent care settings such as the emergency room. The Children's Health Insurance Program is among the singular health care success stories of our generation. That is why it has long enjoyed bipartisan support, including enthusiastic support from Republican Governors.

My State of Rhode Island has played a vital role in creating and sustaining the Children's Health Insurance Program. The distinguished Republican Senator John Chafee, whom so many of my colleagues will remember, was one of the early bipartisan architects of this bill. For years, my senior Senator, JACK REED, has been one of the most powerful advocates for this program in the Senate. I am proud to add my voice of support to his.

I am proud also to represent a State with one of the lowest rates of uninsured children and adults in the Nation. Rhode Island has worked for 15 years to achieve this success, beginning with Gov. Bruce Sundlun's establishment of the original RIteCare Program in 1993. I was honored to have been part of Governor Sundlun's team.

Similar to many State programs, RIteCare relies on this funding that the President vetoed—relies on it to help families pay for regular checkups, immunizations, prescriptions, nutrition and other services and to reduce the number of uninsured children in our State.

This year, leaders on both sides of the aisle came together in the Senate to make this strong, vital program even stronger. The $35 billion agreement Congress passed last week would have brought health care to 10 million American children over the next 5 years, including adding up to 6,600 currently uninsured children in Rhode Island. We improved the program in other ways as well, adding quality dental and mental health care for children and new incentives for States to enroll more eligible children and to improve the quality of care.

But President Bush took all that away with the stroke of his veto pen. Why? Health insurance, he says, should be delivered in the private market. Well, guess what, Mr. President. The majority of children's health beneficiaries receive their coverage through private health plans. In fact, in 2005, all but two separate State children's health programs used a managed care company to provide CHIP benefits. The children's health plan does not threaten privatized health care; it is privatized health care for almost two-thirds of its enrollees. In Rhode Island, the Children's Health Insurance Program is delivered entirely through private insurers. As I have displayed here, the children's health program looks a lot like the health insurance the President has and the Senate has, and it doesn't look anything like the socialized medicine Republican opponents of this program have used as a red herring.

By the way, as a footnote on the public versus private health insurance question, maybe President Bush, who claims to be a fiscal conservative, would be pleased to learn that the small group of children's health beneficiaries who actually are in public insurance programs, cost the Government less than those who are on private insurance. In fact, publicly insured children cost taxpayers 10 percent less than privately insured children, and publicly insured adults cost 30 percent less than privately insured adults.

But the President is not persuaded by these facts. It does not matter to him that publicly insured children have a much better chance of having a well child care visit than uninsured children and a much better chance of having a dental care visit. It does not matter that practical Republican Governors across the country support this bill or that it is one of the most bipartisan achievements of this Congress. All that seems to matter to this President is ideology, and in this case, it is a bizarre ideology that doesn't think struggling, working-class families should have health care. In fact, he especially doesn't believe that struggling, working-class parents should have health care. He threatened to veto this bill based on that feature alone.

As recently as last summer at a Finance Committee hearing, his own CMS Administrator, Mark McClellan, stated—and this is a quote from the Bush administration:

> Extending coverage to parents and caretaker relatives—

Parents and caretaker relatives—

> not only serves to cover additional insured individuals, but may also increase the likelihood that they will take the steps necessary to enroll their children. Extending coverage to parents and caretakers may also increase the likelihood that their children remain enrolled in CHIP.

Here is a copy of a letter that Administrator McClellan wrote to my home State of Rhode Island on January 13, 2006. It reads:

> We are pleased to inform you that your amendment to the RiteCare section 1115 demonstration, as modified by the special terms and conditions accompanying this award, has been approved.

It also notes that Rhode Island's request to renew its demonstration project has also been approved.

And what exactly did Mark McClellan approve? Here is the next quote:

> Expenditures for expanded SCHIP eligibility to individuals who, at the time of initial application, are custodial parents or relative caretakers of children eligible under the plan.

Signed Dr. Mark McClellan.

The Bush administration approved the program in Rhode Island for custodial parents and relative caretakers. Yet the President is shocked—shocked—that this program may cover some adults.

President Bush, you authorized the coverage for these adults over and over, State by State, through your Cabinet Secretary overseeing this problem. Your argument, sir, is with yourself.

All I can say is you were right the first time, before you took this shameful ideological U-turn.

Setting aside reason, setting aside the security and peace of mind of countless working-class families, driven by ideology, President Bush lifted his veto pen for only the fourth time in his Presidency and struck down the Children's Health Insurance Program. His reason this week: Because it costs too much.

In other words, the same administration that in 1 year, in 2008, will spend $70 billion to pay for the Bush tax cuts for the top 1 percent of income earners, thinks it is too much to spend half that much over 5 years to provide billions of American children affordable health care. Said another way, the annual cost of Bush tax cuts for the superrich is 10 times the annual cost of this bill for children's health care, and he says he vetoes it over its cost.

The same administration is spending more than $10 billion each month in Iraq, with no plan for ending the war and bringing our troops home, an administration that is now asking for 200 billion more dollars for the war this coming year, refuses to spend $35 billion over the next 5 years to provide

millions of children all over this country affordable health care.

Instead, the President sought a funding level that would result in 1 million American children losing—losing—their health insurance.

So where would their families go to get these children health care if they don't have access to this insurance under the President's proposal? Well, before an audience in Cleveland on July 10, the President of the United States revealed his approach:

People have access to health care in America—

He said.

After all, you just go to an emergency room.

So that is it.

Tax cuts for billionaires that explode our national debt and leave future generations on the hook to pay for it—that is a big priority for President Bush. Billions for Blackwater, for an endless war with no plan to end it, for no-bid contracts for Halliburton—that is a big priority for President Bush.

But health care for children and their struggling working-class families, all paid for in the budget after hard-working bipartisan compromise? Nope. That is not a priority. That is a veto.

And the kids? ''Send them to the emergency room,'' he says.

I am ashamed of the President's decision. His veto was unnecessary. It was wrong. It is now up to Congress to make it right. I ask my colleagues to override the President's veto of children's health insurance.

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

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

Mrs. MURRAY. Mr. President, I wish to commend the Senator from Rhode Island for voicing his concerns about the veto of the children's health bill that is so important to so many children, and I appreciate his strong statement.

I think yesterday was a sad day for all Americans. For reasons I can't comprehend, President Bush yesterday decided to veto our bipartisan effort to invest in health care for the Nation's children. With no fanfare, behind closed doors, when no one was looking, the President put his personal politics ahead of increased investment in our most precious asset, our children.

I was so proud last week when, with bipartisan support in good margins in both Houses of Congress, we passed the Children's Health Insurance Program. That bill is an example of how Government ought to work.

Leaders in the House and in the Senate, both Republicans and Democrats, worked together to find a compromise that could work for everyone at the table. Nobody got everything they wanted, but the final product was worthy of support and pride on all sides.

I had hoped that after seeing the tremendous work that went into this compromise the President would think of the kids in every State of the Union who needed basic health care and reconsider his position.

I had hoped he would think about the families who are struggling to make ends meet and reconsider his position.

I had hoped that in the end he would reconsider his plan to say no to our children and to our families. But yesterday those hopes were dashed.

All children should be able to see a doctor when they are sick, and all children should be able to get the medicine they need to make them better. When a child gets a cut that requires stitches or comes down with a fever or an earache or with any other imaginable problem, they ought to be able to get help, period.

Unfortunately, as we all know, today in America—the richest and most successful country ever—that is not the case. In fact, millions of American children do not have health insurance, which means millions of American kids cannot see a doctor when they are sick, and millions of American children don't get the medicine they need to help them get better.

It doesn't matter if you are a Republican or a Democrat, whether you are a progressive or conservative, I believe making sure our children get health care is the moral thing to do.

This veto that the President penned yesterday has real and serious impact on many families in my State and across the country. Because President Bush vetoed that bill, 3.8 million uninsured children are going to continue to live without coverage. Let me say that again. President Bush told 3.8 million children in America they cannot have health care. To me, that is just shameful.

When I came to the floor a couple of weeks ago to talk about this important bill, I told the story of a woman in my State, Sydney DeBord, who lives in Yakima, WA. She is a young girl who has cystic fibrosis. Her mom wrote to me to tell me how important this children's health insurance program was to her family. She said it allowed her daughter, Sydney, to get and extend her life, and it allowed her to live her very tough life to the fullest. I want to quote again from that letter because I believe she speaks for those more than 3 million children and their families on this dark day.

Ms. DeBord said:

I know for a fact that without this bit of assistance her life would end much sooner due to the inability to afford quality health care for her. As her parent, it frightens me to even think some day she may be without health care coverage if programs like CHIP are no longer available.

Today, I share Ms. DeBord's fears, and all other parents do as well.

We have another chance. The President doesn't have the final say on this one. Right now, Members of the House of Representatives are working to find the votes to override this veto, perhaps, and hopefully end the fears of Ms. DeBord and millions of moms just like her. They need a few more votes. If they get a few more votes, we can tell the President that investing in families and investing in America is a priority of the men and women of this Congress no matter how many vetoes he sends our way.

It is very troubling to me that the President continues to ignore the wishes of the American public. The American people and the vast majority of Congress want to expand stem cell research to find cures for diseases affecting so many in our Nation. The President says no.

The American people and the vast majority of Congress want to change course in Iraq and bring our troops home safely. The President says no.

The American people and the vast majority of Congress want investment in roads, bridges, medical research, and education. The President says no.

The American people and the vast majority of Congress want to provide health care for our young children today. The President says no.

So we need a few more Republicans to join us and to join the American people in telling the President he is wrong and he cannot stand in the way of progress for our young kids. I hope the disappointment felt by kids and their families today is going to be washed away in the weeks to come by another bipartisan show of support for this outstanding and critical health care program in America.

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

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

The legislative clerk proceeded to call the roll.

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

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

SENATOR DOMENICI'S RETIREMENT

Mr. BINGAMAN. Mr. President, we have all seen the news that our friend and colleague, PETE DOMENICI, is planning to announce today that he will retire from the Senate at the conclusion of his term. Senator DOMENICI called me yesterday afternoon to tell me of this decision. My reaction was one of surprise first, and then that gave way to admiration and appreciation for this man's decision to conclude his distinguished career of public service on his own terms.

He and his wife Nancy are traveling to Albuquerque this morning for the announcement this afternoon. This is a great gesture to the people of New Mexico, and in New Mexico the Domenicis will be greeted with the affection and respect which they richly deserve.

When I arrived in the Senate in 1983, PETE DOMENICI was then a 10-year veteran of this place, and he was here to welcome me at that time. In his 34 years in the Senate, PETE has earned a reputation as a fierce and effective champion for New Mexico. While he and I have not agreed on some issues, I have never questioned his commitment to do what he believed was right for our State and for this country.

Today, and during his entire Senate career, PETE has achieved what all of us try to achieve; that is, to be effective in getting results in Washington, while also staying close to the people who have sent us here to represent them.

PETE and I, of course, have worked together on many issues and projects, but our most productive collaboration has been on the Energy and Natural Resources Committee. For the last few years, he has been the most senior Republican, and I have been the most senior Democrat. In the last Congress, when PETE was chairman of the committee and I was the ranking Democrat, we were able to secure passage of the Energy Policy Act of 2005. PETE deserves substantial credit for the passage of that important legislation.

Senator DOMENICI's announcement today is not, I am glad to say, that he is leaving the Senate at this time. His announcement will be that he will serve out his term, but he will not stand for reelection to another term. He has assured me that he expects the remaining 15 months of his service in the Senate to be productive and, knowing PETE, I am sure they will be.

There will be time later for valedictories. For today, we will listen to Senator DOMENICI's announcement and send our thanks and best wishes to him and to Nancy.

Mr. SMITH. Mr. President, today I pay tribute to one of our most distinguished Senior Senators, and a personal friend of mine, PETE DOMENICI of New Mexico, who yesterday announced he will retire at the end of this Congress.

The son of Italian immigrants, Senator DOMENICI has accomplished many things in his long and distinguished career. Growing up in Albuquerque, he worked in his father's wholesale grocery business. After earning a degree in education from the University of New Mexico in 1954, he pitched for the Albuquerque Dukes, a farm club of the old Brooklyn Dodgers. He left baseball to be a teacher, and then earned a law degree in 1958.

Senator DOMENICI's life of public service began in 1966, when he was elected to the Albuquerque City Commission. In 1972, he was elected to the United States Senate, where he has served with dedication and distinction ever since. PETE DOMENICI was my home State Senator when I clerked for the New Mexico Supreme Court. At the time, I never thought that one day I would have the privilege of calling myself a colleague of Senator DOMENICI.

PETE has been a tireless champion for the public land states of the West. He understands the challenges facing an arid climate, including water resources management in the face of drought and the conflicts over water allocation, as well as public lands management and issues relating to resource extraction, forest health and grazing.

PETE has worked tirelessly to ensure that our Nation has the energy resources it will need to meet the growing demand well into the 21st century. The Energy Policy Act of 2005 provides the incentives and the Federal support required to meet these future energy needs. It also encourages energy efficiency and conservation, as well as the development of clean, non-emitting resources.

When I was first elected to the Senate, I served on the Budget Committee, which was then chaired by PETE DOMENICI. I could not have asked for a better mentor on the complex issues related to the Federal budget process. I also served on the Energy Committee, where PETE has been both Chairman and Ranking Member.

Senator DOMENICI has also been a stalwart leader and champion in the battle to provide persons with mental illness equal access to health care services. In 1996, Senator DOMENICI teamed with then-Senator Paul Wellstone to pass the first Federal law intended to help persons with mental illness acquire protections and access to care.

Fortunately, Senator DOMENICI understood that more could and should be done. So it was with pleasure I was able to work with him to craft S. 558, the Mental Health Parity Act of 2007, which has passed the Senate. This bill will help ensure that insurance companies begin treating illnesses of the mind on the same level as illnesses of the body.

I also want to acknowledge his work to help protect Federal programs serving our citizens who battle mental illness. He has, over the years, authored and supported policies improving Medicare and Medicaid for persons living with these diseases. His compassion and leadership will be greatly missed by the mental health community, and I personally will miss his insight and knowledge in the U.S. Senate.

In closing, let me wish you and your wife Nancy the very best on your retirement and return to your beloved State, New Mexico.

Mr. KENNEDY. Mr. President, it is with sadness that I speak about my friend, the senior Senator from New Mexico, PETE DOMENICI, who will announce later today he will not seek a seventh term and will return, instead, to his beloved New Mexico at the end of this Congress.

PETE was born to Alda and Cherubino Domenici, and he has never forgotten where he came from and what he was sent here to do by the people of his State. He grew up learning about the value of hard work as an employee each afternoon in his father's wholesale grocery business while attending school in Albuquerque during the day. At the University of New Mexico, PETE found an early calling for public service and earned a degree in education. He was a remarkable athlete as well and became a pitcher, briefly, for the Albuquerque Dukes, the farm team of the Brooklyn Dodgers, and then taught math at junior high school while he earned his law degree.

In 1966, PETE was elected to the Albuquerque City Commission, where he served until he was elected to the Senate in 1972. He is now the longest serving Senator in New Mexico history. For some 35 years, he has been an outstanding colleague, admired and respected by all of us on both sides of the aisle.

PETE will be remembered by all Americans as a brilliant and tireless champion for the rights of those with mental illness. His tenacity and commitment led, in 1996, to the passage of the first legislation to end discrimination against people with mental illness. More than anyone, PETE understood that such discrimination prevented vast numbers of people with mental illness from receiving the care and treatment and, frequently, the cure they deserved. Over the past 5 years, I have had the privilege of working closely with PETE to improve that original legislation. His passion and perseverance to achieve full equality in the covering of mental and physical illness has never wavered. The recent Senate passage of the Mental Health Parity Act is a tribute to PETE and the result of his extraordinary dedication and ability.

I am sure PETE and Nancy thought long and hard about the decision to retire from the Senate and that it wasn't an easy choice to make. But I know they will have much more time to spend with their eight children and the wonderful people and breathtaking mountains of New Mexico. We are fortunate that we will have at least another year to work together on the issues we care so deeply about.

As we prepare to say farewell to our great friend, I am reminded of the lines of the New Mexico State song:

O, Fair New Mexico,
We love, we love you so,
Our hearts with pride o'reflow,
No matter where we go.
O, Fair New Mexico.

No matter where PETE goes, we will always love and respect him, miss his leadership, his statesmanship and, most of all, his friendship.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, I would like to proceed on my leader time.

The PRESIDING OFFICER. The Senator is recognized.

BURMA

Mr. MCCONNELL. Mr. President, I have come to the floor every day this week to highlight the plight of the Burmese citizens who have bravely protested for democratic reform. I have also tried to focus attention on the brutal actions that the ruling military junta, the State Peace and Development Council, or SPDC, has taken to crack down on its own people.

The whole world watched with horror as Buddhist monks, armed with nothing but prayers for peace, met uniformed thugs armed with rifles sent to do their Government's bidding. Untold numbers have been slaughtered, more are unjustly imprisoned, and the Burmese citizens who are left are afraid to step outside of their homes. The SPDC's swift and barbaric punishment of the Burmese people seems like a relic from another era. But what we have seen on our television sets is all too real.

I thank my fellow Senators for shining a spotlight on the actions of the SPDC this week to reveal them for the despots they are.

I was encouraged when, on Monday, my colleagues adopted a sense-of-the-Senate resolution we offered with Senator KERRY condemning the SPDC for its violent crackdown against the peaceful protesters. And yesterday, Senators BOXER and MURKOWSKI held a hearing of the Senate Foreign Relations Committee's Subcommittee on East Asian and Pacific Affairs on the atrocities in Burma. I appreciated the opportunity to be over there and testify at that hearing, along with others. Democratic reform in Burma is an issue that has received far too little interest for a very long time. But the strong bipartisan support in Congress is encouraging.

To see significant change in Burma, ultimately the U.N. Security Council will have to enact meaningful sanctions on the SPDC. Only then will the Government be pressured to move toward peaceful reconciliation. And for the U.N. Security Council to move, China must be persuaded to move. Many changes need to happen in Burma, but until they do, I will continue to act and to advocate on behalf of the Burmese people on the Senate floor.

DEFENSE APPROPRIATIONS

Mr. MCCONNELL. Mr. President, Republicans and Democrats have been debating all year long about the troops. This has not been a debate about who wants to bring them home. Frankly, all of us want to bring them home. It has been a debate about whom do you trust to decide when these troops come home, about who has the authority and judgment to make decisions about how to protect our national security interests in the Persian Gulf. Republicans think it should be the Commander in Chief in consultation with his commanders on the ground. We don't think our foreign policy should be drafted by MoveOn.org or CODEPINK.

However, on one thing we have almost all agreed: When we have forces in the field, we ought to fund them. Once they are over there, you do not leave them guessing about whether they are going to eat or be clothed or have the equipment they need to do their jobs, and you don't leave their replacement units wondering whether they will be trained or equipped.

In the heat of the first Iraq debate, we passed by a strong bipartisan vote of 82 to 16 the Gregg resolution expressing the sense of Congress that no funds should be cut off or even reduced for troops in the field which would result in undermining their safety or their ability to complete their mission. We passed, by an overwhelming 96-to-2 vote, the Murray resolution expressing the sense of the Senate that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their missions. And we repeatedly rejected the Feingold amendment as recently as yesterday, once again, that would cut off funds for the troops after a date certain next June regardless of whether they have completed their mission.

Under the Feingold amendment, which forbids U.S. troops from fighting anyone but al-Qaida and its affiliates, we would have to deploy a brigade of lawyers to interview the enemy, and we would lose the ability to gather the kind of intelligence from Iraqis themselves—intelligence that has been an invaluable component of the Petraeus plan so far. The Iraqi people are talking to us now because they feel safer having U.S. troops around. Pulling those troops out of the neighborhoods and replacing them with snipers in helicopters would cut us off from the very people who are helping us find the targets in the first place.

This Senate has argued for months about Iraq, but on this one point almost all of us have agreed again and again and again: You don't cut funds to troops who are already in the field. Yet now it seems even that may be about to change.

All last year, the Democrats complained that the President was hiding his spending requests for the war by leaving them out of the Defense spending bill and putting them into a supplemental instead. So earlier this year, he responded to those criticisms in good faith by making his request in concert with the DOD appropriations bill. He said we would need about $150 billion for 2008.

The majority has been sitting on this request for 8 months, and now they have made a conscious decision to leave it out of the Defense spending bill altogether. Some of them are arguing that the Defense Department has the legal authority to sustain the war on its own. That is right, they could do that, but what the Defense Department cannot do is plan ahead without a future spending commitment from this Congress. They cannot plan for training, equipment, feeding, or protecting our troops until they know the money will be there beyond the immediate future, and they cannot plan to be ready for any other operations that might arise outside of the current conflicts. This is no way to run a Defense Department, it is no way to treat the troops, and it is entirely inconsistent with the expressions of support for the troops that we registered with the Gregg and Murray resolutions and which we reaffirmed repeatedly, including yesterday, by rejecting the Feingold amendment.

All summer, America and its allies waited for GEN David Petraeus to come to the Hill and tell us about the prospects in Iraq. We were encouraged when he told us the military objectives of his strategy were in large measure being met. We were proud when he told us that in the face of tough enemies and the brutal summer heat, coalition and Iraqi security forces had achieved real progress toward achieving their goals, in large part because they dealt what he described as a ''significant blow''—a significant blow—to al-Qaida.

General Petraeus recommended that as a result of these early successes, we can begin to draw down our troops beginning this year. That drawdown has already begun. Last month, the Marine Expeditionary Unit that was deployed as part of the surge left Iraq after a job well done. A combat brigade team will leave in mid-December, with four others and two surge marine battalions to follow in the first half of next year. This was General Petraeus's cautious but expert plan for building on the successes we have made in Iraq. The President accepted that plan, and a majority of Americans, including a majority of Democrats, if we are to believe the polls, think it is a good idea.

We have a new strategy in Iraq, according to the general in charge. It is working, and we owe it to the men and women in the field, first of all, to keep a commitment we have already made to fund them while they are carrying out that strategy. We cannot, we must not close this session without providing the funding these troops need.

We also owe it to them to bring them home in a way that reflects the best judgment of their commanders. General Petraeus gave us a rare and valuable glimpse into the minds of our soldiers and marines when he testified on Capitol Hill last month. General Petraeus said:

> None of us want to stay in Iraq forever. We all want to come home. We all have days of frustration and all the rest of that. But what we want to do is come home the right way, having added to the heritage of our services,

accomplished the mission that our country has laid out for us.

That is what General Petraeus had to say. Then he gave us an idea of the caliber of the men and women who are serving our country in Iraq. Talking more about the commitment they have to their task, here is what General Petraeus said:

I think that that's a very important factor in what our soldiers are doing, in addition to the fact that, frankly, they also just respect the individuals with whom they are carrying out this important mission, the men and women on their right and left who share very important values, among them selfless service and devotion to duty. And that, indeed, is a huge factor in why many of us continue to serve and to stay in uniform, because the privilege of serving with such individuals is truly enormous.

The Defense Department is currently revising its spending requests for the current fiscal year, but that is no reason to deny the funds it already said it needs to get through the spring. The fact that we are waiting on a request for more is not an excuse to deliver nothing.

The men and women who are serving our country deserve better. Let's not pass up the chance to acknowledge their ''selfless service and devotion to duty'' by giving them exactly what they need—before we conclude this session of Congress.

Mr. President, I yield the floor.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 49, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 49) providing for a conditional adjournment or recess of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. MIKULSKI. 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 concurrent resolution (S. Con. Res. 49) was agreed to, as follows:

S. CON. RES. 49

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Thursday, October 4, 2007, or Friday, October 5, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Monday, October 15, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3093, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the substitute amendment, which is at the desk, and the text of the Senate committee-reported bill be considered and agreed to; the bill, as amended, be considered as original text for the purpose of further amendment; and that no points of order be considered waived by this agreement.

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

The amendment (No. 3211) was agreed to.

(The amendment is printed in today's RECORD under ''Amendments Submitted and Proposed.''

Ms. MIKULSKI. Mr. President, I am proud to present to the U.S. Senate the bill to fund the Departments of Commerce, Justice, and our science agencies. I want to thank Senators REID and MCCONNELL for agreeing to bring up the CJS bill, and Chairman BYRD and Ranking Member COCHRAN for the CJS Subcommittee's robust 302(b) allocation. This is a bipartisan bill. Senator SHELBY and I worked hand-in-hand. I thank him and his excellent staff for their partnership.

The CJS bill totals $54 billion in discretionary budget authority. Did we spend more than the President asked for? You bet we did. We are proud that our bill is $3.2 billion above the President's budget request.

Let's talk about how we spent the money. The subcommittee had three priorities:

Security—keeping 300 million Americans safe from terrorism and violent crime.

Innovation—investments in science and technology to create jobs that will stay in the United States.

Accountability—fiscal accountability and stewardship of taxpayer dollars, standing sentry against waste, fraud and abuse.

The subcommittee's first priority is protecting America from terrorism and violent crime. The Justice Department is almost 50 percent of the CJS bill. Funding for Justice totals almost $25 billion, $2.1 billion more than the President's request. The CJS bill funds our major Federal law enforcement agencies, and our State and local cops on the beat.

CJS funds the Federal Bureau of Investigation, FBI. The FBI is our domestic national security agency. It has a dual mission—disrupting terrorism on U.S. soil—tracking and taking down terror cells and dismantling dirty bombs, as well as fighting violent crime in our communities. The CJS bill provides $6.6 billion for the FBI, $150 million more than the President's budget request. This includes almost $4 billion for FBI counterterrorism. Our bill will put 230 new counterterrorism agents on the beat and give agents new tools to collect intelligence to protect Americans here at home. At the same time, the President's budget cut 100 FBI agents dedicated to fighting violent crime. This is outrageous—because for the first time in almost 15 years, violent crime has increased. Robberies are up 7 percent. Homicides are up 2 percent. Nearly every region of the country has been affected—from large cities to small communities. We've heard from our colleagues that the FBI needs more agents fighting violent crime in their communities. The CJS bill rejects the President's irresponsible cut. We provide full funding to retain 100 FBI agents that the President eliminated.

The CJS bill also funds the Drug Enforcement Administration, DEA. The DEA is an international agency—in over 60 countries, with significant local responsibilities. It's fighting a $330 billion annual drug trade in over 60 countries around the world. Drugs finance over two-thirds of all terrorist activity, including the Taliban. The DEA is in Afghanistan fighting narcoterrorism, working hand-in-hand with our military to disrupt the poppy trade that funds terrorist networks. And the DEA is in our communities, fighting the scourge of illegal drugs like heroin and meth that destroy our neighborhoods. We were horrified to learn that the DEA has a hiring freeze. The DEA can't hire new agents. This is outrageous—so we added $50 million to DEA to lift the hiring freeze so DEA can hire up 200 new agents to fight drugs at home and abroad.

The CJS bill funds the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, which investigates arson and stops illegal firearms trafficking. The ATF is working hand-in-hand with our military to disable the improvised explosive devices, IEDs, that are so perilous to our troops on the battlefield. We provide robust support for our U.S. Marshals Service, keeping our marshals on the beat to track down dangerous fugitives—including sexual predators and drug kingpins—protect

Federal judges and provide security at terrorist trials here in the U.S. and in Afghanistan.

The CJS bill is also the most important source of Federal funding for the frontline men and women of our State and local police forces, working tirelessly to keep our families and neighborhoods safe. Our cops on the beat are working harder than ever to fight rising violent crime. And our State and local police are often the first to identify suspected terrorist activities in their communities. At the same time, State and local budgets are under increased stress. So we were deeply troubled by the President's draconian cuts of almost $1.5 billion from grant funds for State and local police. The CJS bill rejects these outrageous cuts. Instead we provide a total of $2.7 billion to give our cops the tools they need to fight crime, gangs, drugs, domestic violence, and crimes against children.

Our bill provides $660 million for Byrne formula grants. President Bush eliminated Byrne grants formula grants to States that pay for police and prosecutors, training and technology, and require a 25-percent State match. The first President Bush named these grants for Edward Byrne, a New York City police officer killed in the line of fire. If Byrne grants were good enough for Bush 41, why aren't they good enough for this President Bush?

We also provide $550 million for Community Oriented Policing Services, COPS, grants. President Bush only asked for $32 million to terminate COPS grants. COPS is a competitive grant program that pays for police salaries and overtime, police technology, and equipment like surveillance cameras and interoperable communications equipment. The CJS bill makes sure that our cops are not walking the thin blue line drawn through green eyeshades.

The CJS bill provides over $300 million to prevent, investigate and prosecute despicable crimes against children. This includes: $55 million for a new national initiative for grants to State and locals to locate, arrest and prosecute child sexual predators; $65 million to fight child abduction and exploitation and locate missing children; $9 million for the FBI's Innocent Images project—for agents and technology to track the deviants who use the Internet to prey on our children; $8 million for the U.S. Marshals to apprehend fugitive sexual predators and get them off our streets and out of our neighborhoods; $10 million for grants to keep kids safe from violence at school.

Our second priority for the CJS bill is investing in America's future competitiveness. We added $1 billion above the President's request for science, education and economic development to foster job creation—for jobs that will stay in this country and to inspire and train our future scientists and engineers. We based our funding levels on the best ideas from outside experts like the National Academy of Sciences. We took the politics out of science. The CJS bill implements the framework of the recently enacted America COMPETES Act. This bipartisan legislation recommended investments in science and education to improve America's global competitiveness.

We provide $6.5 billion for the National Science Foundation, NSF, $125 million above the President's budget request. NSF is important because it funds 20 percent of all federally supported basic research conducted by America's colleges and universities in many fields such as math and computer science. NSF is the major source of federal support. NSF keeps the U.S. on the leading edge of discovery in areas like astronomy and geology. And NSF supports our college and universities' efforts to educate our next generation of scientists and engineers, including at our historically Black colleges and universities, HBCUs.

We provide $860 million for the National Institute of Standards and Technology, NIST. NIST is important because it sets standards that are critical to successful commerce, and transfers technology to American industry. Our recommendations provide $100 million for the Technology Innovation Partnership program, which will replace the Advanced Technology Program to foster the development of the newest technologies, and $110 for the Manufacturing Extension Partnership, MEP, which helps U.S. manufacturers to be more competitive.

The bill also provides $17.5 billion for NASA, $150 million above the President's budget request. NASA is our No. 1 innovation agency. No other agency has the ability to inspire our future scientists and engineers like NASA does. The bill keeps our commitment to human space flight. It fully funds the space shuttle at $4 billion and the space station at $2.2 billion. And we provide $3.9 billion to Ares and Orion, the next generation vehicle. The space shuttle will be retired in 2010. We must continue to have safe, reliable space transportation.

Later, I will offer an amendment with Senators HUTCHISON, SHELBY and LANDRIEU to finally begin to pay the bill of returning the space shuttle to flight after the Columbia tragedy. To ensure that we continue to have the premier space agency in the world, NASA must have a balanced portfolio of human space flight, science and aeronautics research.

In the area of Earth science, the bill includes $25 million above the budget request to begin to implement the recommendations of the recent Earth Science Decadal Survey, the top priorities of the scientific community, and missions we need to accomplish to help us better understand and predict the Earth's environment and climate.

For aeronautics research, we provide $554 million. This is so critical because we must rise to the challenge of our international competitors. Aeronautics is an area that we would have liked to do more. As our bill moves to conference with the other body, we hope to be able to add funding for aeronautics.

A strong patent system is critical to an innovation-friendly government. We provide $1.9 billion for the Patent and Trademark Office, PTO—this is full access to all fees. We know there have been concerns that the PTO's fees have been used to pay for other priorities. Senator SHELBY and I are committed to giving PTO full access to the resources it needs. Our bill will allow the PTO to hire 1,200 new patent examiners to reduce application backlogs and processing times. We are livid that it takes almost 3 years for the PTO to make a decision on a patent application. Through our oversight, we have required PTO to implement management reforms to reduce the backlog of applications, while ensuring quality.

The CJS bill also provides $420 million for the International Trade Administration, ITA, to investigate unfair trade practices and enforce our trade laws. It includes $48 million for the United States Trade Representative, USTR, to negotiate trade agreements that protect our intellectual property.

For the National Oceanic and Atmospheric Administration, NOAA, the bill provides $4.2 billion, $400 million above the President's budget request. This includes $795 million to implement the bipartisan recommendations of the Joint Ocean Commission. Seventy percent of the Earth is covered by oceans, but only 5 percent of the oceans are explored. Our Nation's economy depends on the oceans. Oceans contribute $120 billion to our economy and support over 2 million jobs. The bill also provides full funding for the National Weather Service, which is so important to saving lives and livelihoods.

I think my colleagues would be interested in knowing that the CJS bill funds 85 percent of all federal climate change science. That's about $1.6 billion for peer-reviewed basic research at NSF, atmospheric weather and climate research at NOAA, and NASA Earth science missions studying. As we look for solutions to this crisis, the CJS bill will continue to give us sound science to inform our policy decisions.

The CJS bill emphasizes oversight, accountability and fiscal stewardship. Let me tell my colleagues—there's a new sherriff in town. It's a bipartisan posse against cost overruns, ineffective management and mismanagement of taxpayer dollars. The CJS Subcommittee, through its oversight, has uncovered enormous cost overruns and schedule slippages. NOAA's satellite program was $4 billion over budget. NSF's research equipment was $25 million over budget. At the appropriate time, I will offer an amendment to prevent this mismanagement and get our agencies back to fiscal discipline.

Through our oversight, we also uncovered dramatic backlogs at PTO and the Equal Employment Opportunity

Commission, EEOC. And we required effective, efficient management reform. The CJS bill insists on discipline and vigorous oversight. It requires each agency to notify the committee about cost overruns greater than 10 percent, bans funding for lavish banquets, and requires that inspectors general conduct random audits of grant funding.

Unfortunately, the President threatened to veto the CJS bill. He doesn't support funding for these additional investments I have outlined. The CJS bill reflects bipartisan priorities to make America safer and smarter. I think these investments in fighting terrorism and violent crime, and educating our future scientists and engineers, are wise uses of taxpayer dollars.

Let me be clear—we didn't overspend; the President under funded. It is not lavish to lift the DEA hiring freeze so we starve terrorists of their financing, or to give our men and women in blue the tools they need to keep us safe.

The President should not veto this bill. Instead, together we should veto funding for the Taliban and jobs moving overseas. I believe that, if necessary, the Senate will stand up for our families, neighborhoods and communities by standing up against the President's veto. Let's veto jobs going overseas; let's veto the Taliban.

Again, I want to thank Senator SHELBY and his staff for their cooperation and collegiality. This is a fair and balanced bill, and I urge my colleagues to support it. For the information of our colleagues, Senator SHELBY and I intend to move this bill quickly. We encourage Members with amendments to come to the floor and offer them now. The bill fully complies with the subcommittee's 302(b) allocation so any amendments will need offsets. It also fully complies with the recently enacted Honest Leadership and Open Government Act.

Mr. President, in a short time, I will be joined by my colleague, the distinguished senior Senator from Alabama, who is my ranking member. He, too, will be making his opening statement. I thank Senators REID and MCCONNELL for agreeing to bring up this billand Chairman BYRD and Ranking Member COCHRAN for a rather robust 302(b) allocation to let this bill go forward.

First, let me say to my colleagues in the Senate as they watch this debate that this bill is a bipartisan bill. The Senator from Alabama, Mr. SHELBY, and I worked hand in hand to craft a bill that is in the best interest of the United States of America and not trying to score partisan political points. That is what we have done.

The Commerce-Justice-Science bill promotes a strong economy, promotes a safer country, and also promotes U.S. competitiveness in the world.

The CJS bill totals $54 billion in discretionary budget authority. Did we spend more than the President asked for? You bet we did, and we are proud that our bill is $3.2 billion above the President's request because we put the money primarily into security. We spent the money in this bill on security, keeping 300 million Americans safe from terrorism and also fighting violent crime. We also promoted innovation and competitiveness by investing in scientific research and technology and the scientific education of our people. But we were also strong stewards of the taxpayers' money and have promoted accountability, fiscal accountability, and stewardship of taxpayers' dollars. We, working on a bipartisan basis, stood sentry against waste, fraud and abuse and we have put our language also in the checkbook.

The subcommittee's first priority is to protect the American people—to protect the American people from terrorism, a war without borders, a war without a front. We also want to protect them here at home against violent crime, against murder, mayhem, sexual predators stalking our children, violence against women, looking out for our children, and making sure there are enough cops on the beat.

The Justice Department is almost 50 percent of the CJS bill. Funding for the Justice component totals over $25 billion. But remember what we do: We fund the Federal law enforcement agencies—the FBI, the DEA, the Bureau of Alcohol, Tobacco, Firearms and Explosives, as well as our Marshals Service. Our major law enforcement count on us. But who else also counts on us? State and local cops on the beat. We have put the money into the Federal checkbook to say: As you go after the bad guys, we are absolutely on your side.

Let us start with our primary responsibility as a Federal government, and that is funding the FBI, the Federal Bureau of Investigation. It is our premier domestic law enforcement agency. It has a dual mission. One is fighting violent crime in our communities, and in that it is well known, well established, and well respected. But after that terrible attack on the United States, we had to decide how we were going to have a domestic agency also focus on terrorism. We didn't create a new Federal agency to do that because we didn't want a new bureaucracy. We wanted a new and fresh effort against terrorism. So we gave it to the FBI. If you read all the British spy novels and so on, the FBI is akin to the MI5 in England.

This bill provides $6.6 billion for the FBI. That is $6.6 billion for the FBI, which is $150 million more than the President's budget. This includes almost $4 billion for their counterterrorism effort. To make sure we are fighting terrorism effectively, our bill also puts 230 new counterterrorism agents out there and gives them new tools to protect Americans at home.

At the same time, we want to make sure we are fighting violent crime. We have been very concerned about some of the budget games going on at Justice and OMB, where they keep moving agents around, out of their job of fighting crime to fight terrorism so those numbers look good; then they eliminate those vacancies, and there we are. We need our FBI doing both. Violent crime in America has increased 2 percent. Homicides are up 2 percent and robberies are up 7 percent. Nearly every region of the country has been affected, from very large cities to small communities.

We have heard from our colleagues the FBI needs more agents and more help fighting violent crime in their communities. The CJS bill rejects the President's cut. We provide funding to retain 100 FBI agents that the President eliminated. Eliminating FBI agents when we are fighting crime and fighting terrorism? I don't think that is a good idea. I don't think that is a good idea at all. On a bipartisan basis, we rejected that foolhardy recommendation. So we will be there for the FBI.

But they are not the only ones fighting terrorism and fighting crime in our streets. The other is the DEA. It is an international agency as well as an all-American agency. It is in over 60 countries. Yet, at the same time, has very strong border and local responsibilities. Fighting a $330 billion international drug trade, they need help. Drugs finance over two-thirds of the terrorist activities. It comes out of Afghanistan, from the poppy fields of Afghanistan, and they are seeing one of the biggest crops they have ever had. That money goes to funding the Taliban and funding terrorist activity.

The DEA is, right now, in Afghanistan fighting narcoterrorism, working hand-in-hand with the Karzai Government, working hand-in-hand with our military to disrupt that poppy trade. But right now they are also in our streets and our neighborhoods working with our local police chiefs, working with our local sheriffs, working with our local FBI, fighting to keep the scourge of illegal drugs, ranging from heroin to meth, from destroying our neighborhoods.

We were horrified during the committee hearing to learn that DEA has a hiring freeze. A hiring freeze on drug enforcement agents? Oh, my gosh. Foolhardy. Foolhardy. This is outrageous. So, again, working on a bipartisan basis, we added a modest $50 million to DEA to lift this hiring freeze so they can now hire up to 200 new agents to fight drugs at home, drugs in schools, and drugs overseas.

We have also funded the Bureau of Alcohol, Tobacco, Firearms, and Explosives, which does everything from investigating arson to stopping illegal firearms trafficking. They are also working hand-in-hand with our military to come up with ways to deal with these terrible improvised explosive devices.

We also provide robust support for our Marshals Service, where we ask them to track down everyone from dangerous fugitives to sexual predators. They protect our Federal judges,

they provide security at terrorist trials, and they are doing a good job, so we need to support them.

Where we have also made another significant effort, though, when it comes to State and local law enforcement in the CJS bill, is the most important source of Federal funding for that thin blue line of local law enforcement that is out there every day working tirelessly to keep our families, our schools, and our neighborhoods safe. Our cops on the beat are working harder than ever to fight this rising tide of violent crime. Our local and State police are often the first to identify suspected terrorist activities, but their budgets are under increased stress. So we were deeply troubled when the President came in with draconian cuts to the State and local police.

What did the administration do? Well, first of all, in that famous Cops on the Beat Program that helped local law enforcement have more officers, they reduced the funding to a skimpy, Spartan $32 million for the whole country to put cops on the beat. One State alone could use that. At the same time, they eliminated the Byrne grants. The Byrne grants are those Federal funds named after Edward Byrne, a police officer from New York killed in the line of duty, and this program was to help local law enforcement have the tools, the technology they need to protect themselves so they can protect us. That was eliminated.

We are spending a fortune on so many other things, such as the war in Iraq, and yet we eliminated the Byrne grants? Well, this committee stepped up to it and we have added $1.5 billion for grants for the State and local police. These funds will fight crime, gangs, meth, violence in the schools, and we think it is terrific. Our bill will provide $660 million for the Byrne grant formula. It will pay for the improved technology they need, improved training and police and prosecutors.

We also added $550 million to the community policing efforts, which is a competitive grant program that enables them to bring more police into their department, paying their salaries and their overtime. We stand with the frontline. We stand with the thin blue line.

We are also protecting ourselves against other threats. We do not want to have a declining economy or a declining ability to compete in the world. So our committee fostered innovation and competitiveness. So when we look at those things in our legislation, we added more money. We implemented the recently enacted bipartisan bill called the COMPETES Act. We added $1 billion to the science and commerce part of this bill, and $6.5 billion for the National Science Foundation. We provided $860 million for the National Institute of Standards and Technology. We provide close to $2 billion to the Patent and Trademark Office, to make sure they are fully functioning and dealing with the backlogs. We fund the ITA and our International Trade Representative.

We also have two premier science agencies, one is NOAA, the National Oceanic and Atmospheric Administration. We provide $4.2 billion for that, which is $400 million above the President's request; and $795 million to implement the bipartisan recommendations of the Joint Ocean Commission. We also provided money to look into Federal climate change. This is not new for this committee. The NSF, NOAA, and NASA provide 85 percent of all the Federal research looking at climate change. As we work on policy, as we try to find sensible solutions that are affordable to our country, they are going to turn to science, and in turning to science, we need to make sure we have funded them.

Last, but not at all least, a very important agency—NASA. Today is the 50th anniversary of Sputnik. Fifty years ago, the Russians launched into space a 180-pound satellite that shook the cosmos. It shook the cosmos and it said that the Russians were the first in space. Well, we knew we couldn't let that lie. So President Eisenhower answered that call with robust efforts in science and particularly the National Science Foundation.

A few years later, 3 years later, a dynamic President, named Jack Kennedy, put out a national goal that we were going to go to the Moon, we would be there first and return our astronauts safely. Well, 50 years later, we honor that legacy by providing $17.5 billion for NASA, $150 million above the President's request, to keep our commitment to a balanced space program—the space shuttle, the space station, and the next-generation space vehicle.

We make significant efforts in science and aeronautics, and I will talk more about that later when I will offer an amendment, along with my colleagues, Senators SHELBY, HUTCHISON, LANDRIEU, and NELSON, on how to help NASA continue to meet its responsibility.

In conclusion, let me say this committee has been strongly committed to reform, strongly committed to accountability and oversight and fiscal stewardship. Through our oversight, we uncovered cost overruns on the NOAA satellite programs, with $4 billion over budget; the NSF's research equipment program, $25 million over budget; and dramatic backlogs at the Patent Office and backlogs at the EEOC. We said we were not going to allow that.

We also found that some of our funds were going into things such as lavish conferences, lobster rolls, and limousines. Well, you are going to have an amendment later on that is going to take that right out. When we give money to these agencies to do the kind of training we want them to do, it is not to sit around sipping chardonnay and eating lobster rolls and so on. So if you will pardon the expression, we told them ''to take a cab.'' Our bill continues to do that.

I hope the President doesn't veto our bill. We will talk about that more in conclusion. Again, this bill is a bipartisan bill. I presented it to the Senate and now I compliment my ranking member, Senator SHELBY, and his staff.

Our staffs have worked together. I wish the taxpayers could see it; they would be proud of us. They would be proud of our working relationship, and that is why we produced a bill that works for America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I will not replicate what Senator MIKULSKI went through. She has done a very thorough explanation of the bill. This is a very complex bill. It funds Commerce-Justice-Science—NASA, for example—and related agencies. I will touch on some things.

I chaired this committee before and Senator MIKULSKI was the ranking Democrat on the committee. Now she chairs it and I am the ranking member. She probably has related on many occasions that we go back to our House days. We were on the Energy and Commerce Committee in the House of Representatives, working together then on a lot of these same issues but perhaps manifested in different ways.

This bill funds a number of our Nation's most important programs and initiatives, and I am pleased to outline some of the highlights. I thank Senator MIKULSKI, the chair of the committee. She works well with us, our staffs work together, and we tried to bring forth a bill that reflects our strong bipartisan relationship.

This bill was crafted with a tight allocation of $54 billion. Within these limitations, the subcommittee was forced to strike a difficult balance between the competing priorities of law enforcement, terrorism prevention, research, space exploration, and U.S. competitiveness through investing in science.

For the Department of Justice, the committee's recommendation is $24.3, $2 billion over the request. The President's budget request cut over $1.6 billion from State and local law enforcement at a time when violent crime is on the rise. Chairwoman MIKULSKI and I worked together to ensure that law enforcement receives the funding and support it needs to begin to address the increased crime problem and help protect our citizens and our communities all over this country.

The bill also provides the Department of Commerce with $7.35 billion—$754 million over the budget request. The Commerce Department oversees some of our Nation's most important business development, economic analysis, and science and research agencies, including the Economic Development Administration, the National Institutes of Science and Technology, and the National Oceanic and Atmospheric Administration, NOAA. Our bill provides $4.2 billion for NOAA, an increase

of $405 million over the fiscal year 2008 budget request. The committee believes it is critical to the overall health of NOAA to restore funding to programs that suffered over the past year under static funding levels.

Also, existing competitive grant programs were given increased funding and new competitive grant programs were created in an effort to reduce earmarks. The subcommittee's bill also provides $7.5 billion for NASA, an increase of $150 million over the request. This funding will allow NASA to move forward with crew explanation and crew launch vehicles while also funding the ongoing activities of the space shuttle, the International Space Station, and other important research activities.

This bill funds the National Science Foundation at $124 million above the request. Nearly all the additional funds go toward investments into the scientific education of our students, from kindergarten to doctorates. Combined with the funding for the National Institute of Standards and Technology, the funding provides more than the request for the American Competitiveness Initiative, ACI, and lays the groundwork to address the concerns laid out in the National Academy of Sciences ''Gathering Storm'' report.

This investment helps keep the competitive edge our Nation holds in the world economy. By focusing on the ingenuity of our people, we will remain at the forefront of scientific and technical advancement for generations to come. In a year when discretionary dollars are scarce, Chairwoman MIKULSKI and I have worked together to find ways to ensure that the priorities of our Nation and our States are met. I urge all my colleagues to join with us in supporting this bill and expediting its passage.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, on August 2, 2007, by a vote of 83–14, the Senate approved S. 1, the Honest Leadership and Open Government Act of 2007. The President signed the legislation on September 14, 2007. This ethics reform legislation will significantly improve the transparency and accountability of the legislative process.

Pursuant to new rule XLIV, it is required that the chair 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 website in a searchable format at least 48 hours before a vote on the pending bill. In addition, Members who request such items are required to certify in writing that neither they nor their immediate family have a pecuniary interest in the items they requested and the committee is required to make those certification letters available on the Internet.

The information provided 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 110–124, dated June 29, 2007, and has been available on the Internet for 3 months. The Member letters concerning pecuniary interest are also available on the Internet.

I am submitting for the RECORD the certification by the chairman of the Committee on Appropriations.

I want to say this bill complies with the Honest Leadership and Open Government Act of 2007, and Senator BYRD certifies that, under Senate rules, all this information is available on the congressional Web site.

I ask unanimous consent the certification by the chairman of the Committee on Appropriations be printed in the RECORD.

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

Senator BYRD: I certify that the information required by Senate Rule XLIV, related to congressionally directed spending, has been identified in the Committee report numbered 110–124, filed on June 29, 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.

Ms. MIKULSKI. Mr. President, this committee now says to our colleagues, if they have any amendments, this is an excellent time to bring them down and offer them. We know we have some amendments we are working now to clear, but if someone wants to talk about our bill, this is a very good time to come and speak on it. If they have amendments they wish to offer that might require a vote, this is a good time to offer them.

It will be the intention of Senator SHELBY and myself to try to finish this bill today, so this whole idea of let's hang around until 8 o'clock at night and then come around like little vampires to offer amendments is not a good idea. Frankly, as we move along and as some of the major amendments will be addressed, if there are no amendments, we will move the bill. It is not a threat. It is for people who know the holidays are coming. We are ready.

Colleagues, if you have amendments you think can improve this bill, come down and discuss them.

Mr. President, while we are waiting for the onslaught of Members coming to the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 3215

Ms. MIKULSKI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 3215.

The amendment follows:

(Purpose: To require reporting regarding the costs of conferences held by the Department of Justice)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. (a) The Attorney General shall submit quarterly reports to the Inspector General of the Department of Justice regarding the costs and contracting procedures relating to each conference held by the Department of Justice during fiscal year 2008 for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the Department of Justice in evaluating potential contractors for that conference.

Ms. MIKULSKI. Mr. President, my amendment is very straightforward. Remember earlier in my remarks I talked about our accountability and our stewardship? I will be offering two amendments that will deal with those. This is the first of them. It makes sure the Department of Justice is not misusing taxpayer dollars on lavish expenditures and conferences. Conferences are meant for training.

Our amendment simply requires that Justice do two things: Notify the inspector general of any conferences exceeding $20,000 and demonstrate what steps are being taken to implement the inspector general's recommendations that actually uncovered some of these expenditures at lavish conferences.

To elaborate, the Justice IG issued a report and said the 10 most expensive conferences had totaled over $6.9 million. Most conferences are well organized and the money is spent frugally—which I know is a big issue with the Presiding Officer. What we found was that some of those funds were spent on ''networking.'' They had lobster skewers. At one conference, each meatball cost $4. That is a lot of money for a meatball. Literally, we believed because we were working so hard to make sure that law enforcement had the tools they needed, we wanted to make sure the taxpayers got a good deal and that we got law enforcement for our money and not $4 meatballs.

I don't know if my colleague wishes to speak on the amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I tend to agree with Senator MIKULSKI. We are trying to check with a couple of people to clear this amendment. I hope we can move it soon. We are checking with somebody right now. I think it makes sense.

Ms. MIKULSKI. I move the pending amendment be laid aside subject to the clearance of one of our colleagues.

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

AMENDMENT NO. 3216

Ms. MIKULSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 3216.

The amendment is as follows:

(Purpose: To require certain evaluations by the Secretary of Commerce and the Director of the Office of Management and Budget before the satellite acquisition program of the National Oceanic and Atmospheric Administration may proceed)

After section 113, insert the following:

SEC. 114. LIMITATIONS ON SATELLITE ACQUISITIONS BY THE DEPARTMENT OF COMMERCE.

(a) CERTIFICATION.—

(1) REQUIREMENT FOR CERTIFICATION.—Prior to the date that the certification described in paragraph (2) is made, the Secretary may not—

(A) obligate funds provided by this Act or by previous appropriations Acts to acquire satellites; or

(B) receive approval of—

(i) a major milestone; or

(ii) a key decision point.

(2) CONTENT OF CERTIFICATION.—The certification described in this paragraph is a certification made by the Secretary and the Director that—

(A) the technology utilized in the satellites has been demonstrated in a relevant environment;

(B) the program has demonstrated a high likelihood of accomplishing the its intended goals; and

(C) the acquisition of satellites for use in the program represents a good value—

(i) in consideration of the per unit cost and the total acquisition cost of the program and in the context of the total resources available for the fiscal year in which the certification is made and the future out-year budget projections for the Department of Commerce; and

(ii) in consideration of the ability of the Secretary to accomplish the goals of the program using alternative systems.

(3) SUBMISSION TO CONGRESS.—Not later than the 30 days after the date of the enactment of this Act, the Secretary and the Director shall submit to the appropriate congressional committees—

(A) the certification described in paragraph (2); or

(B) a report on the reasons that such certification cannot be made.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Appropriations and the Committee on Science and Technology of the House of Representatives.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(3) KEY DECISION POINT.—The term ''key decision point'' means the initiation of procurement for a major system or subsystem of a program.

(4) MAJOR MILESTONE APPROVAL.—The term ''major milestone approval'' means a decision to enter into development of a system for a program.

(5) PROGRAM.—The term ''program'' means the programs of the National Oceanic and Atmospheric Administration for which satellites will be acquired.

(6) SATELLITE.—The term ''satellite'' means the satellites proposed to be acquired for the National Oceanic and Atmospheric Administration, other than the National Polar-orbiting Operational Environmental Satellite System (NPOESS).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(c) INDEPENDENT COST ESTIMATES.—

(1) REQUIREMENT.—The Secretary may not approve the development or acquisition of a program unless an independent estimate of the full life-cycle cost of the program has been considered by the Secretary.

(2) REGULATIONS.—The Secretary shall prescribe regulations governing the content and submission of the estimate required by paragraph (1). The regulations shall require that each such estimate—

(A) be prepared by an office or other entity that is not under the supervision of the Under Secretary of Oceans and Atmosphere; and

(B) include all costs of development, procurement, construction, operations, maintenance, and management of the program.

(d) REQUIREMENT FOR ANALYSIS IF UNIT COSTS EXCEED 15 PERCENT.—

(1) REQUIREMENT.—If the percentage increase in the acquisition cost of a program in which the acquisition unit cost or procurement unit cost exceeds 15 percent more than the baseline cost of the program, the Secretary shall initiate an analysis of the program. Such analysis of alternatives shall include, at a minimum, the following:

(A) The projected cost to complete the program if current requirements are not modified.

(B) The projected cost to complete the program based on potential modifications to the requirements.

(C) The projected cost to complete the program based on design modifications, enhancements to the producibility of the program, and other efficiencies.

(D) The projected cost and capabilities of the program that could be delivered within the originally authorized budget for the program, including any increase or decrease in capability.

(E) The projected costs for an alternative system or capability.

(2) SUBMISSION TO CONGRESS.—The analysis of alternatives required under paragraph (1) with respect to a program shall be—

(A) completed not later than 6 months after the date of that the Secretary determines that the cost of the program exceeds 15 percent more than the baseline cost of the program; and

(B) submitted to the appropriate congressional committees not later than 30 days after the date the analysis is completed.

(3) CLARIFICATION OF COST ESCALATION.—For the purposes of determining whether cost of the Geostationary Operational Environmental Satellite Program exceeds 15 percent more than the baseline cost under paragraph (1), the baseline cost of the such Program is $6,960,000,000.

Ms. MIKULSKI. Mr. President, this amendment is simple and straightforward. It stops the cost overruns on NOAA's weather satellites before they get out of control.

The NOAA satellite program is an absolutely crucial program to the United States of America. It gives us major weather satellites, known as NPOESS, polar orbiting, and one called GOES that gives us the geostationary information. They are crucial to our ability to forecast weather, measure climate change, and actually pinpoint where disasters could be threatening a community. It saves lives and saves livelihoods. Thanks to these satellites, we can often get early warnings when a disaster is coming, from a tornado to a hurricane.

What has happened is the satellites have grown far beyond their original estimates. We are concerned that the ideas are good, but they are not being properly managed.

Let me tell you about these overruns. Two years ago, NOAA's polar orbiting satellite grew by 25 percent. That is $4 billion, $4 billion.

Now, because the Defense Department is a partner in the satellite program, the Nunn-McCurdy process was triggered. There was a stand-down and the processes were reassessed. Nunn-McCurdy acts like a circuit breaker, forcing management reforms and program changes to control costs.

But with the next generation of geostationary satellites we are beginning to see early signs of trouble. We have been alerted that the costs may grow substantially. One of our satellite programs has Nunn-McCurdy, but the one that is called GOES does not. Therefore, I am offering a commonsense amendment modeled after Nunn-McCurdy that all NOAA satellite programs follow essentially this kind of oversight.

The amendment requires the Secretary of Commerce to certify the satellite program; requires the Secretary to look at alternatives if the cost exceeds 15 percent of the original estimate; makes sure they notify Congress and keep us informed sooner rather than later; requires the Secretary of Commerce to utilize independent cost estimates.

This will act as a circuit breaker to make sure that as these satellites go forward, they are coming up with not only good ideas to protect the Nation but good fiscal stewardship to protect the taxpayer.

I urge my colleagues to support this amendment because it will bring strong management, better and stronger management and fiscal discipline to the satellite program.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I think this is a very good amendment that Senator MIKULSKI has proposed. We are checking with some of our colleagues

and hope they will not object. They are on their way to the Senate floor now, I understand.

I believe the amendment has merit. But I did tell them that I would check with them. If we can, let's set this aside temporarily until they get to the Senate floor and we see where we are.

Ms. MIKULSKI. Mr. President, I concur with setting aside the amendment.

I also want to say something. I believe I am the bastion of collegiality. I believe conversation avoids confrontation. That is why we have such a great bill. We have a fantastic bill we have arrived at together.

Senator SHELBY and I go back a long way, from the House of Representatives where we served, and we have been appropriators during our entire time in the Senate. But in clearing things, we are talking about clearing it with one Senator. That Senator must exercise a lot of fiscal responsibility. I am ready to move my bill along. I would like him or his representative to promptly come to the floor.

If we have this new kind of arrangement where we have to clear it with this Senator rather than clearing it with the ranking member and our leadership, then I would like that Senator to come to the floor. I will be collegial. I will be patient up to a point.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate return to consideration of amendment No. 3216.

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

Ms. MIKULSKI. I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there any further debate on the amendment?

If there is no further debate, the question is on agreeing to amendment No. 3216.

The amendment (No. 3216) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. 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. BYRD. I ask unanimous consent that further proceedings under the quorum call be rescinded.

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

IRAN

Mr. BYRD. Mr. President, last week the Senate voted on an amendment to the Defense authorization bill that designated a portion of the Iranian Armed Forces as a terrorist organization. I joined 21 of my illustrious colleagues in voting against that amendment. It was a dangerous, unnecessary provocation that is escalating the confrontational rhetoric between the United States and Iran.

In response to the passage of that amendment, the Iranian Parliament on Saturday designated the U.S. Armed Forces and the Central Intelligence Agency as terrorist organizations. Would someone please explain to me what has been achieved by this exchange of international verbal spitballs? It is deeply troubling to see the Senate joining the chest pounding and saber rattling of the Bush administration. I am no apologist for the Iranian regime, anymore than I was for Saddam Hussein, but I fear we may become entangled in another bloody quagmire.

We have been down this path before. We have seen all too clearly where it leads. Four and a half years ago, Secretary of State Colin Powell made a speech before the United Nations Security Council claiming to have evidence that proved Saddam Hussein had weapons of mass destruction and was an imminent threat to U.S. and international security. Others in the administration made the rounds of Washington news programs to pound the drums of war, scaring the public with visions of mushroom clouds and mobile chemical weapons labs. The proponents of war compared Saddam Hussein to Adolf Hitler, warning ominously of the dangers of Chamberlain-like appeasement. That is a seductive analogy, but it is a dangerously specious one.

Every foreign adversary is not the devil incarnate. We know now that Saddam Hussein was militarily a paper tiger. The intelligence that suggested he was an imminent threat was flat wrong. Saddam Hussein had no weapons of mass destruction. Saddam Hussein had not attacked our country. Saddam Hussein was a ruthless tyrant, but he was not an imminent threat to U.S. national security. Now we hear the same scare tactics and several analogies trotted out again, this time with Iran. Analogies can be dangerous. They risk oversimplifying complicated situations and can lead to erroneous conclusions. While there may be some superficial similarities between Hitler and Ahmadi-Nejad, it does not mean our only option is to start world war III.

We are now more than 4 years into a war that was launched by false fears and scary hyperbole, and here we are again being led down a path by chest-pounding rhetoric, without a clear idea where that path is taking us.

As the philosopher George Santayana once said:

> Those who cannot remember the past are condemned to repeat it.

Are we condemned to repeat the colossal blunder that is the Iraq war or has the Senate learned the lessons of history?

Every day it seems the confrontational rhetoric between the United States and Iran escalates. We hear shadowy claims about Iran's destabilizing actions in Iraq, with little direct evidence offered to back it up. The President telegraphs his desire to designate a large segment of the Iranian Army as a terrorist organization—and instead of counseling prudence, the Senate rushes ahead to do it for him. I hope we can stop this war of words before it becomes a war of bombs.

We have seen the results when the Senate gives this administration the benefit of the doubt: a war that has now directly cost the American people $600 billion, more than 3,800 American deaths, and more than 27,000 American casualties; a war that has stretched our military to the breaking point; a war that the commander of our forces in Iraq, just 3 weeks ago, could not say had made America safer.

I daresay many—perhaps most—in this Chamber wish we had never gone into Iraq. Are we willing to sleep-walk into yet another disastrous military confrontation with a Middle East tyrant?

We need to talk directly to the Government of Iran without preconditions or artificial restrictions and indicate that regime change is not our goal. Unfortunately, the President seems unwilling to take that step. We have held only two talks at a relatively low level, and those have focused solely on Iraq.

Direct talks with North Korea about the issue we were most concerned with—North Korea's nuclear program—resulted in the first progress toward a denuclearized Korean peninsula in years. And yet with Iran we continue to refuse to discuss the issue we are most concerned about: insisting that they must first renounce their nuclear program. That is not negotiation; that is dictating ultimatums.

I agree that no option should be taken off the table when considering how to deal with any threat posed by Iran. But if the President concludes, after serious diplomacy has failed, that an attack is necessary, he must make the case to the Congress and the American people. Under article I, section 8 of the U.S. Constitution, only the Congress—the elected representatives of the people—have the power to declare war, not the President.

The President has stated his belief that previously enacted congressional authorizations to use force give him all the authority he requires to start a new war. I respectfully disagree. It is incumbent upon us—it is incumbent upon us—to reassert the powers granted to the people's branch in the Constitution. That is the best way to prevent another colossal blunder in the Middle East. It is the people of this country who pay the price of such Presidential misadventures. We, as their representatives in the Congress, must not fail in our No. 1 duty: to protect their interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 3214

Mr. INOUYE. Mr. President, I wish to speak on amendment No. 3214. This amendment would establish a commission to investigate the circumstances surrounding the relocation, internment, and deportation of Latin Americans of Japanese descent from December 1941 to February 1948.

The story of the internment of U.S. citizens is a story that has been made well known after a fact-finding study by a commission authorized by Congress in 1980. However, far less known is the story of Latin Americans of Japanese descent.

Toward the end of its investigation, the 1980 commission discovered this extraordinary effort by the U.S. Government soon after December 7, 1941. However, because information surfaced so late in its study, the commission was unable to fully review the facts but found them significant enough to include in the appendix of its published report to the Congress.

It appears that soon after December 7, 1941, the Government of the United States called upon certain governments in Latin America and requested that certain Japanese be sent to the United States to be used for prisoner exchange programs. Approximately 2,300 civilian men, women, and children—who had committed no crime—were taken from their homes in Latin America. They were stripped of their passports, brought to the United States, and interned on American soil. Some were taken from this camp and used for civilian exchange with Axis countries. You can imagine the anxiety and the fear in the hearts and minds of these men, women, and children not knowing where they were headed for and for what purpose.

Despite their personal tragedies, these Japanese Latin Americans were not included in the Civil Liberties Act of 1988 because this program appears to have been executed outside of Executive Order 9066, and the internees were not citizens of the United States.

Under this amendment, nine commission members—three appointed by the President, three appointed by the Speaker of the House, and three appointed by the President pro tempore of the Senate—would have a year to report their findings to Congress.

This amendment does not authorize any payment for restitution and would not affect direct spending or revenues. It was reported out of the Homeland Security and Governmental Affairs Authorizing Committee and was approved by the Commerce, Justice, and Science Appropriations Subcommittee to attach to the Commerce-Justice-Science appropriations bill.

Today I seek your support for this amendment, which would establish a fact-finding commission to extend the study of the 1980 commission. I believe examining the extraordinary program of interning citizens from Latin America in the United States would give finality to, and complete the account of, Federal actions to detain and intern civilians of Japanese ancestry.

As a footnote, when the war was over, and these internees were released from their camps, they were persons without a country. They were soon arrested for not having a permit or passport to be in the United States. So they were scheduled for deportation to their supposed home, and these Latin American countries said: Oh, no, we are not responsible. We are not taking them. So there they were not knowing where to go. This is the subject of my amendment.

I think the United States would like to have this clarified. It is a blight on our record. I am certain my colleagues will go along with this.

I thank you very much.

I yield the floor.

Mr. BYRD. Hear hear.

Mr. INOUYE. 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. INOUYE. 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. 3214

Mr. INOUYE. Mr. President, I ask unanimous consent to call up my amendment No. 3214, the Latin American internees bill, and I ask that it be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending business is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 3214.

Mr. INOUYE. 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:

AMENDMENT NO. 3214

(Purpose: To establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes)

At the appropriate place, insert the following:

SEC. ____. (a) This section may be cited as the ''Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act''.

(b) The purpose of this section is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(c)(1) There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this section as the ''Commission'').

(2) The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(A) 3 members shall be appointed by the President;

(B) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(C) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(3) Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4)(A) The President shall call the first meeting of the Commission not later than the later of—

(i) 60 days after the date of enactment of this Act; or

(ii) 30 days after the date of enactment of legislation making appropriations to carry out this section.

(B) Except as provided in subparagraph (A), the Commission shall meet at the call of the Chairperson.

(5) Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(6) The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

(d)(1) The Commission shall—

(A) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(i) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(ii) in investigating those facts and circumstances, to review directives of the United States armed forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(B) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(2) Not later than 1 year after the date of the first meeting of the Commission pursuant to subsection (c)(4)(A), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under paragraph (1)(A) and recommendations described in paragraph (1)(B).

(e)(1) The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this section—

(A) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(2)(A) Subpoenas issued under paragraph (1) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(B) In the case of contumacy or failure to obey a subpoena issued under paragraph (1), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(3) Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(4) The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(5) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f)(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(B) The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(6) The Commission may—

(A) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(B) enter into contracts to procure supplies, services, and property; and

(C) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

(g) The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under subsection (d)(2).

(h)(1) There are authorized to be appropriated such sums as may be necessary to carry out this section.

(2) Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.

Mr. INOUYE. Mr. President, I ask unanimous consent that the amendment be set aside for future consideration.

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

Mr. INOUYE. 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.

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

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

Ms. MIKULSKI. Mr. President, we are trying to clear amendments that have been cleared by Senator SHELBY and myself. Others are looking at them, so we are proceeding. While those amendments are being cleared, one of the issues I wanted to bring to our colleagues' attention is how we are making America more competitive with this bill.

Earlier in my presentation in which I gave an overview of the bill, I emphasized what we were doing in law enforcement, which I am so proud of, and of course the Presiding Officer himself as a former attorney general knows how important the Federal and local law enforcement agencies are. But this bill is called Commerce-Justice-Science.

We focused, in our subcommittee—myself and my ranking member, Senator SHELBY—on three issues this year: security, competitiveness, and accountability—the stewardship of the taxpayers' dollar. We focused on competitiveness because it is our subcommittee that funds the major science agencies that come up with the new ideas that help come up with the new jobs, the research that enables the private sector to take value and add to it to come up with the new products and very high-end technology. That provides jobs right in our own country and enables us to be competitive.

We based a lot of our work on legislation called the America COMPETES Act. I know the Presiding Officer was part of that. This year, it was a bill that was passed by the House and the Senate to ensure our Nation's competitive position in the world through improvements to math and science, both a commitment to research and math and science education. It follows through on a commitment to ensure U.S. students, teachers, businesses, and workers are prepared to continue to lead the world in research and then taking that research to the private sector so it can come up with those products.

In our bill, we don't do anything that picks winners and losers. We are not industrial policy people. What we are, though, is American policy people, to do this.

This America COMPETES Act was based a lot on recommendations that came from the National Academy of Science report called ''Rising Above the Gathering Storm.'' That report was done at the request of three leaders: Senator DOMENICI, Senator BINGAMAN, and Senator ALEXANDER. Then I, after it was published, became part of the group to implement it.

Well, this is a great day for our colleague from New Mexico. I know last night our colleague from New Mexico, Senator DOMENICI, announced that he is going to retire from the Senate. He is in his home State of New Mexico today sharing his plans for his own future with his constituents. But while he is talking about his own future with his constituents, I want to acknowledge that he worked very hard on a bipartisan basis to ensure the future of the Nation. He and Senator BINGAMAN and Senator ALEXANDER, again, working together, showed that we can do better so that we can compete in the world and that we compete in the world not only to win Nobel prizes—and we will continue to do so—but we will also win the markets, for which we must to have a stronger economy.

So ''Rising Above the Gathering Storm,'' which was promoted by those three excellent and wonderful colleagues, led to, with the help of people such as Senator LIEBERMAN and others, the America COMPETES Act. It keeps research programs at the National Science Foundation, the National Institute of Standards, and DOE on a path for doubling the money for research in these key areas.

But, in addition to research, we wanted to make sure we have the scientists, the engineers, and the technology experts to do so. We are falling behind in the number of people who choose science as a career or people with a science education to go into our classrooms. The America COMPETES

Act puts an emphasis on that into action. They wanted to prepare thousands of new teachers and provide current teachers with teaching skills in the area of NSF's Noyce teacher scholarship program. They also wanted to enhance undergraduate education for the future science and engineering workforce. They also wanted to authorize new competitive grants at the Department of Education to increase the number of teachers, so grant programs also help do that.

So we passed the America COMPETES Act. But, as my colleagues know—what is authorizing legislation? It sets the policy, sets the direction, and puts national goals into the Federal lawbooks, which is a great first step. But now, the legislation we bring before the Senate, the Commerce-Justice-Science bill, the Mikulski-Shelby bipartisan bill, following on the tradition that sparked us, we are actually putting money in the Federal checkbook to do that.

One of the areas, of course, where we do that is we increase funding for research. We are going to talk later on today about NASA, on the anniversary of sputnik, where that little round ball weighing 180 pounds shook up the cosmos and even the galaxies. But little known is something called the National Science Foundation. This was an agency which was created during the Eisenhower administration and has now withstood the test of time. President Eisenhower responded, a warrior—and we all saw the great miniseries of Ken Burns on the war. We are so proud of Senator INOUYE, who was featured in it. But Eisenhower, the man who led us in Europe, knew that when sputnik went up, we were in a race for America's future and we could either respond militarily or we could respond in a way that would have many uses.

Eisenhower created two things: One, the National Science Foundation, and two, something called the National Defense Act.

The National Defense Act was to get our young people involved in science and in technology so that they could come up with those new ideas to make sure that we not only beat the Russians in space but that we beat the Russians in everything—an idea with currency today, I might add. And then, the National Science Foundation. His brother was president of Johns Hopkins University, Milton Eisenhower. Later, what did the National Science Foundation do? We could have put a lot of money into the military so we could shoot those satellites down, but we said we were going to develop our own and be better at it. We became the premier country in satellites. Satellites defend the Nation. Satellites also give us information on weather. Satellites give us information and early warnings on things such as solar flares that can take out our power grid. Satellites were one of the greatest inventions ever created. America led the way.

Eisenhower created this, where we would fund—we, the Federal Government, working in a unique partnership with universities, not Government doing the research but the Government putting money out in almost intellectual venture capital to come up with new research in physics, chemistry, biology, and the basic sciences; and then to give stipends so young, smart people, such as the people who wanted to do the ''October surprise,'' could come out of the hollows of West Virginia and the streets of Baltimore, our communities, to go on to do this.

What did we fund? We funded programs that then we're able to do. In our legislation, we have now increased our research to $6.5 billion. In this, we have focused on education, K through 12. We have also funded other important programs in research, our science programs. We help with minority education.

By the way, this is one of the most important agencies that helps historically black colleges, to make sure they have the financial resources they need. An example would be the increased funding for the Louis Stokes Alliance for Minority Participation. We provide $75 million for math and science partnerships in education. We estimate that our program will have an impact upon over 140 math and science teachers. We also have a talent expansion program to begin to recruit them. We are bringing teachers into internships. Over at Morgan University and down at the Eastern Shore, we have something called the Chesapeake Consortium, where our young people are getting paid internships to work on rocket ships that go off—small rockets that go off from down on Wallops Island.

If you came with me to the Eastern Shore, to Somerset County, where primarily the lifestyle is that of watermen and agriculture—these people work hard and have dirt under their fingernails and big dreams. One of the largest employers is our prison. This is an area the Senators from Virginia share, where the facility is called Wallops Island. Our young people at the Chesapeake Consortium are working at Wallops to develop these small rockets and also work with UAV research. If you went down there with me to that county that has one of the highest poverty rates, in terms of cash income, in my State, and you saw these young men and women with the Chesapeake Consortium shirts on, where they had worked at historically black colleges with our talented science team instead of flipping hamburgers, they had a paid internship, they are flipping ideas. Each and every one of them is a graduate and they have jobs in major technology agencies in our country. This is what we are doing.

I want my colleagues to know we are increasing funding in research. We are investing in education. We are investing in and implementing the America COMPETES Act, and we are making sure we are truly rising above the gathering storm.

I hope Senator DOMENICI will be here today. I will personally pay my respects to him for being the leader he is. When he returns, he will find we passed this bill. It is a tribute to what bipartisanship means, finding that sensible Senator, and we are going to build a stronger country because of this. I wished to bring this to our colleagues' attention as we clear these amendments.

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

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

AMENDMENT NO. 3231

Mr. SHELBY. Mr. President, I call up amendment No. 3231 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment will be set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself and Ms. MIKULSKI, proposes an amendment numbered 3231.

The amendment is as follows:

(Purpose: To improve the working conditions for the United States Marshal's Service)

On page 28 line 3 strike ''.'' And insert '': *Provided further*, That $10,000,000 shall only be used to address the health safety and security issues identified in the United States Department of Justice, Office of Inspector General Report I–2007–008.''

Mr. SHELBY. Mr. President, Senator MIKULSKI and I have cleared this amendment on both sides. This will provide $10 million for upgrades to the DC Superior Court Moultrie Courthouse for the U.S. Marshal space. It is badly needed and long overdue.

Ms. MIKULSKI. Mr. President, I concur. I thank the Senator from Alabama for bringing this to our attention. I urge adoption of the amendment.

The ACTING PRESIDENT pro tempore. If there is no further debate on the amendment, the question is on agreeing to amendment No. 3231.

The amendment (No. 3231) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3220

Ms. MIKULSKI. Mr. President, I ask that the pending amendment be set aside, and I call up amendment No. 3220 on behalf of Senator MENENDEZ of New Jersey.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. MENENDEZ, proposes an amendment numbered 3220.

Ms. MIKULSKI. 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 provide additional funding for juvenile mentoring programs)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Notwithstanding any other provision of this title—

(1) the amount appropriated under the heading ''JUSTICE INFORMATION SHARING TECHNOLOGY'' under the heading ''GENERAL ADMINISTRATION'' under this title is reduced by $5,000,000;

(2) the amount appropriated under the heading ''JUVENILE JUSTICE PROGRAMS'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title is increased by $5,000,000; and

(3) of the amount appropriated under the heading ''JUVENILE JUSTICE PROGRAMS'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title, $10,000,000 is for juvenile mentoring programs.

Ms. MIKULSKI. Mr. President, this amendment provides additional funding of $5 million for juvenile mentoring programs. The Senator from New Jersey has an appropriate offset. We have no objection to the amendment. It has been cleared on both sides. Therefore, I ask for the adoption of the amendment. As I said, it has been cleared on both sides.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to amendment No. 3220.

The amendment (No. 3220) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3227

Ms. MIKULSKI. Mr. President, I continue to ask that the pending amendment be set aside, and I call up amendment No. 3227.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. DORGAN, for himself, Ms. STABENOW, Mr. HAGEL, Mr. REED, Mr. LEVIN, and Mr. BIDEN, proposes an amendment numbered 3227.

Ms. MIKULSKI. 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 provide adequate funding for the Drug Courts program)

On page 52, line 5, strike ''$1,400,000,000'' and insert ''$1,415,000,000''.

On page 53, strike lines 18 and 19 and insert the following:

(5) $40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act: *Provided*, That of the unobligated balances available to the Department of Justice (except for amounts made available for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act), $15,000,000 are rescinded;

Ms. MIKULSKI. The amendment provides additional funding for a drug court program. The amendment has appropriate offsets. I ask for the adoption of the amendment. It has been cleared on both sides of the aisle.

Mr. SHELBY. The amendment has been cleared. I concur with the chairwoman.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to amendment No. 3227.

The amendment (No. 3227) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, while we continue to clear our amendments, I say to our colleagues who might have amendments, bring them down. I note that we have hotlined our request.

While we continue to clear amendments, I suggest the absence of a quorum.

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

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

LAW OF THE SEA TREATY

Mr. INHOFE. Mr. President, first, I thank the chairman of the committee, Senator MIKULSKI, for allowing me to speak for 2 or 3 minutes.

Last Thursday, the Senate Foreign Relations Committee held a hearing on the Law of the Sea Treaty, and we will hold another hearing. The committee may be holding another hearing today. As chairman of the Environment and Public Works Committee when the Republicans were in the majority, I held several hearings in March of 2004. We also had hearings before another committee on which I serve, which is the Senate Armed Services Committee.

Proponents of the ratification of the Law of the Sea Treaty will tell you that the treaty will be a great asset to the military by allowing our Navy the freedom of movement to and from any point on and under the ocean, unencumbered by the need to send requests to foreign governments for permission to enter territorial waters or to pass through straits. While this treaty does maintain that this is true, it is subject to several caveats that really do concern me.

Under the terms of our treaty, our naval warships must pass by the coast and not engage in any type of exercise, ground all aircraft, and negate the use of any defensive devices. The issue of passage not only applies to ships but also to aircraft, both commercial and military.

This is interesting because when we had our hearing, one of the Under Secretaries, I believe his name was Turner, appeared before the committee. He was promoting the ratification of this treaty.

I said: As I read this, it is not just 70 percent of the Earth's surface, water, but also the air above it. He said that could very well be. He could not respond or deny that fact.

Another issue of concern is the effect the Law of the Sea Treaty will have on the President's Proliferation Security Initiative, PSI, with which we are all familiar. It was designed to combat the transfer of weapons of mass destruction. Advocates of the treaty assure us that the treaty in no way damages the effectiveness of PSI because countries that want to participate in these open ocean inspections to assure nuclear weapons are not being traded illegally voluntarily sign on to the President's PSI agreement.

However, under the treaty, boarding a vessel is allowed under four circumstances: One, if there is suspicion of piracy; second, engaging in slave trade; third, unauthorized broadcasting—I am not sure what that is, Mr. President—and fourth, whether it is unwilling to show its nationality.

Taken literally, as most countries will, a U.S. warship would not be allowed to stop a vessel with a shipment of nuclear energy materials if it is flying a State flag on purportedly legitimate business.

The Law of the Sea Treaty creates—and this is, I think, the worst part of it—this international seabed authority. There is a mentality around Washington that unless you have some great big international body, we shouldn't have any sovereignty, and that is exactly what this treaty does. It has an international seabed authority which actually would have jurisdiction over 70 percent of the area of this globe.

They also have taxing authority. I think a lot of us—and I have to admit I have been critical of the United Nations, and they are the ones behind this issue. If they are able to have this taxing authority, then those of us—and most of the Members of this Senate have done this at one time or another—when it gets to the point where they are not doing a good job with something or the U.N. has something with which we disagree, we send a resolution that says: If you don't stop doing this, then we are going to withhold some of our dues. The way they overcome that is with global taxation so that the U.N. would not have to be accountable to anyone.

With all these problems, this is a treaty on which we should be able to have hearings. I would like to have a hearing, as I did in 2004, and have some of the same people testify because nothing has happened since then. I am talking about in both the Environment and Public Works Committee and in the Senate Armed Services Committee because this is a national security issue. I am putting that request in, and, hopefully, we will be able to do it.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the pending Inouye amendment be set aside.

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

AMENDMENT NO. 3233

Ms. MIKULSKI. Mr. President, I have an amendment which I wish to send to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself, Mr. SHELBY, and Mrs. MURRAY, proposes an amendment numbered 3233.

Ms. MIKULSKI. 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 provide additional funding for the Office on Violence Against Women)

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Notwithstanding any other provision of this title—

(1) the amount appropriated in this title under the heading ''GENERAL ADMINISTRATION'' is reduced by $10,000,000;

(2) the amount appropriated in this title under the heading ''VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' under the heading ''OFFICE ON VIOLENCE AGAINST WOMEN'' is increased by $10,000,000; and

(3) of the amount appropriated in this title under the heading ''VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' under the heading ''OFFICE ON VIOLENCE AGAINST WOMEN''—

(A) $60,000,000 is for grants to encourage arrest policies, as authorized by part U of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.);

(B) $4,000,000 is for engaging men and youth in prevention programs, as authorized by section 41305 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d–4); and

(C) $1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the Violence Against Women Act of 1994 (42 U.S.C. 14043f).

Ms. MIKULSKI. Mr. President, this is a very straightforward amendment. What it does is add $10 million to the Office of Violence Against Women.

October is Domestic Violence Awareness Month, and we wanted to be sure that, in our legislation, one of the things we were going to be clear about was that there would be enough resources for our local communities to really deal with the growing issue of domestic violence.

It might come as a surprise that many local law enforcement people are injured in the line of duty when responding to domestic violence. You might say: Well, aren't they hurt when they are responding to robberies and burglaries? The answer is yes. But when a police officer responds to a domestic violence call and he walks into a home—or she—the police officer usually does not have a weapon drawn because they want to de-escalate the situation. This is often happening behind closed doors where someone is being battered, and the perpetrator could very likely feel threatened and, in turn, use the officer's weapon or another lethal object on the police officer. So the police officers are in danger, the spouse or the child being battered is also in danger, and we want to make sure the funding is not also in jeopardy.

I strongly support the Office of Violence Against Women that was established by our colleague from Delaware, Senator BIDEN. My amendment simply increases the money, for a total of $400 million. It has an appropriate offset, and it will provide more funding for the training of police officers and prosecutors. It would also continue the funding for battered women shelters and at the same time have a very strong effort in reducing rape, and also prosecution of rape.

The amendment is noncontroversial. We have several cosponsors, including my colleague, Senator SHELBY, and also Mrs. MURRAY of Washington State. So I hope my colleagues would accept this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SHELBY. Mr. President, I commend Senator MIKULSKI for offering this amendment. I am a cosponsor of it, and many of us believe what she is doing is the right road to go down. I believe we should adopt this amendment as soon as possible.

Ms. MIKULSKI. Mr. President, I thank my colleague for supporting this, and I urge the adoption of the amendment.

The ACTING PRESIDENT pro tempore. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 3233) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I thank my colleague for his support.

It will not be our intention to adjourn for lunch. We are going to keep on working and keep on hearing our amendments, and then somewhere around 2 p.m. we will be offering an amendment to deal with NASA funding, which we think will take a considerable amount of time. With our colleagues' cooperation in bringing their amendments to the floor and the NASA amendment, we really do believe, with those who are working to clear these amendments, we can finish up late this afternoon. So we are not going to take a break for lunch; we are going to keep on working. To any colleagues who wish to speak on our bill or bring amendments to us, this is the time. With their cooperation, we can cooperate with all those who would like to be able to call it a day today and get back to their districts for the recess period.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I admire our two floor managers and their diligence and perseverance in moving the legislation forward. I have a few small items I think are of some importance, but I don't want to interrupt the process or the consideration of the amendments. So I will proceed, but if the managers find there is an amendment that needs addressing, I will be glad to withhold. I don't intend to take very long, but I would like to be able to make these comments.

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

Mr. KENNEDY. Mr. President, I rise in response to the shocking news reported on the front page of the New York Times that the Department of Justice gave legal advice authorizing the use of extreme interrogation techniques not only in 2002 and 2003 but also at least two more times in 2005. This revelation shows that the Justice Department has fallen even lower than we had realized and that it is up to Congress to take a firm stand against torture because this Executive cannot be trusted to do so.

We have been here before. Before this morning, we already knew about an earlier opinion by the Office of Legal Counsel that authorized the use of torture. When this ''torture memo'' came to light, the Bybee memorandum, it inspired worldwide outrage and condemnation. America lost its moral high ground in the fight against terrorism, possibly for years to come. This memo and others like it violated the values we hold dear, undermined our intelligence gathering, and encouraged our enemies to respond in kind. But the opinion was not only morally wrong, it was also legally wrong. After the public outrage over the opinions broke, the Office of Legal Counsel took the extraordinary step of withdrawing it, and as far as we know, this is the first time an OLC opinion had ever been overturned within a single administration.

Today's New York Times story tells us that this disgraceful episode did not end when the torture memorandum was withdrawn. At the same time the Justice Department was publicly claiming it had put things right, the Office of Legal Counsel was secretly issuing two new opinions. The first opinion authorized harsh interrogation techniques together, in combination, to create a more extreme overall effect. In other words, interrogators

could withhold food at the same time they subjected detainees to freezing temperatures. The second opinion declared none of the CIA's interrogation methods violated the ban on cruel, inhuman, and degrading treatment that Congress was getting ready to pass. This was at a time when the CIA was using waterboarding and other foreign techniques copied from the Soviets and other brutal regimes.

So how did the Justice Department go from secretly authorizing brutal interrogation techniques in 2002 and 2003 to withdrawing some of that authorization in 2004 to once again secretly reauthorizing such techniques in 2005? The answer, we now know, is that the White House overruled all those pesky officials who told them what they didn't want to hear—who told them that torture is wrong and illegal.

James Comey told his colleagues at the Justice Department that they would all be ashamed when the world eventually learned of these opinions. He was sidelined by the White House. Jack Goldsmith met the same fate. These were conservative Republicans and loyal patriots who were simply trying to uphold the law.

It is clear why President Bush wanted Alberto Gonzales to run the Justice Department—he wanted to install his personal lawyer, not a guardian of the rule of law. Mr. Gonzales approved these two memos and everything else the President needed for legal cover.

It would be bad enough if this administration had disgraced itself and this country by engaging in cruel and degrading treatment of detainees. It is worse still that it enlisted the Justice Department in an attempt to justify and cover up its activities.

Today's revelations give new urgency to the need for congressional action. I am the sponsor of a bill that responds to this need—the Torture Prevention and Effective Interrogation Act. The bill makes one basic reform: to apply the standards of the Army Field Manual to all U.S. Government interrogations, not just the Department of Defense interrogations.

When Congress passed the Detainee Treatment Act of 2005, we recognized that the Army Field Manual represents our best effort to develop an effective interrogation policy. The Senate voted 90 to 9 to apply its standards to all Department of Defense personnel. By enacting the Detainee Treatment Act, Congress tried to ensure that our Government honors its commitment to the basic rights enshrined in the Geneva Conventions, which protect both the values we cherish as a free society and the lives of our service men and women overseas.

We now know, however, that the 2005 Act falls short of our goals. We left open a loophole that undermines the basic safeguards against torture and cruel and degrading treatment. We applied the reform to the Department of Defense, but not to the CIA. And as today's New York Times story shows, it is the CIA that we need to be most worried about.

Last year, in the Military Commissions Act, Congress left it to the President to define by Executive Order the interrogation practices that would bind all government interrogators, including the CIA.

The President's Executive order took maximum advantage of this loophole. It is vague and fails to prohibit many of the most flagrant interrogation practices. Combined with these new OLC opinions that have just come to light, this Executive order makes clear that the President believes these interrogation practices to be perfectly acceptable.

The Torture Prevention and Effective Interrogation Act closes the loophole left open by the Detainee Treatment Act. It follows the warning of General Petraeus that brutal interrogation methods are both illegal and immoral, and that ''history shows that they also are frequently neither useful nor necessary.''

This bill is an opportunity to restate our commitment to the security and ideals of our country. It is an opportunity to repair some of the damage done to our international reputation by the Abu Ghraib scandal and the abuses at Guantanamo. It is an opportunity to restore our nation's role as a beacon for human rights, fair treatment, and the rule of law. And it is an opportunity to protect our brave servicemen and women from similar tactics.

It is a simple measure that is long overdue.

Once again, this morning, Americans and people all over the world are revolted by what they have learned about this administration's refusal to reject cruel and degrading treatment. It will be up to the next Attorney General to restore the Justice Department to integrity. It is up to Congress to restore the rest of the government to the principles of law and justice that make this country great.

Mr. President, I will make a brief comment on an item that I think needs addressing.

CHIP VETO

Yesterday the President vetoed the CHIP program. I mentioned at that time that it was the most intolerable, inexplicable, and incomprehensible veto I have seen in the Senate. I think today the American people are beginning to understand why.

This is President Bush's quote, when he was Governor of Texas. This is from President Bush's Web site when he was Governor.

> Governor Bush and the Texas legislature worked together to implement the CHIP program for more than 423,000 children. . . .

Taking credit for the CHIP program in Texas when he was Governor. This is what he went on to say in 2004.

> America's children must also have a healthy start in life. In a new term we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the Government's health insurance program. We will not allow a lack of attention or information to stand between these children and the health care they need.

We read that the President only yesterday had vetoed this program because, as he pointed out, he believed it was a government health insurance program, and his allies have called it socialized medicine. I was here in the Senate when we passed Medicare, and that was called socialized medicine. Those who called it socialized medicine were successful the first time, and then 9 months later we were successful in passing that program. It was in 1964, and it was passed in 1965. The intervening event was a Presidential election.

They said Medicaid was socialized medicine. They said the prescription drug program was a socialized program, and it was passed. They said the veterans health programs are socialized medicine programs.

We have found the President stated that Social Security, he believes, ought to be privatized—and that has been resisted by Democrats and Republicans—and that Medicare ought to be privatized. Let's make no mistake about it across this country: The President has now selected the CHIP program for the beginning of the privatization of these health programs and Americans ought to be very much aware—children today, seniors tomorrow, veterans the next day. Let's understand that.

Americans want practical solutions to these issues. The practical solution was the CHIP program. Even the CBO says if you are interested in ensuring uninsured children, the CHIP program is the way to go. The administration's own agency has stated that. Americans want the practical, not the ideological, which the President resorted to yesterday.

Finally, Americans want investment in America and American priorities. The No. 1 priority for Americans is American children, rather than the sands in Iraq—pouring billions and billions of dollars into the sands of Iraq. Americans want to invest in the children. That is what this debate is about. That is what this discussion is about, Republicans and Democrats coming together for practical resolution and decision on this issue of the CHIP program.

When we recess briefly now and return to our States, hopefully the American people are going to speak to their representatives and say: On this issue, do what is right for the children. Put children first. Put American children first and vote to override the veto.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak as in morning business.

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

Ms. STABENOW. Before the distinguished Senator from Massachusetts

leaves the floor, I thank him for his leadership in so many areas but none more important than advocating for health care and for the children of this country. As he has said numerous times, we are spending $330 million a day in Iraq and we have come together in a bipartisan way to say children should be receiving $19 million for health care; $19 million for children's health care in the United States for working families versus $330 million for Iraq.

I thank the Senator from Massachusetts for his voice. There is no one stronger or more passionate or more effective on this issue.

Also, before speaking further about health care, I thank our leaders on this very important appropriations bill in front of us, our Commerce-Justice-Science bill which Senator MIKULSKI has led so effectively, along with her ranking member, Senator SHELBY. When we talk about changing the direction of the priorities of this country, this particular appropriations bill does that. Under the leadership of the chairwoman, we are investing in community policing, we are beefing up the FBI, we are dealing with drug enforcement, we are doing those things to keep our communities safe every day. I am very proud to support her efforts in changing the direction of this country, to focus, among other things, on keeping Americans safe and investing in science and research and opportunities for jobs for the future.

HEALTH CARE REFORM

I particularly come to the floor today to speak about affordable, accessible health care—quality health care for Americans. Access to affordable health care is one of the most critical issues facing families of America, facing businesses of America. There is not a meeting I go to—whether it is with seniors, with families, with those advocating for children, with small businesses, big businesses—the No. 1 issue folks want to talk about is the skyrocketing cost of health care, health insurance premiums going up, and the difficulty in getting health insurance. They want us to come together, our Federal Government, our Congress, our President, and find a solution to something that is a national crisis.

Health care should not be a commodity. It should not be just an issue. It is a public issue, a public service, a public health issue. We are all paying the price for not having addressed this sooner.

According to a recent study by ''Families USA,'' approximately 90 million Americans have gone without health insurance for all or part of the last 2 years. These numbers are even higher than we had thought. Certainly in my home State of Michigan, where we are seeing the middle-class families across Michigan being squeezed on all sides—folks who have worked in manufacturing and continue to work in manufacturing, the industries that created the middle class of this country—they find themselves being squeezed, being asked to take less pay in order to continue to have health care for themselves and their families; more and more people falling into the category of those losing their jobs, therefore losing their health insurance. What is most amazing and important for us to understand, of the 90 million people who have not been able to get health insurance for all or part of the last 2 years, 70 percent of them are working full time.

This is a crisis and it is not acceptable in the greatest country in the world. To add insult to injury, we in America pay twice as much of our GDP for health care as any other industrialized country. We are paying twice as much, and 90 million people in the last 2 years were without health insurance for part or all of that time. This has to change. It is long past needing to change. This has to change soon.

That is why I am so pleased to be joining a bipartisan group of Senators in making a commitment to universal health coverage. I am very proud to be cosponsoring the Healthy Americans Act, which has been championed by RON WYDEN, my friend and colleague from Oregon, and his partner, Senator BENNETT from Utah. It is important that we tackle this issue in a bipartisan way so both parties, so all of us, are invested in making the changes we need to make the health care system work for everybody, for all Americans—for our businesses, for our families, individuals, small towns, big cities. We have to get a handle on this. I am so appreciative of the focus and the leadership Senator WYDEN is providing, in bringing all of us together to do that.

There is a sense of urgency that is needed and we are coming together to provide that sense of urgency, to say we hear it from those around the country and we are rolling up our sleeves and getting to work. This legislation is a good place for us to start, for us to develop a real solution to the health care crisis. The bill's main goal is making sure each American gets health insurance that is equal at least to what every Member of Congress gets. I would think as employees of the American people, the employer should be asking for nothing less.

It creates a strong insurance regulatory system that protects families against discrimination based on preexisting conditions. This is absolutely critical. If we are talking about a universal system that is privately administered, then you cannot have insurance companies cherry picking, covering only certain people, saying if you have some kind of a preexisting condition, you cannot get insurance. That is not going to work and this bill changes that.

It is critical that there be accountability and oversight and the regulation that is needed to make sure everyone can afford to get the insurance they need for themselves and their families. This is the goal all of us as Members of the Senate should be behind. I do understand this is a work in progress. I come to this bill with important improvements that I believe need to be done in order for me to ultimately support a final bill. As the process moves forward, it is important that certain critical improvements be made, such as people who currently have good insurance plans and want to keep them should be able to do so. We should not do anything to undermine employer-sponsored health insurance for those who choose to keep it.

Second, and this is so important, we are seeing with so many people in Michigan now, and others in the auto industry, any voluntary employee benefit association, or so-called VEBA, that results from a collective bargaining agreement must get the same tax treatment they do under current law.

Three, I believe there should be a choice of a public plan for health insurance, such as Medicare, to compete with private sector plans. When we are talking about a choice of private plans or keeping what you have, we should also add to that a public choice, so people have real competition and real choice. That is something I am advocating for.

I mentioned earlier that we need to make sure whatever is done involves the best possible consumer protections; that whatever we are doing in terms of private sector insurance, they should need to take allcomers. They should not be able to pick and choose who gets insurance based on preexisting conditions. There are other important regulatory mechanisms that need to be in place.

Finally, it is critical that there be a real safety net for low-income families who are now on Medicaid or similar programs. I strongly believe we cannot keep the status quo when it comes to health care. We cannot do it anymore. We cannot do it. It is affecting every part of our economy.

Rapidly growing health care costs are literally costing us jobs in America. When we look at good-paying manufacturing jobs in this country, I invite you to come to Michigan and talk to people who have worked hard all their lives, who have built a good life for their family, who are now, because of health care costs, losing their jobs.

American businesses are at a serious disadvantage in competing with businesses around the world that do not have to pay the same costs for health care. Our workers are being asked to take pay cuts in order to keep their coverage. Too many Americans find themselves without basic health insurance in the greatest country in the world. Shame on us. It is time to get this right.

It is past time for every American to have access to the health care they need and deserve. Let me say as part of that, we have shown what we can do as a Senate, in a bipartisan way, when we

come together and we have a focus on the goal of covering children and working families with health insurance.

Despite the President's veto, which is, to me, unexplainable, given the overwhelming need and support of American families, and even from business and labor, and health care providers coming together on a bipartisan basis here, it is mind boggling to me that the President would veto that bill. We have shown what we can do together.

I am so pleased to be working with my colleagues on the other side of the aisle, as well as with Senator WYDEN, certainly Senator BENNETT, but I want to particularly say I am proud to be coming to this process and this legislation at the same time as my good friend, Senator CHUCK GRASSLEY, who has shown such courage. He and Senator HATCH are heroes in terms of advocating for children's health care and showing the courage to stand up to their President. It is not an easy thing to do. But to stand up and tell the truth, to debunk what has been said as inaccurate, it is something that truly everyone in this Chamber and around the country respects and admires.

Coming to this legislation with Senator GRASSLEY is also something that is important to me. I believe in addition to making sure that 10 million children have health insurance they need, it is time to then take the next step—universal health care for every person in America. I believe health care should be a right in the United States of America, not a privilege.

It is time to get this done. I am hopeful this legislation will serve as a starting point for Democrats and Republicans to accomplish what the vast majority of Americans want: to be able to afford good health insurance for themselves and their families.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

Mr. WYDEN. Mr. President, let me begin by saying that Senator BENNETT and I are thrilled to be able to welcome Senator STABENOW to this bipartisan coalition, the first bipartisan coalition in 13 years that has been designed to try to finally fix American health care and ensure that all of our citizens have good quality affordable coverage.

Four Senators joined us this week. I want to say just a little bit about each one of them. First, Senator STABENOW has put decades into this cause of improving health care. Again and again, she has spoken for seniors, for kids, for holding down costs, for prevention. We sit right next to each other in the Senate Finance Committee. And to have Senator STABENOW and Senator GRASSLEY who have pulled out all of the stops once again to try to bring together a bipartisan coalition for our children, when I think about having Senator STABENOW and Senator GRASSLEY join those of us in this coalition and to have their support in the Senate Finance Committee, this is an enormously important day.

As Senator STABENOW said, she represents constituents facing one of the great challenges in American health care; that is, how to make the transition for so many of our key workers and companies in basic industries. When you open a business today in the State of Michigan or Montana or Oregon or anywhere else, you spot your foreign competition about 18 percentage points the day you open your doors. Those businesses in our States see premiums go up 10, 12, 14 percent a year. And they are competing in global markets against people who have State-funded health care.

So as Senator STABENOW has said, and as we have seen just in the last couple of weeks with the new UAW agreement, there is going to be change in the air. The question is how we shape it. And to have people such as Senator STABENOW and Senator GRASSLEY, who have been leaders for years and years in this cause, it is of enormous benefit.

Senator BENNETT and I are very appreciative. We are also glad to have Senators LANDRIEU and COLEMAN join us. Senator LANDRIEU, of course, is wrestling with the great challenge of how to reform health care in the State of Louisiana. She has looked at a number of innovative reforms that we support.

Senator COLEMAN, coming from Minnesota, which has been a huge tech center that has contributed to an area that Senator STABENOW has a great interest in, which is health information technology—Senator COLEMAN's involvement will be very helpful as well.

It seems to me this Congress has the chance to deliver a bipartisan one-two punch for health care this year. Punch No. 1 is to try to make sure our kids are covered. Americans are watching the back and forth between the Congress and the President with respect to children's health care.

Clearly, it is a moral abomination that so many of our youngsters in America do not have health care. The American people want action. They cannot understand the bickerfest going on in Washington, DC, over this issue.

I am very hopeful that the White House will continue to work, pick up on the model set out by Senator GRASSLEY and Senator HATCH, working with Senator BAUCUS and Senator ROCKEFELLER, and we will resolve this issue quickly.

It is clear to me that covering kids is a moral issue, but it is also a financial issue. If these youngsters do not get good health care, America plays catch-up ball for years and years in the aftermath. Because they cannot get the preventative services they need, they pick up illnesses, and we are already seeing the great problems with childhood obesity and chronic illnesses setting in at a very early age.

So punch No. 1 is covering the kids, and punch No. 2, as Senator STABENOW suggested, is moving on to the broader reform issue of making sure all Americans have quality, affordable coverage. What is promising about this period that we have not had in the past is that both Republicans and Democrats have been willing to search for common ground.

In our conversations, Senator BENNETT, Senator GRASSLEY, and I, and others, have talked about the need to cover everybody. Certainly, back in 1993, that was something that was a bit of a show stopper. People said: You cannot afford it. Today, many Republicans share the view of Senator STABENOW and myself that the country cannot afford not to cover everybody because what happens today is people who are uninsured shift their bills to people who are insured, and not only do they shift the bills, they shift the most expensive bills: those hospital emergency room bills and expensive treatment bills for acute illnesses.

So I very much credit Republicans such as Senators BENNETT and GRASSLEY and GREGG and all of those who have joined us from the other side of the aisle by being willing to search for common ground around the proposition of getting everybody covered.

But Democrats have also been willing to look at new approaches to make sure we could address this issue in a bipartisan way. Senator STABENOW has said the Healthy Americans Act focuses on a private delivery system, a private delivery system which is, of course, what we enjoy. When we all go home, we go home to Montana or Michigan, and everyone says: We would like coverage like you people have back in the Congress.

Well, we have private coverage. I have a Blue Cross card in my pocket. A couple of Wyden twins in a few weeks are going to get their health care through that Blue Cross card. Nancy is at home in Oregon, and we are going to have those kids in a few weeks. They are going to be covered with private health insurance.

So we want to make sure everyone in this country has private choices like Members of Congress have. As Senator STABENOW has mentioned, Democrats who might have said, well, we ought to be looking at a Government program, are willing to reach out and work with Republicans to say: If we can cover everybody, if we can get everybody in America good, quality, affordable coverage, we are willing to make sure there are private choices, which is something our colleagues on the Republican side have talked about as well. We also have responsible ways to pay for this program that covers all Americans.

As the Lewin Group has indicated—and the report is on our Web site so folks can see it—by redirecting the

money in the Tax Code, which now disproportionately favors the most affluent and rewards inefficiency, you get substantial funds in order to pay for the transition to a program that covers everybody.

Why in the world would we want to continue to say, if you are a high-flying CEO, you can go out and get a designer smile put on our face and write the cost of that off your taxes, while a woman of modest means at the neighborhood furniture store, with no employer coverage, gets virtually nothing out of the Tax Code. So Senator STABENOW and Senator GRASSLEY and Senator BENNETT and the other cosponsors and I are going to work to redirect that Tax Code money to the people in the middle-income brackets and the lower middle-income brackets so we make better use of that money, which now is well over $200 billion.

We are also going to create, in our effort, significant administrative savings. We are going to get some, as Senators STABENOW and WHITEHOUSE and others have talked about, through better use of health information technology. I support that. We are also going to get the savings, as the Lewin Group reported in looking at our legislation, by making sure that after you sign up once under the Healthy Americans Act, you are not going to have to go through a sign-up ever again if you wish.

From that point on, everything will work through the world of electronic transfers. And all of those folks who are low income, on Medicaid, who have to dive through all of these different boxes in order to be eligible, they will get choices like Members of Congress have. And once they sign up, they are done. No more dehumanizing, wasteful kinds of programs where you have to sign up again and again and again. And you waste money and take dollars that ought to go, as Senator STABENOW has talked about, to make sure that every poor person does not fall between the cracks of the American health care system.

Our coalition is going to be talking a fair amount about this effort on the floor of the Senate in the days ahead. We now have nine Senators as part of this effort. We are going to be talking about the ways this proposal modernizes the health system and how we make the changes from what we have today to what we will have in the future.

One other area that I would like to just touch on briefly is that I think under the Healthy Americans Act we can respond to something that Americans are talking about all over this country; that is, making the health care system portable. Right now, so many folks are pretty much locked in their jobs and just hoping that their employer is not going to find health coverage unaffordable in the days ahead.

I cannot tell you how many times people in their late fifties have come to me and said: Ron, I just hope my employer can hang on until I am 65 and I will be eligible for Medicare. We ought to make coverage portable so that if you change your job, in Michigan or Montana or anywhere else, your health care coverage goes with you.

Andy Stern, the President of the Service Employees Union, points out that the typical worker today changes jobs about eight times by the time they are 35. Let's come up with a system that ensures coverage is portable, and that even if you fall on hard times, even if you lose your job, even if your company goes down, you are in a position to take good, quality, affordable coverage—with choices like we have in Congress—with you.

I see a number of colleagues on the Senate floor. I think I would just like to wrap up by expressing my appreciation to Senator STABENOW for coming today. She has appropriately singled out Senator GRASSLEY as well. I want to thank all of the members of our coalition. Health reform is a top issue. Everybody remembers what happened in 1993 and all of the ads and the shrill rhetoric.

It seemed every time you turned around in 1993, the decibel level went up and up. Now what we are seeing, as Senator STABENOW touched on, is a group of Senators coming together on a bipartisan basis who want to roll up their sleeves, take out a sharp pencil, and go to work. This is going to be a lot of work. If Senator STABENOW and I got 100 Members of the Senate to be cosponsors of the Healthy Americans Act today, it would still be a lot of work because we are going to have to look at a variety of issues and walk the country through all of these choices, through hearings and town meetings and forums, so we can pick up on all of the wisdom and suggestions that are out there across this land. But we are making a very important start. We have received a huge boost this week with the four additional Senators who have joined us.

To my friend from Michigan, for all her knowledge and passion and years of effort, I want her to know how much I am looking forward to teaming up with her on this issue in the Finance Committee.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 3215

Ms. MIKULSKI. We are making slow but steady progress. I, therefore, call up amendment No. 3215. It is a Mikulski- Shelby amendment.

The ACTING PRESIDENT pro tempore. The amendment is pending.

AMENDMENT NO. 3230 TO AMENDMENT NO. 3215

Ms. MIKULSKI. I also call up a second-degree amendment offered by Senator COBURN of Oklahoma, amendment No. 3230.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. COBURN, proposes an amendment numbered 3230 to amendment No. 3215.

Ms. MIKULSKI. I ask unanimous consent that 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 ensure Department of Justice conference spending does not fund excessive junkets, lavish meals, or organizations linked to terrorism)

At the appropriate place, insert the following:

SEC. ____. LIMITATIONS ON FUNDING FOR CERTAIN CONFERENCES.

Notwithstanding any other provision of this Act, not more than $15,000,000 of all funds made available to the Department of Justice under this Act, may be available for any expenses related to conferences, including for conference programs, travel costs, and related expenses. No funds appropriated under this Act may be used to support a conference sponsored by any organization named as an unindicted co-conspirator by the Government in any criminal prosecution.

Ms. MIKULSKI. I ask that the second-degree amendment be agreed to.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3230) was agreed to.

Ms. MIKULSKI. Parliamentary inquiry: Did we agree to amendment 3215, as amended by Coburn, or did we just agree to the Coburn second degree?

The ACTING PRESIDENT pro tempore. We agreed to the Coburn second degree.

Ms. MIKULSKI. I now ask that amendment 3215, as amended by the Coburn amendment, be agreed to.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, the question is on agreeing to amendment No. 3215, as amended.

The amendment (No. 3215), as amended, was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CASEY. I ask unanimous consent to speak as in morning business.

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

IRAN

Mr. CASEY. Madam President, I rise to speak on the challenge posed by Iran to our national security and the interests of our friends and allies, how the United States should best address the challenge posed by Iran and its leader Ahmadi-Nejad.

This has been much in the news lately. The Iranian President visited New York to the United Nations general assembly last week and delivered a controversial address at Columbia University. During the very same week, the Senate approved a resolution condemning Iranian activity that helped destabilize Iraq and called upon the administration to take actions to deter future Iranian meddling in Iraq and other places. It is no surprise that the debate over how to handle Iran occurs very much in the shadow of the Iraq war.

Five years ago, Congress voted to give the President the authorization to go to war against Saddam Hussein based upon Iraq's alleged weapons of mass destruction programs. The shocking failure to uncover those so-called WMD programs and the fatally flawed manner in which the President took our Nation to war must weigh upon all of us now as we debate the right course of action against Iran.

Let me be clear from the outset: Through its refusal to halt prohibited nuclear activities in the face of multiple United Nations resolutions, its support for extremist groups across the region, and its harsh crackdown in recent months on human rights and civil society leaders, the Government of Iran has demonstrated why it should be isolated from the international community. The United States must take the lead in a concerted campaign to coerce Iran into changing course, drawing upon all facets of American power, in close coordination with friends and allies. We must always remember that while the Iranian Government may be hostile to our interests and values, it does not speak for the Iranian people. While the Iranian clerical regime, in power since the 1979 resolution, has remained reliably anti-American, the Iranian people, led by a younger generation born after the traumatic events of the last 1970s, are remarkably open to American ideals. Two-thirds of the Iranian population is below the age of 30. These Iranians view the United States as a potential friend, not as an implacable enemy.

Few Americans remember that a candlelight vigil was spontaneously organized in Tehran shortly following the 9/11 attacks, attended by thousands of ordinary Iranians to honor the memory of those who perished in those terrible attacks. I can think of no other Muslim nation where such a public expression of sympathy and solidarity emerged in the grief- stricken days following September 11. So in articulating our response to Iran's recent provocations, we must always distinguish between the oppressive clerical regime and the Iranian people.

The mullahs in Tehran would love nothing more than a perception that the United States, and the broader West, by extension, is hostile toward Iran itself. It would spark an instant boost in popularity for the regime. Accordingly, any U.S. policy to diffuse Iran's nuclear program and halt its support for extremist groups elsewhere must be undertaken in a careful fashion, emphasizing that our quarrel lies with the clerical regime, not the people of Iran.

Let me first address Iran's nuclear program. The Iranian regime has forfeited the goodwill of the international community by engaging in a secret program over the past two decades to develop the key components of a nuclear fuel cycle—uranium enrichment and plutonium reprocessing. These activities can constitute the elements of a peaceful civilian nuclear program, but the nuclear nonproliferation treaty to which Iran is a signatory requires that nations fully disclose such activities in an open and transparent fashion. That Iran went to such lengths to conceal its activities and continues today to refuse to provide a full accounting of the history of this program leads a reasonable observer to suspect that the program was intended not just for a civilian nuclear program but also to enable the production of fissile material for nuclear weapons.

This crisis came to a head in 2003, when reports from an Iranian exile group prompted the International Atomic Energy Agency, IAEA, the U.N. nuclear watchdog, to open an investigation. Despite initial efforts by an alliance of European powers to persuade Iran to come clean with the IAEA, Tehran continued to work on its uranium enrichment program, spurning offers of economic and trade benefits.

Last year the United Nations Security Council took action, passing an initial resolution calling upon Iran to suspend all uranium enrichment activities. Iran ignored that resolution. The Security Council passed two successive resolutions imposing a set of limited sanctions. Yet again, the Iranian regime chose to ignore a clear message from the international community. Today the United States is in talks with other U.N. Security Council members on a third and potentially more far-ranging round of sanctions. To its credit, the Bush administration has made very clear to Iran that the United States is willing to join a comprehensive dialog with Iran and the so-called EU–3 nations—meaning the United Kingdom, France, and Germany—once Iran verifiably suspends its uranium enrichment activities. Iran has refused to do so, and so it is on pace to operate as many as 3,000 uranium centrifuges by the end of the year. Under a worst-case estimate, if Iran were to eject all international inspectors and operate these 3,000 centrifuges around the clock, it could produce sufficient fissile material for one nuclear warhead within a year.

An armed Iran that has a nuclear weapon or nuclear weapons would be emboldened to intimidate its neighbors, export Islamic extremism throughout the region, and deter the United States and others from defending their core interests. A regime with leaders who have openly called for the destruction of the State of Israel by ''wiping it'' off the face of the Earth cannot be allowed to possess the means to achieve that goal. Furthermore, we cannot abide the risk, however small, that a nuclear Iran may one day decide to share its nuclear technology and material with a client terrorist group such as Hamas or Hezbollah.

Iran's nuclear program also poses a genuine danger to the future of the nuclear nonproliferation treaty, so-called NPT, an agreement that has helped prevent the nightmare vision of President Kennedy of a world with 20 nuclear powers from coming to fruition. The NPT is based upon a fundamental premise. A nonnuclear weapon state is entitled to a civilian nuclear program in exchange for committing to verification and inspections to ensure it does not produce nuclear weapons. Yet Iran threatens to demonstrate a backdoor option for future nuclear aspirants. Here is what it is: build a civilian program, with a complete nuclear fuel cycle, in open view to acquire the basic knowledge to produce nuclear fissile material.

After achieving that goal, a nation can then withdraw from the NPT and, utilizing the knowledge gained from its civilian program, build nuclear weapons. This so-called virtual nuclear weapon threatens to undermine the NPT and lead to a world where multiple states are poised on the thin line between civilian nuclear power and weapons programs. For that reason, the international community must demonstrate a united front to compel Iran away from that path through diplomatic and economic pressure.

The threat posed by an Iranian nuclear weapon is very real. However, we cannot afford to panic and blindly accept worst-case scenarios, as we did with Iraq to such tragic ends. Iran has made great strides in its nuclear program over the past 3 years, but it must do much more if it seeks a nuclear weapon. We do not know to what extent those Iranian centrifuges already produced are operationally active and whether they have been linked together in a required ''enriched cascade.'' We do not know whether the Iranian regime has begun work on warhead design so any highly enriched uranium that may eventually be produced can be fabricated into an actual nuclear weapon.

It is those uncertainties, and the recognition that any ''crash program'' to build a nuclear weapon will encounter inevitable difficulties, that explain

why our intelligence community has judged that Iran is not likely—not likely—to acquire a nuclear weapon until the early to middle part of the next decade. This conclusion is spelled out in the most recent National Intelligence Estimate.

Based upon what the International Atomic Energy Agency has been reporting with regard to the Iranian nuclear program, and what our own intelligence community is telling us, we have time—we have time—to resolve this very complex, serious challenge. That does not mean we have the luxury to relax or postpone difficult choices, but, rather, that we can exercise a methodical approach that gradually escalates the diplomatic and economic pressure against Iran in a unified manner.

We must present a very clear choice to the Iranian regime—it is this—one that will be visible to the people of Iran: End all illicit nuclear activities, come back into compliance with IAEA safeguards, and provide full transparency. That is one choice. In return, the United States and our European partners will be prepared to return to the table and discuss potential economic and trade benefits. If Iran chooses the path of continued defiance—the path they have been on—we must show that the international community is prepared to deny Iran the benefits of the global economy, including trade in key energy products, facilitation of essential financial transactions, and investment in key economic sectors.

Iran's nuclear program is not the only threat that emanates from Tehran today. Just as critical is Iran's ongoing support for extremist movements across the region, ranging from Hamas in the Gaza Strip and Hezbollah in Lebanon to Shiite militia forces in Iraq. Unfortunately, Iran's leadership today has made the strategic decision to support these forces, promoting chaos and instability across the Middle East.

The Iranian Government has placed itself on the side of those who are undermining democratically elected governments, fomenting violence and anarchy, and contributing to attacks against U.S. forces. So long as the Iranian Government continues to bankroll and supply weapons to terrorist groups and insurgent militias, we cannot expect any semblance of constructive dialog between Tehran and Washington.

The evidence surrounding Iranian involvement in Iraq is particularly disturbing. Iran has interests in Iraq. We know that. The Shiite majority that now has power for the first time in Iraq shares vast cultural, religious, and political links with the Iranian people. However, Iran and Iraq are two different nations, and the Shiite population in Iraq does not and should not serve as a proxy for the mullahs in Tehran. When the Iranian Government provides weapons and financing to sectarian militias battling other Iraqis as well as U.S. forces in Iraq, it is only exacerbating the violence that currently plagues Iraq.

The administration in Washington, supported by our military leadership, has alleged that the Iranian Government has directly supplied insurgent groups in Iraq with mortars, rocket-propelled grenades, and, most dangerous of all, the explosive formed penetrators that have served as the most lethal of roadside bombs killing American troops.

The evidence the administration has provided—serial numbers on the weapons linking them to Iranian sources and eyewitness testimony—is compelling. It remains unclear to what degree this assistance has proceeded with the direct knowledge of Iran's senior ruling leadership. Regardless, the Iranian Government must be held responsible for all activities—all activities—emanating from its territory or carried out by its agents. Iran must work with the United States and the international community in supporting a stable Iraq and deemphasizing sectarian conflict there.

The question that we, as Senators, must answer is how best to persuade and, if necessary, compel Iran to change its behavior both in terms of its nuclear program and its support for extremist groups. What are the tools available to us to persuade Iran that its current course of action will only further isolate it from the international community? How can we promote fissures inside the Iranian regime between the hard-line elements associated with President Ahmadi-Nejad and more pragmatic figures?

I believe the United States should implement a strategy of containment to deny the Iranian regime any benefits from its nuclear program and support for extremist forces, while laying out potential—potential—incentives if and when the regime changes its behavior. Let me be clear: Military force is always an option, but it is not an option that makes sense under the current circumstances.

Instead, the United States should pursue a three-pronged strategy against Iran's nuclear program and its support for extremist groups.

First, the United States should continue its campaign to diplomatically isolate Iran at the United Nations Security Council. The Security Council has condemned Iran's evasion and deceit of the IAEA and called on Iran, in order to restore the world's confidence in the ostensibly peaceful aims of its nuclear program, to halt all work—to halt all work—on its uranium enrichment and plutonium reprocessing activities.

While some may view that action as insignificant, it is important to remember that Iran never expected Russia or China—its two primary benefactors—to sign onto such resolutions. Yet the State Department has carefully brought along Moscow and Beijing at every step so that the international community is speaking in a united voice to Tehran. Today, the Iranian regime is viewed as a pariah state at the international level, with sanctions imposed by the Security Council and key officials linked to the nuclear program prohibited from international travel.

Now it is time for the United States to further isolate Iran diplomatically. Washington can encourage other nations to avoid contact with Mr. Ahmadi-Nejad, who should be shunned first and foremost for his noxious anti-Semitic remarks. The United States should propose, as one element—as one element—of the next sanctions resolution, to impose a complete prohibition on arms exports to Iran. To the extent we can make a clear linkage between Iran's defiance on its nuclear program and its further diplomatic isolation, more and more Iranians, including influential officials in the Government and military, will question the wisdom of proceeding with its nuclear program.

Second, the United States should take action in concert with other nations to apply substantial pressure on Iran's energy sector. Although Iran boasts the world's second largest oil reserves, its oil production has been falling in recent years, as its oilfields suffer from a lack of investment. More importantly, as Iran's population continues to grow by a half a million people every year, demand for oil and other energy resources is beginning to outstrip domestic supply. Iran will soon be forced to confront a choice between diverting petroleum exports to its domestic needs, thus surrendering much needed foreign currency, or facing increasing shortages at home.

There are concrete steps the Congress can take. S. 970, the Iran Counter-Proliferation Act of 2007, of which I am proud to serve as a cosponsor, would close existing loopholes in the Iran Sanctions Act that currently allows subsidiaries of multinational firms to escape U.S. sanctions when they invest in Iran's energy sector. I agree with Representative TOM LANTOS, who has pushed forward similar legislation on the House side, when he says the ultimate U.S. goal should be zero—zero—foreign investment in Iran's energy sector until it changes course on its nuclear program.

Iran exhibits a particular vulnerability when it comes to gasoline. It is still suffering from the after effects of the Iran-Iraq war of the 1980s, when much of Iran's capacity to refine gasoline was destroyed. In recent years, U.S. sanctions have limited the ability of Iran to rebuild its refining capacity through foreign investment. Accordingly, Iran is forced to import as much as 40 percent—40 percent—of its annual consumption of refined gasoline, despite its vast oil riches.

This imbalance between supply and demand for refined gasoline is exacerbated by Iran's practice of subsidizing gasoline prices for its citizens, which only artificially boosts demand. Today, Iran ensures that refined gasoline is available to Iranian citizens at the subsidized price of 38 cents per gallon. It is

no wonder, then, that Iran, early this year, was forced to take the draconian step of rationing gasoline, limiting the owners of private vehicles to no more than 26 gallons of fuel per month. This decision produced a backlash in the country, with more than 50 petrostations in Iran burned to the ground by angry mobs and plummeting support for the Iranian President, who largely ascended to power in 2005 on the basis of his promise to improve Iran's economy.

Iran's growing shortages of refined gasoline is a golden opportunity for the international community as it tightens the screws on Iran's leadership.

The average Iranian will question why Iran's leadership continues to pursue an illicit nuclear program at the cost of gasoline shortages and economic unrest. For that reason, I am working on legislation to expand the scope of the Iran Sanctions Act to crack down on all foreign exports of refined gasoline products to Iran until the leadership there changes course on its nuclear program.

I wish to now go to the third and final pillar of a comprehensive U.S. strategy to coerce Iran into ending its defiance of the international community.

Ms. MIKULSKI. Madam President, will the Senator yield for a moment?

Mr. CASEY. Yes.

Ms. MIKULSKI. How much longer does the Senator intend to talk? We know the Senator from Wisconsin needs to talk, and we need to clear some of our amendments and get ready for a NASA amendment. Of course we want the Senator to finish his third pillar.

Mr. CASEY. If I could have about 3½ to 4 more minutes.

Ms. MIKULSKI. If the Senator could contain his remarks, it would be useful to us.

Mr. CASEY. I thank the Senator.

The third pillar, just like the first two, should be to take prudent steps in this strategy.

The third and final pillar of a comprehensive U.S. strategy to coerce Iran into ending its defiance of the international community is to lay the groundwork for financial sanctions that make it increasingly difficult for Iranian companies and banks to do business with the global economy. The steps taken by the Treasury Department under the leadership of Secretary Paulson and his deputy, Stuart Levey, are a good first step. Utilizing existing U.S. law, such as the PATRIOT Act, the Treasury Department has convinced a series of major financial institutions in Western Europe and Asia to suspend business with Iranian financial institutions such as Bank Saderat and Bank Sepah by cutting off the access of these institutions to the U.S. financial system. The United States can pursue these measures outside the United Nations Security Council, as they involve U.S. laws and regulations. As a result, Iranian firms are increasingly forced to finance their transactions in Euros, not dollars, and find that conducting routine financial transactions to be more difficult and costly. Once again, we must demonstrate to the average Iranian that they are the ones who pay a price for the unwise decisions of the Iranian regime—which will only serve to heighten domestic unrest and dissatisfaction with the regime's current course.

It is for this reason I am so pleased to cosponsor the Iran Sanctions Enabling Act, introduced by my colleagues Senators OBAMA and BROWNBACK. This legislation would call upon the Treasury Department to publicly identify all companies that invest in a minimum level of funds in the Iranian economy, giving pension funds and individual investors an informed choice on whether to continue to direct funds to those firms that do business with Iran. In addition, the legislation would grant unfettered legal authority to State and local governments to divest their investment holdings of any such firms that do business in Iran. If the State of Pennsylvania, for example, wishes to wash its hands clean of any firms that directly or indirectly support Iran's pursuit of a nuclear program, this legislation ensures that it can do so free from any lawsuits.

I wish to conclude this statement by briefly discussing what we should not do. If we are to convince the Iranian regime that a nuclear weapons program and support for extremist groups are not in their best interests, then we should strive to remove any plausible excuse they have for engaging in such behavior. That means the United States should de-emphasize the threat of regime change. When people associated with the Vice President drop hints on their desire to overthrow the Iranian regime and the advantages of using military force, they only reinforce a strong nationalist streak within Iran and serve to rally the Iranian people around an otherwise unpopular government.

The Iranian people rightly aspire for democratic change. To the extent that the U.S. Government can support such aspirations in an effective manner, we should do so through quiet assistance to forces promoting civil society and the rule of law inside Iran. People-to-people exchanges can help bring young Iranians to the United States and demonstrate the benefits of a democratic culture and a government informed by the consent of the people. Credible public diplomacy, including the transmission of accurate and unbiased news into Iran, is another necessary pillar. But, as Iraq has so painfully taught us, imposing democracy at the spear of bayonet is not a realistic option, especially when our military is already so overstretched.

So the United States should talk less about regime change and talk more about behavior change when it comes to Iran. We should make clear that Washington is prepared to engage an Iran that ends its illicit nuclear activities and ceases support for Hamas, Hezbollah, insurgent forces in Iraq, and other extremist groups across the region. Laying out a credible choice to the Iranian regime represents our best hope for defusing the crisis over Iran's nuclear program and persuading Iran to end its support for antidemocratic groups throughout the Middle East.

The tentative success achieved in North Korea gives us a model for which to aspire. During the President's first term, his administration raised the desirability of regime change in Pyongyang at every opportunity. Since 2005, under the leadership of Assistant Secretary Chris Hill, the United States has substituted patient diplomacy for fiery rhetoric and we may finally achieve real success in containing and rolling back North Korea's nuclear program.

Iran today represents one of the greatest national security challenges to the United States. It is incumbent that we respond to this threat with hardheaded diplomacy and an appropriate set of financial sanctions to squeeze the Iranian economy, putting aside for now ill-advised talk of hasty military action. Iran's leaders must be presented with a fundamental choice: end your defiance of the international community or face growing isolation.

I think we have an opportunity to get this policy right, but this will require bipartisan work. It will require cooperation in this body and the other body, and it will require the administration to work with the Congress to get this policy right. We cannot afford to get our Iranian policy wrong and make the same mistakes we made—this country made—leading up to the war in Iraq. So for that reason and all of the reasons I outlined in my statement, it is imperative that we do this carefully and thoughtfully to get this policy right, to prevent Iran from obtaining nuclear capability which threatens the Middle East and threatens the United States and threatens the entire world.

Madam President, I yield the floor.

Ms. MIKULSKI. Madam President, I ask that the pending Inouye amendment be set aside.

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

AMENDMENT NO. 3213, AS MODIFIED

Ms. MIKULSKI. Mr. President, I call up amendment No. 3213, as modified, by Senator DOMENICI of New Mexico and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. DOMENICI, proposes an amendment numbered 3213, as modified.

Ms. MIKULSKI. 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:

AMENDMENT NO. 3213, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. DEPUTY UNITED STATES MARSHALS.

(a) INCREASE POSITIONS.—In each of the fiscal years 2008 through 2012, the Attorney General, subject to the availability of appropriations, may increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals assigned to work on immigration-related matters, including transporting prisoners and working in Federal courthouses.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a).

Ms. MIKULSKI. Mr. President, this amendment has been cleared on both sides of the aisle, and as an act of respect for our colleague, I ask for its immediate adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3213), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, we are continuing to clear our amendments, and at or about 2 o'clock, we will begin our debate on the NASA amendment, which we expect will take roughly about 2 hours. At the conclusion of that, we want Senators who have amendments to have either brought them over for consideration, to have either worked with us to clear the amendments, to be either offering the amendments or withdrawing the amendments, so that we can meet our goal to be done in the early evening. We believe we can meet that goal with cooperation. We are in the business of clearing amendments. We hope to have several cleared before we begin the NASA debate, which we expect to be extensive.

I note the Senator from Wisconsin wants to speak at this time. I am going to need about 10 or 15 minutes to actually do the work of the bill. I understand both of my colleagues wish to speak. I am more than happy to cooperate, but at about 10 of 2, we have to move to cleared amendments.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

DEMOCRATIC REPUBLIC OF CONGO

Mr. FEINGOLD. Mr. President, it is no secret that Africa has not been high on Congress's priority list historically. This is due to a number of reasons including that African issues have not generated the same kind of public passion and constituent attention as closer-to-home subjects like health care or education. But this is beginning to change. Interest in Africa is at its highest level in recent memory—perhaps ever.

I am concerned, however, that because the bulk of this attention is focused on humanitarian tragedies and grave violence we are depicting a continent caught in a downward spiral, which offers little motivation for long-term U.S. engagement. Funding relief efforts in response to crises—while an important element of U.S. policy—does not address fundamental issues such as the development of democratic institutions and civil society, good governance, security and justice sector reform, and regional security arrangements. We must provide more focus on these underlying concerns—and to do so requires consistent, long-term engagement, collaboration, and commitment from national governments, regional and international organizations and, of course, bilateral donors like the United States.

Sporadic engagement that is devoid of a long- term strategy is like sticking a band aid on a gaping wound instead of taking a trip to the hospital. The abundant potential that exists in so many parts of Africa, and which the United States and others should be more actively promoting, is being stalled or even undermined by our quick-fix approach to problem-solving on the continent. Without identifying and developing the possibilities for more serious engagement, we may end up doing more harm than good.

At the end of our August recess I traveled to the Democratic Republic of Congo and Uganda, two countries that have made impressive gains since I was last there 7 years ago. But today I want to talk about the Democratic Republic of Congo primarily, because the situation is gravely deteriorating and urgent steps much be taken to stop it from devolving further and threatening the region writ large.

Last year's historic elections in the DRC injected hopeful momentum into the war-torn country, thanks in large part to generous funding from the U.S. and others and with critical support from a strong United Nations peacekeeping mission—the largest in fact in the world. During my visit, however, I was troubled to learn of the new government's failure to consolidate and build upon this historic progress. A lack of capacity, political will, and democratic experience is reversing early gains and increasingly destabilizing an already fragile political situation. The local population is growing disenchanted with the government's inability to follow through on its election promises as decisions on key issues—including those on decentralization and the illegal exploitation of natural resources—are slow-rolled.

One of the first promises President Kabila made after his election was to restore order in the war-ravaged provinces of his country. But violence in eastern DRC has only gotten worse in recent months, not better. More than 120,000 people—many of whom voted in favor of Kabila—have been forced from their homes because of increased fighting, with little attention or assistance from the capital.

There is no easy solution to the rapidly unfolding conflict in the restive east, but it is clear that the underlying drivers for this continued violence must be addressed at the same time that the more immediate emergency needs are dealt with.

On my trip, I visited a camp for internally displaced in eastern DRC. One Congolese man, living in a camp nestled in the rolling hills outside Goma spoke for many others when he told me: We want to restart our normal agricultural work and resume our lives. We want it to be stable enough so we can do that.

I met with a group of displaced Congolese women who had been sexually abused and in many cases raped. Extreme sexual violence and rape in the DRC is so pervasive because it is committed by all actors and with little consequence. Sadly, afraid I am afraid it is not getting any better. Just 2 days after I left, tens of thousands more civilians were forced to flee their homes because of renewed fighting between the Congolese army and dissident General Laurent Nkunda's rebel forces, whose ammunition, weapons, and fighters are likely supplied by Rwanda.

In early September, U.N. peacekeepers secured an informal, and I might add, already violated truce between the government and a main rebel leader. The U.N. Security Council has appealed for more dialogue between the two warring parties but this appeal needs to be significantly amplified and backed by incentives for peace. Neighboring countries—and particularly Rwanda—need to be part of this conversation, to ensure the current situation does not worsen while also effectively addressing longstanding regional tensions.

In contrast, on a recent trip to Uganda, the U.S. Assistant Secretary for African Affairs signaled that the U.S. would support regional efforts for a more militarized policy towards all rebel groups. In fact Assistant Secretary Frazer said: We feel we have the basis to assist in efforts to mop up the LRA and to get them out of Congo, out of Garamba Park. And so we will not sit still and just let them live in Garamba Park and cultivate land and kill animals. This is not the time to start talking about our support for a military solution to these conflicts.

Instead, we should seek to build upon current diplomatic initiatives—both in the region as well as at New York last week at the opening of the U.N. General Assembly.

We should work to expand existing forums such as the Tripartite Plus Commission to become genuine opportunities for political solutions. The United States, a proud champion of building strong and independent institutions that create the space for lively debate and discussion, should be advocating for enriched dialogue and diplomacy to address the entrenched problems that have allowed these conflicts to fester—or worsen. We should not be

encouraging military operations if there are other legitimate avenues open—or if they have not yet been explored. Military action should be the path of last resort, period.

The Great Lakes region is at a critical moment in its history and we run the risk of contributing to events that could have far-reaching and long-term repercussions if we do not engage responsibly. With its vast resources, the DRC could be an anchor of stability in an area that has been plagued by violence and destructive activity for decades. The changing nature of global threats could render sub-Saharan Africa—and the Great Lakes region in particular—ripe for exploitation by any number of rogue actors. We can stop this before it begins if we work to ensure stability for the long term.

Our National Security Strategy states:

> We will work with others for an African continent that lives in liberty, peace, and growing prosperity.

We must help strengthen Africa's fragile states and help build indigenous capability secure porous border.

I know the United States has many priorities that compete for attention and resources, but if done right, and as part of a comprehensive long-term strategy, a little can go a long way towards achieving these lofty goals in Africa. The United States should increase engagement in and expand assistance to the eastern DRC.

We should work in concert with other allies and press all regional governments—and in particular Rwanda—to adopt a renewed focus on a political solution for peace. It must be clear that the United States supports peaceful conflict resolution, and that we are not a war-mongering country that prioritizes quick military fixes over more protracted, but also more likely to be sustainable, political dialogues.

First, we must increase our support for the DRC's security sector reform initiatives by working with the Congolese government to downsize, discipline, and further transform its military. The national army must no longer be allowed to commit grave human rights abuses with abandon as this only contributes to the rampant impunity and public legitimacy deficit indicative of a weak state. Justice sector reform, within and outside the security sector, is essential in this regard.

Second, while Ambassador Bill Swing is doing an incredible job in the DRC as the Secretary General's special representative, we must augment diplomatic attention to the east part of the country by calling for the appointment of a U.N. special envoy who will work in conjunction with the current special envoy for northern Uganda—former Mozambique President Chissano. Such an initiative will jump start a regional process for political engagement that can help to reverse the current deterioration and work towards resolving longstanding grievances between a number of actors in the region. Time and time again on my recent trip I was pleased to learn of the credibility and integrity President Chissano has injected into the northern Uganda peace process; we need to see the same thing for eastern Congo.

Third, we need to significantly augment U.S. government efforts in the region. The U.S. government needs to be fully engaged to bring about stability in eastern Congo and to establish conditions for a sustainable peace throughout the region. The dearth of U.S. personnel in the DRC means we have little choice but to outsource our diplomacy to others, which should not become the norm. In the face of a steadily increasing conflict that could ignite tensions throughout the region, we should be looking to robustly increase our on-the-ground presence before it is too late.

It is the grim truth that our mission in Kinshasa is not equipped to handle the looming instability in the east and that we are limited in our engagement because we have no diplomatic presence in the conflict-affected areas.

I do not wish to insinuate that this is due to lack of interest, concern, or dedication from the committed embassy team we have on the ground in Kinshasa. On the contrary, I got to know those individuals on my recent visit and was very impressed with both their capacity and resourcefulness with the limited means available to them. It is because of this administration's myopic focus elsewhere that we are not adequately able to respond in places like the Democratic Republic of Congo.

As a first step, the Secretary of State should dispatch a ''booster'' team to help prepare the embassy to deal with the diplomatic, humanitarian, and security work needed in order to exercise our influence and to participate in a broader international effort to prevent eastern DRC from deteriorating into complete chaos. At the same time, we need to begin looking at serious infrastructure change that will enable our front line diplomats to have the resources and flexibility they need not just in Africa, but throughout the world.

The United States has much to offer beyond public statements to ensure that violence in the DRC does not escalate further and that those who have been displaced can look forward to returning home sooner rather than later.

We in Congress need to send a strong signal that we are not going to turn a blind eye to the deteriorating situation in the east—or to the administration's inadequate response. In eastern DRC, as in other parts of Africa, we must take steps today to promote political solutions that truly address the underlying causes of conflict, or else we will be grappling with these vicious crises for years to come.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, I compliment the Senator from Wisconsin on his comments and his compelling defense for the oppressed, and particularly his eloquent and poignant description of what is happening to women there in the Congo, which should motivate us more to action.

I am happy to report we are getting momentum here and are clearing our amendments. We have some right now that I wish to clear. In a few minutes, we will be going to the NASA amendment.

Mr. President, I thank everybody on both sides of the aisle, and especially Senator SHELBY and his team for being great in helping us with this. Many Senators are being cooperative.

AMENDMENT NO. 3222

Ms. MIKULSKI. Mr. President, I call up amendment No. 3222 by Senator LANDRIEU and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

> The Senator from Maryland (Ms. MIKULSKI) for Ms. LANDRIEU, proposes an amendment numbered 3222.

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

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

The amendment is as follows:

> (Purpose: To provide for hiring additional conciliators for the regional offices of the Community Relations Service of the Department of Justice, and for other purposes)
>
> On page 35, line 12, insert '': *Provided further*, That of the amount appropriated under this heading, $2,000,000 shall be used for salaries and expenses for hiring additional conciliators for the regional offices of the Community Relations Service of the Department of Justice: *Provided further*, That not less than 3 of the conciliators hired under the preceding proviso shall be employed in region 6'' before the period.

Ms. MIKULSKI. This amendment has been cleared on both sides. I ask for its immediate adoption.

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

The amendment (No. 3222) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3210

Ms. MIKULSKI. Mr. President, I call up amendment No. 3210 by Senator BINGAMAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Maryland (Ms. MIKULSKI), for Mr. BINGAMAN, proposes an amendment numbered 3210.

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

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

The amendment is as follows:

(Purpose: To conduct a study regarding investments in intangible assets)

On page 26, after line 24, add the following:

SEC. 114. INTANGIBLE ASSETS INVESTMENT STUDY.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Bureau of Economic Analysis of the Department of Commerce shall enter into an agreement with the Council of the National Academy of Sciences to conduct a study, which shall—

(1) recommend steps to improve the measurement of intangible assets and their incorporation in the National Income and Product Accounts;

(2) identify and estimate the size of the Federal Government's investment in intangible assets;

(3) survey other countries' efforts to measure and promote investments in intangible assets; and

(4) recommend policies to accelerate private and public investment in the types of intangible assets most likely to contribute to economic growth.

(b) COMPLETION.—The National Academy of Sciences shall complete the study described in subsection (a) not later than 18 months after the date on which the agreement described in subsection (a) was signed.

(c) FUNDING.—From the funds appropriated for economic and statistical analysis under this title, the Secretary of Commerce shall set aside sufficient amounts to complete the study described in subsection (a).

AMENDMENT NO. 3210, AS MODIFIED

Ms. MIKULSKI. Mr. President, I send a modification of the amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 26, after line 24, add the following:

SEC. 114. INTANGIBLE ASSETS INVESTMENT STUDY.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Bureau of Economic Analysis of the Department of Commerce shall enter into an agreement with the Council of the National Academy of Sciences to conduct a study, which shall—

(1) recommend steps to improve the measurement of intangible assets and their incorporation in the National Income and Product Accounts;

(2) identify and estimate the size of the Federal Government's investment in intangible assets;

(3) survey other countries' efforts to measure and promote investments in intangible assets; and

(4) recommend policies to accelerate private and public investment in the types of intangible assets most likely to contribute to economic growth.

(b) COMPLETION.—The National Academy of Sciences shall complete the study described in subsection (a) not later than 18 months after the date on which the agreement described in subsection (a) was signed.

(c) FUNDING.—From the funds appropriated for economic and statistical analysis under this title, the Secretary of Commerce may set aside sufficient amounts to complete the study described in subsection (a).

Ms. MIKULSKI. Mr. President, this amendment, as modified, has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 3210), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3219

Ms. MIKULSKI. Mr. President, the last amendment I have cleared is amendment No. 3219 by Senator MURRAY. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI), for Mrs. MURRAY, proposes an amendment numbered 3219.

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

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

The amendment is as follows:

(Purpose: To ensure FBI work force is properly allocated to meet the FBI's mission requirements and priorities)

On page 37, line 14, strike the period and insert '': *Provided further*, That not later than 60 days after the enactment of this Act, the Director of the FBI shall submit to the Committee on Appropriations of each House a report that evaluates the FBI's current work force allocation and assesses the right-sizing and realignment of agents, analysts and support personnel currently in field offices to better meet the FBI's mission requirements and priorities.''.

AMENDMENT NO. 3219, AS MODIFIED

Ms. MIKULSKI. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 37, line 14, strike the period and insert '': *Provided further*, That not later than 60 days after the enactment of this Act, the Director of the FBI shall submit to the Committee on Appropriations and the Committee on the Judiciary of each House a report that evaluates the FBI's current work force allocation and assesses the right-sizing and realignment of agents, analysts and support personnel currently in field offices to better meet the FBI's mission requirements and priorities.''.

Ms. MIKULSKI. Mr. President, this amendment, as modified, has been cleared on both sides of the aisle. I ask for its immediate adoption.

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

The amendment (No. 3219), as modified, was agreed to.

Ms. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, many of our colleagues have filed amendments. I want to soon recognize the Senator from North Dakota who, I know, wants to speak on a tribal issue. First, 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. MIKULSKI. 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. 3250

Ms. MIKULSKI. Mr. President, I call up an amendment which is at the desk relating to the National Aeronautics and Space Administration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI), for herself, Mrs. HUTCHISON, Mr. SHELBY, Ms. LANDRIEU, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. SALAZAR, Mr. LIEBERMAN, Mr. BENNETT, Mr. VITTER, Mrs. CLINTON, and Mr. BROWN, proposes an amendment numbered 3250.

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

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

The amendment is as follows:

(Purpose: To provide necessary expenses for return to flight activities associated with the space shuttle and to provide that funding for such expenses is designated as emergency spending)

On page 74, between lines 4 and 5, insert the following:

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $1,000,000,000 to remain available until expended with such sums as determined by the Administrator of the National Aeronautics and Space Administration as available for transfer to ''Exploration Capabilities'' and ''Science, Aeronautics, And Exploration'' for restoration of funds previously reallocated to meet return to flight activities: *Provided*, That the amount provided under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress).

Ms. MIKULSKI. Mr. President, this amendment has got a rollcall of cosponsors. Of course, it is cosponsored by my very able ranking member, Senator SHELBY; Senator HUTCHISON of Texas, another strong advocate of space and one of the original architects; Senator LANDRIEU of Louisiana; NELSON and MARTINEZ of Florida—NELSON is an astronaut—SALAZAR of Colorado; LIEBERMAN; and strong bipartisan support from Senators BENNETT and VITTER. Senator CLINTON of New York is included, as well as Senator BROWN of Ohio.

This amendment will increase funding for NASA. It is unique and historic

that we offer this amendment right at this minute. This is the 50th anniversary of Sputnik. Fifty years ago, that 180-pound piece of round metal went into space and changed the destiny of mankind. When Sputnik went up, we didn't know what the intent of the Russians was, but a wonderful Republican President by the name of Eisenhower knew we had to get into the space race. We have been in it ever since. But it has never been for predatory purposes or military purposes. Our NASA has always been to go where no man or woman has ever gone before, to be involved in discovery, to also come up with the science to protect our own planet and to further our national agenda in aeronautics.

Joining us today, as we offer this amendment, in the gallery are the astronauts from the space ship *Endeavor*. They have spent 14 days in space, continuing the work to assemble the International Space Station, which is our lab in the sky, which will also be a gateway to go back to the Moon and stay there when we do, and then on to Mars; after that, who knows where. We welcome them today to watch this debate because, just as we want to keep space free of politics, we want them to see that here on the Senate floor we can work on a bipartisan basis to put the money in the Federal checkbook to do what NASA needs to do to keep this mission.

What this amendment does is adds $1 billion to NASA's budget. It covers the cost of repairing and upgrading the safety of its space shuttle fleet. It comes in the aftermath of the Space Shuttle *Columbia* accident in 2003. The funding was declared an emergency and they received full funding to return to space.

Our amendment follows the precedent set after the 1986 Space Shuttle *Challenger* accident, when Congress made a special appropriation to get the shuttle flying again. So this amendment follows the precedent set in 1986 after the *Challenger* accident. A one-time amount of $3 billion was given to NASA to get the shuttle flying again—not only to simply get it flying, but to make sure our astronauts were safe when they did fly.

By contrast, after the *Columbia* accident in 2003, NASA only received $100 million in special appropriations. Let me be clear, our goal is not to increase the NASA space budget but to restore the funding that was forced to get after the *Columbia* accident.

This funding is necessary for three reasons: First, since 2003, when that terrible melancholy event occurred, it has cost NASA over $2 billion to comply with the recommendations of Admiral Gehman to fix what it would take for the remaining shuttles and to fly them safely. Admiral Gehman was asked by the Nation to chair a commission to see what it would take to restore the shuttle's ability to fly again, but also to protect those astronauts. It had engineering solutions, technological solutions, and management recommendations. It was a great report and it was expensive, and do you know what. It was worth it. Is the shuttle flying safely today? You bet it is, and we are all thankful.

At the same time, though, the shuttle has become more expensive to maintain and fly safely. The shuttle is a bit old. It has been hit by unforeseen events, from a hurricane to damage in space. We need the shuttle to maintain our commitment to the International Space Station, where we have treaty obligations.

Second, another reason to support this amendment is the shuttle will be retired in 2010, and we are faced with the challenge of developing a new, reliable, safe human flight vehicle. But the costs of returning the shuttle to flight have forced NASA to cut funds for the next transportation vehicle by almost $500 million. This cut contributes to the gap of over 5 years between when the shuttle retires in 2010 and when we get a brandnew vehicle in 2015.

This is not acceptable. We cannot let China get to the Moon before the United States does. We also need to make sure we keep our astronauts safe for the remaining time they use the shuttle. Also we have to keep that excellent talent down there of scientists, engineers, and mechanics, to keep our shuttle flying safely.

Third, NASA has had to forage for funds in other programs to pay to fix the shuttles. Since 2003, science and aeronautics have been cut by almost $100 million.

Science on the space station has been drastically cut. This has a ripple effect within the scientific community. It affects our future ability to understand and protect changes in our planet and in other issues. The National Academy of Sciences says we need more space science, not less.

The consequences of not doing this amendment are clear. It contributes to the delay of our next space transportation vehicle. No one wants that. We do not want to be grounded for an extensive period of time. It reduces our commitment to our international treaty obligations on the space station.

The goals of the amendment are clear. It maintains our commitment to safe, reliable, and robust human spaceflight. It keeps us on track for the next reliable space transportation vehicle and maintains our commitment to scientific discovery.

We didn't leave NASA with an unpaid bill 20 years ago, and we shouldn't do it now. Twenty years ago, our colleagues, Senator BYRD and Senator STEVENS, provided $2.7 billion out of the defense budget to buy a replacement space shuttle. We did not cut NASA's budget after the *Challenger* accident. We shouldn't do it after the *Columbia* accident.

We recommend this amendment because it is $1 billion. It follows the precedent from the *Challenger* accident. It does not add to the base. It fulfills important national goals which were set by our President to lay the groundwork for space exploration to Mars. But if we are going to do that, I believe we have the national will to do that, I believe we need the national wallet to do that.

So 50 years after the birth of our great Apollo Program, we need to make sure we keep our commitment to exploration and discovery. I urge my colleagues to support this bipartisan amendment.

I yield the floor.

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

Mrs. HUTCHISON. Madam President, I rise to speak on an amendment Senator MIKULSKI and I have worked on for a long time. After we lost the space shuttle *Columbia* over Texas and we were so involved in the cleanup of that tragic accident, all of us—Senator SHELBY, Senator MIKULSKI, Senator NELSON from Florida, many of us—did try to make sure we had the funding that was needed, first of all, for a comprehensive review of what happened. We did have an incredibly good product from the Commission that was put together that did determine the cause. We did fund that at $100 million. But the added safeguards and safety measures that were required by that study and the Commission report were not funded.

As Senator MIKULSKI said, we are about $2 billion to $3 billion in the hole. We cannot allow that to happen because here we are on the 50th anniversary of Sputnik and it is another sputnik moment. When all of us in America were shocked that Russia had put up the first spaceflight, we were left to say: Why weren't we first?

Today, 50 years later, we are looking at a 5-year gap from the end of the space shuttle before the crew-return vehicle will be on line to put American astronauts back in space. That is another Sputnik moment.

Are we going to rely on Russia after 2010 to put American astronauts in space? I hope not. I hope America never loses its commitment to be the first in technology, in knowing what can be done, in exploring issues we haven't even thought about because we know how much that exploration has already done for our country.

In fact, what has happened is exactly as Senator MIKULSKI just explained. The accounts for NASA have been drained. We have drained from science, we have drained from the Hubble telescope, and we have drained from other aeronautics research to fund the Columbia accident report and safeguards, and we have not moved forward for the crew-return vehicle.

It is estimated that if we can get this billion dollars and if we can fully fund the accounts that have been bled, we could chop at least 2 years off that gap.

We are talking about a technological and educational issue at a time when India and China are doing more and more exploration into space, and we

are talking about a national security issue that the United States would not have the capability for 5 years to put an American astronaut in space.

Who can forget the beginning of the war against terror when we were putting missiles, guided through satellites, into windows from 2 miles away because we have that capability we have gained from the exploration in space. In addition, if we look at the science and innovation we must continue to pursue to make the investment in the space station worthwhile and to keep our commitment to our international partners, we have to be willing to put the amount that is required from America with our international partners into the space station. That, too, has been robbed.

Just think, last month Senator MIKULSKI and I went to a signing between the National Institutes of Health and NASA of an agreement that the National Institutes of Health would be a partner in the international space station lab, that it would begin to do some of the far-reaching medical research that could only be done in the space station because of the microgravity conditions, and NIH signed the agreement. Are we going to continue to rob the accounts for scientific research at a time when we are on the cusp of doing the research about which we have been talking—research into breast cancer, research into osteoporosis—where we can see the cells grow because there is no gravity that is pulling against the growth?

What about Dr. Samuel Ting, the Nobel laureate from MIT who testified before our committee? I am the ranking member—former chairman—of the NASA, space, and science subcommittee. He came to our committee and wowed all of us with the potential for scientific research on the space station. He is a Nobel laureate in physics. He said cosmic rays are the most intense in space. On the space station, we can begin to find what cosmic rays do in that intensity and perhaps even begin to find a new energy source from being able to harness those cosmic rays and create a form of energy which he says can only and best be done on the space station.

I ask my colleagues, in a time when we are all trying to find ways to cut back on expenditures that are not necessary, to look at this amendment carefully because it is an investment in the future. It is an investment to make sure our technology transfers are continued. As an example, look at the items on Earth that have been discovered or enhanced by space research: international TV broadcasts, pacemakers, automatic insulin pumps, car phones, CAT scans, infrared thermometers, long-range weather forecasting which has revolutionized not only our agriculture industry but the ability to predict hurricanes. We have so many quality-of-life issues that have been enhanced or discovered because we were willing to do this research.

I ask my colleagues to look at this investment. Do we want to see this go to the Chinese or to India or to Russia, or do we want to continue to make sure that America is the creator, America is the innovator, that it is Americans who take the discoveries and turn them into products that can change our lives, especially in medical science?

I ask my colleagues to look at what we have gained in superiority in defense because we have invested in space. Yet, at a time when we are at war, when we know we have used the satellites to the most effective point they have ever been used for intelligence gathering, for the ability to do intelligence gathering without harming Americans, without putting Americans in a plane because we can take from the satellites the information so that the pilot is not in danger of being shot down because there is no pilot. We can gather intelligence, we can retain our superiority and technology and creativity, but it will take the investment. If we are going to pay for an emergency out of operating funds, we are eating our seed corn.

Madam President, surely America and our Congress and this Senate understand that issue. The leadership of the appropriations and authorizing committees, Senator MIKULSKI, Senator SHELBY, myself, and Senator BILL NELSON of Florida, are the four chairmen and ranking members of the relevant committees. All of us have asked to meet with the President to talk about this priority that we must continue exploration in space and determine how we would go forward in a bipartisan way to assure America's leadership in this important endeavor. I hope the President will support this amendment, will meet with us to have a joint effort to do this amendment.

The President himself has already laid out the vision. He has said we are going to put people on the Moon again, we are going to establish a base on the Moon, and from there we are going to go to Mars. The President has laid out the vision, but we must have the capability to fulfill the mission by having the scientific research that will keep us in the technological lead by continuing to make sure we are looking at all of the energy sources we can use, by creating the medical capabilities that can only be done in the microgravity conditions.

I join with so many of my colleagues on both sides of the aisle in asking that we adopt this amendment, that we get 60 votes, if that is what we need, to assure that this goes forward, not as another appropriation but as an investment to assure that America's leadership continues.

Madam President, I wrote a piece for the Hill, which is one of the local Capitol magazines. It goes into more detail about why this is so very important.

I ask unanimous consent to have the article printed in the RECORD.

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

[From The Hill, Oct. 3, 2007]

MAINTAIN U.S. SUPREMACY IN SPACE

(By Sen. Kay Bailey Hutchison)

On Oct. 4, 1957—almost 50 years ago to the date of this publication—the Soviet Union launched the world-famous Sputnik satellite, setting off alarm bells throughout Washington that America was falling behind in space technology. But America's ingenuity was dramatically mobilized by President Eisenhower, who passed The National Defense Education Act, which provided massive investments in science, engineering, and technology. Those investments paid off when we safely landed a man on the Moon, fulfilling President Kennedy promise. The research program we created spawned some of the most significant technologies of modern life, including personal computers and the Internet.

Today, we are on the verge of another Sputnik moment. In November, China will launch its first lunar orbiter—a major milestone in its rapidly-developing space program. In fact, China's progress has been so substantial they're planning on landing a man on the moon by 2020. A decade or so from now, the Red Flag may be flying on the lunar surface.

In this ominous environment, you would think Washington would be trying to recharge America's commitment to space exploration. In fact, the opposite is happening. Right now, NASA is planning to retire the Space Shuttle in 2010. Until its replacement is ready—not expected until 2015—the U.S. will have no way to launch humans into space.

During this five-year time gap, we will have to rely on Russia to get our own scientists and astronauts to the International Space Station. As the world's leader in space technology, it is simply unacceptable that we will be in this position technological dependency. Our national security depends on our ability to explore space without relying on nations who may not always have our best interests at heart. Thankfully, there is still time to prevent this frightful scenario from becoming reality.

Congress should provide NASA with the added funds it needs to narrow or close the gap in our human spaceflight capability, by accelerating Ares and Orion—the shuttle replacement vehicles—providing increased support to potential commercial vehicles, and, if necessary, keeping the space shuttle flying longer than 2010. This will ensure that America stays in control of its space destiny.

Since NASA was created in 1958, the research that has gone into the space program has also spurred innovations that have greatly improved our lives—from car phones to heart monitors, from ultrasound scanners to laser surgery. Recently, NASA has been implementing my plan to use the U.S. segment ofthe ISS as a ''National Laboratory,'' which means that even more breakthroughs can be expected once that lab is fully operational. On Sept. 12, NASA and the National Institutes of Health signed the first of what should be several inter-agency agreements to facilitate ISS research in the future.

We want the U.S. to be the global leader in space research because the unique environment of outer space enables scientists to conduct many experiments not possible on Earth. For example, NASA is considering placing a sophisticated particle detector on the ISS to learn more about cosmic rays. This research must be carried out in space where researchers can collect data without the hindrance of Earth's dense atmosphere

and gravity. The results could lead to breakthroughs in our fundamental understanding of matter, and possibly new sources of energy.

There is a strong, symbiotic relationship between space research and national security. For example, by using space-based navigation systems, we can guide a missile to within meters of its intended target. This not only allows our military to more effectively hit a target, it also saves civilian lives and limits collateral damage.

The Chinese are gaining ground in technological areas. For example, China recently surpassed the U.S. as the world's largest exporter of information-technology products (and the U.S. has become a net importer of those products). The Chinese are now turning their attention to space technology—and they are determined to use it as a means of strengthening their military. We cannot allow other countries to acquire new weapons technologies while America does not keep up.

On the day before he was tragically assassinated, President Kennedy remarked, ''This nation has tossed its cap over the wall of space, and we have no choice but to follow it. Whatever the difficulties, they will be overcome.''

As we mark the 50th anniversary of Sputnik, let's renew our commitment to overcome those difficulties once again. We've worked too hard, and accomplished too much, to willfully forfeit our leadership in space. Let's make the necessary adjustments to maintain our supremacy. Our future depends on it.

Mrs. HUTCHISON. Madam President, I urge my colleagues to support the Mikulski-Hutchison amendment that has bipartisan support of all of the four members of the relevant committees' leadership. I hope together we can take this step to assure America's leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I join with my colleagues, Senator MIKULSKI, Senator HUTCHISON, and Senator NELSON from Florida, in asking all Senators to support this amendment.

Senator MIKULSKI and I have worked hard with the others to craft a bill that addresses the priority of our Members, but despite our generous allocation, the funding necessary for NASA to aggressively pursue the President's ''Vision for Space Exploration'' cannot be accommodated without this amendment.

Since the tragedy of the Space Shuttle *Columbia* breaking up during reentry in February of 2003, NASA has spent $2.7 billion to make the shuttle program as safe as possible to ensure our Nation continues to be the leader in space exploration. Unfortunately, as has been pointed out by Senator MIKULSKI and Senator HUTCHISON, the NASA budget requests have not adequately restored the necessary resources in their subsequent requests. Instead, the costs have been absorbed from within NASA.

Science funding has been cut significantly, and programs not directly associated with the exploration vision are being deferred, delayed, or canceled. By slowing down the cutting-edge science carried out by NASA, we are mortgaging our future. The foundation for technological leadership and the successes of tomorrow are built on the investments that we make in NASA today.

NASA's research in cutting edge technological advancements have driven science and innovation in this country since the dawn of the space age. We are shortcoming our future by not fully funding science innovation and space exploration. This critical knowledge will be needed in the years to come to make human exploration of the Moon and other planets a reality. These effects cannot be ignored any longer if we are to maintain our leadership and our presence in space.

With the burden of correcting the dramatic Presidential budget cuts in critical justice programs and in NOAA, it is increasingly difficult for the committee to find the resources necessary to keep NASA on the right track. In order to balance the lack of support for NASA's science and aeronautics programs in the budget requests, there are few options left to consider.

The adoption of this amendment, offered by Senator MIKULSKI and Senator HUTCHISON, will not only respond to the pressing needs brought about by a tragic accident, but will also send a clear signal that Congress is serious about ensuring that the U.S. retains its leadership position in space exploration. I would urge all my colleagues to vote for this amendment. It is sorely and direly needed now.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Madam President, Senator NELSON will be coming out to speak shortly, an astronaut Senator who will speak eloquently about this. We also hope, for those who would like to challenge our thinking, that they will use this as a time to come to the floor so that we can have an ongoing and continuous debate. We would certainly like to vote on this within the hour, in the interest of moving our bill forward. So we would ask our colleagues to come and speak.

Before I yield the floor, Madam President, I ask unanimous consent that Senator BOXER be added as a cosponsor.

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

Ms. MIKULSKI. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, we are observing the 50th anniversary of the launch of Sputnik, the first artificial satellite that was launched by humans. In that time, 50 years ago, it shocked the entire world that the Soviet Union had become sufficiently technologically proficient that they could suddenly seize the high ground—a high ground that heretofore had not been achieved but that mankind had always longed for—to soar into the heavens.

As a result of that significant technological achievement, the United States got shocked out of its lethargy, out of its willingness to just go along with the thinking that we were that good, but in fact we were falling behind. As Senator SHELBY said, we suddenly became shocked at the fact that we were falling behind in math, in science and technology, and that, lo and behold, with the symbolic value of the Soviet Union—at that point our mortal enemy in the Cold War—having achieved that first.

Finally, we got Explorer into space, the first American satellite, and we started to take comfort that this Yankee ingenuity of America would suddenly screw up its determination to achieve and that we would not be passed by. And then, lo and behold, as we are preparing Alan Shepard to go into space—not into orbital space, really, but only into suborbit—suddenly the Soviets surprised us again and they sent Yuri Gagarin into one orbit to achieve what no earthbound nation had done.

I remember years ago, Madam President, as a Member of the House of Representatives—and I had already flown on the space shuttle—as I was sitting on the floor of the House, the then-Speaker of the House, Tip O'Neill, beckoned me over.

He said: Billy, I want to tell you a story. He said: When I was a young Boston Congressman, I remember I was down at the White House—President Kennedy was the President—and I had never seen the President so nervous. He was just pacing back and forth like a cat on a hot tin roof. He said: I leaned over to one of his aides, and I asked what in the world is wrong with the President?

What was happening was we were getting ready to launch Alan Shepard on the Redstone rocket, which only had enough lift power to go into suborbit. Here we were, 3 weeks behind the Soviet Union, which had just put up Gagarin into one complete orbit. And, of course, we know what happened. Alan Shepard made that first suborbital flight successfully.

We didn't even have a rocket at that point that would get us into orbit with that mercury capsule. We flew a second time in suborbit with Gus Grissom. In the meantime, the Soviets now send another cosmonaut, Titeuf, and he goes into several orbits, and here we are struggling to get up for the first time in orbit. Well, they said, we are going with that Atlas rocket, which was an intercontinental ballistic missile. And so there, among those first seven astronauts, they chose John Glenn. We knew

that we had a 20-percent chance that rocket was going to fail.

It is hard for me even to tell this story without getting a lump in my throat, but John Glenn is in orbit for three orbits when there is an indication that his heat shield is loose, which would mean, upon reentry, that John Glenn and the capsule would burn up. And on that de-orbit burn, as he is starting to plunge back into the fiery reentry of Earth's atmosphere, before we lost radio contact, John Glenn was heard humming the ''Battle Hymn of the Republic.''

Of course, his flight was successful, and we continued on. But because that President said we were going to go to the Moon and return within the decade, and because the Nation put its mind to it and put the resources to it, we achieved what was almost unbelievable—sending 12 Americans to the Moon and returning them safely, including the crew of Apollo 11, which was one of the greatest rescue ventures ever in all of mankind, with Jim Lovell and his crew, when they lost all of their power en route to the Moon on that crippled Apollo 13 spacecraft.

They shut down the Apollo Program in the early 1970s, with massive layoffs, and it was a long time from that last flight in 1972 to the Moon and a follow-on 1975 flight linking a Soviet Soyuz with an American Apollo. And for days, in the midst of the Cold War, two mortal enemies, two cosmonauts and three Americans, were docked together in space, lived and worked and enjoyed each other and communicated to the world as peaceful partners. Because of the disruptions in the space family, it was not until 1981 that we got back into space, with humans, in the space shuttle.

Now, there is a lesson in what I have just discussed about our history in space that would teach us not to repeat that now. What is that lesson? First of all, one of the great lessons of that era is the fact that we got excited about science and technology and mathematics and engineering and space flight. We produced a generation of exceptionally talented and educated young people who were told to go to their limit. As a result, we had, in a space program that had to have limited volume, light in weight, and highly reliable systems, a technological revolution of micro-miniaturization that had come directly out of the space flight. This watch is a direct spinoff of the space program. So many of the modern medical miracles and medical techniques are a direct spinoff of the American space program.

In fact, one example in our daily lives is the communications we take for granted. We can go anywhere on Earth and know precisely where we are by the global positioning system, GPS, which is now in our cars, and we can have a hand-held unit and go out on a boat, and if we get lost or stranded, with no motor in the ocean, the Coast Guard knows exactly where to come because we have a GPS to tell us exactly where we are. So, too, spinoff after spinoff: enhancement of our Nation's economy; the educated workforce. About that workforce, need I remind you now that China is graduating five times the number of engineers that the United States is and India is graduating three times the number of engineers?

I want to return to that era, where we can get young people excited again about science and technology, and there is nothing like the space program that will rivet and ignite those little imaginations.

Right now we are at a critical point because NASA has been starved of funds. That is part of the reason why Senator MIKULSKI and Senator SHELBY have brought this amendment to the floor. It is not like the loss of Challenger over two decades ago, when emergency funds funded the recovery to flight, the investigation, the designing of new systems, the repair of old systems that got us into safe flight again—not this time. NASA had to pay for this out of its operating expenditures, to the point of $2.8 billion. It was already a tight budget to begin with, not helped by the inability of us last year in the Congress to meet agreements, and we had to operate under an appropriation called a continuing resolution, that left us at last year's funding levels—not the increase.

As a result, what we have is that NASA is desperately short of funds, to the point that when it shuts down the space shuttle in October of 2010, with the paucity of funds, the next vehicle, called the Constellation System, with a capsule called Orion and a rocket called Aires, will not be able to fly with humans until after a 5-year gap.

That is not good for our educational system. It is not good for our technological prowess and achievements.

The amendment of Senator MIKULSKI will help correct it; not with the $2.8 billion NASA lost but only a third of that, that we are asking that this Senate will appropriate out of emergency funds.

There is not a young person in America who does not get excited about space flight. There is not an old person in America whose heart does not quicken when they think of the daring adventures and the exploration. There is not a scholar or academic who does not appreciate what manned and unmanned space flight has done by putting up the Hubbell Space Telescope, which has opened up the vistas into the beginnings of the universe and understanding where we came from and how all of it came about and what is the order in the universe. Yet we only know 4 percent of all that we can know about the universe. We still have 96 percent, still to learn.

That is what our space program can do for us. It can ignite the imaginations and the desire to achieve in those young people. It can quicken the hearts of all Americans. It can lead to great new technological achievements that will spin out and affect our daily lives. It will open the new areas of knowledge about what we are as a people who populate a planet called Planet Earth in a solar system that revolves about one star that we call Sun, in a galaxy that is ours in a universe that is so large our human minds cannot even contemplate it.

These are the worlds we want to explore. It is our nature, it is our character as Americans that we are, by that nature and that character, explorers and adventurers. At the beginning of this country, we had a frontier and it was westward. The great leaders of our country at the founding of the country said: Go and explore. Today those frontiers are different. Those frontiers are upward and those frontiers are inward. The great leaders of today ought to be saying: Go forth and explore.

I am hoping the great leaders in this body called the Senate will support Senator MIKULSKI and Senator SHELBY in approving this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise to speak in support of the Mikulski amendment and to echo the comments of my good friend and colleague from Florida, Senator NELSON. The Senator and I both have had the great privilege, not only of representing the great State of Florida but also both of us grew up within a short car ride from where all this excitement was happening, as we were young people growing up. Cape Canaveral, the excitement of flights to space, the heroics of our early astronauts and then later the flights to the Moon and the touch of the tragic that, from time to time, have been a part of any dangerous endeavor, have been a part of our daily lives. Of course, my senior Senator from Florida took it a step further. He himself donned the suit and went into space on the space shuttle on what was, I know, a life-changing event for him.

I know the excitement with which he speaks of the space program is not something I can speak about firsthand as he does, because he has been a part of it, but I can certainly speak to it as a person who has seen the benefits of it to our communities, through research, through improvements to so many things that have been derivative from our space program.

As we go to the Kennedy Space Center these days and we talk to these great scientists, these great engineers, these people who are so enthusiastic, who are so competent in what they do, they speak with great commitment to completing the space shuttle flights that are pending. They speak with great commitment about our space lab and the great advancements in science and technology that are taking place in the space lab—now a new component in biomedical research that will hopefully be opening the doors to the cure

of many illnesses. All of these things have been a part of our space flight, of our tradition, and our history.

The 5-year gap Senator NELSON spoke of, where we will have no manned space flight, is something I do not think most Americans understand. As it is right now, because of shorting the space program year after year, what we have is a situation in which there will be a 5-year gap from the last space shuttle flight until the next vehicle is ready for manned flight.

I think, as the American people would know about this, it would raise concerns for them in the area of science and technology, of advancement, of exploration, which has been such a part of our country where we have led the world without a doubt.

But there is something else about it which troubles me greatly and which I think the American people also ought to be made aware of, which is the fact that in order for an American to fly into space for those 5 years, we would be completely and totally at the mercy of Russia. We have had a very good and cooperative relationship. The Americans and Russians and, frankly, many other citizens of other countries, have been a part of the space shuttle and more particularly of the space lab. We have modules there—obviously the space shuttle arm from Canada, modules that have come from Japan and from Italy and many other countries. Each of those countries with great pride has had one of their crew members go on the space shuttle and go to the space lab. Our cooperation with the Russians has been fantastic, even back to the days of the Soviet Union.

But in an ever-changing world, should not we wonder if it is safe for America to totally be reliant upon an increasingly undemocratic Russia for our space flights? I do not necessarily want to create enemies where none exist. But it does concern me to see these Russian bombers coming into areas where they know very well are our waters, our airspace, and repeatedly now over the last month or so coming into what is U.S. airspace and challenging us to intercept them. Why are they doing that? What is the purpose behind that? What could happen over the next 3 years as we conclude the space shuttle, and then the next 5 where we are without the ability to put a man in space, if our relationship with Russia is not as strong as it is today in 8 years, 5 years, 6 years? It certainly isn't as positive and strong as it was 3 years ago.

It behooves us, for the sake of our independence, our sovereignty, our ability to be in control and the destiny of this magnificent laboratory up in space, that we could accelerate the time where this gap was going to exist. It is going to be there no matter what we do, but we can shorten it. I believe if we shorten it by a couple of years, that would be in our best interests.

When we look at the totality of our expenditures, when we look at the cost-benefit ratio of what we get from our space program, how it inspires our young people at a time when we are falling behind in competition with the world in science and technology, when we know the world is moving faster than we are as it relates to the education of our young people and science and technology, what could be better than a vibrant space program to continue to imbue our young people with the desire to explore, the desire to invent, the desire for all he things that the space program has been to our country?

Our technological edge was never finer honed than when we had a vibrant and strong space program in the late 1950s and on into the 1960s. That was our finest and best time when it comes to science and technology.

We have, in many ways, been living off that for the last 25 years. Now we can have the dawning of a new age of space exploration into areas that have so far eluded us completely—well beyond the moon. This can all happen. This is a small downpayment into a very important part of America's future. It is certainly a very strong and important issue as we look also at very practical issues like our workforce.

The workforce at Kennedy Space Center is a well-trained workforce. It is a workforce that has, over the years, developed and over the years improved its skills. If we were to tell these people over the next 5 years there is no work for you, they will go into other pursuits. These are sharp, talented people. It is not like they are going to be unable to get a job, but it is going to be our loss when those people are not engaged in the continuation of the U.S. space flights.

NASA is a good investment for America. We are not talking about breaking the bank. We are talking about a very small investment for what I believe would be a great return. I am very pleased to join with my colleague from Florida, Senator NELSON, who is my expert when it comes to these issues. We both have great affection for the Cape. He grew up a very few miles south of it. I grew up a very few miles to the west of it. This is our backyard. We know it, we love it, and we know what it has meant to our country. We know the future of it can be very bright and we certainly do support this effort to improve funding for NASA.

I yield the floor.

Ms. MIKULSKI. 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.

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

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

Ms. MIKULSKI. Mr. President, the proponents of this amendment have had a very thorough discussion of why we support this amendment. We have spoken for about an hour. We certainly want to be sure that those who might have pause or flashing yellow lights about it bring their concerns to the floor so we can engage in a discussion, maybe even a debate, so we could move this debate forward and dispose of the amendment no later than 4:00 and earlier if possible.

I want to give everyone warning, if there is nobody here, we will move the amendment.

BAN ASBESTOS IN AMERICA ACT OF 2007

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 321, S. 742, the Ban Asbestos in America Act of 2007; that the amendment at the desk be considered and agreed to, the committee-reported substitute amendment be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that the title amendment be agreed to and any statements be printed in the RECORD.

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

The Senate proceeded to consider the bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ban Asbestos in America Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) the Administrator of the Environmental Protection Agency has classified asbestos as a category A human carcinogen, the highest cancer hazard classification for a substance; and

(B) the International Agency for Research on Cancer has classified asbestos as a class 1 human carcinogen;

(2) many people in the United States incorrectly believe that—

(A) asbestos has been banned in the United States; and

(B) there is no risk of exposure to asbestos through the use of new commercial products;

(3) the United States Geological Survey reported that, in 2006, the United States used 2,000 metric tons of asbestos, of which approximately—

(A) 55 percent was used in roofing products;

(B) 26 percent was used in coatings; and

(C) 19 percent was used in other products, such as friction products;

(4) the Department of Commerce estimates that the United States imports more than $100,000,000 of brake parts per year;

(5) available evidence suggests that—

(A) imports of some types of asbestos-containing products are increasing; and

(B) some of those products are imported from foreign countries in which asbestos is poorly regulated;

(6) there is no known safe level of exposure to asbestos;

(7) even low levels of exposure to asbestos may cause asbestos-related diseases, including mesothelioma;

(8) millions of workers in the United States have been, and continue to be, exposed to dangerous levels of asbestos;

(9) worker deaths from noncancerous lung disease can occur at levels of exposure to asbestos below the levels allowed by the Occupational Safety and Health Administration as of the date of enactment of this Act;

(10) families of workers are put at risk because of asbestos brought home by the workers on the shoes, clothes, skin, and hair of the workers;

(11) approximately ⅓ of mesothelioma victims were exposed to asbestos while serving the United States on Navy ships or shipyards;

(12) the National Institutes of Health reported to Congress in 2006 that mesothelioma is a difficult disease to detect, diagnose, and treat;

(13) the Environmental Working Group estimates that as many as 10,000 citizens of the United States die each year from mesothelioma and other asbestos-related diseases;

(14)(A) mesothelioma responds poorly to conventional chemotherapy; and

(B) although new combination treatments for mesothelioma have demonstrated some benefits—

(i) the median survival period for mesothelioma is only 1 year after diagnosis of the disease; and

(ii) the majority of mesothelioma patients die within 2 years of diagnosis of the disease;

(15) in hearings before Congress in the early 1970s, the example of asbestos was used to justify the need for comprehensive legislation on toxic substances;

(16) in 1976, Congress passed the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(17) in 1989, the Administrator of the Environmental Protection Agency promulgated final regulations under title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) to phase out asbestos in consumer products by 1997;

(18) in 1991, the United States Court of Appeals for the 5th Circuit overturned portions of the regulations, and the Federal Government did not appeal the decision to the Supreme Court;

(19) as a result, while new applications for asbestos were banned, asbestos is still being imported and used, and is otherwise present as a contaminant, in some consumer and industrial products in the United States;

(20) the National Cancer Institute recognizes a clear need for new agents to improve the outlook for patients with mesothelioma and other asbestos-related diseases;

(21) the National Institutes of Health should continue to improve detection, treatment, and management of asbestos-related diseases, such as mesothelioma, including by providing continued support for the pleural mesothelioma treatment and research program and peritoneal surgical initiatives;

(22) the Department of Defense should study diseases related to asbestos exposure in the military and veteran population, including by conducting research in coordination with the National Institutes of Health on the early detection and treatment of mesothelioma;

(23) with some exceptions relating to certain uses, asbestos has been banned in 40 countries, including Argentina, Australia, Austria, Belgium, Chile, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Latvia, Luxembourg, the Netherlands, Norway, Poland, Portugal, Saudi Arabia, the Slovak Republic, Spain, Sweden, Switzerland, and the United Kingdom;

(24) asbestos was banned throughout the European Union in 2005; and

(25) banning asbestos from being used in or imported into the United States will provide certainty to manufacturers, builders, environmental remediation firms, workers, and consumers that after a specific date, asbestos will not be used, added, or allowed to be knowingly present as a contaminant in new construction and manufacturing materials used in this country.

SEC. 3. ASBESTOS-CONTAINING PRODUCTS.

(a) IN GENERAL.—Title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) is amended—

(1) by inserting before section 201 (15 U.S.C. 2641) the following:

"Subtitle A—General Provisions";

(2) in section 202(3) (15 U.S.C. 2642(3))—

(A) in each of subparagraphs (A) through (D), by striking the commas at the end of the subparagraphs and inserting semicolons;

(B) in subparagraph (E), by striking '', or'' and inserting a semicolon;

(C) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(G) any material formerly classified as tremolite, including—

''(i) winchite asbestos; and

''(ii) richterite asbestos; and

''(H) any asbestiform amphibole mineral.'';

and

(3) by adding at the end the following:

"Subtitle B—Asbestos-Containing Products

"SEC. 221. DEFINITIONS.

''In this subtitle:

''(1) APPROPRIATE FEDERAL ENTITY.—The term 'appropriate Federal entity' means any appropriate Federal entity, as determined by the Director, including—

''(A) the Agency for Toxic Substances and Disease Registry;

''(B) the Department of Health and Human Services;

''(C) the Environmental Protection Agency;

''(D) the Mine Safety and Health Administration;

''(E) the National Institute of Standards and Technology;

''(F) the United States Geological Survey;

''(G) the National Institute of Environmental Health Sciences;

''(H) the National Institute for Occupational Safety and Health; and

''(I) the Occupational Health and Safety Administration.

''(2) ASBESTOS-CONTAINING PRODUCT.—The term 'asbestos-containing product' means any product (including any part) to which asbestos is deliberately or knowingly added or in which asbestos is deliberately used or knowingly present in any concentration.

''(3) ELONGATED MINERAL PARTICLE.—The term 'elongated mineral particle' means a single crystal or similarly elongated polycrystalline aggregate particle with a length to width ratio of 3 to 1 or greater.

''(4) BIOPERSISTENT ELONGATED MINERAL PARTICLE.—The term 'biopersistent elongated mineral particle' means an elongated mineral particle that—

''(A) occurs naturally in the environment; and

''(B) is similar to asbestos in—

''(i) resistance to dissolution;

''(ii) leaching; and

''(iii) other physical, chemical, or biological processes expected from contact with lung cells and other cells and fluids in the human body.

''(5) DIRECTOR.—The term 'Director' means the Director of the National Institute for Occupational Safety and Health.

''(6) PERSON.—The term 'person' means—

''(A) any individual;

''(B) any corporation, company, association, firm, partnership, joint venture, sole proprietorship, or other for-profit or nonprofit business entity (including any manufacturer, importer, distributor, or processor);

''(C) any Federal, State, or local department, agency, or instrumentality; and

''(D) any interstate body.

"SEC. 222. NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH STUDIES.

''(a) STUDIES.—

''(1) CURRENT STATE OF SCIENCE STUDY.—

''(A) IN GENERAL.—The Director, in consultation with the United States Geological Survey, the Environmental Protection Agency, the National Academy of Sciences, and appropriate Federal entities, shall conduct a study and, not later than 1 year after the date of enactment of this subtitle, submit to the Administrator, the Committees on Environment and Public Works and Health, Education, Labor, and Pensions of the Senate, the Committees on Energy and Commerce and Education and Labor of the House of Representatives, and other Federal agencies a report containing—

''(i) a description of the current state of the science relating to—

''(I) the disease mechanisms and health effects of exposure to non-asbestiform minerals and elongated mineral particles; and

''(II) methods for measuring and analyzing non-asbestiform minerals and elongated mineral particles; and

''(ii) recommendations for—

''(I) future research relating to diseases caused by exposure to—

''(aa) non-asbestiform minerals; and

''(bb) elongated mineral particles;

''(II) exposure assessment practice needs;

''(III) any new classification of naturally occurring elongated mineral particles; and

''(IV) 1 or more definitions and dimensions to be used for the quantification and risk assessment of—

''(aa) non-asbestiform minerals; and

''(bb) elongated mineral particles.

''(B) COMPONENTS.—The report described in subparagraph (A) shall include—

''(i) peer-reviewed published literature;

''(ii) regulatory decisions; and

''(iii) information obtained from the National Institute for Occupational Safety Asbestos Research Roadmap.

''(2) MODE OF ACTION AND HEALTH EFFECTS STUDY.—

''(A) IN GENERAL.—The Director, in consultation with the Environmental Protection Agency, the National Academy of Sciences, and appropriate Federal entities, shall conduct a study—

''(i) to evaluate the known or potential mode of action and health effects of—

''(I) non-asbestiform minerals; and

''(II) elongated mineral particles; and

''(ii) to develop recommendations for a means by which to identify, distinguish, and measure any non-asbestiform mineral or elongated mineral particle that—

''(I) may cause any disease or health effect; or

''(II) does not cause any disease or health effect.

''(B) REPORT.—Not later than 18 months after the date of enactment of this subtitle, the Director shall submit to the Committees on Environment and Public Works and Health, Education, Labor, and Pensions of the Senate, and the Committees on Energy and Commerce and Education and Labor of the House of Representatives, a report containing—

''(i) a description of the manner by which non-asbestiform minerals and elongated mineral particles possess the ability to remain biopersistent in the human body, with regard to the ability of non-asbestiform minerals and elongated mineral particles—

''(I) to exhibit resistence to dissolution and leaching; and

''(II) to induce other physical, chemical, and biological processes as a result of contact with—

''(aa) lung cells; and

''(bb) other cells and fluids in the human body connected to a disease;

''(ii) a description of the means by which to identify, distinguish, and measure any non-asbestiform mineral or elongated mineral particle that—

''(I) may cause any disease or health effect, as determined by the Director, including—

''(aa) mesothelioma;

''(bb) any other form of cancer; and

''(cc) any other non-cancer form of disease; and

''(II) does not cause any disease or health effect; and

''(iii) recommendations for such controls as the Director determines to be appropriate to protect human health.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

''(b) METHODOLOGY STUDY.—

''(1) IN GENERAL.—On the date on which the Director submits the report described in subsection (a)(2)(B), the Director shall initiate a study—

''(A) to develop improved sampling and analytical methods for non-asbestiform minerals and elongated mineral particles; and

''(B) to clarify the mechanism of action.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

"SEC. 223. PUBLIC EDUCATION PROGRAM.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, the Administrator, in consultation with the Chairman of the Consumer Product Safety Commission, the Director of the Centers for Disease Control and Prevention, and the Secretary of Labor, shall establish a plan—

''(1) to increase awareness of the dangers posed by—

''(A) products having asbestos-containing materials in homes and workplaces; and

''(B) asbestos-related diseases;

''(2) to provide current and comprehensive information to asbestos-related disease patients, family members of patients, and front-line health care providers on—

''(A) the dangers of asbestos exposure;

''(B) asbestos-related labeling information;

''(C) health effects of exposure to asbestos;

''(D) symptoms of asbestos exposure; and

''(E) available and developing treatments for asbestos-related diseases, including clinical trials;

''(3) to encourage asbestos-related disease patients, family members of patients, and front-line health care providers to participate in research and treatment endeavors relating to asbestos; and

''(4) to encourage health care providers and researchers to provide to asbestos-related disease patients and family members of patients information relating to research, diagnostic, and clinical treatments relating to asbestos.

''(b) GREATEST RISKS.—In establishing the program, the Administrator shall give priority to products that have asbestos-containing materials and are used by consumers and workers that pose the greatest risk of injury to human health.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"Subtitle C—Prohibition on Asbestos-Containing Materials

"SEC. 231. DEFINITION OF DISTRIBUTE IN COMMERCE.

''In this subtitle:

''(1) IN GENERAL.—The term 'distribute in commerce' has the meaning given the term in section 3.

''(2) EXCLUSIONS.—The term 'distribute in commerce' does not include—

''(A) the possession of an asbestos-containing material by a person that is an end user; or

''(B) the possession of an asbestos-containing material by a person solely for the purpose of disposal of the asbestos-containing material in compliance with applicable Federal, State, and local requirements.

"SEC. 232. PROHIBITION ON ASBESTOS-CONTAINING MATERIALS.

''(a) IN GENERAL.—Subject to subsection (b), the Administrator shall promulgate—

''(1) not later than 1 year after the date of enactment of this subtitle, proposed regulations that—

''(A) prohibit persons from importing, manufacturing, processing, or distributing in commerce asbestos-containing materials; and

''(B) provide for implementation of subsections (b) and (c); and

''(2) not later than 2 years after the date of enactment of this subtitle, final regulations that, effective beginning 60 days after the date of promulgation, prohibit persons from importing, manufacturing, processing, or distributing in commerce asbestos-containing materials.

''(b) EXEMPTIONS.—

''(1) IN GENERAL.—Any person may petition the Administrator for, and the Administrator may grant, an exemption from the requirements of subsection (a) if the Administrator determines that—

''(A) the exemption would not result in an unreasonable risk of injury to health or the environment; and

''(B) the person has made good faith efforts to develop, but has been unable to develop, a substance, or identify a mineral, that—

''(i) does not present an unreasonable risk of injury to health or the environment; and

''(ii) may be substituted for an asbestos-containing material.

''(2) TERMS AND CONDITIONS.—An exemption granted under this subsection shall be in effect for such period (not to exceed a total of 3 years) and subject to such terms and conditions as the Administrator may prescribe.

''(3) GOVERNMENTAL USE.—

''(A) IN GENERAL.—The Administrator shall provide an exemption from the requirements of subsection (a), without review or limit on duration, if the exemption for asbestos-containing material is—

''(i) sought by the Secretary of Defense and the Secretary certifies, and provides a copy of that certification to the Administrator and Congress, that—

''(I) use of the asbestos containing material is necessary to the critical functions of the Department;

''(II) no reasonable alternatives to the asbestos containing material exist for the intended purpose; and

''(III) use of the asbestos containing material will not result in an unreasonable risk to health or the environment; or

''(ii) sought by the Administrator of the National Aeronautics and Space Administration and the Administrator of the National Aeronautics and Space Administration certifies, and provides a copy of that certification to Congress, that—

''(I) the asbestos-containing material is necessary to the critical functions of the National Aeronautics and Space Administration;

''(II) no reasonable alternatives to the asbestos-containing material exist for the intended purpose; and

''(III) the use of the asbestos-containing material will not result in an unreasonable risk to health or the environment.

''(B) ADMINISTRATIVE PROCEDURE ACT.—Any exemption provided by the Administrator under subparagraph (A), and any certification made by the Secretary of Defense under subparagraph (A)(i) shall not be subject to the provisions of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

''(4) DIAPHRAGMS FOR EXISTING ELECTROLYSIS INSTALLATIONS.—

''(A) IN GENERAL.—The requirements of subsection (a) shall not apply to any diaphragm electrolysis installation in existence as of the date of enactment of this subtitle.

''(B) REVIEW.—

''(i) IN GENERAL.—Not later than 3 years after the date of enactment of this subtitle, and every 6 years thereafter, the Administrator shall review the exemption provided under subparagraph (A) to determine the appropriateness of the exemption.

''(ii) SCOPE.—In conducting the review of the exemption provided under subparagraph (A), the Administrator shall examine the risk of injury to an individual relating to the operation by the individual of each diaphragm electrolysis installation described in subparagraph (A).

''(iii) PUBLIC PARTICIPATION.—In conducting the review of the exemption provided under subparagraph (A), the Administrator shall provide public notice and a 30-day period of public comment.

''(C) DECISION RELATING TO EXTENSION OF EXEMPTION.—Upon completion of a review of a diaphragm electrolysis installation under subparagraph (B)(i), if the Administrator determines that the diaphragm electrolysis installation poses an unreasonable risk of injury to health or the environment, the Administrator may terminate the exemption provided to the diaphragm electrolysis installation under subparagraph (A).

''(c) DISPOSAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not later than 2 years after the date of enactment of this subtitle, each person that possesses asbestos-containing material that is subject to the prohibition established under this section shall dispose of the asbestos-containing material, by a means that is in compliance with applicable Federal, State, and local requirements.

''(2) EXEMPTION.—Nothing in paragraph (1)—

''(A) applies to asbestos-containing material that—

''(i) is no longer in the stream of commerce; or

''(ii) is in the possession of an end user; or

''(B) requires that asbestos-containing material described in subparagraph (A) be removed or replaced.

''(d) COMPLIANCE TESTING.—

''(1) IN GENERAL.—Subject to paragraph (2), and in accordance with paragraph (3), not later than 1 year after the date on which the Administrator promulgates the regulations under subsection (a), and annually thereafter, to ensure compliance with those regulations, the Administrator shall carry out tests on an appropriate quantity of products, as determined by the Administrator, to determine if the products have asbestos-containing material.

''(2) EXEMPTED PRODUCTS.—In carrying out the compliance testing under paragraph (1), the Administrator shall not carry out any test on any product that contains any material that is the subject of an exemption described in subsection (b).

''(3) APPROPRIATE TEST METHODOLOGIES.—In carrying out the compliance testing under paragraph (1), the Administrator shall use the appropriate test methodology for each product that is the subject of the compliance testing.

''(4) ANNUAL REPORT.—

''(A) IN GENERAL.—Upon completion of each annual testing period described in paragraph (1), the Administrator shall prepare a report for the annual testing period covered by the report, describing those products that have asbestos-containing material.

''(B) PUBLIC AVAILABILITY.—Not later than 90 days after the date of completion of each annual testing period described in paragraph (1), the Administrator shall make the report for the annual testing period covered by the report available to the public.''.

(b) CONFORMING AMENDMENT.—The table of contents in sections 1 of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended—

(1) by inserting before the item relating to section 201 the following:

''Subtitle A—General Provisions'';

and

(2) by adding at the end of the items relating to title II the following:

''Subtitle B—Asbestos-Containing Products

''Sec. 221. Definitions.

''Sec. 222. National Institute for Occupational Safety and Health report and study.

''Sec. 223. Public education program.

''Subtitle C—Prohibition on Asbestos-Containing Materials

''Sec. 231. Prohibition on asbestos-containing materials.''.

SEC. 4. ASBESTOS-RELATED DISEASES.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

''SEC. 417E. RESEARCH ON ASBESTOS-RELATED DISEASES.

''(a) IN GENERAL.—The Secretary, acting through the Director of NIH and the Director of the Centers for Disease Control and Prevention, shall expand, intensify, and coordinate programs for the conduct and support of research on diseases caused by exposure to asbestos, particularly mesothelioma, asbestosis, and pleural injuries.

''(b) ADMINISTRATION.—The Secretary shall carry out this section in collaboration with—

''(1) the Administrator of the Agency for Toxic Substances and Disease Registry;

''(2) the Director of the National Institute for Occupational Safety and Health; and

''(3) the head of any other agency, as the Secretary determines to be appropriate.

''(c) ASBESTOS-RELATED DISEASE REGISTRY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Director of the Centers for Disease Control and Prevention, in cooperation with the Director of the National Institute for Occupational Safety and Health and the Administrator of the Agency for Toxic Substances and Disease Registry, shall establish a mechanism by which to obtain, coordinate, and provide data and specimens from—

''(A) State cancer registries and other cancer registries;

''(B) the National Mesothelioma Virtual Registry and Tissue Bank; and

''(C) each entity participating in the asbestos-related disease research and treatment network established under section 417F(a).

''(2) TREATMENT.—The data and specimens described in paragraph (1) shall form the basis for establishing a national clearinghouse for data and specimens relating to asbestos-related diseases, with a particular emphasis on mesothelioma.

''(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available for the purposes described in subsection (a) under other law, there are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each fiscal year thereafter.

''SEC. 417F. ASBESTOS-RELATED DISEASE RESEARCH AND TREATMENT NETWORK.

''(a) ESTABLISHMENT.—For each of fiscal years 2008 through 2012, the Director of NIH, in collaboration with other applicable Federal, State, and local agencies and departments, shall establish and maintain an asbestos-related disease research and treatment network (referred to in this section as the 'Network') to support the detection, prevention, treatment, and cure of asbestos-related diseases, with particular emphasis on malignant mesothelioma.

''(b) INCLUSIONS.—The Network shall include—

''(1) intramural research initiatives of the National Institutes of Health; and

''(2) at least 10 extramural asbestos-related disease research and treatment centers, as selected by the Director of NIH in accordance with subsection (c).

''(c) EXTRAMURAL ASBESTOS-RELATED DISEASE RESEARCH AND TREATMENT CENTERS.—

''(1) IN GENERAL.—For each fiscal year during which the Network is operated and maintained under subsection (a), the Director of NIH shall select for inclusion in the Network not less than 10 nonprofit hospitals, universities, or medical or research institutions incorporated or organized in the United States that, as determined by the Director of NIH—

''(A) have exemplary experience and qualifications in research and treatment of asbestos-related diseases;

''(B) have access to an appropriate population of patients with asbestos-related diseases; and

''(C) are geographically distributed throughout the United States, with special consideration given to areas of high incidence of asbestos-related diseases.

''(2) REQUIREMENTS.—Each center selected under paragraph (1) shall—

''(A) be chosen by the Director of NIH after competitive peer review;

''(B) conduct laboratory and clinical research, including clinical trials, relating to—

''(i) mechanisms for effective therapeutic treatment of asbestos-related diseases;

''(ii) early detection and prevention of asbestos-related diseases;

''(iii) palliation of asbestos-related disease symptoms; and

''(iv) pain management with respect to asbestos-related diseases;

''(C) offer to asbestos-related disease patients travel and lodging assistance as necessary—

''(i) to accommodate the maximum number of patients practicable; and

''(ii) to serve a number of patients at the center sufficient to conduct a meaningful clinical trial;

''(D) seek to collaborate with at least 1 medical center of the Department of Veterans Affairs to provide research benefits and care to veterans who have suffered excessively from asbestos-related diseases, particularly mesothelioma; and

''(E) coordinate the research and treatment efforts of the center (including specimen sharing and use of common infomatics) with other entities included in—

''(i) the Network; and

''(ii) the National Virtual Mesothelioma Registry and Tissue Bank.

''(3) PERIOD OF INCLUSION.—A center selected by the Director of NIH under this subsection shall be included in the Network for—

''(A) the 1-year period beginning on the date of selection of the center; or

''(B) such longer period as the Director of NIH determines to be appropriate.

''(d) GRANTS.—The Director of NIH shall provide to each center selected for inclusion in the Network under subsection (c) for the fiscal year a grant in an amount equal to $1,000,000 to support the detection, prevention, treatment, and cure of asbestos-related diseases, with particular emphasis on malignant mesothelioma.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.

''SEC. 417G. DEPARTMENT OF DEFENSE RESEARCH.

''(a) IN GENERAL.—The Secretary, acting through the United States Army Medical Research and Materiel Command, shall support research on mesothelioma and other asbestos-related diseases that has clear scientific value and direct relevance to the health of members and veterans of the Armed Forces, in accordance with the appropriate congressionally directed medical research program, with the goal of advancing the understanding, early detection, and treatment of asbestos-related mesothelioma and other asbestos-related diseases.

''(b) ADMINISTRATION.—The Secretary shall carry out this section in collaboration with—

''(1) the Director of NIH;

''(2) the Director of the National Institute of Occupational Safety and Health; and

''(3) the head of any other agency, as the Secretary determines to be appropriate.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each fiscal year thereafter.''.

The amendment (No. 3257) was agreed to, as follows:

On page 24, strike lines 10 through 22.

On page 24, line 23, strike ''(10)'' and insert ''(6)''.

On page 25, strike lines 1 through 3.

On page 25, line 4, strike ''(12)'' and insert ''(7)''.

On page 25, line 7, strike ''(13)'' and insert ''(8)''.

On page 25, line 11, strike ''(14)(A)'' and insert ''(9)(A)''.

On page 25, line 20, strike ''(15)'' and insert ''(10)''.

On page 25, line 23, strike ''(16)'' and insert ''(11)''.

On page 26, line 1, strike ''(17)'' and insert ''(12)''.

On page 26, line 6, strike ''(18)'' and insert ''(13)''.

On page 26, line 10, strike ''(19)'' and insert ''(14)''.

On page 26, line 15, strike ''(20)'' and insert ''(15)''.

On page 26, line 19, strike ''(21)'' and insert ''(16)''.

On page 27, line 1, strike ''(22)'' and insert ''(17)''.

On page 27, line 6, strike ''(23)'' and insert ''(18)''.

On page 27, line 15, strike ''(24)'' and insert ''(19)''.

On page 27, line 17, strike ''(25)'' and insert ''(20)''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The amendment (No. 3258) was agreed to, as follows:

Amend the title so as to read: ''To amend the Toxic Substances Control Act to reduce the health risks posed by asbetos-containing materials and products having asbestos-containing material, and for other purposes.''.

The bill was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 742

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 ''Ban Asbestos in America Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) the Administrator of the Environmental Protection Agency has classified asbestos as a category A human carcinogen, the highest cancer hazard classification for a substance; and

(B) the International Agency for Research on Cancer has classified asbestos as a class 1 human carcinogen;

(2) many people in the United States incorrectly believe that—

(A) asbestos has been banned in the United States; and

(B) there is no risk of exposure to asbestos through the use of new commercial products;

(3) the United States Geological Survey reported that, in 2006, the United States used 2,000 metric tons of asbestos, of which approximately—

(A) 55 percent was used in roofing products;

(B) 26 percent was used in coatings; and

(C) 19 percent was used in other products, such as friction products;

(4) the Department of Commerce estimates that the United States imports more than $100,000,000 of brake parts per year;

(5) available evidence suggests that—

(A) imports of some types of asbestos-containing products are increasing; and

(B) some of those products are imported from foreign countries in which asbestos is poorly regulated;

(6) families of workers are put at risk because of asbestos brought home by the workers on the shoes, clothes, skin, and hair of the workers;

(7) the National Institutes of Health reported to Congress in 2006 that mesothelioma is a difficult disease to detect, diagnose, and treat;

(8) the Environmental Working Group estimates that as many as 10,000 citizens of the United States die each year from mesothelioma and other asbestos-related diseases;

(9)(A) mesothelioma responds poorly to conventional chemotherapy; and

(B) although new combination treatments for mesothelioma have demonstrated some benefits—

(i) the median survival period for mesothelioma is only 1 year after diagnosis of the disease; and

(ii) the majority of mesothelioma patients die within 2 years of diagnosis of the disease;

(10) in hearings before Congress in the early 1970s, the example of asbestos was used to justify the need for comprehensive legislation on toxic substances;

(11) in 1976, Congress passed the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(12) in 1989, the Administrator of the Environmental Protection Agency promulgated final regulations under title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) to phase out asbestos in consumer products by 1997;

(13) in 1991, the United States Court of Appeals for the 5th Circuit overturned portions of the regulations, and the Federal Government did not appeal the decision to the Supreme Court;

(14) as a result, while new applications for asbestos were banned, asbestos is still being imported and used, and is otherwise present as a contaminant, in some consumer and industrial products in the United States;

(15) the National Cancer Institute recognizes a clear need for new agents to improve the outlook for patients with mesothelioma and other asbestos-related diseases;

(16) the National Institutes of Health should continue to improve detection, treatment, and management of asbestos-related diseases, such as mesothelioma, including by providing continued support for the pleural mesothelioma treatment and research program and peritoneal surgical initiatives;

(17) the Department of Defense should study diseases related to asbestos exposure in the military and veteran population, including by conducting research in coordination with the National Institutes of Health on the early detection and treatment of mesothelioma;

(18) with some exceptions relating to certain uses, asbestos has been banned in 40 countries, including Argentina, Australia, Austria, Belgium, Chile, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Latvia, Luxembourg, the Netherlands, Norway, Poland, Portugal, Saudi Arabia, the Slovak Republic, Spain, Sweden, Switzerland, and the United Kingdom;

(19) asbestos was banned throughout the European Union in 2005; and

(20) banning asbestos from being used in or imported into the United States will provide certainty to manufacturers, builders, environmental remediation firms, workers, and consumers that after a specific date, asbestos will not be used, added, or allowed to be knowingly present as a contaminant in new construction and manufacturing materials used in this country.

SEC. 3. ASBESTOS-CONTAINING PRODUCTS.

(a) IN GENERAL.—Title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) is amended—

(1) by inserting before section 201 (15 U.S.C. 2641) the following:

"Subtitle A—General Provisions";

(2) in section 202(3) (15 U.S.C. 2642(3))—

(A) in each of subparagraphs (A) through (D), by striking the commas at the end of the subparagraphs and inserting semicolons;

(B) in subparagraph (E), by striking '', or'' and inserting a semicolon;

(C) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(G) any material formerly classified as tremolite, including—

''(i) winchite asbestos; and

''(ii) richterite asbestos; and

''(H) any asbestiform amphibole mineral.''; and

(3) by adding at the end the following:

"Subtitle B—Asbestos-Containing Products

"SEC. 221. DEFINITIONS.

''In this subtitle:

''(1) APPROPRIATE FEDERAL ENTITY.—The term 'appropriate Federal entity' means any appropriate Federal entity, as determined by the Director, including—

''(A) the Agency for Toxic Substances and Disease Registry;

''(B) the Department of Health and Human Services;

''(C) the Environmental Protection Agency;

''(D) the Mine Safety and Health Administration;

''(E) the National Institute of Standards and Technology;

''(F) the United States Geological Survey;

''(G) the National Institute of Environmental Health Sciences;

''(H) the National Institute for Occupational Safety and Health; and

''(I) the Occupational Health and Safety Administration.

''(2) ASBESTOS-CONTAINING PRODUCT.—The term 'asbestos-containing product' means any product (including any part) to which asbestos is deliberately or knowingly added or in which asbestos is deliberately used or knowingly present in any concentration.

''(3) ELONGATED MINERAL PARTICLE.—The term 'elongated mineral particle' means a single crystal or similarly elongated polycrystalline aggregate particle with a length to width ratio of 3 to 1 or greater.

''(4) BIOPERSISTENT ELONGATED MINERAL PARTICLE.—The term 'biopersistent elongated mineral particle' means an elongated mineral particle that—

''(A) occurs naturally in the environment; and

''(B) is similar to asbestos in—

''(i) resistance to dissolution;

''(ii) leaching; and

''(iii) other physical, chemical, or biological processes expected from contact with lung cells and other cells and fluids in the human body.

''(5) DIRECTOR.—The term 'Director' means the Director of the National Institute for Occupational Safety and Health.

''(6) PERSON.—The term 'person' means—

''(A) any individual;

''(B) any corporation, company, association, firm, partnership, joint venture, sole proprietorship, or other for-profit or nonprofit business entity (including any manufacturer, importer, distributor, or processor);

''(C) any Federal, State, or local department, agency, or instrumentality; and

''(D) any interstate body.

"SEC. 222. NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH STUDIES.

''(a) STUDIES.—

''(1) CURRENT STATE OF SCIENCE STUDY.—

''(A) IN GENERAL.—The Director, in consultation with the United States Geological Survey, the Environmental Protection Agency, the National Academy of Sciences, and appropriate Federal entities, shall conduct a study and, not later than 1 year after the date of enactment of this subtitle, submit to the Administrator, the Committees on Environment and Public Works and Health, Education, Labor, and Pensions of the Senate, the Committees on Energy and Commerce and Education and Labor of the House of Representatives, and other Federal agencies a report containing—

''(i) a description of the current state of the science relating to—

''(I) the disease mechanisms and health effects of exposure to non-asbestiform minerals and elongated mineral particles; and

''(II) methods for measuring and analyzing non-asbestiform minerals and elongated mineral particles; and

''(ii) recommendations for—

''(I) future research relating to diseases caused by exposure to—

''(aa) non-asbestiform minerals; and

''(bb) elongated mineral particles;

''(II) exposure assessment practice needs;

''(III) any new classification of naturally occurring elongated mineral particles; and

''(IV) 1 or more definitions and dimensions to be used for the quantification and risk assessment of—

''(aa) non-asbestiform minerals; and

''(bb) elongated mineral particles.

''(B) COMPONENTS.—The report described in subparagraph (A) shall include—

''(i) peer-reviewed published literature;

''(ii) regulatory decisions; and

''(iii) information obtained from the National Institute for Occupational Safety Asbestos Research Roadmap.

''(2) MODE OF ACTION AND HEALTH EFFECTS STUDY.—

''(A) IN GENERAL.—The Director, in consultation with the Environmental Protection Agency, the National Academy of Sciences, and appropriate Federal entities, shall conduct a study—

''(i) to evaluate the known or potential mode of action and health effects of—

''(I) non-asbestiform minerals; and

''(II) elongated mineral particles; and

''(ii) to develop recommendations for a means by which to identify, distinguish, and measure any non-asbestiform mineral or elongated mineral particle that—

''(I) may cause any disease or health effect; or

''(II) does not cause any disease or health effect.

''(B) REPORT.—Not later than 18 months after the date of enactment of this subtitle, the Director shall submit to the Committees on Environment and Public Works and Health, Education, Labor, and Pensions of the Senate, and the Committees on Energy and Commerce and Education and Labor of the House of Representatives, a report containing—

''(i) a description of the manner by which non-asbestiform minerals and elongated mineral particles possess the ability to remain biopersistent in the human body, with regard to the ability of non-asbestiform minerals and elongated mineral particles—

''(I) to exhibit resistence to dissolution and leaching; and

''(II) to induce other physical, chemical, and biological processes as a result of contact with—

''(aa) lung cells; and

''(bb) other cells and fluids in the human body connected to a disease;

''(ii) a description of the means by which to identify, distinguish, and measure any non-asbestiform mineral or elongated mineral particle that—

''(I) may cause any disease or health effect, as determined by the Director, including—

''(aa) mesothelioma;

''(bb) any other form of cancer; and

''(cc) any other non-cancer form of disease; and

''(II) does not cause any disease or health effect; and

''(iii) recommendations for such controls as the Director determines to be appropriate to protect human health.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

''(b) METHODOLOGY STUDY.—

''(1) IN GENERAL.—On the date on which the Director submits the report described in subsection (a)(2)(B), the Director shall initiate a study—

''(A) to develop improved sampling and analytical methods for non-asbestiform minerals and elongated mineral particles; and

''(B) to clarify the mechanism of action.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

''SEC. 223. PUBLIC EDUCATION PROGRAM.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, the Administrator, in consultation with the Chairman of the Consumer Product Safety Commission, the Director of the Centers for Disease Control and Prevention, and the Secretary of Labor, shall establish a plan—

''(1) to increase awareness of the dangers posed by—

''(A) products having asbestos-containing materials in homes and workplaces; and

''(B) asbestos-related diseases;

''(2) to provide current and comprehensive information to asbestos-related disease patients, family members of patients, and front-line health care providers on—

''(A) the dangers of asbestos exposure;

''(B) asbestos-related labeling information;

''(C) health effects of exposure to asbestos;

''(D) symptoms of asbestos exposure; and

''(E) available and developing treatments for asbestos-related diseases, including clinical trials;

''(3) to encourage asbestos-related disease patients, family members of patients, and front-line health care providers to participate in research and treatment endeavors relating to asbestos; and

''(4) to encourage health care providers and researchers to provide to asbestos-related disease patients and family members of patients information relating to research, diagnostic, and clinical treatments relating to asbestos.

''(b) GREATEST RISKS.—In establishing the program, the Administrator shall give priority to products that have asbestos-containing materials and are used by consumers and workers that pose the greatest risk of injury to human health.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

''Subtitle C—Prohibition on Asbestos-Containing Materials

''SEC. 231. DEFINITION OF DISTRIBUTE IN COMMERCE.

''In this subtitle:

''(1) IN GENERAL.—The term 'distribute in commerce' has the meaning given the term in section 3.

''(2) EXCLUSIONS.—The term 'distribute in commerce' does not include—

''(A) the possession of an asbestos-containing material by a person that is an end user; or

''(B) the possession of an asbestos-containing material by a person solely for the purpose of disposal of the asbestos-containing material in compliance with applicable Federal, State, and local requirements.

''SEC. 232. PROHIBITION ON ASBESTOS-CONTAINING MATERIALS.

''(a) IN GENERAL.—Subject to subsection (b), the Administrator shall promulgate—

''(1) not later than 1 year after the date of enactment of this subtitle, proposed regulations that—

''(A) prohibit persons from importing, manufacturing, processing, or distributing in commerce asbestos-containing materials; and

''(B) provide for implementation of subsections (b) and (c); and

''(2) not later than 2 years after the date of enactment of this subtitle, final regulations that, effective beginning 60 days after the date of promulgation, prohibit persons from importing, manufacturing, processing, or distributing in commerce asbestos-containing materials.

''(b) EXEMPTIONS.—

''(1) IN GENERAL.—Any person may petition the Administrator for, and the Administrator may grant, an exemption from the requirements of subsection (a) if the Administrator determines that—

''(A) the exemption would not result in an unreasonable risk of injury to health or the environment; and

''(B) the person has made good faith efforts to develop, but has been unable to develop, a substance, or identify a mineral, that—

''(i) does not present an unreasonable risk of injury to health or the environment; and

''(ii) may be substituted for an asbestos-containing material.

''(2) TERMS AND CONDITIONS.—An exemption granted under this subsection shall be in effect for such period (not to exceed a total of 3 years) and subject to such terms and conditions as the Administrator may prescribe.

''(3) GOVERNMENTAL USE.—

''(A) IN GENERAL.—The Administrator shall provide an exemption from the requirements of subsection (a), without review or limit on duration, if the exemption for asbestos-containing material is—

''(i) sought by the Secretary of Defense and the Secretary certifies, and provides a copy of that certification to the Administrator and Congress, that—

''(I) use of the asbestos containing material is necessary to the critical functions of the Department;

''(II) no reasonable alternatives to the asbestos containing material exist for the intended purpose; and

''(III) use of the asbestos containing material will not result in an unreasonable risk to health or the environment; or

''(ii) sought by the Administrator of the National Aeronautics and Space Administration and the Administrator of the National Aeronautics and Space Administration certifies, and provides a copy of that certification to Congress, that—

''(I) the asbestos-containing material is necessary to the critical functions of the National Aeronautics and Space Administration;

''(II) no reasonable alternatives to the asbestos-containing material exist for the intended purpose; and

''(III) the use of the asbestos-containing material will not result in an unreasonable risk to health or the environment.

''(B) ADMINISTRATIVE PROCEDURE ACT.—Any exemption provided by the Administrator under subparagraph (A), and any certification made by the Secretary of Defense under subparagraph (A)(i) shall not be subject to the provisions of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

''(4) DIAPHRAGMS FOR EXISTING ELECTROLYSIS INSTALLATIONS.—

''(A) IN GENERAL.—The requirements of subsection (a) shall not apply to any diaphragm electrolysis installation in existence as of the date of enactment of this subtitle.

''(B) REVIEW.—

''(i) IN GENERAL.—Not later than 3 years after the date of enactment of this subtitle, and every 6 years thereafter, the Administrator shall review the exemption provided under subparagraph (A) to determine the appropriateness of the exemption.

''(ii) SCOPE.—In conducting the review of the exemption provided under subparagraph (A), the Administrator shall examine the risk of injury to an individual relating to the operation by the individual of each diaphragm electrolysis installation described in subparagraph (A).

''(iii) PUBLIC PARTICIPATION.—In conducting the review of the exemption provided under subparagraph (A), the Administrator shall provide public notice and a 30-day period of public comment.

''(C) DECISION RELATING TO EXTENSION OF EXEMPTION.—Upon completion of a review of a diaphragm electrolysis installation under subparagraph (B)(i), if the Administrator determines that the diaphragm electrolysis installation poses an unreasonable risk of injury to health or the environment, the Administrator may terminate the exemption provided to the diaphragm electrolysis installation under subparagraph (A).

''(c) DISPOSAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not later than 2 years after the date of enactment of this subtitle, each person that possesses asbestos-containing material that is subject to the prohibition established under this section shall dispose of the asbestos-containing material, by a means that is in compliance with applicable Federal, State, and local requirements.

''(2) EXEMPTION.—Nothing in paragraph (1)—

''(A) applies to asbestos-containing material that—

''(i) is no longer in the stream of commerce; or

''(ii) is in the possession of an end user; or

''(B) requires that asbestos-containing material described in subparagraph (A) be removed or replaced.

''(d) COMPLIANCE TESTING.—

''(1) IN GENERAL.—Subject to paragraph (2), and in accordance with paragraph (3), not later than 1 year after the date on which the Administrator promulgates the regulations under subsection (a), and annually thereafter, to ensure compliance with those regulations, the Administrator shall carry out tests on an appropriate quantity of products, as determined by the Administrator, to determine if the products have asbestos-containing material.

''(2) EXEMPTED PRODUCTS.—In carrying out the compliance testing under paragraph (1), the Administrator shall not carry out any test on any product that contains any material that is the subject of an exemption described in subsection (b).

''(3) APPROPRIATE TEST METHODOLOGIES.—In carrying out the compliance testing under paragraph (1), the Administrator shall use the appropriate test methodology for each product that is the subject of the compliance testing.

''(4) ANNUAL REPORT.—

''(A) IN GENERAL.—Upon completion of each annual testing period described in paragraph (1), the Administrator shall prepare a report for the annual testing period covered by the report, describing those products that have asbestos-containing material.

''(B) PUBLIC AVAILABILITY.—Not later than 90 days after the date of completion of each annual testing period described in paragraph (1), the Administrator shall make the report

for the annual testing period covered by the report available to the public.''.

(b) CONFORMING AMENDMENT.—The table of contents in sections 1 of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended—

(1) by inserting before the item relating to section 201 the following:

''Subtitle A—General Provisions'';

and

(2) by adding at the end of the items relating to title II the following:

''Subtitle B—Asbestos-Containing Products

''Sec. 221. Definitions.

''Sec. 222. National Institute for Occupational Safety and Health report and study.

''Sec. 223. Public education program.

''Subtitle C—Prohibition on Asbestos-Containing Materials

''Sec. 231. Prohibition on asbestos-containing materials.''.

SEC. 4. ASBESTOS-RELATED DISEASES.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

''SEC. 417E. RESEARCH ON ASBESTOS-RELATED DISEASES.

''(a) IN GENERAL.—The Secretary, acting through the Director of NIH and the Director of the Centers for Disease Control and Prevention, shall expand, intensify, and coordinate programs for the conduct and support of research on diseases caused by exposure to asbestos, particularly mesothelioma, asbestosis, and pleural injuries.

''(b) ADMINISTRATION.—The Secretary shall carry out this section in collaboration with—

''(1) the Administrator of the Agency for Toxic Substances and Disease Registry;

''(2) the Director of the National Institute for Occupational Safety and Health; and

''(3) the head of any other agency, as the Secretary determines to be appropriate.

''(c) ASBESTOS-RELATED DISEASE REGISTRY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Director of the Centers for Disease Control and Prevention, in cooperation with the Director of the National Institute for Occupational Safety and Health and the Administrator of the Agency for Toxic Substances and Disease Registry, shall establish a mechanism by which to obtain, coordinate, and provide data and specimens from—

''(A) State cancer registries and other cancer registries;

''(B) the National Mesothelioma Virtual Registry and Tissue Bank; and

''(C) each entity participating in the asbestos-related disease research and treatment network established under section 417F(a).

''(2) TREATMENT.—The data and specimens described in paragraph (1) shall form the basis for establishing a national clearinghouse for data and specimens relating to asbestos-related diseases, with a particular emphasis on mesothelioma.

''(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available for the purposes described in subsection (a) under other law, there are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each fiscal year thereafter.

''SEC. 417F. ASBESTOS-RELATED DISEASE RESEARCH AND TREATMENT NETWORK.

''(a) ESTABLISHMENT.—For each of fiscal years 2008 through 2012, the Director of NIH, in collaboration with other applicable Federal, State, and local agencies and departments, shall establish and maintain an asbestos-related disease research and treatment network (referred to in this section as the 'Network') to support the detection, prevention, treatment, and cure of asbestos-related diseases, with particular emphasis on malignant mesothelioma.

''(b) INCLUSIONS.—The Network shall include—

''(1) intramural research initiatives of the National Institutes of Health; and

''(2) at least 10 extramural asbestos-related disease research and treatment centers, as selected by the Director of NIH in accordance with subsection (c).

''(c) EXTRAMURAL ASBESTOS-RELATED DISEASE RESEARCH AND TREATMENT CENTERS.—

''(1) IN GENERAL.—For each fiscal year during which the Network is operated and maintained under subsection (a), the Director of NIH shall select for inclusion in the Network not less than 10 nonprofit hospitals, universities, or medical or research institutions incorporated or organized in the United States that, as determined by the Director of NIH—

''(A) have exemplary experience and qualifications in research and treatment of asbestos-related diseases;

''(B) have access to an appropriate population of patients with asbestos-related diseases; and

''(C) are geographically distributed throughout the United States, with special consideration given to areas of high incidence of asbestos-related diseases.

''(2) REQUIREMENTS.—Each center selected under paragraph (1) shall—

''(A) be chosen by the Director of NIH after competitive peer review;

''(B) conduct laboratory and clinical research, including clinical trials, relating to—

''(i) mechanisms for effective therapeutic treatment of asbestos-related diseases;

''(ii) early detection and prevention of asbestos-related diseases;

''(iii) palliation of asbestos-related disease symptoms; and

''(iv) pain management with respect to asbestos-related diseases;

''(C) offer to asbestos-related disease patients travel and lodging assistance as necessary—

''(i) to accommodate the maximum number of patients practicable; and

''(ii) to serve a number of patients at the center sufficient to conduct a meaningful clinical trial;

''(D) seek to collaborate with at least 1 medical center of the Department of Veterans Affairs to provide research benefits and care to veterans who have suffered excessively from asbestos-related diseases, particularly mesothelioma; and

''(E) coordinate the research and treatment efforts of the center (including specimen sharing and use of common infomatics) with other entities included in—

''(i) the Network; and

''(ii) the National Virtual Mesothelioma Registry and Tissue Bank.

''(3) PERIOD OF INCLUSION.—A center selected by the Director of NIH under this subsection shall be included in the Network for—

''(A) the 1-year period beginning on the date of selection of the center; or

''(B) such longer period as the Director of NIH determines to be appropriate.

''(d) GRANTS.—The Director of NIH shall provide to each center selected for inclusion in the Network under subsection (c) for the fiscal year a grant in an amount equal to $1,000,000 to support the detection, prevention, treatment, and cure of asbestos-related diseases, with particular emphasis on malignant mesothelioma.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.

''SEC. 417G. DEPARTMENT OF DEFENSE RESEARCH.

''(a) IN GENERAL.—The Secretary, acting through the United States Army Medical Research and Materiel Command, shall support research on mesothelioma and other asbestos-related diseases that has clear scientific value and direct relevance to the health of members and veterans of the Armed Forces, in accordance with the appropriate congressionally directed medical research program, with the goal of advancing the understanding, early detection, and treatment of asbestos-related mesothelioma and other asbestos-related diseases.

''(b) ADMINISTRATION.—The Secretary shall carry out this section in collaboration with—

''(1) the Director of NIH;

''(2) the Director of the National Institute of Occupational Safety and Health; and

''(3) the head of any other agency, as the Secretary determines to be appropriate.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each fiscal year thereafter.''.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank all of my colleagues in the Senate for taking a moment this afternoon to pass a very important piece of legislation. What the Senate did was pass the Ban Asbestos in America Act of 2007. This is a piece of legislation I have been working on now for almost 7 years.

When I heard about Americans and people who were dying from asbestos, I thought to myself, my gosh, I thought asbestos was banned many years ago. How can this be?

Well, the fact is asbestos has never been banned. In fact, today 2,500 metric tons of asbestos are being imported every year. It is in products such as hair dryers, ceiling tiles, it is in brake pads, and over 3,000 other products Americans are using and being exposed to every day.

I began, with Senator Paul Wellstone, 6 years ago to try and pass this legislation. Of course, I lost my friend Senator Wellstone in an airplane crash. I thought to myself: Wow, how am I ever going to get this out of the Senate without his passion?

Well, I was very fortunate because I found another partner who was just as passionate, and he is here with us today, Senator ISAKSON from Georgia, who took up this banner with me, who has worked this bill through every way possible, because he too looked in the eyes of those families who were losing loved ones, members of their families today, because asbestos was exposing them to deadly diseases, and they were dying of mesothelioma.

I could not have done it without him. I thank him from the bottom of my heart for working this bill through every nook and cranny, every difficult challenge we have had, every difficult sentence.

For anybody out there who thinks legislation passes without anybody looking at it, we can tell you that every ''T'' has been crossed, every ''I''

has been dotted, and this legislation, when it passes, is going to make a real difference in the lives of Americans.

I thank Senator BOXER, the chair of the EPW Committee, who, when she heard us working on this bill 7 or 8 months ago now, said: Senator MURRAY, Senator ISAKSON, this bill is in my jurisdiction. I am going to work with you to get it passed. She has worked every single day through all of the challenges we have had, to this moment now, and what a moment it is.

When I began this battle, I began it with two men I met who were dying of mesothelioma as a result of being exposed to asbestos: Fred Biekkola and Brian Harvey. I told them I would stand with them every step of the way until this bill was passed, sent to the President, and signed into law.

I lost both Brian and Fred, because they died of mesothelioma. But I have met many others along the way too. Today I stand here on the floor of the Senate and I tell everyone, when you believe in something, and you work hard, and you find good people to work with you, you can make a difference.

Because of the Freds and the Brians and the many other people I have met, and my great colleagues on the floor of the Senate, today we are making a difference. We are well on our way to banning the use of asbestos.

It goes now to the House. We are working to make sure the House gets this passed and to the President's desk. I can tell everyone in America, when that bill is signed, we will no longer be exposed to the importation and use of asbestos in this country. You can pick up your hair dryer, or know that the ceiling tiles you buy, or the brake pads that are in your car, or the mechanic who is exposed to it accidentally will no longer be exposed to it, and we will have made a major step forward in the health of all Americans.

I thank Senator ISAKSON, Senator BOXER, Senator INHOFE, all of the people who have worked with us. But as we all know, we are doing this because we want America to be a safer place. I thank everybody for this major step forward.

I yield to my colleague who has worked so hard with me on this.

Mr. ISAKSON. Mr. President, today this body will pass comprehensive, bipartisan legislation to permanently ban the production, manufacture, and distribution of asbestos, a deadly carcinogen that is still legally used in the United States.

It was my honor and pleasure to work with Senator MURRAY on this legislation. I have nothing but the highest regard for the Senior Senator from Washington State. The Senator and her staff have worked tirelessly on this issue for several years, and I am eager to continue to work with her to assure passage of this important legislation.

We also received invaluable cooperation and assistance from the Chair and Ranking Member of the Environment and Public Works Committee, Senators BOXER and INHOFE.

When inhaled, asbestos is known to cause diseases including mesothelioma, a cancer that occurs when malignant cells develop in the protective lining around the lungs. Despite this hazard, the substance is not banned.

The EPA initially proposed a ban of most asbestos-containing materials in the late 1970s. The rule was not finalized until 1989. Only 2 years later, however, the Fifth Circuit struck down the rule, finding that the EPA had ''failed to muster substantial evidence'' in support of the ban.

Today, the U.S. consumes about 2,000 tons of asbestos yearly, down from almost 800,000 tons consumed in the mid–1970s. Our bill will establish a permanent ban of asbestos that will be enforced by the Environmental Protection Agency.

The bill also mandates the most thorough Government study of asbestos to date. The study will ensure the best experts from the National Institute of Occupational Safety & Health, the National Academy of Sciences and the EPA examine all aspects of asbestos, including its natural properties, its geographic distribution across the United States, and its effects on the human body.

The bill also calls for a national mesothelioma registry and a public information campaign about the hazards of asbestos-containing materials.

For the few areas where asbestos is still used in the United States, this bill provides narrow exemptions or reasonable transitions to other alternatives.

This bill is the culmination of months of bipartisan work to find common ground on this issue. With a sweeping bill such as this one, many issues were difficult to resolve.

One difficult issue to resolve involved the treatment of nonasbestiform minerals. These so-called ''cleavage fragments'' are minerals that appear naturally and more abundantly than asbestos, are in land and dirt and are mined all across Georgia and in significant areas of the Nation. They are similar to asbestos in chemical makeup but differ significantly in structure and many other respects. The Federal Government has in the past through two decisions—one by OSHA, 1992 rulemaking, and one by CPSC, 1988 decision—spoken to the lack of health risk from nonasbestiform minerals, and many published, peer-reviewed studies confirm those findings.

Our bill makes no presumption as to the health effects of nonasbestiform minerals but rather enlists the Nation's best scientists to study nonasbestiform minerals and elongated mineral particles, a term that includes, but is not limited to, asbestos and other biopersistent elongated mineral particles. It will be important in these studies to both differentiate these minerals according to the asbestos-related health risks, and distinguish between these minerals as they are identified in the natural, mixed dust environment.

Asbestos, the path of its deadly health effects, the identification and differentiation of asbestos from other minerals especially in the natural, mixed dust environment, are all complex areas of science and it is time for the Federal Government to pool its expertise scattered among a half-dozen agencies, to better understand the risks and how to properly identify the fibers of risk.

Senator MURRAY is to be complimented for her skill in crafting a bill that provides what we intend to be a level playing field that will produce a better understanding of the why's and how's of life-threatening exposure to asbestos, how to accurately identify and measure it in the natural and mixed dust environments, and how to separate it from common everyday dirt and rocks critical to farming, homebuilding, construction and our everyday society.

Our bill provides for research by Government agencies including the world-renowned National Academy of Sciences, calling on their input into their input into the Federal studies, to assure peer review and consideration of the best science and studies available. It is essential that we bring the best science possible to bear on this most important issue.

Another difficult issue involved asbestos-based filters used in the production of chlorine. Our bill includes a reasonable compromise that protects the safety of the workers at these facilities and empowers the EPA to review the installations to ensure that the filters pose no unreasonable risk to workers.

Lastly, I want to commend the hard work of our staff on this issue. Specifically, Bill Kamela with Senator MURRAY, Mary Anne Dunlap with Senator INHOFE, Grant Cope with Senator BOXER, Ed Egee from my staff, and Colin Campbell with the Office of Legislative Counsel.

Banning asbestos is simply the right thing to do. This bill provides the framework for how this country must go about achieving this goal. I plan to work with my colleagues on both sides of the aisle to see it to the President's desk.

Mr. President, I thank the distinguished Senator from Washington, Mrs. MURRAY, for her kind remarks.

But I tell everyone in this Chamber and everyone who reads about this event, without her championing this issue over the last 7 years, it would not have happened. She has been a marvelous champion on behalf of those who have suffered from asbestos-related diseases, in particular mesothelioma.

I have watched her encounter countless hurdles on what is a very complex issue and a very complex piece of legislation. She has done a marvelous job. Her staff member Bill Kamela has been a tremendous help, as has my staff member Ed Egee. It would not have happened without the two of them.

As was mentioned by Senator MURRAY, Senator BOXER has been the real champion and given us the platform, the framework, and the latitude in the

committee to work this through this day.

When I entered the Congress in 1999, I had the privilege of meeting a gentleman by the name of Bruce Vento, a Congressman from the State of Minnesota. I only got to know Bruce for a short period of time, because a couple of years later his life was taken by mesothelioma. That was my first experience with it. His wife Sue has been an advocate, in countless appearances before the Congress, working toward a ban on asbestos. Today in Washington, Renee Hansen from my State of Georgia, Watkinsville, who suffers from mesothelioma, is here today by chance advocating on behalf of those who suffer from that dreaded disease, and seeking the Congress of the United States to take the action this Senate has just taken.

This country started 37 years ago by banning asbestos. But through court cases, through regulatory rulings, the ban never took place. Although the use of it has been restricted, as was stated by Senator MURRAY, it is used in countless products. This bill puts an end to asbestos. In those narrow exceptions of national defense, the space program, and a chlorine filter in a contained filter system, those are grandfathered, but with a system where they go out of business as replacements that can substitute for them come in.

Instead of taking legislative descriptions, we took scientific evidence and declared scientific studies in the future to make the determinations to see to it that Americans are no longer exposed to life-threatening fibers known as asbestos.

It has been a privilege for me to work on many things in my legislative career, both back in Georgia and in the Congress, but I do not know that I have ever had a more rewarding experience than looking in the eyes of those whose families and lives who have been touched by mesothelioma, and tell them the Congress today is going to do something about banning asbestos and take the step that is long overdue.

I am very proud to have walked in that march with Senator MURRAY and with Senator BOXER. I thank Senator INHOFE and his staff for their cooperation, who in the end made all of this possible.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, before Senator BOXER speaks, I want to thank all of my staff who have been involved in this. I will insert their names in the RECORD. Bill, Crystal, Alex, in my press shop, Mike, Pete, previous staff members have put in countless hours on this. Without them we would never do this. I certainly know that working with Senator ISAKSON's staff and the staff from EPW and Senator BOXER's staff. It takes a lot of people to get something done. A tremendous amount of people have worked on this. I thank them. Because of their work, we are going to ban asbestos, we are going to dramatically expand research and treatment, and we are going to launch a public education campaign so all Americans understand how they can protect themselves from the deadly asbestos products that may be in their home.

With that, I thank our chairwoman.

The PRESIDING OFFICER. The Senator from California.

Mrs BOXER. Mr. President, I thank the Senator from Maryland for allowing us these few minutes to mark a very, I think, emotional moment for all of us and a very important moment for the health and the safety of the people of our Nation.

The work of Senator MURRAY, that of Senator Wellstone in the past, and that of Senator ISAKSON, cannot be overstated. Because when the book is written on how a bill becomes a law, what you learn is that on something that has just a hint of controversy to it, you have to go through so many hurdles and so many late-night meetings and so many hours, and that is why the staffs deserve so much credit. In the Environment and Public Works Committee, Bettina Poirier, Grant Cope, and Erik Olson are very important, and from the HELP Committee, Bill.

Let me say, many countries have banned asbestos. As Senator MURRAY said, if you would ask a person in the street: Is asbestos banned? They would say, yes. But there was a court case many years ago which overturned that ban. So we have seen a tremendous amount of asbestos in the workplace, in consumer products, and the like. We still have more work to do. We have to get this through the House. We think there are friends in the House, remembering the wonderful Congressman Vento whom Senator ISAKSON mentioned, in his memory.

Certainly we feel very good that the beloved Congressman will get this honor after his death. We want to say, his wife has been an extraordinary person in pushing this through.

Today Senators MURRAY and ISAKSON got a standing ovation from the men and women who are suffering either from mesothelioma or their families who were there representing them or some whose families are here, although their loved one has perished. In this press conference I read a poem written by a beautiful woman, a Californian who lost her husband, and her agony as she watched her husband literally disappear before her eyes. I met a woman today whose son died at age 33 from mesothelioma. They can't figure out exactly where the exposure came from. I saw his picture when he was 31, a vibrant, beautiful young man, his emaciated face, still handsome a couple years later, and then he was gone. This bill is so important, that we join the nations of the world who have already banned asbestos and say, there are moments here you feel proud of, you feel kind of proud of, you feel not so proud of. Today I am so proud of my colleagues. The day I learned I had jurisdiction over this matter in committee was a joyful day for me, because I knew we could pull it off because we had JOHNNY ISAKSON on the Republican side who would take the lead. We worked across party lines. And to PATTY MURRAY, I would say: There is a snag, call JOHNNY. And they would talk.

So we are here this day. It is emotional. It is a wonderful moment. I congratulate Senators MURRAY and ISAKSON. I am so proud I was in the right place at the right time to help them.

The PRESIDING OFFICER (Mr. WEBB). The majority leader.

Mr. REID. When I went to law school, I can only remember one woman in my law school class. I went to George Washington. It was a large class. Women didn't go to law school much in those days. A few years later, I took the bar. It was a small group of men studying for the bar in Nevada. There may have been a couple women, but that was it. When I came to the Senate, MIKULSKI was the woman. She still is. Since that time, we have had the good fortune of having a significant number of women elected to the Senate. Fortunately, most of them are on this side of the aisle. The Senate is a much better place because of women being here. The legal profession is a better profession now because of women being in it. Because as much as we joke about it, men and women are different. They think differently. I can testify to that as a result of having served in the Senate with a meager number of women and now with a significant number. The Senate would only be better if there were more women.

I extend my appreciation to PATTY MURRAY, a woman of great stature, somebody who has persevered on an issue that when she started it, she was alone. She stood up during our battles we had here in recent years on asbestos liability, with her eyes pointed toward one thing this country should do, and that is not allow the importation of asbestos. That now has happened.

BARBARA BOXER, a kind, thoughtful person she is, with a heart as big as anybody's heart in the Senate. I knew from the very beginning this was something she wanted to do as chairman of the Environment and Public Works Committee. It has been done.

JOHNNY ISAKSON is a conservative Republican from the State of Georgia. But he is a person who is mindful of the need to work together and get things done. I so admire his ability to work across party lines. As tenacious and hard working as these two women I have mentioned are, it couldn't have been done without Senator ISAKSON. This is a very important day.

I can remember so clearly Bruce Vento. Two examples, then I won't take any more time of Chairman MIKULSKI. I was a brand new House member, walking across Independence Avenue. He said: You should have a national park in Nevada. Because of him,

we got a national park in Nevada. The Great Basin National Park is in Nevada. Bruce Vento pointed me in the right direction and that is what we did. The most significant legislation I have ever offered has been something in Nevada we call a negotiated settlement which involved two endangered species, two Indian tribes, 100-year water war between the States of California and Nevada. Wetlands had dried up from 100,000 acres to probably 1,000 putrid areas. It involved irrigation districts, the cities of Reno and Sparks.

Bruce Vento was on the floor in 1993, and by unanimous consent in the House worked his magic. It was late in the session, and it was the next to the last thing that passed that session. As happens over there late at night when they are trying to get things done, there was a lot of confusion going on, but he got it done.

This is a wonderful day for the American people. We will get this through the House and this will be signed by the President. I feel so happy that this is done for so many different reasons.

Mr. LEAHY. Mr. President, I commend Senator MURRAY for her efforts to end the use of asbestos in the United States. America should join the more than 40 other countries that have banned its use. This is an issue where the devastating health effects of asbestos far outweigh the economic benefits of its continued widespread use. It is surprising to me that there is any significant debate in light of what we know about the deadliness of this substance, and the tremendous suffering of so many Americans.

Nearly 10,000 people die each year from asbestos-related disease. Asbestos is among the most lethal substances ever to be widely used in the workplace. Between 1940 and 1980, more than 27.5 million workers were exposed to asbestos on the job, and nearly 19 million of them had high levels of exposure over long periods of time. We even know of family members who have suffered asbestos-related disease from washing the clothes of loved ones. The ravages of disease caused by asbestos have affected tens of thousands of American families. Given what we know about asbestos, we should not permit the immense suffering its use has caused to continue any longer.

Senator MURRAY's bill is a step in the right direction toward a more comprehensive solution to this problem. I am glad this bill contains provisions for increased research and education concerning asbestos. Preventing future exposure is a good thing, but we must do more to address the terrible suffering that continues in the United States and we owe it to those who have been affected to enact an effective system for their care and compensation.

Although I would have preferred to have retained the more extensive provisions contained in the comprehensive bipartisan bill then-Judiciary Committee Chairman SPECTER and I proposed in the 109th Congress, I believe that if enacted, this legislation will save many lives in the future. We owe it to all Americans to do everything we can to end the use of asbestos and to confront the terrible legacy this deadly substance has left behind.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Before my three colleagues who have accomplished this significant feat leave the floor, I, too, wish to salute them. Dear colleagues, what an emotional day. First, our good friend Senator Wellstone embarked on that with you, Senator MURRAY, many years ago. Paul is no longer with us. His legacy lives on. There is a saying I learned in Catholic girls school: exegi aani perrenius. I will build a monument in lasting bronze. And when one thinks about a monument to Paul Wellstone, the kind of wise guy he was, he wouldn't be a marble guy or want some bronze statue. He would want this as a memorial that others might live. As a Senator from Maryland, my State is a manufacturing State. In my shipyards, there was so much asbestos. To this day, the shipyard workers of Baltimore and Fairfield, Bethlehem Steel, people who built the liberty ships, the ones who helped win the battle of the North Atlantic, the ones who every day would go to work with their lunch pail, now go to the senior citizen meetings carrying an oxygen tank, and not only have they suffered but their spouses suffer. Most of the guys in those days would come home and they would wash their clothes and take care of them. The women were exposed to this as well. It is not only secondhand smoke, but it was secondhand asbestos.

For me today to know that when we talked about better things through chemistry, the answer was yes, but what we did without realizing it was subject our American citizens to such unbelievable pain. So for the guys at the shipyards, we say to Murray, to Boxer, and to Isakson: Anchors aweigh, my boys and girls, anchors aweigh.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleagues and our floor staff on both sides of the aisle who helped us. They know that Senator ISAKSON and I dogged them every single day, every single minute of the way until we got this done. Without their help we couldn't be here either. I will end by saying I have looked in the eyes of too many people who have lost a loved one to a product that contained asbestos because they went to work and didn't know they were being exposed. To all of those people who have stuck with us and worked with us and fought with us—some of them are here in the Senate with us today—we wouldn't be here without you and your passion. Because of that, we are changing the world to a better place.

I thank the Chair.

DEPARTMENTS OF COMMERCE AND JUSTICE AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

Ms. MIKULSKI. Let me tell you where we are right now, because the pending amendment is the Mikulski-Hutchison-Shelby-Nelson, et al. amendment on expanding funding for NASA. We also understand the Senator from Oklahoma, Mr. COBURN, intends to come over rather shortly to offer his amendment. We have had a lot of talk, a little bit in morning business, but we are making great progress. We invite all who might either want to speak on our amendment or in opposition to the NASA amendment, please come to the floor now because we will be moving toward a vote. We are also waiting for the Senator from Oklahoma to come.

I know a lot of time has been used with morning business, but at the same time we are making a great deal of progress behind the scenes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent for a few minutes to speak as in morning business.

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

FREE TRADE

Mr. SANDERS. Let me congratulate Senator MURRAY, Senator BOXER, and Senator ISAKSON for their very important work on this asbestos issue.

What I wish to focus on is a front-page story that appeared in the Wall Street Journal. The headline reads: ''Republicans Grow Skeptical on Free Trade.'' What it says is:

> The new Wall Street Journal/NBC poll posed two statements to voters. The first was, ''Foreign trade has been good for the U.S. economy because demand for U.S. products abroad has resulted in economic growth and jobs for Americans here at home and provided more choices for consumers.''
>
> The second statement was, ''Foreign trade has been bad for the U.S. economy because imports from abroad have reduced demand for American-made goods, cost jobs here at home, and produced potentially unsafe products.''
>
> Asked which statement came closer to their own view, 59 percent of Republicans named the second statement, while 32 percent pointed to the first.

Back to the headline, ''Republicans Grow Skeptical On Free Trade.'' That is the Republicans.

In terms of the Democrats, earlier in the article:

> Other leading Democrats have been harshly critical of trade expansion, pleasing their party's labor union backers. In a March 2007 WSJ/NBC poll, before recent scandals involving tainted imports, 54 percent of Democratic voters said free-trade agreements have hurt the U.S., compared with 21 percent who said they have helped.

So what do we have? We have the overwhelming percentage of Republicans who are now telling us that unfettered free trade is not working for American workers.

We have the overwhelming percentage of Democratic supporters telling us free trade has not been working for the American people. Yet despite those numbers, and a growing consensus among working families in this country, what we continue to see is people in the White House, people in the Senate and the House who keep telling us how great free trade is.

Well, let me be very clear. Free trade is very good for the large multinational corporations who can throw American workers out on the street, move abroad to China and other low-wage countries, hire people there for pennies an hour, and bring their products back into this country. For those people, we concede—for the CEOs of large corporations—unfettered free trade has been a very good thing. But for the middle-class and working families of this country, for working families and poor people in Mexico and in other low-wage countries, unfettered free trade has been an unmitigated disaster.

Now, there are a lot of reasons the middle class in America is shrinking. There are a lot of reasons nearly 5 million Americans have slipped into poverty since George Bush has become President. There are a number of reasons. Certainly, one of the processes by which we as a Nation are engaged in a race to the bottom has been the unfettered free-trade agreements negotiated by the President of the United States and passed by the Congress. And by that I mean NAFTA. I mean permanent normal trade relations with China.

The reality of those trade agreements, plus other economic decisions being made by the U.S. Government, is not just that poverty is increasing, it is that median income for working-age families has declined by about $2,400 since the year 2000. It is that personal savings rates in this country are below zero, and have been below zero for eight consecutive quarters—something that has not happened since the Great Depression.

Unfettered free trade has a lot to do with the fact that over 8 million Americans have lost their health insurance since 2000, and we are now up to 47 million Americans without any health insurance.

Hunger in America is growing. The cost of college education is becoming harder and harder for middle-class families to afford. It is interesting to note that a few months ago, in a poll done by, again, the Wall Street Journal, more than two-thirds of the American people believe the U.S. economy is either in a recession now or will be in a recession next year. That is a poll from August done by Wall Street Journal/NBC News.

In my view, it is imperative that our country trade. Nobody I know of believes we should place a wall around this country. Trade is a good thing. But what we must begin doing is negotiating fair trade agreements that reflect the interests of working families in America, working families in other countries, and not just large multinational corporations and the CEOs who help write these trade agreements.

I just returned the weekend before last from a trip to Costa Rica, where I witnessed something that was really quite extraordinary. Costa Rica will be the first country in the entire world to actually have a referendum to vote up or down whether they want to enter these CAFTA agreements. I have no idea who is going to win that referendum. It looks as if it is going to be very close.

But on one side you have all of the moneyed interests. What I heard is, the ''yeses,'' the people who want that free-trade agreement, CAFTA, are spending 100 times more than the people who are in opposition. You have a media which is almost universally supportive in Costa Rica of this CAFTA agreement.

On the other side you have students, you have environmentalists, you have trade unionists, you have environmentalists, you have an extraordinary grassroots movement such that in a nation of fewer than 4 million people, a week ago, 150,000 people came out in a rally—150,000 in a nation of less than 4 million people—to express their opposition to the CAFTA agreement.

We have—especially with the fact that fast track is no longer in existence—the opportunity as a Congress to begin rethinking our trade policies, to create trade policies which create good jobs in the United States and good jobs in the countries of our trading partners, policies which benefit all of the people and not just the people on top.

So I conclude by saying, if some of my Republican friends think it is just progressives or people who are concerned about the needs of working people on this side who are concerned about trade, I suggest you go to the Wall Street Journal today, and what you will find is the vast majority of Republicans now have serious concerns about our current trade policies because they see those trade policies as being harmful to the middle class and working families of this country.

Mr. President, I ask unanimous consent that the poll from the Wall Street Journal be printed in its entirety.

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

[From the Wall Street Journal, Oct. 4, 2007]

REPUBLICANS GROW SKEPTICAL ON FREE TRADE

(By John Harwood)

WASHINGTON.—By a nearly two-to-one margin, Republican voters believe free trade is bad for the U.S. economy, a shift in opinion that mirrors Democratic views and suggests trade deals could face high hurdles under a new president.

The sign of broadening resistance to globalization came in a new Wall Street Journal-NBC News Poll that showed a fraying of Republican Party orthodoxy on the economy. While 60% of respondents said they want the next president and Congress to continue cutting taxes, 32% said it's time for some tax increases on the wealthiest Americans to reduce the budget deficit and pay for health care.

Six in 10 Republicans in the poll agreed with a statement that free trade has been bad for the U.S. and said they would agree with a Republican candidate who favored tougher regulations to limit foreign imports. That represents a challenge for Republican candidates who generally echo Mr. Bush's calls for continued trade expansion, and reflects a substantial shift in sentiment from eight years ago.

''It's a lot harder to sell the free-trade message to Republicans,'' said Republican pollster Neil Newhouse, who conducts the Journal/NBC poll with Democratic counterpart Peter Hart. The poll comes ahead of the Oct. 9 Republican presidential debate in Michigan sponsored by the Journal and the CNBC and MSNBC television networks.

The leading Republican candidates are still trying to promote free trade. ''Our philosophy has to be not how many protectionist measures can we put in place, but how do we invent new things to sell'' abroad, former New York City Mayor Rudy Giuliani said in a recent interview. ''That's the view of the future. What [protectionists] are trying to do is lock in the inadequacies of the past.''

Such a stance is sure to face a challenge in the 2008 general election. Though President Bill Clinton famously steered the Democratic Party toward a less-protectionist bent and promoted the North American Free Trade Agreement, his wife and the current Democratic front-runner, Hillary Rodham Clinton, has adopted more skeptical rhetoric. Mrs. Clinton has come out against a U.S. trade deal with South Korea.

Other leading Democrats have been harshly critical of trade expansion, pleasing their party's labor union backers. In a March 2007 WSJ/NBC poll, before recent scandals involving tainted imports, 54% of Democratic voters said free-trade agreements have hurt the U.S., compared with 21% who said they have helped.

While rank-and-file Democrats have long blasted the impact of trade on American jobs, slipping support among Republicans represents a fresh warning sign for freemarket conservatives and American companies such as manufacturers and financial firms that benefit from markets opening abroad.

With voters provoked for years by such figures as Pat Buchanan and Ross Perot, ''there's been a steady erosion in Republican support for free trade,'' says former Rep. Vin Weber, now an adviser to Republican presidential candidate Mitt Romney.

One fresh indication of the party's ideological crosswinds: Presidential candidate Ron Paul of Texas, who opposes the Iraq war and calls free-trade deals ''a threat to our independence as a nation,'' announced yesterday that he raised $5 million in third-quarter donations. That nearly matches what one-time front-runner John McCain is expected to report.

In a December 1999 Wall Street Journal-NBC poll, 37% of Republicans said trade deals had helped the U.S. and 31% said they had hurt, while 26% said they made no difference.

The new poll asked a broader but similar question. It posed two statements to voters. The first was, ''Foreign trade has been good for the U.S. economy, because demand for U.S. products abroad has resulted in economic growth and jobs for Americans here at home and provided more choices for consumers.''

The second was, ''Foreign trade has been bad for the U.S. economy, because imports from abroad have reduced demand for American-made goods, cost jobs here at home, and produced potentially unsafe products.''

Asked which statement came closer to their own view, 59% of Republicans named the second statement, while 32% pointed to the first.

ROCKY OUTLOOK

Such sentiment suggests a rocky outlook for trade expansion. Early in his term, Mr. Bush successfully promoted a number of new free-trade pacts, but the efforts have stalled, particularly after Democrats took control of Congress last November.

Even relatively small deals are facing resistance. While trade pacts with Peru and Panama have a strong chance of passing in the current congressional term, deals with South Korea and Colombia are in serious jeopardy. Some legislators believe South Korea isn't opening its market wide enough to American beef and autos.

'FAST TRACK'

Presidential ''fast track'' trade negotiating authority has lapsed. Without such authority, which requires Congress to take a single up-or-down vote on trade deals, the next president would have trouble pursuing large trade agreements, particularly the stalled global Doha Round.

Julie Kowal, 40 years old, who works in a medical lab and is raising five children in Omaha, Neb., said she worries that Midwestern producers face obstacles selling beef and autos abroad. ''We give a lot more than we get,'' she said. ''There's got to be a point where we say, 'Wait a minute.' ''

Beyond trade, Republicans appear to be seeking a move away from the president. Asked in general terms, a 48% plurality of Republicans said the next president should ''take a different approach'' from Mr. Bush, while 38% wanted to continue on his path.

In the poll, Mr. Giuliani maintained his lead in the Republican field with support from 30% of respondents. Former Sen. Fred Thompson drew 23% in the survey, to 15% for Sen. John McCain, 10% for Mr. Romney and 4% for former Arkansas Gov. Mike Huckabee. The telephone survey of 606 Republican voters, conducted Sept. 28–30, has a margin of error of four percentage points.

A clear majority of Republicans want more tax cuts, but among Republicans who identify themselves as moderate or liberal—about one-third of the party's primary voters—a 48% plurality favored some tax increase to fund health care and other priorities.

In part, the concern about trade reflected in the survey reflects the changing composition of the Republican electorate as social conservatives have grown in influence. In questions about a series of candidate stances, the only one drawing strong agreement from a majority of Republicans was opposition to abortion rights.

Post-911 security concerns have also displaced some of the traditional economic concerns of the Republican Party that Ronald Reagan reshaped a generation ago. Asked which issues will be most important in determining their vote, a 32% plurality cited national defense, while 25% cited domestic issues such as education and health care, and 23% cited moral issues. Ranking last, identified by just 17%, were economic issues such as taxes and trade.

John Pirtle, a 40-year-old Defense Department employee in Grand Rapids, Mich., said he drifted toward the Republican Party in large part because of his opposition to abortion, but doesn't agree with the free-trade views of leading candidates.

''We're seeing a lot of jobs farmed out,'' said Mr. Pirtle, whose father works for General Motors Corp. Rankled by reports of safety problems with Chinese imports, he added, ''The stuff we are getting, looking at all the recalls, to be quite honest, it's junk.''

BUSH'S VETO

Mr. Bush lately has sought to elevate the importance of economic issues. Yesterday he vetoed a bill passed by Congress that would expand funding for a children's-health program by $35 billion over five years. He slammed what he described as the Democrats' tax-and-spend approach during a speech in Lancaster, Pa.

Economic advisers to Republican presidential hopefuls acknowledge the safety scandals have made defending free trade more difficult. ''Americans are right to be angered at companies that take shortcuts'' in importing goods, said Larry Lindsey, once the top economic aide in the Bush White House and now an adviser to Mr. Thompson's presidential bid. ''The next president has to promote free trade by playing hardball, and to be seen doing so.''

In the Republican campaign so far, elevating populist trade concerns has been left to the long shots. ''The most important thing a president needs to do is to make it clear that we're not going to continue to see jobs shipped overseas. . . . and then watch as a CEO takes a $100 million bonus,'' Mr. Huckabee said at a debate earlier this year. ''If Republicans don't stop it, we don't deserve to win in 2008.''

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. 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. 3250

Ms. MIKULSKI. Mr. President, to those who might be watching the actions of the Senate in either the gallery or on C–SPAN—because we do function in an open and transparent way—they might wonder: What is going on there? Well, I will tell you what is going on. We are debating the appropriations subcommittee report that funds all of the Commerce, all Justice, and good, significant aspects of America's science programs—the National Science Foundation, the space agency, the agency that does research on oceans.

In the course of debating this appropriations bill, there have been others who have asked to speak on other matters. When you see the Chamber is empty, what we are doing is clearing amendments offered by our colleagues. We are waiting for another colleague to come to offer an appropriations amendment. For us, we are trying to make sure America remains premier in space.

I will reiterate, the Mikulski-Shelby-Hutchinson-Bill Nelson-Mel Martinez bipartisan amendment is to restore the funding that it took when the Columbia accident occurred to return our astronauts to space safely and swiftly.

I will elaborate on that later, but I note the Senator from Rhode Island is here, who also wishes to speak on the amendment, as does the Senator from Louisiana.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I am here today to speak on the Commerce, Justice, and Science appropriations bill, and I begin by thanking the chairman of the committee, Senator MIKULSKI, and the ranking member, Senator SHELBY, for an extraordinarily well-crafted appropriations bill which responds to the needs of the country and responds particularly to those areas which were neglected in the initial submission by the President.

This bill will protect our citizens and support law enforcement, which is a critical aspect of our engagement to provide security and safety for all of our citizens. It will strengthen America's competitiveness in the global economy. And it will also go a long way to begin to properly husband and conserve our oceans and coastal communities.

Once again, let me commend Senator MIKULSKI and Senator SHELBY for a job well done. I hope as we go forward the President will work with the Senate and the House to enact this legislation, to sign it, to fund it appropriately, and to continue to strengthen our country in so many different ways.

This bill will restore $1.5 billion in funding cuts to State and local law enforcement programs. We have seen, shockingly in my mind, an increase in the statistics of violent crime in this country. That tears at the fabric of every community in America. We need these funds. I am pleased to see the chairman and ranking member respond to that need by providing additional resources.

Since 2001, budgets for these law enforcement programs have been decimated, and many in law enforcement believe these cuts have contributed to this very rise in violent crime. To reverse this troubling trend, the bill provides $2.66 billion in funding for the Office of Justice programs, which includes Justice assistance, State and local law enforcement assistance, community-oriented policing services, and juvenile justice programs.

The $550 million for the COPS Program will help local law enforcement agencies combat crime and respond to terrorist threats. There is another dimension. When we enacted the COPS Program years ago, we were thinking of law enforcement at the local level simply being an agent to stop those perpetrators of crime. Now we have to deal, and they have to deal, with terrorists, and they have to be prepared to do that.

In Rhode Island, the COPS Program has provided nearly $30 million in Federal funding and helped over 395 police officers—it has helped that many—since its inception. We would have literally hundreds of police officers absent from their place on the streets of Rhode Island if this program had not been adopted, and if this bill does not continue to support it. I have been pleased to be a cosponsor of Senator BIDEN's amendment, which I think was one of the foundations of the proposal we see today in the appropriations bill.

This bill also provides $7.35 billion for the Department of Commerce. This is a diverse agency. It has a significant impact in Rhode Island. It supports, in Rhode Island, ocean exploration. We have the University of Rhode Island School of Oceanography, which is one of the best in the country, and it depends significantly on support from NOAA and the Department of Commerce. Coastal protection: We are the ''Ocean State.'' We have, per area, the longest coastline of any State in the country. We have a fisheries program. We are an active fishing state, and we need that help and support.

I am excited about the opportunities, particularly for increased research with respect to our oceans. Oceans, through fishing, through transport, through recreation, contribute an estimated $120 billion a year to our economy, and they support over 2 million jobs. Yet we do very little to research the ocean. We do little to stimulate aquaculture, commercial fishing, tourism—all of these things which are huge economic drivers to our economy in Rhode Island and in many parts of the country. This bill will begin to pick up the pace when it comes to supporting these important endeavors.

There is a Joint Oceans Commission that has been charged with looking at oceans policy, and they have given our country a grade. In 2006, it was a C-minus. It was a little bit better than 2005—that was a D-plus—but we want to get A's when it comes to ocean policy. That means supporting this legislation and putting the money in to help NOAA particularly. This bill provides $4.2 billion for the National Ocean and Atmospheric Administration, including $795 million to fund the Joint Ocean Commission's recommendations for ocean research, education, observation, and exploration.

Let me commend again Senator MIKULSKI and Senator SHELBY for making this a part of this important legislation. The world is basically covered by ocean. We spend a very small fraction on ocean research relative to major research programs for the atmosphere, for space. We have to start looking within the oceans, not only for scientific answers but for commercial opportunity.

The bill also strengthens U.S. innovation and competitiveness. Following the recommendations of the National Academy of Science's report ''Rising Above the Gathering Storm,'' the bill invests in research and technology that will pay dividends for our future. Specifically, the bill provides over $5.1 billion for basic research through the National Science Foundation, including $117.5 million for the Experimental Program to Stimulate Competitive Research—the EPSCoR Program. This EPSCoR Program has been very critical in my home State of Rhode Island. It has provided a partnership between the Federal Government, academic agencies, schools, universities, and State government to stimulate research. It is a valuable catalyst for research going forward.

Now, with more than 50 percent of NSF's funding going to seven States, this EPSCoR Program makes sure that the other States—the other 43 States—get a little attention and a little cooperation and a little support. It is incredibly important to Rhode Island, and I particularly thank the chairman and the ranking member for their support.

Let me mention something else about NSF funding, something else about research funding. It is not just the foregone experiment, the foregone program research; without robust funding for the National Science Foundation and other areas of academic endeavor, we are losing a whole generation of researchers, of academics.

I went to the laboratory at Brown University, the neuroscience lab—terribly sophisticated, doing remarkably good work. I talked to a young researcher, a Ph.D., a woman in her early thirties. She said not only did she need additional support, but she looked back at her class of Yale graduates, Ph.D. scientists, and she is the only one of about seven of those Ph.D.s from Yale who has the money to do the research. She pointed out that if you don't get that money at 30 years old to do this fundamental research and establish yourself, you will not get tenured at 39, and as a result, you quickly decide you are leaving the field. You can go to a pharmaceutical company; you can go to an investment bank and use your skills in terms of analyzing portfolios and investments. You won't be doing basic research, expanding the knowledge, teaching other scientists and other young students. That is what is so critical about this, in addition to simply making sure we continue to do the research, and I thank my colleagues for their support.

Let me also mention another program, and that is the manufacturing extension program. All of my colleagues, without exception—and I include myself—come to the floor and talk about the decline of American manufacturing, the fact that we used to have, particularly up my way in the Northeast, communities that revolved around manufacturing plants at every corner. Growing up in Rhode Island, when you drove through communities such as Pawtucket in the 1950s on a Saturday, all you could hear was click, click, click. Those machines were working overtime. There was no air-conditioning; the windows were open until 11 o'clock at night. It is silent there now. We are losing manufacturing.

This manufacturing extension program is the only real money we put in to directly aid manufacturing. It gives them new techniques, new technology. It gives them suggestions about how they can be competitive on a global basis. It helps the small manufacturer. It is critical. It is the last support for many of these individual companies, the last support they get to face a very competitive world. I again appreciate so much how this money has been included in this appropriation.

This bill also provided $283 million to the Economic Development Administration. EDA is one of those critical agencies of the Federal Government that will allow local communities to fulfill their plans for local economic development. We have used this program repeatedly to jump-start progress at the local level. They have gone in and they have funded, and they have a rather wide mandate that they can justify as economic development, but they have funded programs that have allowed investments by States and cities and private entities to really give us a leg up in terms of providing employment, providing new economic opportunities for my communities in Rhode Island. Again, it is a very valuable agency.

Of this funding, $15 million is for trade adjustment assistance for firms, and this is targeted to medium-sized manufacturers and agricultural companies that experienced loss from foreign imports.

Again, related to the struggle of our manufacturing companies, we are seeing so much that used to be produced in America is now imported, and what is lost in the balance is many jobs, and this money will help, at least a bit, to ease that transition. It allows people really to retool themselves for a new economy. It gets them off the unemployment rolls more quickly than otherwise and gives them something more important than just a check; it gives them new hope. For many of my constituents, it is particularly distressing when you reach midlife, you have worked very hard, you got out of high school in the 1960s and thought you could have a whole career based on a high school diploma, and guess what. Now the company is gone. You have to have new skills. Where are you going to turn? This helps these individuals, not just with the monetary compensation, not just with a little bit of assistance, but with a new hope that they can get on with their lives. It is very important.

So much of this bill is commendable, and it is the work of not only the hands but the hearts of both Senator MIKULSKI and Senator SHELBY that have made this such a worthwhile piece of legislation. I am proud to support it. I hope we can move it forward quickly, and I hope the President will sign it. I believe it will be a victory for all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, let me associate myself with the remarks of my colleague, the Senator from Rhode Island. He has raised several important initiatives: the ocean initiative, basic research and development, the disparity between some of our research dollars to a few universities and

leaving out so many other good and fine universities, and many of those universities in the South. It has been a program where I have supported more equitable funding. We are proud of our southern universities. I know the Senator from Alabama most certainly is. That is one way his bill, along with the Senator from Maryland, is helping many of our universities.

I rise today to give support to the amendment that is under consideration now, the $1 billion amendment to add funding to the NASA budget. When people think about New Orleans and Louisiana, they think about good food and Mardi Gras and fishing and maybe even wetlands and other things, but they might not think of space and space programs and high tech, but we are all of the above.

In New Orleans east, particularly, there is a great national asset called Michoud, which has been there since 1961, which has done some of the basic research and manufacturing for the space program, which also has parts, of course, in Texas and in Houston, in Huntsville, AL, where I have had the pleasure of visiting, in parts of Florida and along the gulf coast of Mississippi. Senator MIKULSKI honored me and honored our State by coming to visit the Michoud facility several years ago and walked through—actually, I think we might have skated or rode carts through.

Ms. MIKULSKI. If the Senator will yield, I have been on thin ice, but I didn't skate.

Ms. LANDRIEU. The Senator was not on skates—strike it from the record—but we were on carts, and some people were on bicycles because this facility is so large. It is 43 acres under roof, air-conditioned, employing 4,000 people, committed to our space program.

Right down the road in our neighboring State of Mississippi, there are another 4,000 people employed at the Stennis Space Center—of course, named after our former colleague, Senator Stennis himself.

But the reason I bring this up is not only because this is important to Louisiana and to the gulf coast area of Mississippi and to the State of Alabama, our sister States, but it is important to the Nation. When the Columbia accident happened, as the leaders have so eloquently said, NASA had to scramble and take a lot of money from other parts of its budget to cover the battle back to space, to support back-to-flight missions. We have not ever reimbursed them appropriately for that. Their program is quite challenged because of it. So that is why this amendment is so important. It is a great boost to the rebuilding of our region.

Let me say, for the employees at Michoud, they have been back at work even though they had no houses in which to live. They were back at work building levees around this facility even though there was water all around. They kept this program and this building open and operating, and there was not a stop, even during some of the worst parts of this storm. That is how committed this workforce is to this program.

So I want to support this amendment. I thank the Senator for her leadership, and I am proud to be a cosponsor of the $1 billion amendment to add much needed revenue to the NASA budget. Again, I am very proud of this work in New Orleans Parish, in St. Tammany Parish, as well as along the gulf coast of Mississippi.

If I might, before I yield the floor, also thank the leaders of this committee for already approving an amendment I offered, and it has been accepted by voice earlier today. It is a small amendment, but I actually think it can help in a very timely situation in the country right now.

As my colleagues are aware, we have had a terrible series of events in Louisiana commonly referred to as the Jena 6. There have been many allegations made on all sides about events that occurred on and off the school grounds in Jena, LA, a small town I represent.

Looking into the situation and talking with many people involved, it came to my attention that there were really very little resources that the Federal Government had to bring to bear early on that could have potentially avoided some of the conflict that occurred, some of the attention that rose up about these incidents.

The more I looked into it, the more I became concerned because I found out that the Community Relations Service does exist within the Department of Justice. The service's mission, when appropriate, is to serve as a mediator during and after periods of racial tension in our country. This was created some years ago. I read its mission and its statement, and it seems as if that would be a very good way for us to spend a very small portion of money that is allocated to help because, of course, the American dream is for all of us from different races to be able to live and work together and to prosper. It has not really been done in any other country as well as it is being done here in the course of human history, so it is something we should be proud of, although we do have problems. But we need all parts of our Government coming forward and committing to making this happen.

It occurred to me—and I learned—that this is a very excellent service. The problem was, there were only three people employed in the service for the 31 million people who live in New Mexico, Texas, Louisiana, and the two other States in our region. So it occurred to me that it might be a good use of taxpayer money to add some money to this Community Relations Service, specifically directing some of the new hires to this region, to keep money in the field—not here in Washington but pushed out into the field so when these incidents happen, maybe a well, trained mediator from the field could show up, work with the community leaders, work with the attorneys general, maybe work with some local elected officials, and prevent some of the harsh things that were said and done over the course of this time.

This is in no way saying who was right and who was wrong. I think it is a very good service that our Justice Department could do. I was pleased to offer this amendment. I understand it has been accepted. It will be most certainly a help to us as we try to reconcile and heal this community, Jena and LaSalle Parish in Louisiana, and bring the community back together after a series of very unfortunate events.

Finally, let me say I thank the Chair, and I can either call up now—or it can be accepted later—another amendment regarding the COPS Program, which will help some of the disaster areas that are still struggling with law enforcement challenges. If it is appropriate, I think both sides have cleared this amendment No. 3223.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. Mr. President, there is no objection to this amendment.

AMENDMENT NO. 3223

Ms. LANDRIEU. Mr. President, I call up amendment No. 3223 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3223.

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

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

The amendment is as follows:

(Purpose: To waive certain matching requirements for counties and parishes in which the President declared a major disaster in response to Hurricane Katrina of 2005 or Hurricane Rita of 2005)

On page 57, line 23, after ''Office:'' insert the following: ''*Provided further*, That the Attorney General shall waive in whole the matching requirement under section 1701(g) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(g)) for any grant recipient located in a county or parish in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) in response to Hurricane Katrina of 2005 or Hurricane Rita of 2005:''.

The PRESIDING OFFICER. Is there further debate?

Ms. MIKULSKI. There is no objection to the Senator's amendment on either side of the aisle.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3223) was agreed to.

Ms. LANDRIEU. Mr. President, I thank the leaders for their work on this bill and for continuing to support NASA, as we clean up our criminal justice system and bring some reconciliation to Jena and LaSalle Parish.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I thank the Senators for the cooperative way in which they have worked with us. I also wish to comment on Senator LANDRIEU's amendment that was accepted, which eliminated a copay for a matching portion for the COPS Program in areas that don't have the money to match. It is a smart thing that we are doing. It is right. It will come to an end at some time, but until they get back on their feet, we ought to do it.

I wished to spend a few minutes talking about the bill overall. I think even though the chairwoman and ranking member have done a great job with the bill in terms of priorities, I am concerned at the overall spending level, and I think the administration probably will be too. Inflation, last year, was less than 3 percent. In title I, the Commerce portion of the bill, it grows by 13.88 percent, which is 4½ times the rate of inflation. In title II, the Justice portion, it grows 6.1 percent, which is over two times the rate of inflation. In title III of the bill, in the Science portion, it grows by 8.1 percent over last year's actual appropriation, which is almost three times what the rate of inflation was.

That probably would not be a problem if we didn't borrow $454 billion from our kids last year. It would not be a problem if everybody else had an 18-percent or 13-percent or a 10-percent increase. But the fact that this bill has grown this much says we are going to go down the road again of borrowing additional money.

This is a rationalization, and I admit it. What we are doing is funding this increase this year on the backs of our grandchildren, because if it goes through this way and coming out of conference, and if the President signs it, the increase in spending for the Commerce, Justice, and State Departments will come on the back of future payments of debt for our kids.

The contrast I wish to show is that the average family's income rose less than 4 percent last year. Their taxes aren't going to rise much more than 4 percent, but the taxes on their grandkids are going to rise disproportionately more than that, probably 12 or 13 percent, because we cannot get hold of this Government. That is no reflection on the leaders of this committee. They are given a number, and they have requests out the kazoo from individual members. They have programs that need to be funded, which is very different than the administration. I didn't compare it to the administration's request. I compared it to what we approved last year.

I think it behooves us to look at the overall growth in this bill, and if you applied it to the rest of Government, we grew the Government by about $700 billion this year. We cannot do that. We cannot do it. So I have asked for a recorded vote on the bill because I want to be recorded as voting against this appropriations bill—not because it is not important to fund these items but because we cannot continue to have these kinds of increases in funding when we have grown the Government by 62 percent over the last 7½ years. That does not count Medicare and Medicaid spending. So I wanted to make that point.

I have a couple of amendments, again, which are directed at directed spending—what we call earmarks. The programs are not bad programs—the very things I am going to outline that I think we ought to transfer money from to something else. But I think people will have a tough time justifying spending on these programs, these directed earmarks, when we should not be spending as much as we are and could be spending it on something that would give us better value for the dollars we spend.

I ask unanimous consent to bring up amendment No. 3243 and make it pending.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. Mr. President, reserving the right to object, as I said to the Senator, the Senator has every right to bring that amendment up. We are looking at it and trying to come up with a UC. Maybe we can get to your two amendments and we can vote back to back.

Mr. COBURN. I am absolutely fine with that. I will take no more than probably 25 minutes on both of these amendments. I ask unanimous consent that I be given 25 minutes to cover both of the amendments, reserving the remainder of the time if I don't use it, and allowing any opposition the same amount of time, and I will probably not consume that amount of time.

Ms. MIKULSKI. If the Senator will withhold, I am still reserving the right to object while I get clarification. Rather than doing it this way and knowing we are in alignment, can we have a quorum call?

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

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

AMENDMENT NO. 3243

Mr. COBURN. Mr. President, I now ask unanimous consent to call up amendment number 3243.

The PRESIDING OFFICER. Is there objection? 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 3243.

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

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

The amendment is as follows:

(Purpose: To provide $1,680,000 to investigate and prosecute unsolved civil rights crimes in a fiscally responsible manner by prioritizing spending)

At the appropriate place, add the following:

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

(1) In February 2006, the United States Attorney General and the FBI director announced a partnership with the NAACP, the Southern Poverty Law Center, and the National Urban League to investigate unsolved crimes from the civil rights era.

(2) Attorney General Alberto Gonzales has pledged that ''The Justice Department is committed to investigating and prosecuting civil-rights era homicides for as long as it takes and as far as the law allows—because there is no statute of limitations on human dignity and justice.''.

(3) In February 2006, the FBI enacted an initiative to identify hate crimes that occurred prior to December 1969, and resulted in death.

(4) The Bureau's 56 field offices have been directed to reexamine their unsolved civil rights cases and determine which ones could still be viable for prosecution.

(5) The FBI has partnered with a number of State and local authorities, civic organizations, and community leaders to reexamine old files.

(6) Since the initiative began, the FBI has received nearly 100 such referrals.

(7) The FBI is continuing to assess each referral for its investigative and legal viability and, given the updated investigative and forensic tools, move forward in investigating these cases.

(8) The United States national debt is nearly $9,000,000,000,000.

(9) Rather than adding to this debt, Congress should offset any new spending from lower priority spending.

(10) Bringing justice to those who have committed ghastly civil rights crimes in a fiscally responsible manner that does not add to the United States national debt should be a higher priority for Congress than funding parochial pork barrel projects.

(b) INCREASED APPROPRIATIONS.—Amounts provided in this Act for the Civil Rights Division within the Department of Justice are increased by $1,680,000 for the prosecution of civil rights crimes.

(c) DECREASED APPROPRIATIONS.—Appropriations in this Act for the following accounts are decreased by the amount indicated:

(1) Ocean, Coastal, and Great Lakes research by $450,000.

(2) Ocean and Coastal Management, National Ocean Service, by $500,000.

(3) Local Warnings and Forecasts, National Weather Service, by $300,000.

(4) National Aeronautics and Space Administration by $800,000.

(5) Education Program, NOAA, by $500,000.

(d) PROHIBITION ON FUNDING.—Notwithstanding any other provision of this Act, there shall be no funding for fiscal year 2008 for the following:

(1) Advanced Undersea Vehicle, Mystic Aquarium-Institute for Exploration, Mystic, Connecticut.

(2) Maritime Museum, City of Mobile, Alabama.

(3) Eye-On-The-Sky, Fairbanks Museum and Planetarium, St. Johnsbury, Vermont.

(4) Adler Planetarium, Chicago, Illinois.

(5) U.S. Space and Rocket Center, Huntsville, Alabama, for an update for the museum and exhibits.

(6) John Smith Water Trail, installation of buoys marking the John Smith National Water Trail on the Chesapeake Bay, the Conservation Fund, Arlington, Virginia.

Mr. COBURN. Mr. President, this amendment is straightforward. There is a bill in the Senate that I am presently blocking from a unanimous consent request, which means I am not necessarily opposed to it; but I don't think the bill ought to come to the floor without being voted on or amended. It is the Emmett Till civil rights bill. This bill is designed to increase the emphasis on unsolved civil rights cases.

A year and a half ago, the Department of Justice initiated a new program for that exact purpose. They put staff on it, funded it, and have since gotten 100 referrals from 42 different offices on unsolved civil rights cases that are 50 years old and older. It is something we should be doing and the Justice Department is doing. I don't think we need another piece of legislation and another law to make us do that. The Justice Department has actually shown they didn't need a law. They were actually doing it.

What this amendment does is transfers from six directed spending items—earmarks—to the Department of Justice Civil Rights Division $1.680 million to augment that process. What it will do is allow them to hire additional people to further define and further investigate these older civil rights cases.

This bill has 600 earmarks in it. This relates to only six earmarks. The total for the earmarks is $458 million. Many of the earmarks in this bill don't do anything to advance the priorities or the mission statements of the three agencies we are funding. What are they? A maritime museum in Mobile, AL; Eye on the Sky Fairbanks Museum and Planetarium in St. Johnsbury, VT; Adler Planetarium in Chicago, IL; U.S. Space and Rocket Center in Huntsville, AL. I have been there; it is a tremendous place. Lastly, the installation of buoys marking the John Smith National Water Trail on the Chesapeake; undersea vehicle for the Mystic Aquarium & Institute for Exploration in Connecticut.

Let's start with the first one. There is $500,000 in this to construct a maritime museum in Mobile, AL. It is probably a great idea, although there are two other maritime museums right now in Mobile. Should we spend $500,000 now, when we are borrowing the kind of money that we are borrowing from our grandchildren, when we are fighting a war we are not paying for and charging to our grandchildren? Should we spend that money now or should we spend the money upholding the law and going after people who violated other people's civil rights? Which is a better value? Which is a better purpose? Which is a better core principle?

I will not go into the details, although I am prepared to do it in rebuttal. There are now 35 maritime museums in the gulf coast region, including two in Mobile. There are funds for this earmark through the competitive grant system. So it is not that this may not even get funded, because it might have to compete with the rest of the museums in the country. Instead, we have directed it.

Earmark offset 2 is for the Fairbanks Museum and Planetarium in Vermont for the Eye on the Sky Program. It is a $300,000 earmark. It is probably a great idea. But is it a priority when we are borrowing money from our grandchildren? Again, this is another program. There is grant money out there for museums. You would have to compete based on the priorities. There is oversight on the grants. On these earmarks, there is no oversight. It can still be funded, on a competitive basis, without an earmark.

The Adler Planetarium in Chicago has net assets right now in excess of $34 million, and we are going to send them $300,000. They have revenues every year in excess of $11 million. There is no reason for us to send that money there now if we are borrowing it from our grandkids. I will limit my debate on that.

One of the things I will tell you—and I will put up a chart. Here is what the Administrator of NASA said about directed spending for earmarks:

> The growth of these Congressional directives is eroding NASA's ability to carry out its mission of space exploration and peer-reviewed scientific discovery.

We are taking away the core mission of one of our premier scientific inquiries in this country when we send money. The redirections as a result of congressional earmarks included half of NASA's education budget, one-twentieth of the exploration budget, and one-twenty-fourth of their science budget. So it is not a small amount with which we are impacting NASA.

The fourth earmark: Spies and Rocket Center in Huntsville, AL. We should know that the State of Alabama is going to have in excess of a $2 billion surplus this year. Let me say that again. The State of Alabama is going to have in excess of a $2 billion surplus this year. They had a $1.7 billion surplus last year. I would think that maybe they ought to fund this instead of our grandchildren.

This is a $500,000 earmark for the Space and Rocket Museum. I have been there. It is a great thing. You ought to go see it. It is well worth your time. But it is something I believe should not be in the priority when we are borrowing the money.

There is $500,000 for an interpretive buoy system. It is a great idea with great historical significance but probably not right now. Should we be spending this money if we are borrowing it against our grandkids? Should we be spending this money when we are growing the budget, this appropriations bill by 11 percent? I don't think so.

Finally, $450,000 for an undersea vehicle in Mystic, CT. This is part of the Mystic Aquarium in Mystic, CT. They could apply for a competitive grant with all the rest of the States and probably get it. It is not a bad idea. It is probably a good idea. It probably promotes tourism, probably enhances the experience at that museum. But, again, is it a priority when we are not funding the war and we are not paying for our excesses and, in fact, probably the greatest moral issue of our day is stealing the future from our grandkids? It is not any of the other social issues. They wane in comparison to taking opportunities from our next generation.

I also advise that the State of Connecticut, according to Connecticut's Comptroller, Nancy Wyman, has a $350 million surplus. So they are not running a deficit; they have a surplus. They could easily grant $500,000 for this museum.

The point of this amendment is let's put dollars where they ought to go and let's stop spending money on lower priorities. It is about priorities. It is not about what is a good program and what is a bad program. It is about what is the greatest priority.

The greatest priority is to ensure people of their civil rights. It has to be greater than these. There cannot be a greater priority than securing the future for the next generations, except we are not going to do that with this bill.

I reserve the remainder of the time I have under the agreement.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I say to my colleague from Oklahoma, I admire his tenacity and consistency in being a steward of the taxpayers' purse, as well as being concerned about future generations. Also, he has often raised issues from which I have benefited. I assure him that both my colleague from Alabama and I have stood squarely on the side of reform as well.

When we did our opening statements today, we said that we were for security, which is helping our law enforcement, innovation, and competitiveness, as well as accountability. We had two reform amendments—one on the NOAA satellite programs that are already running $4 billion in overruns—that is ''B'' as in Barb, not ''M'' as in Mikulski. So we are instituting reforms and actually bringing to the civilian side a Nunn-McCurdy framework for early warnings. So that was one.

The other, as the junior Senator from Oklahoma is aware, the IG at the Department of Justice said we have had some conferences, what we call the ''lavish conference situation.'' One conference had meatballs at $4 a meatball, lobster rolls, limousines. That is not about the kind of training that is supposed to go on at law enforcement conferences. We have had two of those amendments.

Then when we come to Congress—so we have come up with some reforms, and there are others in the bill, but

those are two big ones. There are others in the bill related to congressionally designated projects.

I say to my colleague also that we, meaning Senator SHELBY and myself, said that any congressionally designated project must meet criteria to even be considered. We were not going to have a bridge to nowhere. We were going to, if you will, have bridges to somewhere. They had to be not only for the political benefit, but they had to be tied to mission. They had to have mission and merit and matching funds, the M&Ms: mission, merit, and matching funds.

Let's take the Department of Justice. We would not even think about a congressionally designated project unless it was for prevention, law enforcement or prosecution. There had to be local funds or nonprofits and no construction money.

In the area of Commerce, we said it had to be related to coastal and marine resources. It had to foster understanding of the Earth's environment. It had to create jobs or keep jobs in America. Or it had to enhance the America COMPETES Act, which means science, technology or education.

I could also go through the NASA criteria which, again, was science and research, education to promote the engagement of science and engineering, as well as aeronautics research, and, again, no private facility construction.

I will not go through justification of each and every one of those projects. I know the Senator from Connecticut will speak to his. I will speak to mine in a moment.

We have buoys—not like boys and girls, but buoys, such as b-u-o-y-s, buoys on the Chesapeake Bay. They are NOAA buoys. We have to have them anyway, and they give important navigation information, as well as readings on temperature, tides, and so on, that is so important to keep our commercial shipping lanes open and are great aids to the commercial and sports fishing industry.

We had the commemoration of Jamestown, and in the commemoration of Jamestown, they celebrated CAPT John Smith's voyage on the Chesapeake Bay by mapping it. What we did, working with the National Geographic Society that actually raised the money for this project, was add items to these buoys that would also tell the history, when you got up close to it, of what occurred in that geographic area. These buoys provide important navigation, and now they add value to history.

Why is that important? It is important, first of all, for navigation reasons. It is important to also help us for weather reasons because if we know our tides and temperatures, it will help.

I will tell my colleagues what gets people interested in science and engineering in my State. It is kids working hands on in science, not reading books about science but hands on, doing the science. That is why they love to come to our aquarium or to our Maryland Science Center. Teachers all over the Delmarva, including the great State of JOHN WARNER, whom we salute today and wish him well, they get into science, and that is what promotes their interest in wanting to be scientists and engineers. If they don't want to be scientists or engineers, maybe they want to be doctors, nurses or lab techs. There are so many ways people now come into science in addition to engineering and Ph.D.s, and we need them.

Many of these projects that are listed here—and we know we will hear about planetariums, we will hear about the grand and spectacular work of Dr. Ballard that is exciting so many people, and we salute him because Captain Ballard found the *Titanic*. We have to make sure science and education is not a sinking ship hit by the iceberg of chilling cuts in our programs.

I know my metaphors are going too far, but what I want my colleagues to know that we were not cavalier and said: Just give us any request and we will fund it. We screened them. We scrutinized them. They had to be mission and merit and have matching funds. We believe we have met this criteria. That is on the earmark reform.

On the issue of civil rights, I salute, again, our colleague from Oklahoma on the issue of wanting to investigate these cold cases but assure him that throughout our bill, we have a vigorous civil rights enforcement. I thank my colleague from Alabama for being such a stalwart ally on this issue.

First of all, we actually have money in the bill, close to $378 million for the EEOC. While we are not only looking at cold cases, we are looking at hot cases right here and now and dealing with a terrible backlog.

We also funded $9 million for the Commission on Civil Rights. But along with that, $116 million went to the Civil Rights Division at Justice to pay for 760 attorneys and support staff. Also, money went to the U.S. attorney to investigate crimes, including hate crimes and civil rights violations.

We also put in $370 million for the FBI for over 270 agents to investigate civil rights violations, those that have occurred now and also those very sad cold cases. So $370 million, $116 million, and it goes on and on. The totals, actually when we count what we fund for U.S. attorneys, my staff tells me it is $3 billion. Those U.S. attorneys do other things as well.

We think we did a good job dealing with the backlog at EEOC, reforming them, getting them refocused, funding the FBI, funding the Civil Rights Division, funding the Commission on Civil Rights, funding the Legal Aid Corporation, and so on. We funded those enforcement and prosecution issues related to cold cases but also current cases where we want to see justice done.

I oppose the amendment of the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, first, I say to Senator MIKULSKI, she should be unrestrained in her metaphorical employments. I thought they were both creative and inspirational, as is the bill she brings before the Chamber, with Senator SHELBY as well.

I rise to speak against the Coburn amendment. I will file some statements in the RECORD, but I say to Senator MIKULSKI and Senator SHELBY, I thank them, before I get to the amendment, for the extraordinary work they have done and particularly on matters of local law enforcement which are so critical to the safety and well-being of our communities and our people. They stood up together in a bipartisan way. These programs have worked to reduce crime in our neighborhoods. I wanted to take this opportunity to thank them.

Why do I oppose the Coburn amendment? Because the amendment would prohibit any funding of a program that happens to be located in Connecticut, in Mystic, CT, but is a program of real national significance run by Dr. Bob Ballard, who is a national asset. He is an extraordinary visionary, explorer, scientist, public servant, really an American patriot in the best sense of the term.

Generally speaking, when I sought reelection last year and my opponent attacked me about earmarks, I said there are good earmarks and there are bad earmarks. A lot of what we do here has to do with earmarking, to either add or subtract to the budget or to authorization bills, and I think people understand that.

I rise to say that it would be a terrible result if, in pursuit of this amendment, which I know the Senator from Oklahoma offers for reasons that are fiscal, he eliminated the funding of the advanced undersea vehicle at the Institute for Exploration, which happens to be located at the Mystic Aquarium.

Now, the first thing I want to say is that the Institute for Exploration is run by Dr. Bob Ballard, who, as Senator MIKULSKI said, is not only nationally famous but probably world famous as the man who discovered the *Titanic* and who went on to discover the *Bismarck* in 1989 and the USS *Yorktown* in 1998. These are remarkable historic achievements. He is a kind of ocean archeological explorer. I am sure most people hearing my voice have seen Dr. Bob in one or another TV program describing his extraordinary work, but let me first say it happens to be located at the Mystic Aquarium. It was a major achievement when we convinced Dr. Ballard to locate there—the State did. How do I compare it? In this time of baseball playoffs, without demeaning either side here, it would be like the Yankees acquiring A-Rod or the Red Sox getting Josh Beckett. When Dr. Bob Ballard agreed to bring his Institute for Exploration to Mystic, CT, we were thrilled. And I do want to

stress that it is a separate institute that happens to be located alongside and at the aquarium site. Tourists have some access to part of its educational aspects, but it is separate. It is not just part of the aquarium.

This $450,000 is not a lot of money in a budget the size of our budget, but it is going to be used to improve the sonar on the unmanned technology for undersea mapping. In other words, there is an advanced undersea vehicle that Dr. Ballard and his team use for undersea mapping, and this money will help him upgrade the sonar to chart currently unexplored regions of the world's oceans.

Dr. Ballard does this out of his general sense of inquiry, of scientific inquiry, to use the extraordinary tools of modern technology to teach us things about most of the globe that is underwater that we have never known much about. But he does it also in the aftermath of a career in the U.S. Navy, 30 years both Active and in the Reserve as an oceanographer and a naval intelligence officer. During his long career, he has been called upon to use his advanced underwater systems to carry out a number of highly classified missions for the U.S. military.

The sonar mapping technology that this $450,000 will help facilitate is very important to the Navy, and its development has been supported by the Office of Naval Research because of its military applications in support of submarine warfare and countermine measures. The money is in this bill because it is strongly supported also by the National Oceanographic and Atmospheric Administration, part of the Department of Commerce, part of the jurisdiction of this subcommittee of the Appropriations Committee, and NOAA supports it because of its enormous potential to explore the uncharted regions of the oceans for many reasons, including in search of precious natural resources.

So what I am saying is the project, to our great pride, has a Connecticut address, but it is a technology that is critical for national security and even international scientific research.

I wish to go one step further here about a bonus. I have been to visit this institute of Dr. Ballard's in Mystic several times. It is a remarkable place. I would urge anybody who is in Connecticut to go see it. But one of the things he has done, because he is a real educator, he has set up a system, an educational program where he can actually bring his scientific work to students around the country. It is called Immersion Presents—an afterschool program. He actually has the capability to project his expeditions, including the mapping expeditions that would be improved by this $450,000, via the Internet to over 140 Boys Clubs and Girls Clubs across the country. For 7 consecutive days, Dr. Ballard's research mission has broadcast live to thousands of students. So he will use the money for this, as he has in 10 previous expeditions, to continue this Immersion Presents Program. This is a tremendous educational device. If you want to excite American kids about going into science, what a thrilling way to do it.

So with all respect to my colleague, and I respect what he is trying to do, I think he has hit something here that ought not to be hit. If it loses its funding, it will not just be a loss for the institute or Dr. Ballard or the State of Connecticut, it will really be a loss for our Nation, both in terms of scientific inquiry for our Nation and also, I would suggest, national security. So I thank Chairman MIKULSKI and Senator SHELBY for including this in their recommendation to the Senate, and for that reason I would urge the rejection of the amendment offered by the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Oklahoma.

Mr. COBURN. Mr. President, first of all, I would concede the value of what Dr. Ballard has done. But the question isn't whether this should get funded; the question is, Who should fund it?

National Geographic made $15 million last year. They are a nonprofit organization. They had revenues of over $1 billion. The State of Connecticut is going to have over a $300 million surplus. I don't doubt that this is a very worthy cause. The question is and what the American people are asking this body to do is to start making priorities out of priorities.

I think this is a very valid project. He is one of 11 resident scholars for National Geographic. I have studied the issue. It is not about whether it is a priority for them. The question is, Who ought to be paying for it? In a time when we don't have any money, when the dollar is sinking, when we are spending more and we are already funding a war and charging the war to our kids, what we are setting up is we are going to continue to do things that don't have to be done by us when somebody else could do it. Consequently, we are going to borrow the money.

There is half a billion dollars worth of earmarks in here, I would say to my friend from Connecticut, and all of them have some merit. The question is, Who should be paying for some of these? There are competitive grants on museums that are run well by this Government. They are very competitive. They can get the $450,000 through a competitive grant. They can apply for that. There is oversight on that. There is a competition among priorities when we do that and run it. When we put it in directly, we, No. 1, consign our kids to paying for it, and No. 2, we don't put the responsibility on anybody else.

Now, if this is really necessary, National Geographic will stand up and put the $450,000 into it, or if it is important to the education and instruction in the State of Connecticut, with a $300 million surplus, they can put in the $450,000. But our choice here today is, we are just going to charge it to our grandkids.

We don't have this money. This bill has grown by almost 10 percent over what we funded last year. If you took all the directed earmarks out of it, we would be growing by about 4½ percent. So it is important for the American public to see the impact when we direct spending.

The purpose of this exercise—and I will continue to do this as long as I am in the Senate—is to try to force us into making the hard choices we really don't want to have to make. I believe this committee did a good job of setting the parameters and trying, but there is a new standard, and the standard has to be, would you put in your own money? That is the standard we ought to go by because what we are really doing is transferring the cost of all these things to two generations, and it goes completely opposite of the heritage of this country.

D-day starts January 1, 2008. You know what D-day is? It is the first year of the baby boomers. It is the first year we start going down the tubes on Medicare and Social Security. And we can't even bring a bill to the floor that constrains spending to 4 percent or 5 percent—1½ times inflation. The American public doesn't have that option with their budgets because they do not have an unlimited credit card. We just increased the debt limit on this country by $950 billion. Five times since 1997 have we done that. When a child is born today, not counting that debt, which is $30,000 per man, woman, and child, there is $400,000 worth of unfunded liabilities lying on each of those children.

My point is, and I will quit talking about it—and I am not going to offer the second amendment—we need to wake up and see that we can't do everything we would like to do. We ought to be doing what is absolutely necessary and we ought to be paying for this war. We ought to be making the hard choices and paying for the war.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I wish to respond briefly to my friend from Oklahoma.

I respect what he is about. I think we all understand we have to bring spending under control. In fact, earmarks are down generally in the appropriations process this year. But, again, there are good earmarks and bad earmarks. It is part of what the people elect us to do, and I came to the floor to defend this earmark.

I do want to say to my friend from Oklahoma that I am pretty sure, though I haven't had a chance to check it exactly, that the State of Connecticut is supporting some of Dr. Ballard's programs. I hadn't thought about National Geographic. Maybe you and I should go to Dr. Ballard and try to get some money from him for what——

Mr. COBURN. I will be on the next airplane with you.

Mr. LIEBERMAN. —for what he is doing. But I do want to say this is not the Mystic Aquarium; this is the Institute of Exploration, which happens to be at the Mystic Aquarium. This really does serve a national purpose and really an international purpose but a great one for America—mapping the ocean floor for the use and the potential development of precious natural resources, and it is supported by the Navy because it is of direct use to the Navy.

Now, I know my friend from Oklahoma is very principled in his fight, so what I am about to say will not affect him. But my staff just told him there are a bunch of students in Oklahoma who get to watch Dr. Ballard—I know, you love him—and his undersea immersion work, and this $450,000 will make that even better than it already is.

There are times when I will support the Senator from Oklahoma in some of his efforts because overall they are right. I think all of us know there is a larger problem beyond earmarks in dealing with our fiscal imbalances. But today, because I think he has struck some targets here that don't deserve to be struck, I respectfully urge rejection of his amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to speak about the underlying bill, and I will just take a few minutes to do so.

Today, the Senate is debating a bill that ensures our homes and communities are safe, it keeps us a world leader in scientific research, it promotes economic development across the Nation, and it funds our national census. I am here today because I strongly support the bill and I wanted to commend Chairman MIKULSKI for her work, as well as the ranking member.

It reflects many of our Nation's top domestic priorities: putting more police on our streets through the COPS program, ensuring the FBI has the tools it needs to fight domestic terrorism, providing the DEA with resources to win the war on drugs, and protecting our children from sexual predators. I am proud to say there is much in this bill to celebrate. And it comes not a day too soon.

Last week the FBI released its latest report on crime in America. The news was not good: crime is up for the second year in a row.

It is no coincidence that this rise in crime follows years of repeated cuts to the COPS program by the Bush administration and the Republican Congress.

In 1994, COPS put more than 100,000 new officers on the streets. According to the Government Accountability Office, every dollar spent on COPS stopped 30 crimes from happening—every dollar stopped 30 of our neighbors, friends and family from being victimized. In my opinion, that is a dollar very well spent.

Take a look at this chart. The red line indicates the number of homicides per 100,000 citizens. The blue line indicates the number of police officers. Every time the number of police officers on patrol decreased, the number of homicides increased. This is simple commonsense: more police means less crime. Yet the Bush administration chose to kill funding for the very program that is responsible for hiring more police officers to protect our communities. And predictably, as this chart clearly illustrates, the results have been disastrous.

It is time to reverse that course. This bill provides $2.7 billion for State and local law enforcement—$1.6 billion more than the President's request. With this money, our police will be able to prevent gang violence, to combat drug crimes, and to catch child predators. This bill also adds 100 FBI agents whose specific purpose is fighting the rising threat of violent crime. It lifts a hiring freeze on DEA agents and puts 200 new agents on the beat.

But, while this bill does a lot to ensure the safety of our communities, there is still work to be done. That is why I am pleased that Chairman MIKULSKI and the ranking member supported our amendment, an amendment that doubles the funding for juvenile mentoring programs. They care about that effort.

It is no secret that juvenile crime—particularly juvenile gang activity—is a serious problem in this country. That is why Senator FEINSTEIN and I worked so hard to pass the Gang Abatement and Prevention Act of 2007. One of the biggest problems contributing to gang activity and gang crime is a lack of direction and lack of supervision in the lives of teens.

Nor is it a secret that providing good role models and more structure in the lives of teens has a significant impact in reducing gang activity and violence. That is why we need to beef up our juvenile mentoring programs.

The Juvenile Mentoring Program was established in 1992 with the specific goals of reducing juvenile delinquency and gang participation, improving academic performance and reducing school drop out rates. Programs funded under the Juvenile Mentoring Program initiative link at-risk children, particularly those living in high-crime areas and those struggling in school, with responsible, working adults. These children receive the structure and support that is otherwise missing in their lives. They learn about the dangers of drug use, the perils of gang involvement, and the importance of staying in school. In other words, programs like these provide children with the tools they need to avoid the pitfalls of gangs and violence, to rise above the situation they were born into, and to make a better life. I can think of no other program more deserving of increased funds and commend my colleagues for recognizing this need and passing my amendment.

I want to mention the one difference I have with this bill, one that has to do with a policy known around here as the Tiahrt Amendment.

No matter how many great programs we fund in this bill, no matter that we doubled funding for the Juvenile Mentoring Program, we will never successfully stop violence unless we work to combat the illegal use of guns. Gun violence is one of the most serious problems facing our Nation. Every day on average, 81 more Americans will be shot dead—many of them innocent victims, including children. This is unacceptable. But, it is even more unacceptable for us, as legislators, to allow it to continue.

But that is exactly what a provision in this bill does with its Tiahrt provision. This provision could prevent the sharing of gun trace data among law enforcement agencies. It will prevent the ATF from providing trustworthy national data about the flow of crime guns. It will make it harder to figure out where illegal gun activity is most prevalent and what we can do to stop it. Without this data, our state and local law enforcement will have a much harder time combating violence in our communities and making us safe.

It should be a priority for all of us to better understand gun crime, so we can better prevent it. But with the Tiahrt provision, data that is essential to understanding gun trafficking and violence will be concealed from law enforcement, concealed from lawmakers, and concealed from the public. There is simply no way to make good policy without having good information, good data to base it on.

When convicts get released from prison, we keep their fingerprints on file. But when a gun gets confiscated, information about it gets treated like a State secret. Police can share fingerprint data across state lines, because criminals move across State lines. But under this bill, gun data has to be kept within a small geographic area.

I am very disappointed that this language has been included in the bill. But, it is a battle I will seek to fight with others on another day. And, be assured, I will.

As I said before, there is much for us to celebrate in this bill. And there is more to celebrate having accepted my amendment to double the funding for Juvenile Mentoring programs.

I look forward to supporting the Appropriations bill and I urge my colleagues to do the same.

Mr. CARDIN. Mr. President, I rise in opposition to the amendment offered by the junior Senator from Oklahoma. One of the items he seeks to eliminate funding for is the Chesapeake Bay Interpretive Buoy System. This system has support from both the President and the Congress. To develop the system, the NOAA Chesapeake Bay Office partnered with the National Park Service, National Geographic Society, Conservation Fund, the Chesapeake Bay

Foundation, Sultana, Verizon, and others to determine the requirements for the interpretive buoy system.

These requirements defined needs for a new type of buoy, capable of collecting environmental data—winds, waves, and currents—for users; water quality data for monitoring the health of the bay; and a system for communicating historical and cultural information through cell phone technology and shore-based computer networks to the public and into the classroom.

These buoys are an innovative component of the U.S. Integrated Ocean Observing System, IOOS, a NOAA priority, which supports safety and efficiency of marine operations, public safety, studies of climate change and variability, and protection and restoration of healthy marine ecosystems. In addition to providing interpretive information—environmental, geographical, historical—to citizens of the watershed, this system is part of the NOAA Education Program, developing and delivering new science curriculum based on real-time environmental observations to Chesapeake Bay classrooms, thus serving as a pilot for similar national programs.

The interpretive buoy system is a part of IOOS. IOOS is a priority both in the President's Ocean Action Plan and for NOAA. CBIBS is a component of the Chesapeake Bay Observing System, part of IOOS, providing water quality measurements such as dissolved oxygen, salinity, temperature, clarity, and chlorophyll content; wind speed and direction, wave height and direction, air temperature, barometric pressure, and relative humidity; and current velocity and direction from the surface to the bottom.

The Chesapeake Bay is the largest estuary in the United States, being 200 miles long. The width of the bay varies from 3.4 miles across to 35 miles across, near the mouth of the Potomac River. The shoreline of the Chesapeake Bay and its tidal tributaries, including all tidal wetlands and islands, is over 11,600 miles. Until these buoys were deployed, NOAA weather forecasters only had one platform, Thomas Point Light, providing measurements for daily forecasts for the bay. With these additional real-time data sets, forecasters can better predict weather and water conditions on the bay supporting safety and efficiency of marine operations, public safety, and marine navigation.

This congressionally designated project is not just a merit-based program. It is an especially economical one. We get multiple benefits from this single science platform in the bay. It is a worthwhile program and warrants our strong support.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SHELBY. Mr. President, I move to table amendment No. 3243 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.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), 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), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. HAGEL), and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 61, nays 31, as follows:

[Rollcall Vote No. 363 Leg.]

YEAS—61

Akaka	Gregg	Nelson (NE)
Alexander	Harkin	Pryor
Allard	Inouye	Reed
Baucus	Johnson	Reid
Bennett	Kennedy	Rockefeller
Bingaman	Kerry	Salazar
Bond	Klobuchar	Sanders
Boxer	Kohl	Schumer
Brown	Landrieu	Sessions
Byrd	Lautenberg	Shelby
Cantwell	Leahy	Snowe
Cardin	Levin	Specter
Carper	Lieberman	Stabenow
Casey	Lincoln	Stevens
Cochran	Martinez	Tester
Conrad	McCaskill	Voinovich
Crapo	Menendez	Webb
Dole	Mikulski	Whitehouse
Dorgan	Murkowski	Wyden
Durbin	Murray	
Feinstein	Nelson (FL)	

NAYS—31

Barrasso	DeMint	Lott
Bayh	Ensign	Lugar
Brownback	Enzi	McCain
Bunning	Feingold	McConnell
Burr	Graham	Roberts
Chambliss	Grassley	Smith
Coburn	Hatch	Sununu
Coleman	Hutchison	Thune
Collins	Inhofe	Vitter
Corker	Isakson	
Cornyn	Kyl	

NOT VOTING—8

Biden	Dodd	Obama
Clinton	Domenici	Warner
Craig	Hagel	

The motion was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. NELSON of Nebraska. 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 North Dakota.

AMENDMENT NO. 3240

Mr. DORGAN. Mr. President, I intend to offer an amendment. I have spoken at some length with the managers, and I will withdraw the amendment, but I want to offer the amendment and talk about it because I have received from them assurances of cooperation on this issue. It is a very important issue. What I would like to do is ask unanimous consent that the pending amendment be set aside so that I might offer an amendment.

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

Mr. DORGAN. I call up amendment No. 3240 which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. BINGAMAN, Mr. TESTER, Mr. BAUCUS, Ms. CANTWELL, and Mr. THUNE, proposes an amendment numbered 3240.

Mr. DORGAN. 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 increase funding for crime control and methamphetamine abuse projects for Indians, with an offset)

On page 27, line 8, strike ''$104,777,000'' and insert ''$84,777,000''.

On page 54, strike lines 15 through 17 and insert the following:

(A) $25,000,000 shall be available for grants under section 20109(b) of the 1994 Act (42 U.S.C. 13709(b));

On page 54, strike lines 20 through 22 and insert the following:

(C) $10,000,000 shall be available for demonstration projects relating to alcohol and crime in Indian Country, of which $5,000,000 shall be used to address the problem of methamphetamine abuse in Indian Country;

On page 59, line 11, strike ''$35,000,000'' and insert ''$40,000,000''.

Mr. DORGAN. I offer this amendment on behalf of myself and Senators BINGAMAN, TESTER, BAUCUS, CANTWELL, and THUNE. This amendment deals with the issue of the criminal justice systems on Indian reservations. Before I talk about the amendment itself, I thank Senator MIKULSKI and Senator SHELBY for the bill they have put together. The legislation they bring to the floor from the Appropriations Subcommittee is an important and marked improvement on what the President has requested.

Let me describe what the President requested with respect to law enforcement activities on Indian reservations. Why is this important? Because we have a trust responsibility on Indian reservations, and we are not meeting it. For the tribal jails discretionary grants program in the year 2000, there was $34 million; the President requested zero this year. My colleagues, Senators MIKULSKI and SHELBY appropriated $15 million. Tribal courts assistance, the same thing; tribal COPS, $40 million in the year 2000, zero in the Administration's 2008 request. Senator MIKULSKI and Senator SHELBY restored that to $35 million. The list goes on.

The question is this: Do we or do we not have a responsibility to fund these

law enforcement responsibilities that we have on Indian reservations? Last week my committee, the Indian Affairs Committee, heard testimony. Let me describe a bit of that testimony. A recent report shows that 34 percent of Indian women will be raped or sexually assaulted during their lifetimes. One-third of Indian women will be raped or assaulted during their lifetimes. We heard from one retired Bureau of Indian Affairs police officer who worked on one of the Indian reservations: ''We all knew they would only take cases with a confession. We were just too loaded down. We were forced to triage our cases.''

When this type of violence becomes commonplace, so commonplace that the police have to triage rape cases, something is wrong. Somebody needs to take action.

We had other testimony that the call to the police in an emergency, in a circumstance where there is a violent crime being committed or just was committed, in some cases it takes an hour or an hour and a quarter to receive a response from a law enforcement official.

There are fewer than 2,000 Federal and tribal law enforcement officers who patrol more than 53 million acres of land. In North and South Dakota we have four police officers patrolling the 2.3 million acres of Standing Rock Sioux Indian Reservation. Survivors of violent crimes report waiting hours—in some cases days—for the police to respond to their urgent calls.

The other issue is the lack of jail space, the lack of places to incarcerate violent criminals. Tribal jails face a $400 million backlog in funding. I have been to tribal jails. I have seen young kids lying on the floors of these jails. The detention centers are unbelievably deplorable, in many cases. One Federal official said that the lack of detention facilities means that this whole system is a catch-and-release jail system. The law enforcement officials of the tribe catch the criminals, and they are forced to release many of them right back into the community to commit another crime.

We also heard testimony last week about the Indian reservations becoming soft targets for criminal organizations because of this neglect. That is not the choice of the Indian tribes. The fact is, they don't want this happening on the reservations. In May 2006, Federal officials seized a methamphetamine business plan. It outlined how the organization wanted to replace alcohol abuse with meth abuse on the Indian reservation because these are the most vulnerable citizens. It outlined how non-American Indians should handle the drugs, and it explained that tribal police couldn't arrest them while they are on the reservation. These stories are unbelievable. Again, a report that says one-third of Indian women during their lifetime will be raped or sexually assaulted, and we don't have adequate law enforcement protection.

We have a couple million American Indians living on reservations. The system that was established over a century ago was that the Federal Government was going to have the basic law enforcement responsibility, and we have not met it. We have not met our responsibilities in health care, in education, in housing, and we have not met them in law enforcement.

I have described on this floor ad nauseum the situation with health care. We have responsibilities for two groups of people for health care. We have responsibility for every one we throw into a Federal penitentiary. They are our prisoners. We provide for their health care. We have a trust responsibility for medical care for American Indians. That is because that is a decision our country made a long time ago. We spend twice as much per person providing health care for Federal prisoners than we do to meet our obligation to provide health care for Indians. Many of these kids, many of the elders go wanting for health care in a country like ours.

I am talking now not about health care or housing or education where we have a full-blown crisis. I am talking about law enforcement, the basics. If your life is not free from violence, you are always afraid. The fact is, we have circumstances where we have inadequate jail space. We have in many cases circumstances where violent crimes are committed, and yet they must be investigated by the FBI. They must be investigated by the U.S. Attorney's Office and prosecuted by the U.S. Attorney's Office. The fact is, resources do not exist. That is the problem.

My proposal is simple. My amendment was to increase the funding in this legislation in two areas: one dealing with detention centers, and that is an urgent situation that is in need of a response. In the second area we provide a grant program to be increased, as it properly should, to deal with the issue of alcohol and methamphetamine. Methamphetamine is a scourge on Indian reservations. They are being targeted by gangs and by organized crime. They are being targeted by non-Indians. They don't have the law enforcement capability to take care of it. The question is, are we going to do that?

AMENDMENT NO. 3240, WITHDRAWN

My colleagues from Maryland and Alabama have been very helpful in saying they are willing to work with me to increase these accounts and find ways to fund these things. As a result, I will ask that my amendment be withdrawn because we have made progress in commitments from those two legislators. I thank them. I ask unanimous consent to withdraw the amendment.

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

Mr. DORGAN. I look forward to working with them. In the next 5 or 6 months we are going to make some real progress.

The PRESIDING OFFICER. The amendment is withdrawn.

Ms. MIKULSKI. Mr. President, I salute the Senator from North Dakota. I have found his comments about those women being raped to be devastating, and I know we are going to continue to work with him.

AMENDMENT NO. 3250

I now ask unanimous consent that amendment No. 3250 be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is agreed to.

The amendment (No. 3250) was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. 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 Texas.

Mrs. HUTCHISON. Mr. President, I commend Senator MIKULSKI and Senator SHELBY for the work they have done on the amendment that just passed. This is a major step in the right direction to assure that America stays in the forefront of space technology, of the research, of the quality of life that we have gained from being the first in space. I commend Senator MIKULSKI—I have so enjoyed working with her—and Senator SHELBY for working with us in support of the amendment that was just added to the bill.

AMENDMENT NO. 3233, AS MODIFIED

Ms. MIKULSKI. I ask unanimous consent that notwithstanding the adoption of amendment No. 3233, it be modified with changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Notwithstanding any other provision of this title—

(1) the amount appropriated in this title under the heading ''GENERAL ADMINISTRATION'' is reduced by $10,000,000;

(2) the amount appropriated in this title under the heading ''VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' under the heading ''OFFICE ON VIOLENCE AGAINST WOMEN'' is increased by $10,000,000; and

(3) of the amount appropriated in this title under the heading ''VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' under the heading ''OFFICE ON VIOLENCE AGAINST WOMEN''—

(A) $5,000,000 is for grants to encourage arrest policies, as authorized by part U of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.);

(B) $4,000,000 is for engaging men and youth in prevention programs, as authorized by section 41305 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d–4); and

(C) $1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the Violence Against Women Act of 1994 (42 U.S.C. 14043f).

Ms. MIKULSKI. Finally, I ask unanimous consent that all first-degree

amendments to H.R. 3093 must be filed at the desk by 2:30 p.m. Monday, October 15.

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

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I wish to say thank you to my colleagues. I am so grateful. We have worked this thing pretty hard. It is right that NASA be given some of these funds they had to expend on an emergency basis for the recovery to flight of the Space Shuttle Columbia. I want the chairman and the ranking member to know how profoundly grateful I am for their leadership in making this happen.

Now we have the challenge of going to the conference committee to make it stick. I am so grateful for your leadership.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield to the distinguished Senator from Pennsylvania. We had this pressing amendment we needed to get done, but the Senator from Pennsylvania and the Senator from Ohio have been very patient. I will now yield such time as he may consume to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I thank you and commend the work of our senior Senator from Maryland on this bill and so many others. I appreciate her hard work on this bill and giving us this time.

AMENDMENT NO. 3256

Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 3256 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. CASEY], for Mr. BIDEN, for himself, Mr. KOHL, Mr. BINGAMAN, Mrs. CLINTON, Mr. KERRY, Mr. LEVIN, Mr. KENNEDY, Mr. BAYH, Ms. CANTWELL, Mrs. BOXER, Mr. SCHUMER, Mr. DODD, Mr. CASEY, Ms. COLLINS, Mr. CARDIN, Mr. REED, and Mr. NELSON of Nebraska, proposes an amendment numbered 3256.

The amendment is as follows:

(Purpose: To appropriate an additional $110,000,000 for community oriented policing services and to provide a full offset for such amount)

On page 57, line 7, strike ''$550,000,000'' and insert ''$660,000,000''.

On page 60, line 2, strike ''and'' and all that follows through ''Funds'' on line 3, and insert the following:

(12) $110,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title, notwithstanding subsection (i) of such section; and

(13)

On page 97, between lines 19 and 20, insert the following:

Of the unobligated balances made available for the Department of Justice in prior fiscal years, $110,000,000 are rescinded.

Mr. CASEY. Mr. President, I rise on behalf of Senator BIDEN, who cannot be here today, and I join him in offering an amendment to provide funding for hiring more officers for the Community Oriented Policing Services Program, or what is known popularly as the COPS Program.

Joining us on this amendment are Senators MIKULSKI, KOHL, BINGAMAN, CLINTON, KERRY, LEVIN, KENNEDY, BAYH, CANTWELL, BOXER, SCHUMER, DODD, COLLINS, CARDIN, REED of Rhode Island, and NELSON of Nebraska.

Mr. President, I also ask unanimous consent that Senators LAUTENBERG and KLOBUCHAR be added as cosponsors, as well as Senator WHITEHOUSE from Rhode Island.

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

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. CASEY. I will.

Mr. LEAHY. Mr. President, I would like the Senator from Vermont to also be added as a cosponsor of the amendment.

Mr. CASEY. Mr. President, I ask unanimous consent that the Senator from Vermont, Mr. LEAHY, be added as a cosponsor of the amendment.

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

Mr. CASEY. Mr. President, the COPS Program was created in 1994, known then as the Biden crime bill, in response to historically high rates of crime. Over 100,000 community policing officers were hired to work the streets of communities across America.

This successful program not only increases the number of police officers on the street to fight crime but also emphasizes building collaboration and partnership between the community and law enforcement so we can prevent crime in addition to fighting crime. Crime was driven down from all-time highs to historic lows. It stayed low until about 2 years ago, when budgetary cuts by this administration began to show up in rising crime statistics.

Data released this week from the FBI shows that violent crime has increased again for the second year in a row. Philadelphia is one of several cities that is experiencing severe problems with violence. Although the crime increases of the past 2 years may be characterized by some as minor, they are alarming because they follow a steady 10-year decline in crime rates across the country.

Why is this alarming increase in effect? Well, some researchers and experts predict that the uptick in crime rates are in part due to the administration's budget cuts. In recent years, billions in Federal funding for State and local law enforcement have been cut—including the near complete elimination of the COPS hiring program.

As a result, once again crime is rising across the Nation. The latest FBI crime reports showed a 1.9-percent increase in violent crime. This is the first 2-year increase in crime rates since the COPS Program was first created and hiring was funded. It is no coincidence that when Congress funded COPS, crime went down, but when the administration eliminated the COPS hiring program, crime began to rise.

I would argue that if the President of the United States can find billions for tax breaks for wealthy Americans, he should be able to find funds for putting police on the streets of America.

Independent studies have verified the effectiveness of the COPS Program. The GAO found a statistical link between the COPS Program grants and reductions in violent crime. The Brookings Institute reported that COPS is one of the most cost-effective options for fighting crime. They found it saves lives and saves money.

So it is critical that Congress funds not only priorities overseas but here at home. Rising crime is an alarming and complex problem. There is no one solution, but having more cops on the street is part of the solution.

I urge my colleagues to join Senator BIDEN and our numerous cosponsors in increasing funding for this critical program that will provide us with more law enforcement on the streets and greater safety in our communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 3218

Ms. MIKULSKI. Mr. President, I call up amendment No. 3218 by Senator MURRAY and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendments?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], FOR MRS. MURRAY, for herself, Ms. CANTWELL, Mr. LEAHY, Mr. SCHUMER, and Mr. CRAPO, proposes an amendment numbered 3218.

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

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

The amendment is as follows:

(Purpose: To provide funds for the Northern Border Prosecutor Initiative)

On page 53, line 11, after ''officers'' insert ''and of which $20,000,000 shall be for the Northern Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices, subject to section 505 of this Act''.

AMENDMENT NO. 3218, AS MODIFIED

Ms. MIKULSKI. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 53, line 3, strike ''400,000,000'' and insert ''$420,000,000''.

On page 53, line 11, strike the semicolon, add a comma and add ''and of which $20,000,000 for a Northern Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices, subject to Section 505 of this Act;''.

At the appropriate place, add the following:

''the amount appropriated in this title under the heading ''GENERAL ADMINISTRATION'' is reduced by $20,000,000;''.

Ms. MIKULSKI. Mr. President, this amendment, as modified, has been cleared on both sides of the aisle and I urge its immediate adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 3218), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3225

Ms. MIKULSKI. Mr. President, I now call up amendment No. 3225 by Senator REID of Nevada and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. REID, proposes an amendment numbered 3225.

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

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

The amendment is as follows:

(Purpose: To require an analysis of the methods for collecting data regarding the status of the United States economy and a determination of whether the current data results in an overstatement of United States economic growth, domestic manufacturing output, and productivity)

On page 26, after line 24, insert the following:

SEC. 114. UNITED STATES ECONOMIC DATA. (a) Of the funds provided in this title for Economic and Information Infrastructure under the heading ''ECONOMIC AND STATISTIC ANALYSIS'', $950,000 shall be used to carry out the study and report required under this section.

(b) Not later than 60 days after the date of the enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct a study and report on whether the import price data published by the Bureau of Labor Statistics and other economic data collected by the United States accurately reflect the economic condition of the United States.

(c)(1) The report required by subsection (b) shall include an analysis of the methods used to determine the condition of the United States economy and shall address—

(A) whether the statistical measure of the United States economy correctly interprets the impact of imports and outsourced production;

(B) whether the statistical measures of the United States economy result in an accurate report of United States gross domestic product (GDP), productivity, and other aspects of economic performance;

(C) whether the impact of imports on United States manufacturing levels and competitiveness is accurately reported; and

(D) whether other countries are accounting for import prices more accurately or frequently than the United States.

(2) If the findings of the report indicate that the methods used for accounting for imported goods and United States wages result in overstating economic growth, domestic manufacturing output, and productivity growth, the report shall include recommendations with respect to—

(A) what actions should be taken to produce more accurate import price indices on a regular basis; and

(B) what other measures of economic analysis should be used to accurately reflect the globalization of economic activity and offshoring of domestic production.

(d) The report required by subsection (b) shall be completed and submitted to Congress not later than 18 months after the date of the contract described in subsection (b).

Ms. MIKULSKI. Mr. President, this amendment is cleared on both sides of the aisle and I urge its immediate adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3225) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3268

Ms. MIKULSKI. Mr. President, my last request is, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 3268.

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

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

The amendment is as follows:

(Purpose: To provide funds for science, engineering, technology, and mathematics related activities)

On page 97, between lines 9 and 10, insert the following:

SEC. 528. FUNDS FOR TEACH FOR AMERICA.—Of the funds provided in this Act for the National Aeronautics and Space Administration, under the heading ''SCIENCE, AERONAUTICS, AND EXPLORATION'', $3,000,000 may be for Teach for America for science, technology, engineering, and mathematics related activities.

Ms. MIKULSKI. Mr. President, this amendment provides funds for science, engineering, technology, and mathematics-related activities at NASA. It has been cleared on both sides and I urge its immediate adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3268) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. 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 Maryland.

Ms. MIKULSKI. Mr. President, I know the Senator from Ohio has been waiting. He has been very cooperative and patient, and I appreciate it. I know he wants to speak on an important issue that has been on his mind and should be on the Senate floor as it relates to trade.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I thank the senior Senator from Maryland.

AMENDMENT NO. 3260

Mr. President, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 3260.

The PRESIDING OFFICER. Is this objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself, Ms. STABENOW, Mr. BYRD, and Mr. ROCKEFELLER, proposes an amendment numbered 3260.

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

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

The amendment is as follows:

(Purpose: To prohibit the use of any funds made available in this Act in a manner that is inconsistent with the trade remedy laws of the United States, and for other purposes)

On page 97, between lines 9 and 10, insert the following:

SEC. 528. LIMITATION ON NEGOTIATING TRADE AGREEMENTS.—None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete

fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

Mr. BROWN. Mr. President, first of all, I thank the senior Senator from Maryland for her work, especially today, on much of what she has done, but especially for what she did on NASA earlier today that will matter to northern Ohio, my whole State, and to much of the rest of this country.

I rise, quickly, to offer an amendment that will help America's manufacturers compete on even terms with foreign manufacturers.

American manufacturing, for generations, has been a tremendous source of pride for our country and a ladder to the middle class for our working families.

American manufacturing fuels our economy and supplies our national defense infrastructure. It would be dangerous, on many levels, for our country to ignore the anticompetitive forces that are buffeting our manufacturing sector. It would be, and it is.

Over the last several years, American manufacturing has faltered and millions of jobs have been lost. In my home State of Ohio, well over 200,000 manufacturing jobs have disappeared in the last half decade or so—from Steubenville to Lima and from Cleveland to Dayton.

Workers and manufacturers in all our States find it increasingly difficult to compete in today's global markets, where the odds are stacked against them because of unfair trade practices.

American industry can compete with anyone in the world when it is a fair fight.

Our international trade laws are intended to secure a level playing field, but, unfortunately, some of our trading partners have repeatedly found ways to circumvent these laws to gain an unfair advantage against workers in the United States. This has led to record-breaking trade deficits, which threaten the long-term health of our economy, and massive job losses, which have wreaked havoc on the middle class.

Some foreign governments, for example, have unfairly and illegally doled out massive subsidies to their own companies and others willing to reestablish offshore, contributing to the migration of manufacturing jobs overseas and artificial price advantages for imported products.

Despite evidence that something is very wrong, you can look at job loss figures, deficit figures, outsourcing figures or offshoring figures. Our Government has chosen not to aggressively enforce U.S. trade remedy laws. It has also failed to successfully advocate for U.S. interests in the multilateral dispute settlement setting.

The WTO has issued a series of decisions striking down the practice known as zeroing in U.S. antidumping proceedings. Zeroing is a methodology employed for measuring and remedying unfair foreign dumping—the practice of selling products in the United States at below ''fair value,'' which corrupts free market competition and undermines U.S. industries.

Zeroing, a practice our Government has used for more than 80 years, has been upheld by U.S. courts and the GATT and is recognized as good policy because it combats unfair dumping.

The WTO's decisions threaten to create an enormous loophole in trade law enforcement. This affects industries and local economies throughout our country—not just steel, not just paper, so many things. The WTO decisions on issues such as zeroing is an overreach.

The USTR must work harder to overturn the recent European and Japanese zeroing decisions in negotiations and delay full implementation of the Japanese decision until, at a minimum, other methodologies are in place to capture 100 percent of dumping.

If the WTO continues to target U.S. trade remedy laws, we need to fight back. The administration's lack of backbone is unacceptable. This amendment is a modest reminder to the administration that we need to vigorously enforce our trade laws.

I urge my colleagues to give it their support.

AERONAUTICS RESEARCH

Mr. WEBB. Mr. President, I would like to engage the distinguished chairwoman of the Commerce, Justice, and Science Appropriations Subcommittee, Senator MIKULSKI, in a colloquy about the importance of aeronautics funding. The chairwoman is aware that both Senator WARNER and I have serious concerns about decreased funding for aeronautics. Together we look forward to working with the Appropriations Committee to ensure adequate funding for important aeronautics research programs in Virginia.

Aeronautics research programs have been essential to our economic and military security for decades. Think about the millions of people who fly every year and the countless jobs and communities that have been affected by this research. From the days of the first flight of the Wright Brothers at Kitty Hawk, NC, to the modern-day aviation industry today that represents millions of jobs and contributes billions of dollars to our economy, our country has been served well by the investments we have made in aeronautics research. That history, however, and our present are at a crossroads.

The advances made possible by Government-funded research in emerging aeronautics technologies have enabled long-standing military air superiority for the United States in recent decades. The vast majority of military aircraft design the U.S. military currently flies incorporate advanced technologies developed at NASA Research Centers. As a result, it is important for NASA's cooperative research efforts with the Department of Defense regarding military aviation technologies are maintained at a healthy funding level. A national effort is needed to ensure that NASA can meet the civil and military needs in the future.

This issue came up when the Senate debated the budget for the 2008 fiscal year. In 2007, Congress provided $717 million for aeronautics research, in cost-adjusted numbers. I know Senator WARNER and I are very thankful that the Appropriations Committee was able to provide this funding. Yet the administration proposed, in their fiscal year 2008 budget, only $554 million for aeronautics. In an age of increased global competition from Europe, China, and other nations, this decision is alarming.

We appreciate the demands faced by Chairman MIKULSKI and Ranking Member SHELBY on funding all the programs under their subcommittee's purview. However, as I noted in March during the budget debate, and I repeat that message today, aeronautics research is essential for the United States to maintain its advantage in aeronautics technologies and air superiority within the military. It is essential to inspiring a new generation of children who one day might make a career in aviation, engineering, computer modeling and simulation.

It is also important that Congress supports NASA Administrator's objective of 10 Healthy Centers, especially ensuring the well-being of its four research centers, which are scheduled to face significant budget decreases in the outyears. These research centers have cutting-edge facilities that are operated and maintained by highly respected scientists. Over the years, they have produced outstanding basic research, especially in aeronautics, which is then utilized by the private sector to make significant advancements in the space and aeronautics industries.

Ms. MIKULSKI. The committee recognizes the importance of aeronautics research and NASA's 10 Healthy Centers effort. We share your concern about the steady decline in budget requests for aeronautics research. We will work with you to ensure this critical and historical strength of NASA is funded at a level sufficient to maintain our country's competitive edge in aeronautics.

PLANT GENOME RESEARCH PROGRAM

Mr. BOND. Mr. President, the distinguished chair of the subcommittee and I have long been strong supporters of plant genomics in general and the Plant Genome Research Program undertaken at the NSF in particular. The Plant Genome Research Program produces basic scientific research by providing for peer-reviewed competitive research grants to qualified institutions. Maintaining significant support for fundamental research in crop systems is more important than ever as agriculture is trying to meet the demands of consumers worldwide by providing a safe and secure supply of resources for human and animal nutrition, fiber, green products, bioenergy,

and plant-based nutraceuticals and other leading edge applications. This initiative has had strong backing over the years from the broad-based science community in conjunction with farmers and those up the food supply chain.

Together, as leaders of the VA/HUD and Independent Agencies Subcommittee, we began this initiative in 1997. It remains critical that we protect the integrity of the program and ensure its remains a priority at the NSF.

Is it the expectation of the subcommittee that the Plant Genome Research Program is funded at no less than $100 million?

Ms. MIKULSKI. Mr. President, that is correct.

Mr. BOND. Further, is it the expectation of the subcommittee that funding for the Arabadopsis 2010 program continue to be financed through the BIO directorate, yet separate from funds provided for the plant genome project as it has in the past?

Ms. MIKULSKI. Mr. President, that is my expectation. I appreciate your long standing support of plant genomics and will work to see that these important programs continue to receive support as they have in the past.

ELECTRONIC PRESCRIBING

Mr. WHITEHOUSE. Mr. President, I would like to engage the distinguished chairman of the Subcommittee on Commerce, Justice, and Science Appropriations, Ms. MIKULSKI, in a colloquy concerning the e-prescribing of controlled substances. Would the chairman and manager of the bill entertain a question?

Ms. MIKULSKI. Mr. President, I would be happy to.

Mr. WHITEHOUSE. Mr. President, I thank the chairman. As she knows, I am a profound believer in the potential of health information technology to revolutionize the way we deliver health care in this country. The potential for better coordinated care, reduced medical errors, increased patient satisfaction, and enhanced patient peace of mind is enormous. It is also worth noting that several well-respected organizations estimate annual savings near $80 billion.

Unfortunately, we have been unable, as a nation, to develop an interoperable, integrated health information infrastructure the way we were able to do with our highway system or our railroad tracks. This is the result of a variety of barriers that we, as legislators, have a responsibility to tackle if we are going to take this necessary step to improve health care in this Nation. One of those barriers is the current prohibition by the Drug Enforcement Administration, DEA, on the electronic prescribing of controlled substances.

This ban requires physicians who e-prescribe to maintain two separate systems: an electronic system for noncontrolled substances and a paper system for controlled substances. This is an excessive encumbrance for doctors who are trying to do the right thing for their patients—an encumbrance that has unfortunately led many overburdened doctors to give up electronic prescribing altogether. This is a travesty.

As a former attorney general and a former U.S. attorney, I am sensitive to the prosecutorial concerns of the Drug Enforcement Administration. But CMS has been working without success for years with the DEA to resolve their differences on this issue. Apparently, the DEA refuses to budge. I would like to know why. Billion-dollar transactions are done electronically; highly classified national security information travels electronically; military attack aircraft are targeted electronically. I would say to the DEA: Please do not tell me we cannot figure out a way for a doctor to prescribe Vicodin electronically. I think we need to demand a joint report from CMS and the DEA laying out a way, or ways, to overcome this hurdle, to be completed at the earliest practicable date but no later than 1 month after the date of enactment. In the absence of the DEA changing the rules, we must seek a statutory solution to this problem. Considering the extraordinary potential of e-prescribing, we have to break this logjam.

Mr. President, I would ask the chairman if she would work with me to ensure that CMS and the DEA will work together to propose a reasonable approach soon to allow the electronic prescribing of controlled substances?

Ms. MIKULSKI. Mr. President, I would say to the Senator from Rhode Island that it is my intention to do just that. I agree that a joint report between the DEA and CMS will help us move forward in this crucial area of health information technology and bring down a serious barrier to improved patient care.

Ms. STABENOW. Mr. President, I commend the leadership of Senator MIKULSKI in ensuring appropriate funding for the many critical activities under the auspices of the Commerce, Justice, and Science spending bill.

I also commend my colleagues, Senators WHITEHOUSE and KENNEDY, for their leadership in the critically important arena of health information technology, IT. Without their diligent work, the promises of health IT to reduce costs and improve quality of care would be very distant indeed.

Even with their dedication and that of many other colleagues, we have our work set out for us as we seek to accelerate the adoption of health IT. The Democratic steering committee heard yesterday from leaders on all aspects of health information technology—representing consumers, health care providers, business, insurers, labor, and others. All share an appreciation for what health IT can do to manage costs and ensure that patients get the care they need, at the right time, and in the best setting.

Yet they also expressed a shared sense of the need for Federal leadership and legislation to remove barriers to the adoption of health IT. These barriers include a misalignment of incentives and inadequate funding, the lack of standards adoption, and privacy and security concerns. Some of these barriers are large and will take all of us working together to find solutions. I am committed to doing so and look forward to working with my colleagues this Congress toward that goal.

There are also some barriers that should be easy to remove, and we must do so this year. One of those is the current U.S. Drug Enforcement Administration, DEA, prohibition on the electronic transmission of prescriptions for controlled substances, schedules II-V.

We know that e-prescribing saves lives, prevents injury, improves patient care outcomes, is more efficient, and saves health care dollars. One amazing statistic: According to the Center for Information Technology Leadership, CITL, e-prescribing systems with a network connection to pharmacy and advanced decision support capabilities can help avoid more than 2 million adverse drug events, ADEs, annually—130,000 of which are life-threatening.

It is important to note that some of the most dangerous drug interactions can occur with and between controlled substances. Preventing them from being processed electronically also prevents a physician's ability to do a computer drug interaction check to avoid what could be a fatal interaction.

Additionally, although the schedule II–V drugs account for only 12 to 15 percent of all prescriptions, the prohibition affects a much larger percentage of prescriptions for a very simple reason: of the relatively small number of physicians who have tried to move to electronic prescribing, some are giving it up entirely because they are prohibited from using it for all drugs. Physicians need to be able to use one means to write all prescriptions. If they must shift from electronic to paper depending on the patient or depending on which drug a particular patient needs, the confusion and extra time become too large a barrier to electronic prescribing. The result is a return to paper prescribing, and increased costs, increased errors, and worse health outcomes.

The prohibition on e-prescribing of controlled substances not only has a ripple effect in that it deters e-prescribing of all medicines, but it may deter adoption of electronic medical records in general. Electronic prescribing is the first step to adoption of full electronic medical records; if doctors can't efficiently adopt the process of writing prescriptions electronically, they are less likely to adopt electronic medical records.

The widespread adoption of electronic medical records could save up to $100 billion annually. Given the fact that health care will soon consume 20 percent of our country's gross domestic

product, and yet we have 47 million uninsured Americans and the highest infant mortality and lowest life expectancy of any other industrialized nation, we must do whatever we can to encourage adoption of electronic prescribing and electronic medical records, not keep in place policies that deter adoption.

I understand and appreciate that the DEA has a very important law enforcement function and needs to have the tools to enforce the laws and prosecute law breakers. However, electronic prescribing is not a barrier to that. The systems that have been used for years to transmit prescriptions electronically are secure and auditable. In fact, electronic prescribing will not only help enforcement but will create new opportunities to prevent abuse of controlled substances. Existing e-prescribing processes are actually more secure than written prescriptions. Banking transactions have been conducted for years electronically, and authorities have been able to prosecute people who misuse the technology. I am confident we can do the same with respect to any misuse regarding controlled substances.

I know that the DEA has acknowledged that e-prescribing offers many benefits and has considered ways to allow the electronic transmission of controlled substance prescriptions. And I know that DEA and Health and Human Services held a public meeting last year to begin to address this issue. That was a great first step, but progress has been very slow and now we need to solve this problem in a way that realizes the benefits of health IT, is secure, scalable within the industry, and that protects the DEA's interests.

One relatively easy fix may be to simply amend the Controlled Substances Act to permit electronic prescribing. There may be other ways to address the problem, and I am open to discussing those. What is critical is that we find a way to allow e-prescribing for all medications soon—every day we delay, the cost in dollars and lives grows. We need incentives to encourage adoption of e-prescribing, not roadblocks to adoption. Increased use of electronic prescribing will increase patient compliance, improve health outcomes, reduce medication errors, and reduce health care costs.

It is my sense that DEA should not invest additional resources in pursuing plans to allow e-prescribing of controlled substances through measures that are unnecessarily high in cost and complexity.

I join my colleagues in urging DEA to quickly adopt rules allowing electronic prescribing of controlled substances that rely on the high level of security built into the existing e-prescribing infrastructure and are deemed workable by all stakeholders.

Absent a timely adoption of such DEA rules, I look forward to working with my colleagues to find a solution to the prohibition on electronic prescribing of certain medicines this year.

Mr. President, I see the chairman of the Committee on Health, Education, Labor, and Pensions is here, and I would appreciate his comments on this issue.

Mr. KENNEDY. Mr. President, I thank the Senator from Rhode Island for drawing our attention to this barrier in the advancement of electronic prescribing. The use of electronic prescribing technologies offers an opportunity to improve health care outcomes by reducing medication errors and improving patient compliance with physician orders and screening for dangerous drug-drug interactions. Physicians and pharmacies in Massachusetts have begun to adopt e-prescribing and patients are benefiting. Massachusetts was recently recognized as the State with the highest volume of electronic prescriptions per capita. Electronic prescribing systems offer security advantages beyond those available through a paper-based system by requiring user authentication and generating an audit trail of prescriptions submitted to pharmacies. Creating a method by which controlled substances can be safely and securely prescribed electronically will encourage physicians' adoption of the technology. I support the Senator from Rhode Island's proposal for a joint report by the U.S. Drug Enforcement Administration and the Department of Health and Human Services to evaluate how electronic prescribing of controlled substances can be safely achieved. I also urge the Drug Enforcement Agency to adopt rules allowing controlled substances to be electronically prescribed and in the absence of such rules look forward to working with my colleagues to address the issue legislatively.

Ms. MIKULSKI. Mr. President, I agree with the Senator from Massachusetts. I am committed to working with the Senator from Rhode Island, the Senator from Michigan, and the chairman of the HELP Committee to solve this problem.

Mr. WHITEHOUSE. Mr. President, I thank the chairman and all my colleagues for their help on this issue.

Mr. BYRD. Mr. President, today I voted to table an amendment offered by Senator COBURN to H.R. 3093, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2008, which would have shifted funding to the Civil Rights Division within the U.S. Department of Justice for the investigation and prosecution of unsolved civil rights cases.

I share Senator COBURN's fervent and sincere desire to solve these ghastly crimes. However, I do not believe that his amendment would achieve this important task. Instead, the Senate should consider and pass S. 535, the Emmett Till Unsolved Civil Rights Crime Act. I am a cosponsor of this bill, which would commit the resources of the U.S. Government to investigating and prosecuting racially motivated murders that occurred on or before December 31, 1969. The bill designates an official within the U.S. Department of Justice, and another within the Federal Bureau of Investigation, to investigate, prosecute, and coordinate the investigations of civil rights violations that occurred prior to 1970 and resulted in a death.

There is an urgent need for the Congress to enact this measure. Given the advanced age of defendants and potential witnesses, there remains only a small window of opportunity in which to solve these cases. Ultimately, the purpose of this bill is to provide justice to the families of those who were murdered for racially motivated reasons prior to 1970. The bill expresses the sense of Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation and other entities within the U.S. Department of Justice, should expeditiously investigate unsolved civil rights murders, and provide the resources necessary to ensure timely and thorough investigations in the cases involved.

The families of the victims of these heinous crimes deserve no less. It is my hope that this bill, which has been approved by the Senate Judiciary Committee, will soon be voted upon and passed by the Senate.

The PRESIDING OFFICER. The Senator from Washington.

EXECUTIVE SESSION

NOMINATION OF JENNIFER WALKER ELROD TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mrs. MURRAY. Mr. President, I ask that the Senate proceed to executive session to consider Executive Calendar No. 302, as under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Jennifer Walker Elrod, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Mrs. MURRAY. Mr. President, I ask unanimous consent for 5 minutes under the time of Senator LEAHY.

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

NOMINATION OF RICHARD A. JONES

Mrs. MURRAY. Mr. President, I am honored to come to the floor today to speak on behalf of Richard Jones. He is a distinguished lawyer and a King County Superior Court judge from my home State. He is a man who enjoys broad bipartisan support, and he deserves a seat on the Federal bench.

President Bush nominated Judge Jones to be a district court judge for the Western District of Washington State. He is an excellent choice. I am very proud to be here this afternoon to support him, and I urge my colleagues to support him as well.

If you were to ask lawyers or judges in my home State about Judge Jones,

some of the descriptions you would hear are, ''He is admired by everyone in the justice system.'' ''He gives respect, and he gets respect.'' ''The test of one's performance is the way they handle the smaller cases. Richard displays precisely that same degree of sensitivity to all who appear before him.''

The Seattle Times described this nomination by saying:

This is a lifetime appointment with no room for mistakes, and we believe there is no mistake here.

I couldn't agree more. Judge Jones has handled some of the most difficult cases in western Washington in the past decade and he has won the respect of everyone who has come before him. He presided over the sentencing of Gary Ridgway, who was known as the ''Green River Killer.'' Ridgway pleaded guilty to 48 counts of aggravated first-degree murder in 2003 and is one of the most prolific serial killers in American history. That would be a tough case for any judge, but Judge Jones earned praise for the sensitivity and dignity he showed for the victims of the Green River killer.

As a result of that case—and in recognition of his long service to Washington State—in 2004, Judge Jones received the ''Judge of the Year Award'' from the Asian Bar Association of Washington, from the King County Bar Association, from the Washington State Bar Association, and from the Washington State Trial Lawyers Association.

Judge Jones has also been praised by his peers for handling cases far out of the media spotlight with the same care and attention. Both Senator CANTWELL and I assisted the President in choosing Judge Jones from a list of very qualified candidates. When I met him, I was so impressed with his sensitivity, his professionalism, and his overall sense of fairness. Throughout his career, Judge Jones has won high praise for his judicial demeanor and for the respect he shows all parties.

In the courtroom, Judge Jones is known for making articulate and powerful statements that make clear where he stands. He clearly meets the standards of fairness, evenhandedness, and adherence to the law we all expect from our Federal judges.

In his personal background, he graduated from Seattle University and the University of Washington School of Law. In private practice, Richard Jones successfully represented both plaintiffs and defendants in a variety of civil cases. As a State and a Federal prosecutor, he had extensive experience prosecuting criminal cases. Most recently, as a full-time King County Superior Court judge, Richard Jones has distinguished himself and won broad support.

In addition to all of those professional responsibilities, Judge Jones also has been deeply involved in community activities. He served as a YMCA board member and mentored minority youths. He has worked in the community to expand opportunities for students to pursue legal careers by supporting youth-oriented legal programs. Judge Jones has shown a commitment to the people of his community, and that is one of the reasons why they have shown a commitment to him. Since he was first appointed in 1994, the voters of King County have reelected him three times. I know I speak on behalf of a large number of people in my State's legal and law enforcement community in saying that our Federal bench will be stronger with Richard Jones.

It is my pleasure to be here on the floor this afternoon to support his nomination. He has garnered bipartisan support in my State, and I am confident that his record of fair and unbiased service will earn him a bipartisan vote on the floor of the Senate today. I urge all of my colleagues to support this nomination.

I yield the floor.

Mr. LEAHY. Mr. President, we have nominations before us for lifetime appointments to the Federal bench of Jennifer Walker Elrod of the Fifth Circuit, Roslynn Renee Mauskopf for the Eastern District of New York, Richard Jones for the Western District of Washington, and Sharion Aycock for the Northern District of Mississippi.

The yeas and nays have not been ordered on any of these, have they?

The PRESIDING OFFICER. Only the nomination of Ms. Elrod has been reported.

Mr. LEAHY. But no request has been made for the yeas and nays; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, for the interest of my colleagues, I do not anticipate—I do not intend to ask for the yeas and nays on any of these. I have discussed this with the distinguished senior Senator from Pennsylvania, Senator SPECTER, and I believe I am authorized to speak for him that he is not going to be requesting the yeas and nays.

Mr. CARDIN. Would my distinguished chairman yield for a moment?

Mr. LEAHY. Yes.

Mr. CARDIN. As you know, I am going to be opposing the nomination of Jennifer Walker Elrod, but I will not be seeking a record vote.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Maryland. I know he is going to be speaking on that nomination and stating his reasons for opposition, but I wanted it known by both leaders that I will not be requesting a rollcall vote on any of these. I see the distinguished senior Senator from Mississippi is on the floor and I have advised him of that also.

The Senate continues, as we have all year, to make progress filling judicial vacancies when the White House will work with us. The nominations before us today for lifetime appointments to the Federal bench are Jennifer Walker Elrod for the Fifth Circuit, Roslynn Renee Mauskopf for the Eastern District of New York, Richard Jones for the Western District of Washington, and Sharion Aycock for the Northern District of Mississippi. They each have the support of both home State Senators. I thank Senators MURRAY, CANTWELL, COCHRAN, LOTT, HUTCHINSON, CORNYN, SCHUMER and CLINTON for their work in connection with these nominations.

The progress we have made this year in considering and confirming judicial nominations is sometimes lost amid the partisan sniping over the most controversial nominations.

If the nominations we consider today are confirmed, the Senate will have already confirmed 33 nominations for lifetime appointments to the Federal bench this session alone. That is more judicial nominations than were confirmed in all of 2005 or 2006 with a Republican majority. It is 16 more confirmations than were achieved during the entire 1996 session, nearly doubling that session's total of 17, when Republicans stalled consideration of President Clinton's nominations.

Judge Elrod would be the Fourth Circuit court nominee confirmed so far this year. That is more than the number of President Clinton's circuit court nominations confirmed by this time in 1999 with a Republican-led Senate and four more than the Republican-led Senate confirmed in the entire 1996 session. That was the session in which not a single circuit court nominee was confirmed. That is more than were confirmed in all of 1993 and equals the total in 1983.

If the nominations are confirmed today, the Senate will have confirmed 21 circuit court nominations and 133 total Federal judicial nominees in my tenure as Judiciary chairman. During the Bush Presidency, more circuit judges, more district judges—more total judges—have been confirmed in the first 24 months that I served as Judiciary chairman than during the 2-year tenures of either of the two Republican chairmen working with Republican Senate majorities.

Today, we consider a nominee to the Fifth Circuit. During the Clinton administration several outstanding nominees to the Fifth Circuit were pocket filibustered. They included Judge Jorge Rangel of Texas, Enrique Moreno of Texas and Alston Johnson of Louisiana. They were pocket filibustered without a hearing or committee consideration. In contrast, the Judiciary Committee has proceeded with this nomination.

The Administrative Office of the U.S. Courts will list 44 judicial vacancies after today's confirmations. The President has sent us only 20 nominations for these remaining vacancies. Twenty-four of these vacancies—more than half—have no nominee. Of the 16 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for half of them. Of the 15 circuit court

vacancies, 6—more than a third—are without a nominee. If the President would decide to work with the Senators from Michigan, Rhode Island, Maryland, California, New Jersey, and Virginia, we could be in position to make even more progress.

We have helped cut the circuit vacancies from a high mark of 32 in the early days of this administration, to as few as 13. Contrast that with the Republican-led Senate's lack of action on President Clinton's moderate and qualified nominees that resulted in increasing circuit vacancies during the Clinton years from 17 to 26. During those years, the Republican-led Senate engaged in strenuous and successful efforts under the radar to keep circuit judgeships vacant in anticipation of a Republican President.

More than 60 percent of current circuit court judges were appointed by Republican Presidents, with the current President having appointed more than 30 percent of the active circuit judges already.

Two of the vacancies being filled today are categorized by the Administrative Office of the United States Courts as judicial emergency vacancies. With these confirmations we will have proceeded to fill 18 such vacancies this year.

Jennifer Walker Elrod is a judge on the 190th District Court for Harris County, TX, a position she has held since 2002. A native of Port Arthur, TX, and a graduate of Baylor University and Harvard Law School, Judge Elrod clerked for Judge Sim Lake on the U.S. District Court for the Southern District of Texas and spent 8 years in private practice at Baker Botts before joining the bench.

Roslynn Renee Mauskopf has served as U.S. attorney for the Eastern District of New York since her 2002 appointment by President Bush. Ms. Mauskopf received her B.A. from Brandeis and her law degree from Georgetown before spending 13 years as assistant district attorney in the New York County District Attorney's Office and serving a stint as New York State's inspector general.

Richard Anthony Jones has been a judge on the King County Superior Court since 1994. Previously, Judge Jones, a graduate of Seattle University and the University of Washington School of Law, served as an assistant U.S. attorney in the Western District of Washington, staff attorney for the Port of Seattle, and deputy prosecuting attorney for King County, also spending 6 years in private practice at Bogle and Gates.

Sharion Aycock has been a state trial judge on the First Circuit Court District in Tupelo, MS, since 2003. A native of Tupelo, MS, Judge Aycock, who received her B.A. from Mississippi State University and her J.D. from Mississippi College School of Law, served for 8 years as Itawamba County prosecuting attorney, and spent time in private practice in Mississippi as a solo practitioner and at law firms.

I congratulate the nominees and their families on their confirmations today.

The Judiciary Committee has reported dozens of measures to the Senate that await action, from privacy legislation to war profiteering legislation to court legislation, all on a bipartisan basis. Yet we are stalled on several important matters.

I have spoken before of the Republican objection to our going to conference to finish work on the Court Security Improvement Act, S. 378, which the committee reported to the Senate back in March. We had to overcome a filibuster just to consider it. It ultimately passed the Senate 97 to zero. We are being prevented from going to conference to resolve differences with the House by Republican objection.

I have spoken before about the War Profiteering Prevention Act, S. 119, what has been stalled for months by unspecified Republican objections.

I have spoken before about the Emmett Till Unsolved Civil Rights Crimes Act, S. 535. It was reported unanimously by the Judiciary Committee, yet a Republican Senator objected to Senate passage this week.

Similarly there is a modest bill to extend temporary judgeships in five districts, S. 1327. That simple bill is likewise being prevented from passage by a Republican objection.

Today, I want to focus on another important measure, the School Safety and Law Enforcement Improvement Act.

Two months ago, the Senate Judiciary Committee originated the School Safety and Law Enforcement Improvement Act of 2007, a legislative package that responds to the tragic deaths that occurred this past April on the campus of Virginia Tech. We tried to show deference to Governor Kaine and the task forces at work in Virginia and to complement their work and recommendations. Working with several Senators, including Senators BOXER, REED, SPECTER, FEINGOLD, SCHUMER, and DURBIN, the Committee originated this bill and reported it before the commencement of the academic year in the hope that the full Senate could pass these critical school safety improvements this fall.

Over the past 2 weeks, Senator SCHUMER and I have tried separately to pass the component of the bill designed to fix flaws in the Nation's background check system. Regrettably, our efforts were blocked by a single Senator.

I do not think the Senate should continue to stand by and wait for the next horrific school tragedy to make the critical changes necessary to insure safety in our schools and on our college campuses. Risks of school violence will not go away just because Congress may shift its focus. In just the last few weeks we have seen tragedy at Delaware State and Memphis, as well as incidents in California and New York. I urge the Senate to move aggressively with the comprehensive school safety legislation.

It includes background check improvements together with other sensible yet effective safety improvement measures supported by law enforcement across the country. Accordingly, I urge the Senate to take up and swiftly pass S. 2084. If we are prohibited by objection from doing so by unanimous consent, then let us move to it and let those with objections seek to amend those provisions to which they object.

There are too many incidents at too many colleges and schools nationwide. This terrorizes students and their parents. We should be doing what we can to help. Just this past week, a troubled student wearing a Fred Flintstone mask and carrying a rifle through campus was arrested at St. John's University in Queens, NY, prompting authorities to lock down the campus for 3 hours.

The next day, an armed 17-year-old on the other side of the country in Oroville, CA, held students hostage at Las Plumas High School, which also resulted in a lock-down. The students in these situations escaped with their lives.

University of Memphis student Taylor Bradford was not so lucky. He was killed on campus this past Sunday morning in what university officials believe was a targeted attack. He was 21 years old. Shalita Middleton and Nathaniel Pew were not so lucky. They were both wounded during an incident at Delaware State and are still hospitalized from the gun shot wounds with Ms. Middleton still in serious condition. They are each only 17 years old.

The School Safety and Law Enforcement Improvement Act responds directly to incidents like these by squarely addressing the problem of violence in our schools in several ways. The bill enlists the States as partners in the dissemination of critical information by making significant improvements to the National Instant Background Check System, known as the NICS system. The bill also authorizes Federal assistance for programs to improve the safety and security of our schools and institutions of higher education, provides equitable benefits to law enforcement serving those institutions, and funds pilot programs to develop cutting-edge prevention and intervention programs for our schools. The bill also clarifies and strengthens 2 existing statutes—the Terrorist Hoax Improvements Act and the Law Enforcement Officers Safety Act—which are designed to improve public safety.

Specifically, title I would improve the safety and security of students both at the elementary and secondary school level, and on college and university campuses. The K–12 improvements are drawn from a bill that Senator BOXER introduced in April, and I want to thank Senator BOXER for her hard work on this issue. The improvements include increased funding for much-needed infrastructure changes to improve security as well as the establishment of hotlines and tip-lines, which

will enable students to report potentially dangerous situations to school administrators before they occur.

To address the new realities of campus safety, title I also creates a matching grant program for campus safety and security to be administered out of the COPS Office of the Department of Justice.

The grant program would allow institutions of higher education to apply, for the first time, directly for Federal funds to make school safety and security improvements. The program is authorized to be appropriated at $50,000,000 for the next 2 fiscal years. While this amounts to just $3 per student each year, it will enable schools to more effectively respond to dangerous situations on campus.

Title II of the bill seeks to improve the NICS system. The senseless loss of life at Virginia Tech revealed deep flaws in the transfer of information relevant to gun purchases between the States and the Federal Government. The defects in the current system permitted the perpetrator of this terrible crime to obtain a firearm even though a judge had declared him to be a danger to himself and thus ineligible under Federal law.

Seung-Hui Cho was not eligible to buy a weapon given his mental health history, but he was still able to pass a background check because data was missing from the system. We are working to close gaps in the NICS system. Title II will correct these problems, and for the first time will create a legal regime in which disqualifying mental health records, both at the State and Federal level, would regularly be reported into the NICS system.

Title III would make sworn law enforcement officers who work for private institutions of higher education and rail carriers eligible for death and disability benefits, and for funds administered under the Byrne grant program and the bulletproof vest partnership grant program.

Providing this equitable treatment is in the best interest of our Nation's educators and students and will serve to place the support of the Federal Government behind the dedicated law enforcement officers who serve and protect private colleges and universities nationwide. I commend Senator JACK REED for his leadership in this area.

Title IV of the bill makes improvements to the Law Enforcement Officers Safety Act of 2003. These amendments to existing law will streamline the system by which qualified retired and active officers can be certified under LEOSA. It serves us all when we permit qualified officers, with a demonstrated commitment to law enforcement and no adverse employment history, to protect themselves and their families wherever they may be.

Title V incorporates the PRECAUTION Act, which Senators FEINGOLD and SPECTER asked to have included. This provision authorizes grants to develop prevention and intervention programs for our schools.

Finally, title VI incorporates the Terrorist Hoax Improvements Act of 2007, at the request of Senator KENNEDY.

Let us go forward and act now on this important bill. The Virginia Tech Review Panel—a body commissioned by Governor Tim Kaine to study the Virginia Tech tragedy—recently issued its findings based on a 4-month long investigation of the incident and its aftermath. This bill would adopt a number of recommendations from the Review Panel aimed at improving school safety planning and reporting information to NICS.

We must not miss this opportunity to implement these initiatives nationwide, and to take concrete steps to ensure the safety of our kids.

I recognize that there is no panacea to end the sad phenomenon of school violence. The recent tragedies should prompt us to respond in realistic and meaningful ways when we are presented with such challenges. I hope the Senate can promptly move this bill forward to invest in the safety of our students and better support law enforcement officers across the country.

Mr. President, I apologize to my colleagues for my voice. We seem to have enough matter in the air to affect it. I look forward to the fact that in a couple of days I will be in Vermont where the air is much nicer, although I do love this area. I once had a longtime resident of Washington, DC, sitting on the front lawn of my farm in Middlesex, VT, looking out over miles of valleys surrounded by mountains. You don't see another person, just this magnificent view. It was a clear day.

I said to him: There, what do you think of that view?

He said: I don't like it.

I said: What do you mean? You came here from Washington, and you are seeing one of the most beautiful views anywhere in the State of Vermont, and you don't like it? What don't you like about it?

He said: I don't trust air that I cannot see.

Well, we cannot see the air there, but, boy, we can breathe it. I enjoy that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I yield 5 minutes to the Senator from Mississippi and then 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LEAHY. Mr. President, I will yield 15 minutes to the Senator from Maryland following that.

NOMINATION OF JUDGE SHARION AYCOCK

Mr. COCHRAN. Mr. President, I am pleased to support the nomination of Judge Sharion Aycock and recommend her confirmation as U.S. district court judge for the Northern District of Mississippi.

Judge Aycock is exceptionally well qualified by reason of her education, her experience, and her temperament to serve as a U.S. district court judge. As a lawyer, she was highly respected, and as a judge on our State court that has general, civil, and criminal jurisdiction, she has served with competence and distinction and with a keen sense of fairness. She will reflect great credit on the Federal judiciary, in my opinion. Judge Aycock has earned the respect and admiration of her fellow lawyers, as well as the judges who have worked with her. She has been selected to serve in many professional and community positions of trust and responsibility.

The American Bar Association's Standing Committee on the Federal Judiciary unanimously concluded that she is ''well qualified'' to serve as a Federal district court judge. This is the highest rating a judicial nominee can receive from the American Bar Association.

She was born and raised in the northeast Mississippi town of Tremont in Itawamba County, where she graduated from high school with honors and was elected President of the student body.

She also graduated with honors from Mississippi State University in 1977, studying economics and political science. While a student there, she was selected for membership in Phi Kappa Phi, the Nation's oldest and largest honor society. She was inducted into the Mississippi State University Hall of Fame, the university's highest undergraduate honor. She also served as President of her social sorority.

She received her law degree from the Mississippi College School of Law, where she served as co-editor in chief of the Law Review and as treasurer of the Student Body Association. She graduated second out of a class of 146 and was admitted to practice law by the Mississippi State Bar.

After graduating from law school, Ms. Aycock returned to Itawamba County and started her own practice in 1984. During her 12 years of law practice, she represented the Itawamba County Board of Supervisors and the Board of Education, the town of Tremont, the city of Fulton, and the Northeast Mississippi Natural Gas District. She served as the Itawamba County prosecuting attorney from 1984 to 1992 and was honored as the State's most distinguished juvenile justice professional.

Judge Aycock was elected circuit court judge for the First Circuit Court District of Mississippi in November 2002. She was unopposed when she sought reelection 4 years later, in November 2006.

Except for statewide elected officials, trial judges have the largest geographic areas of responsibility in our State under their jurisdiction. The fact that she was unopposed when she was reelected in 2006 means that many people respected and appreciated the tremendous job she had done as a trial judge. Her court's docket is one of the busiest in the State of Mississippi, and

it is also one of the largest districts, encompassing seven counties.

During her tenure on the circuit court, Judge Aycock has had the opportunity to hear numerous criminal and civil cases, covering a broad range of subjects. She has expedited the work of the court, both on the civil and criminal dockets. She led the court in disposing of civil cases and the collection of fines and criminal cases.

She has contributed substantially to the improvement of the administration of justice in our State and in the betterment of her community.

She has been an active member of local and State bar associations. She served as First Judicial District secretary and president and was the first woman to serve as president of the Mississippi Bar Foundation, an organization dedicated to the improvement of the administration of justice in our State. She is also a fellow of the Mississippi Bar Foundation.

She served as president of the Itawamba County Development Council, as a member of the Itawamba County Hospital Foundation, and as cochair of the Itawamba County March of Dimes.

Senator LOTT and I recommended the nomination of Judge Aycock in December of 2006. I am pleased that the President nominated Judge Aycock and that the Senate Judiciary Committee has recommended the approval of her nomination.

I urge Senators to vote to confirm this well-deserved nomination.

Mr. LOTT. Mr. President, it is my pleasure to have this opportunity to speak on behalf of Judge Sharion Aycock in advance of her confirmation vote. Judge Aycock is the first female jurist from Mississippi to be nominated to a position on the Federal bench, and I am delighted that the President has chosen her to serve on the United States District Court for North Mississippi.

Judge Aycock was born and raised in Tremont, MS. After graduating with honors from Tremont High School, she went on to attend Mississippi State University where she graduated with a degree in political science. Judge Aycock then earned her law degree from the Mississippi College School of Law, where she served as Co-Editor-in-Chief of the Mississippi College Law Review and finished 2nd in her class.

Following law school, Judge Aycock was employed by the A.T. Cleveland Law Office in Fulton, MS, and later opened her own practice. While in private practice, she represented the Itawamba County Board of Supervisors, Itawamba County Board of Education, Town of Tremont, City of Fulton, and the Northeast Mississippi Natural Gas District. She also served as the Itawamba County Prosecuting Attorney from 1984 to 1992.

Judge Aycock has been extremely active in her local community serving as Past President of the Itawamba County Development Council, a Member of the Itawamba County Hospital Foundation, a Member of the Three Rivers Area Health Services, Inc., Co-Chairman of the Itawamba County March of Dimes, and Chairman of the Prairie Girl Scouts Capital Fund Drive for Itawamba County. She was chosen as the ''Itawamba County Good Citizen of 2000'' and selected as one of the Mississippi Business Journal's ''Top 40 Under 40.''

In addition to being heavily involved in her local community, Judge Aycock has been an active member in the Mississippi Bar Association. She served as First Judicial District President and Secretary, and was honored as a Fellow of the Mississippi Bar Foundation.

During her professional career, she has also received several gubernatorial appointments, including appointments to the Board of the Mississippi Home Corporation; Board Member and Past Chairman of the Mississippi State Personnel Board; and a Member of the Governor's Commission on Youth and Children.

Judge Aycock is currently Circuit Court Judge of the First Circuit Court District of Mississippi, a position she was elected to in November of 2002. During her tenure, Judge Aycock has had the opportunity to hear numerous criminal and civil cases covering a broad range of subject matter and complexity. She has presided over countless criminal cases, including capital murder, murder, manslaughter, and numerous drug offenses. Civil cases have included medical malpractice, contracts, fraud and misrepresentation, personal injury, and other suits for monetary damages.

I believe that Judge Aycock will serve as a credit to both the Federal bench and to the State of Mississippi. I look forward to her confirmation.

The PRESIDING OFFICER. The Senator from Texas is recognized.

NOMINATION OF JUDGE JENNIFER WALKER ELROD

Mr. CORNYN. Mr. President, I am reminded of a quote from Daniel Webster when he said that ''justice is the greatest aspiration of man on earth.'' I think the reason we take these judicial nominations so seriously is because the judiciary—the people who wear the black robe—is the personification of that aspiration for justice.

Today, it gives me great pleasure to speak in support of the nomination of Judge Jennifer Elrod of Houston to the U.S. Court of Appeals for the Fifth Circuit. In a few moments, the Senate will vote on her nomination.

As Judge Elrod's career makes clear, she is well qualified for a seat on the Federal appellate bench. She has demonstrated the legal acumen, the judicial temperament, and dedication to public service which the Senate wisely requires of all judicial nominees.

Since 2002, Judge Elrod has been a State district court judge, serving on the 190th District Court in Harris County, TX. As a trial judge, she has presided over more than 200 jury and nonjury trials. Before that, Judge Elrod practiced law in Houston, TX, in the trial department of Baker Botts, a top national law firm.

Judge Elrod is known for her outstanding intellect, her strong work ethic, her integrity, and her courteous demeanor. She has an outstanding record as a practicing attorney and as an active State court judge. She has demonstrated an impressive commitment to public service and pro bono work throughout her career.

Both while in private practice and while serving the people of Texas as a trial judge, Judge Elrod has dedicated much of her free time to improving the lives of those less fortunate in the community.

Even with the demands of a career in the law, she also found time to serve as a board member and chairwoman of the Gulf Coast Legal Foundation, now called Lone Star Legal Aid. This organization serves more than 1 million low-income Texans, making it the fourth largest legal aid program in the Nation. She also served as general counsel to Communities in Schools in Houston and as the cochair of the Houston Volunteer Association's Legal Hotline.

As a judge, she assisted the Houston Bar Association with numerous fundraising activities aimed at providing scholarships for diversity and equal access to justice. Judge Elrod dedicated her time to hosting and mentoring legal interns from less-privileged backgrounds, opening her courtroom to them and teaching these young men and women valuable oral advocacy skills. She has been an active participant in the Texas Access to Justice Commission, helping young lawyers to provide legal services to indigent clients.

Mr. President, I know of few lawyers, much less judicial nominees, with such an outstanding record of consistent commitment to pro bono services and public service.

While my colleagues undoubtedly will acknowledge the importance of Judge Elrod's career achievements and dedication to her community, we also recognize that the most important attributes of a judicial nominee are their temperament and commitment to the rule of law. Above all else, a judge must faithfully interpret and apply the law as written and not as they wish we in Congress should have written it. I am confident Judge Elrod has demonstrated her ability to fairly and impartially resolve cases before her.

Her demonstrated fairness and respect for all is a key reason why her nomination is supported across the Houston legal community. She has the personal endorsement of the past and current presidents of the Houston Bar Association, the Hispanic Bar Association of Houston, and the Mexican American Bar Association of Houston, which are just a sampling of the broad base of her support. By all accounts, Judge Elrod has exercised her judicial

duties with nothing but neutrality and a commitment to fundamental fairness for every litigant before her.

In sum, Judge Elrod is an accomplished lawyer and judge of high character and uncommon integrity. I am honored to enthusiastically recommend to the Senate that it vote to confirm her to the U.S. Court of Appeals for the Fifth Circuit. I am confident she will serve this Nation with honor and distinction.

Let me say in closing how much I appreciate the chairman of the Judiciary Committee, Senator LEAHY, for giving Judge Elrod a timely hearing and for putting it on the markup on the Judiciary Committee schedule. I appreciate the majority leader, Senator REID, for allowing this nomination to come forward to the floor so we can give this good judge a vote very soon, I hope.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I serve on the Judiciary Committee, and Chairman LEAHY asked that I chair the nomination hearings, the confirmation hearings on the three judges whom we are considering today.

I agree completely with our colleagues from the State of Washington and the State of Mississippi. I think Richard Jones is well qualified and should be confirmed for the U.S. District Court in the Western District of Washington.

I think Sharion Aycock is well qualified, and I strongly support her confirmation to the District Court in Mississippi.

In regard to Jennifer Walker Elrod, for the U.S. Circuit Court for the Fifth Circuit, I opposed her nomination in the Judiciary Committee, and I take this time to explain to my colleagues why I believe she should not be confirmed.

Let me begin by saying that I agree with my friend from Texas about Judge Elrod's commitment to pro bono legal services. She served as chair of the board of the Gulf Coast Legal Foundation, now known as Loan Star Legal Aid, the largest provider of pro bono services in southeast Texas. That is important to me because I think all lawyers have a responsibility to help out to make sure our system is available to all.

After serving 8 years in private practice as an associate of Baker Botts in Houston, TX, she was appointed to the bench by the Governor in 2002 as a judge, the 190th District Court in Houston, TX. She was reelected to the bench in 2006.

However, no one is entitled to a circuit court judgeship. In the vast majority of cases, these courts are the final law of the land for the States in their circuit when it comes to interpreting complex Federal statutes and our Constitution. These judges have lifetime appointments and are second only to the Supreme Court Justices in terms of their power and authority.

I think we need to exercise a higher standard when we look at the confirmation of our appellate court judges. In many cases, they will be the final arbitrators of disputes among the people of our States.

In meeting with Judge Elrod, chairing her nomination hearings, and reviewing her written responses to additional questions I posed to her, I am not convinced Judge Elrod has the experience for this position.

I start with the undisputed fact about Judge Elrod's record. By her own admission, Judge Elrod has never written a single judicial opinion. In response to the Judiciary Committee's questionnaire asking for her opinions as a judge, she stated: ''I do not write opinions, I sign orders.'' She provided over 6,000 orders to the committee, but most are one-page documents that do not contain any discussion of substantive law. Indeed, Judge Elrod said that most questions in our committee questionnaire about her judicial opinions were not applicable to her because certiorari was not granted in any of her cases; appellate opinions or orders rarely reviewed her orders and decisions; she had no list of unpublished opinions; and she never sat on a judicial panel with other colleagues deciding cases. In short, we have no record of her ability to write opinions or the rationale for her decisions.

A nominee for circuit court judge should have experience in writing substantive judicial opinions. Judge Elrod does not have this requisite experience.

Judge Elrod, by her own admission, has very little experience in criminal cases. When she litigated at Baker Botts for 5 years, she responded that her practice involved ''100 percent civil proceedings'' and ''0 percent criminal proceedings.'' Her current job as a judge on the 190th District Court of Houston, TX, involves almost exclusively civil cases.

A nominee for circuit court judge should have broad experience in both criminal and civil cases. Her work in a handful of pro bono cases does not give me confidence that she has sufficient understanding of the criminal justice system and the rights of defendants. In fact, her major initiative in criminal issues involved the amicus brief in the case of Texas v. Cobb before the Supreme Court, in which she argued that the sixth amendment only applies to ''charged offenses'' and therefore a police interrogation without counsel about a subsequent offense was admissible. She did not further explain her views about this case in her written responses to our committee.

Judge Elrod, by her own admission, has very little experience in Federal court. In response to the committee questionnaire, she stated that her private practice involved ''80 percent state court'' cases and ''20 percent federal'' cases. Her current job as a State district court judge involves almost exclusively State issues.

A nominee for circuit court judge should have broad experience on Federal court issues and in the complex questions, often of first impression, of Federal law, statutory law, and constitutional interpretation that are routinely raised.

Judge Elrod, by her own admission, has very little experience in appellate litigation, with exception of the Cobb case noted above. Her current job as a State district court judge involves exclusively trial level proceedings.

A nominee for the circuit court—this is our appellate court, our second highest court—who handles these types of cases should have significant experience in appellate work.

Judge Elrod, by her own admission, does not ''write opinions.'' She ''signs orders.'' Given that circuit court judges are often the final say on law of the land in a given circuit—due to the low rate of granting certiorari by the Supreme Court—a circuit court judge has an unusual amount of authority and decisionmaking power.

We do not have any track record by which to weigh Judge Elrod's views on substantive legal issues, such as civil rights, civil liberties, workers' rights, reproductive freedom, environmental protection, consumers' rights, or employees' rights.

The speeches Judge Elrod provided for the record did not shed any more light on her opinions on substantive legal issues. She stated she did not have notes for many of her speeches. She also has not written any substantive legal or journal articles on complex legal or policy issues. Judge Elrod does not meet my test for Federal judicial nominees since she does not have the requisite experience for an appellate judge.

I want to talk about a separate issue. I talked about experience, which I think is important for a nominee who wants to serve on our appellate courts. I also think the issue of diversity is an important issue that needs to be talked about in this Chamber.

I wish to talk about the issue of diversity in the Fifth Circuit Court of Appeals. The U.S. Court of Appeals for the Fifth Circuit, which includes Mississippi, Louisiana, and Texas, presides over the largest percentage of minority residents, 44 percent, which includes African Americans and Latino citizens, of any regional circuit courts of appeal in this country outside of Washington, DC.

Mississippi has the highest African-American population, 36 percent, of any State in the country. Louisiana has the second largest African-American population, at 32 percent, of any State in this country. It is disappointing that none of President Bush's 10 nominations to the Federal bench in this circuit were African American. Of the 19 Federal judges who now sit on the Fifth Circuit Court of Appeals, only one is African American.

We all agree that diversity at all levels of our judicial system is important. Most recently, we have seen mass protests over double standards in our

criminal justice system used to treat African American and White youths in Jena, LA. Surely, in 2007 we can do better.

I take this time to point out that when the President submits a nominee for the appellate court, our second highest court, I expect that nominee will have the type of experience that is appropriate for a judge to be on the appellate court. I certainly am disappointed by the President's nominations on this circuit as it relates to diversity. I wanted to make sure that was included in the RECORD.

Mr. President, I reserve the remainder of my time.

Mr. SPECTER. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Texas is recognized for 5 minutes.

Mr. CORNYN. Mr. President, I thank the distinguished ranking member.

I certainly respect the right of the Senator from Maryland to express his views. I do want to put this in some context.

I don't know if it is a unique experience currently in the Senate, but perhaps it is currently that I am the only Member of the Senate who actually served for 13 years as a State judge, both on our State trial bench and the supreme court. That does not give me any particular qualifications other than to say what it means to have served in those capacities, as Judge Elrod has for 5 years. She worked also as a clerk for a U.S. district judge, Judge Sim Lake, for 2 years.

I hope we are not saying that it is a prerequisite for confirmation to the job of an appellate judge that one actually has to have served as an appellate judge. Of course, rarely do any of us have experience in the jobs to which we are assigned or to which we are elected or to which we are hired until we have actually had a chance to perform that job. What we look at is not whether they have actually done that job before, but whether they have done a good job of everything they have taken on previously.

By that standard, Judge Elrod not only has an impressive resume for a lawyer of her age, but she has demonstrated her competence, indeed, her excellence as a State district court judge.

I have some sensitivity to the suggestion that she does not have lengthy enough experience, alluding to her relative youth. I remember when I became a State district judge, I was 32 years old. But, more importantly, of the 19 judges currently serving on the Fifth Circuit Court of Appeals, 10 were in their forties or younger when appointed; three were 41—Judge Elrod's age—or younger. Judge Edith Jones, the chief judge of the Fifth Circuit, was 36 when confirmed by the Senate.

Judge Higginbotham, to whose vacancy Judge Elrod is nominated, was 44, and Judge Sim Lake, with whom Judge Elrod clerked, was 44 when he was appointed.

I also think of the members of the Judiciary Committee in the Senate who have been elected to important positions of responsibility. My recollection is—and I have to rely on the distinguished Senator from Maryland to remind me—but I think he was one of the youngest, if I am not mistaken, speakers of the Maryland House ever elected. He was elected at a young age, and that is to his great credit.

The fact is, age alone should not determine competence for these jobs. I think the demonstrated public service and record of excellence is sufficient.

I appreciate the Senator from Maryland acknowledging her tremendous record of pro bono service. That is a record of service above and beyond the call of duty which I think demonstrates Judge Elrod's commitment.

Finally, on the issue of diversity, I note that Judge Higginbotham, who currently occupies the seat to which Judge Elrod has been nominated and will serve, is somebody who looks like me. He is a White male. I think we ought to celebrate the fact that a woman of Judge Elrod's capability and experience has been deemed qualified by the President of the United States and by the Senate Judiciary Committee to serve in this important position. I think that counts for some diversity.

I do share the concerns of the Senator from Maryland that too few African Americans are attending law school. It reduces the pool of potential applicants for people to serve in positions on the judiciary, and we need to do more to try to encourage and facilitate that situation. But I certainly would not hold it against Judge Elrod that she is not an African American. I think she is qualified on the merits.

I appreciate the Senator from Pennsylvania, the distinguished ranking member, giving me a few minutes to explain, perhaps, another side of the story.

Mr. WHITEHOUSE. Mr. President, will the Senator yield for a question?

Mr. CORNYN. I will.

Mr. WHITEHOUSE. Mr. President, I know the distinguished Senator from Texas was also an attorney general of his State. I wonder if in that capacity the staff who served the appellate function in the attorney general's office, a solicitor general, are separate and he recognizes appellate practice, in many ways, is a specialized skill in that context, and I wonder what appellate argument experience the candidate for the Fifth Circuit Court of Appeals has?

Mr. CORNYN. Mr. President, the distinguished questioner, the Senator from Rhode Island, is himself a distinguished lawyer and a former attorney general with whom I served as a State attorney general. He knows as well as I do that a trial judge and a trial lawyer have to craft written and legal arguments the same way as an appellate lawyer does. Those are the same basic skills that Judge Elrod brings to her job.

It is true, when I became attorney general of my State, I created an Office of Solicitor General, recognizing the increasingly specialized nature of appellate practice.

Again, I believe Judge Elrod, by virtue of her extensive trial experience, the fact she graduated at the top of her class from law school and undergraduate school, served with one of the premier law firms in the Nation and with distinction as a trial judge, more than adequately qualifies her for this new responsibility.

Mrs. HUTCHISON. Mr. President, I rise today in strong support of the nomination of Judge Jennifer Elrod to serve on the Fifth Circuit Court of Appeals.

Back in July, I was proud to introduce Judge Elrod, a fellow Texan, at her Senate Judiciary Committee hearing.

Judge Elrod is a highly accomplished judicial nominee, with a distinguished record as a state court judge and as a practicing attorney. I am confident she will capably serve as a federal appelate judge for the Fifth Circuit.

Judge Elrod has shown her judicial capability in the 190th District Court in Houston, TX, where she currently presides. At present, she manaages a docket of over 1,000 cases, and leads all Harris County civil district judges in the number of jury cases tried to verdict since 2005.

Prior to serving on the bench, Judge Elrod practiced at Baker Botts LLP, a top national firm, where she worked for 8 years on litigation matters including antitrust, employment law, commercial litigation, toxic tort, general civil litigation, and personal injury defense. She also served as a law clerk to the Honorable Sim Lake in the Southern District of Texas.

Judge Elrod's outstanding intellect is evidenced by her exceptional academic credentials, graduating cum laude from Harvard Law School, and magna cum laude with distinction from Baylor University in Texas.

Judge Elrod has long been dedicated to pro bono service and charitable causes, and she is the former chair of the Gulf Coast Legal Foundation, the largst provider of pro bono legal assistance to indigent people in the Texas gulf coast region. She was recently commended by the Texas Access to Justice Commission for her service in facilitating the advocacy skills of lawyers who represent poor and low income Texans.

Judge Elrod has also been an active member in both the Texas State Bar and the Houston Bar Association, with particular service in the areas of Continuing Legal Education and the Administration of Justice.

She is two-time recipient of the President's Award fo Outstanding Service to the Houston Bar Association, and she was awarded the outstanding Young Lawyer of Houston in 2004 by the Houston Young Lawyers Association.

I am honored to support the confirmation of Judge Jennifer Elrod because she meets the high standards to which we hold all judicial nominees.

She has an impressive record of public service, work ethic, integrity, and she will bring great honor to the Federal bench.

I encourage my colleagues to approve her nomination.

We must also fill the other two vacancies on the Fifth Circuit.

The President has nominated two highly accomplished individuals, Catharina Haynes, and Leslie Southwick, to fill those vacancies—and they deserve a fair and speedy confirmation process.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator has 22 minutes 40 seconds.

Mr. SPECTER. Mr. President, I support the nomination of Jennifer Walker Elrod for the Fifth Circuit Court of Appeals. She has an excellent academic record: magna cum laude from Baylor, where she was Phi Beta Kappa and cum laude from Harvard Law School. She has served as an adjunct faculty member at the University of Houston Law Center. She has been in the practice of law for some 15 years, spending 8 years at the law firm Baker Botts. She has done extensive pro bono work including as general counsel for the Communities in Schools in Houston. She has extensive participation in the bar association. She's a member of the Mexican-American Bar Association of Houston and the Houston Bar Association. I believe her record qualifies her for the circuit court, notwithstanding the considerations of age and experience.

Mr. CARDIN. Mr. President, will my colleague yield for one clarification on that point?

Mr. SPECTER. I do.

Mr. CARDIN. I want to make it clear for the record that I have never at all challenged this nominee for the appellate court on age. I have never raised the issue of age, and I would never raise the issue of age.

Mr. SPECTER. I thank the Senator from Maryland for that statement.

Judge Jennifer Walker Elrod was nominated to a seat on the Fifth Circuit Court of Appeals on March 29, 2007, and a hearing was held on her nomination on July 19, 2007. Her nomination was reported favorably to the full Senate on September 20, 2007.

Judge Elrod received her B.A., magna cum laude, in economics from Baylor University in 1988, where she was Phi Beta Kappa and was named the ''Outstanding Graduating Senior in the Honors Program.''

In 1992, she received her J.D., cum laude, from Harvard Law School. At Harvard, she was a senior editor and the assistant business manager for the Harvard Journal of Law and Public Policy, and she was a finalist in the James Barr Ames Moot Court Competition.

After law school, Judge Elrod served as a law clerk to Judge Sim Lake of the United States District Court for the Southern District of Texas.

Following her clerkship, Judge Elrod practiced law in the litigation department of Baker Botts in Houston, TX.

In 2002, Governor Rick Perry appointed Judge Elrod to the 190th District Court in Harris County, TX, a State trial court. She was subsequently elected to the position in the 2002 general election and was reelected unopposed in 2006.

During her time on the bench, Judge Elrod presided over more than 200 jury and nonjury trials.

Judge Elrod has been dedicated to pro bono service and charitable causes her entire career. While working at Baker Botts, the firm gave her the Thomas Gibbs Gee Award for outstanding pro bono work. She also received the President's Award from the Houston Bar Association for Outstanding Service to the Bar.

While in private practice, Judge Elrod served as a board member and the chair of the board of the Gulf Coast Legal Foundation, now Lone Star Legal Aid, which is one of the largest providers of legal aid services to the poor in Texas.

The vacancy to which she is nominated is considered a ''judicial emergency'' by the nonpartisan Administrative Office of the Courts.

The American Bar Association unanimously rated Judge Elrod ''qualified.''

NOMINATION OF RICHARD A. JONES

Richard Jones comes to the Senate with an extraordinary record. He has been in the active practice of law since graduating from the University of Washington Law School in 1975; has been a prosecuting attorney for King County, WA; staff attorney for the Port of Seattle legal department. He has extensive community service activities with the board of directors of the YMCA in greater Seattle, and was president of that organization; and has been recommended by the American Bar Association as unanimously ''well qualified.''

President Bush nominated Judge Richard A. Jones to be a U.S. District Court Judge for the Western District of Washington on March 19, 2007. A hearing was held on his nomination on July 19, and the Judiciary Committee reported his nomination favorably on September 6.

He is an experienced litigator and jurist with an extensive record of public service.

Judge Jones graduated from Seattle University in 1972. He graduated from the University of Washington School of Law in 1975.

After law school, he worked as a deputy prosecuting attorney for the King County Prosecuting Attorney's office. There he prosecuted a wide variety of cases in matters ranging from DWI to murder prosecutions.

In 1978, he became a staff attorney with the Port of Seattle Legal Department. There he served as one of two in-house counsel providing legal advice and management services to all legal departments, with primary responsibility for the human resources, police, and fire departments.

In 1983, Judge Jones joined Bogle and Gates, one of the oldest and largest firms in Seattle, as an associate. There he managed cases in the firm's litigation and labor departments, primarily in the area of corporate commercial litigation.

From 1988 to 1994, Judge Jones served as an assistant U.S. attorney for the Western District of Washington. His work there entailed investigating and prosecuting major crimes such as bank robberies and fraud, as well as several years of work with the Drug Prosecution Division of the U.S. attorney's office.

In 1994, he was appointed King County Superior Court Judge to fill the term of a deceased judge. He was elected to that position in 1996 and re-elected in 2000 and 2004. His caseload has involved an extensive variety of civil, criminal, and juvenile matters. He also briefly served as Acting U.S. Magistrate for the court to which he is nominated in 1995 and 1997.

In 2004, Judge Jones was the recipient of both the King County Bar Association's Judge of the Year Award and the Washington State Bar Association's Outstanding Judge of the Year Award.

Throughout his legal career, Judge Jones has shown a strong commitment to the community. He served not only as president of the Loren Miller Bar Association, but also as president of the YMCA of Greater Seattle.

The American Bar Association has unanimously rated Judge Jones ''Well Qualified.''

NOMINATION OF SHARION AYCOCK

I further recommend Sharion Aycock for the United States District Court for the Northern District of Mississippi. Again, a fine academic record, with 27 years of law practice, with her bachelor's degree from Mississippi State University and a member of two honor societies, and Co-Editor in Chief of the Mississippi College Law Review. She has been a judge on the First Circuit Court for the District of Mississippi for the last 4 years, was the board attorney for the town of Tremont, and prosecuting attorney for Itawamba County. Judge Aycock brings substantial qualifications and the American Bar Association rated her unanimously ''well qualified.''

Judge Sharion Aycock was nominated to be a U.S. District Court Judge for the Northern District of Mississippi on March 19, 2007. A hearing was held on her nomination on July 19, 2007. Her nomination was reported favorably by the Judiciary Committee on September 6, 2007. If confirmed, she will be the first woman to be appointed to the Federal district court in Mississippi.

Judge Aycock received her B.A. from Mississippi State University in 1977

where she was a member of the Omicron Delta Kappa and Phi Kappa Phi Honor Societies. She received her J.D. from Mississippi College School of Law in 1980 and served as Co-Editor in Chief of the Mississippi College Law Review.

Upon graduation from law school, Judge Aycock joined the A.T. Cleveland Law Office as an associate, where she worked from 1980 until 1983.

In 1984, Judge Aycock opened her own practice in Fulton County and represented a wide range of clients, including some of the largest and most successful businesses in the county.

Between 1987 and 1989, she formed a small partnership with three other attorneys and practiced under the firm name of Soper, Russell, Richardson and Dent, P.A.; however, they did not share office space, and she remained in her original office. In 1990, they dissolved the partnership, and Judge Aycock resumed her former sole practice.

While working as a sole practitioner, Judge Aycock represented a variety of government entities on a part-time basis.

She served as the board attorney for her hometown, Tremont, MS, from 1980 until 2002 and for the city of Fulton from 1998 to 2002. She was elected to serve as the prosecuting attorney for Itawamba County in 1984 and served until 1992.

Judge Aycock also served as the attorney for the Board of Supervisors for Itawamba County from 1993 to 2002, the board attorney for the Itawamba County School District from 1984 to 1999, and the attorney for the Board of Commissioners for the Mantachie Natural Gas District from 1986 to 2002.

In 2002, Judge Aycock was elected as Circuit Court Judge for the First Circuit Court District of Mississippi. She ran unopposed and was reelected in 2006. Her term is set to expire in 2010.

The American Bar Association Standing Committee has rated Judge Aycock unanimously ''well qualified.''

NOMINATION OF ROSLYNN RENEE MAUSKOPF

The fourth judge up for consideration also brings excellent credentials, Roslynn Renee Mauskopf: Magna cum laude from Brandeis in 1979, and cum laude from the Georgetown University Law Center. She has experience as an assistant district attorney in New York County. She was New York State Inspector General for 7 years and chair of the Governor's Moreland Act Commission on the New York City schools for 3 years.

Roslynn R. Mauskopf was nominated in the last Congress, but her nomination was not acted upon prior to its adjournment. She was renominated on January 9, 2007. A hearing was held on her nomination on April 11, 2007, and the Judiciary Committee reported her nomination favorably on July 19.

Ms. Mauskopf is a highly qualified nominee with excellent credentials and a distinguished record of public service.

In 1979, she received her B.A. degree from Brandeis University, graduating magna cum laude. In 1982, she graduated cum laude from Georgetown University Law Center.

After law school, Ms. Mauskopf served as an Assistant District Attorney for New York County until 1995.

Between 1995 and 2002, she served as New York State's Inspector General, leading the State office responsible for investigating corruption, fraud, criminal activity, conflicts of interest, and other misconduct in State executive branch agencies.

Between 1999 and 2002, she also chaired the Governor's Moreland Act Commission on New York City Schools, which examined the operations and fiscal affairs of the New York City Board of Education and the New York City School Construction Authority.

Since 2002, Ms. Mauskopf has served as United States Attorney for the Eastern District of New York.

The daughter of Holocaust survivors, she has dedicated herself to promoting Holocaust remembrance. Her mother, at age 90, attended her daughter's nomination hearing before the Judiciary Committee.

The American Bar Association has unanimously rated Ms. Mauskopf ''Qualified.''

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 11 minutes 10 seconds.

Mr. SPECTER. I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I wanted to come back to Judge Elrod and comment on some of the points Senator CORNYN raised in his statements on the floor.

As I explained to Senator SPECTER, at no time do I raise at all the issue of age. I don't even know Judge Elrod's age, nor should that ever be a factor in our consideration on a confirmation, and it was not in my judgment; nor do I think there is a mathematical formula as to what is an appropriate amount of experience to be qualified to be an appellate court judge; nor do I think there is a specific path that one must follow in order to become an appellate court judge.

But with Judge Elrod, just look at her background and record. You would think, for an appellate court judge, you would want a nominee to have appellate court experience. She does not have it. You would think, for a Federal appellate court judge, you would want someone who has experience in our Federal courts. She doesn't have that. You would think, for a Federal appellate court judge, you would want someone who has experience in criminal law. She doesn't have that. You would expect, for someone who is going to be a nominee confirmed for the appellate court, that we would be able to evaluate her ability to express herself through opinions. We don't have that. You would expect, for an appellate court judge, we would have her speeches or articles that would explain some of her philosophy on life. We don't have that. You would expect, for an appellate court judge, you would have some other way of being able to evaluate her approach to interpreting the Constitution of the United States. She will be confirmed to sit on the court that will do more interpretation of our Constitution than any other court; that is, the appellate court because so few cases get to the Supreme Court of the United States. And she doesn't have that either.

So it was that point that I thought the Members of this body should be aware of, not that she didn't follow a particular course to become an appellate court judge or her age. It has to do with having something to evaluate for a person who is going to be on the appellate court with a lifetime position. And that is how I drew my conclusion.

I appreciate the courtesy to be able to share that with our colleagues.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I don't know that anybody else is seeking recognition. Senator LEAHY has already said he was not going to ask for the yeas and nays, and I do not intend to. Senator CARDIN says he is not going to.

So I yield back my time.

Mr. CARDIN. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Jennifer Walker Elrod, of Texas, to be United States Circuit Judge for the Western District of Washington?

The nomination was confirmed.

NOMINATION OF ROSLYNN RENEE MAUSKOPF TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Roslynn Renee Mauskopf, of New York, to be United States District Judge for the Eastern District of New York.

The PRESIDING OFFICER. Is there further debate on the nomination?

If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Roslynn Renee Mauskopf, of New York, to be United States District Judge for the Eastern District of New York?

The nomination was confirmed.

NOMINATION OF RICHARD A. JONES TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Richard A. Jones, of Washington, to be United States District Judge for the Western District of Washington.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Richard A. Jones, of Washington, to be United States District Judge for the Western District of Washington?

The nomination was confirmed.

NOMINATION OF SHARION AYCOCK TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Sharion Aycock, of Mississippi, to be United States District Judge for the Northern District of Mississippi.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Sharion Aycock, of Mississippi, to be United States District Judge for the Northern District of Mississippi?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and are laid on the table. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

NOMINATION OF R. LYLE LAVERTY

Mr. REID. Mr. President, first, I want those in the White House and Secretary Kempthorne's office who are watching to know I have done my best to clear a man by the name of R. Lyle Laverty, whom Secretary Kempthorne badly needs, he says, and I believe that. But I have been unable to do that. We have a Member on our side with whom I have worked all afternoon. We thought we had it done once, and it did not work out. I am confident, though, it will work out as soon as we get back.

So I hope Secretary Kempthorne recognizes we will do what we can on the Monday or Tuesday we get back to see if we can clear this. It had not been cleared on the Republican side, but I am sure that is not standing in the way. I think standing in the way is one of my Senators. We are doing our best.

CLEAR PATH INTERNATIONAL

Mr. LEAHY. Mr. President, I want to take a moment to recognize the outstanding work of Clear Path International, a nongovernmental organization based in Dorset, VT. Since 2000, they have worked to locate and remove landmines and other unexploded ordnance in Vietnam, Cambodia, and elsewhere in Southeast Asia, and more recently have focused on helping the innocent victims of these indiscriminate weapons with medical, rehabilitation, and vocational assistance. As someone who has fought for years to rid the world of landmines, I am proud that Clear Path is based in my home State.

Clear Path recently expanded its work to Afghanistan. I ask unanimous consent that a September 15, 2007, article in the Rutland Herald about Clear Path's work be printed in the RECORD.

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

[From the Rutland Herald, Sept. 11, 2007]

CPI CONTINUING TO GROW ITS REPUTATION AS A FORCE FOR HUMANITARIAN RELIEF

(By Patrick McArdle)

DORSET.—Clear Path International is continuing to grow its reputation as a force for humanitarian relief with new developments this year in Afghanistan and Slovenia.

For the first time, Clear Path is operating a program in Afghanistan in partnership with an American company and the Department of State.

Clear Path, which has offices in Dorset and Seattle, has also received a promise of almost a quarter million dollars from a nonprofit organization in Slovenia which will allow it to continue and expand their work in Vietnam.

Martha Hathaway, the executive director of Clear Path, said it was important for the organization to get the kind of wider recognition that leads to expansions like the one it has recently undertaken.

But Hathaway is much more interested in talking about the work Clear Path is doing and the need in the countries it operates than in congratulating Clear Path on its efforts.

In Afghanistan, Clear Path will be creating victims' assistance programs which has been part of its mission for some time.

Hathaway founded Clear Path in 2001 with her husband, James, Kristen Leadem of Dorset, and Imbert Matthee of Washington, as a land mine removal organization. Now, the group works primarily in assisting victims and raising awareness.

In Afghanistan, Clear Path will be working as a subcontractor to DynCorp International which has a contract with the Department of State's Office of Weapons Removal and Abatement. Hathaway said the Clear Path office in Kabul, which has been operatig since April, is staffed partially by Americans, working to engage Afghanis in the process.

The State Department is worried about projects that are not self-sustaining,'' Hathaway said.

Hathaway said because the government of Afghanistan already had a national strategy for helping victims of land mines, who not only have to deal with their injury but access issues and loss of income, Clear Path would look for ways the State Department can assist the local agencies. That is likely to include things like organizing a national workshop on victims' assistance or creating a system for building ramps and making schools accessible.

While Clear Path has already had some success with similar programs in Cambodia and along the Thailand-Burma border, Hathaway said that didn't necessarily make things easier when they expanded into a country like Afghanistan that has suffered greatly from the use of land mines.

''Every country impacted by land mines is different but we can take the bits and pieces of institutional knowledge we've gained over the years and apply it where it makes sense,'' she said.

According to Clear Path, an average of 90 people are injured by land mines or explosive remnants in Afghanistan every month and about half die before they can be treated.

The grant from the Slovenia-based International Trust for Demining and Mine Victims Assistance also presents new opportunities for Clear Path.

Under the agreement, the trust will raise $230,000 from among its 27 government and private-sector donors to match what Clear Path raises from the United States government and donors.

Hathaway said this is the first time Clear Path has received funds from the trust and marks the trust's first efforts in Southeast Asia.

The trust was founded about 10 years ago to assist people in the Balkans but Hathaway said as land mines became less of a threat in Europe, charitable organizations there have begun to look at ways they can help victims in other places.

According to Hathaway, Clear Path will use the money to assist ongoing efforts in Vietnam through capital purchases and the hiring of new staff rather than to create new programs.

Despite Clear Path's successes, which have led to more contracts and funding, the need is still great and money remains an issue.

The problem of land mines, especially those which remain after a war is over and injure civilians, gained international attention more than 10 years ago through the support of several well-known figures, primarily England's Princess Diana.

Land mine removal is expensive, however, and organizations like Clear Path, which assist with rehabilitation and the development of resources so victims can earn their own living, are in it for the long-term.

''Donor fatigue is a real problem,'' Hathaway said.

While Clear Path is raising more money than it has in the past, it comes from fewer donors, primarily the large donations like

the ones from the trust, rather than the numerous pledges of $50 or $100 they received in the past.

Clear Path also has the disadvantage of being based in Seattle and out-of-the-mainstream Dorset, far from the significant donors based in New York City or Washington, DC.

Clear Path has raised money through benefit concerts and a music CD. Its next concert will be on Oct. 13 at the Long Trail School in Dorset with performers Sarah Lee Guthrie and Johnny Irion, introduced by Sen. Patrick Leahy, D–Vt.

BURMA

Mr. LEAHY. Mr. President, I spoke last week in this Chamber about the political crisis in Burma where thousands of Buddhist monks, joined by an estimated 100,000 other Burmese citizens, peacefully protested for an end to military dictatorship.

Despite appeals for restraint by governments around the world, as well as the U.N. Secretary General, they were met with brute force. Soldiers firing live bullets and wielding clubs killed and injured an undetermined number of unarmed civilians, including at least one foreign journalist, and there are reports that hundreds, and possibly thousands, of monks have been beaten, killed or jailed.

The atrocities perpetrated by the Burmese generals are crimes against humanity. They should be indicted and prosecuted by the International Criminal Court.

Sooner or later they will be made to pay for the appalling brutality that has been witnessed on television by hundreds of millions of people around the world.

The United States has imposed economic sanctions on the Burmese government for many years, thanks in large measure to the tireless efforts of Senator MCCONNELL who, for the better part of two decades, has called for the release of Aung San Suu Kyi, Burma's rightful leader.

Additional sanctions were announced, belatedly, by President Bush last week. But far more pressure is needed, particularly to convince Burma's trading partners, like China, India and Thailand, to cut their economic ties to Burma. It is thanks in large part to them that the Burmese generals owe their power and wealth.

The crisis in Burma today tarnishes any government that values its financial interests over freedom for the Burmese people. For two decades, they have chafed under the iron grip of a clique of corrupt generals who have shown, year after year, that they belong in the category of ruthless despots who will stop at nothing, including mass murder, to perpetuate their control.

Lasting economic, social and political stability in Burma can only begin once the Burmese generals relinquish power. How that comes about is their choice. We have seen the results of peaceful protest. Not even civil disobedience, just peaceful protest. Time and again it has been met with deadly force.

Those Nations that continue to do business with Burma make a mockery of their own professed commitment to the Universal Declaration of Human Rights. There is no truer test of their commitment to those fundamental principles than how they respond to the slaughter of unarmed monks and civilians by a regime that is apparently unconcerned that their crimes are being televised to the world.

Whether this year, next year, or thereafter, the Burmese junta's days are numbered. Where do Burma's trading partners want to be then—on the right side of history, or having propped up an illegitimate regime until its last gasps?

No government can claim perfection in its respect for human rights, including my own government. We have made mistakes, and it has damaged our credibility as a nation that was instrumental in the creation of the Universal Declaration.

But our own shortcomings are no excuse for other governments' actions to block U.N. resolutions condemning the crackdown in Burma or their refusal to join us in imposing economic sanctions that could deal a death blow to a tyrannical regime.

And it is certainly no excuse for continuing to do lucrative business deals with a government whose officials pocket the profits for themselves while they starve, imprison and murder their people.

It is a testament to the spirit of the Burmese people, and to the courage of Aung San Suu Kyi, that despite so many years of repression, they remain as defiant and as dedicated to the ideals of democracy as ever. Our moral responsibility, the world's responsibility, is to support them.

THE HOMEOWNERS' MORTGAGE AND EQUITY SAVINGS ACT

Mr. SPECTER. Mr. President, while I have the floor, I want to say a few words about S. 2133, the Homeowners' Mortgage and Equity Savings Act, which I introduced yesterday. This legislation addresses the very severe problem of the many homeowners who are now in default on their mortgage payments. This problem has arisen largely because of the many homeowners with adjustable rate mortgages who face increased interest rates and unexpected increases in their mortgage payments.

This is a complex matter, but in many cases, I think there is a real question as to whether lenders made adequate representations to borrowers. Regardless of whether the representations were adequate or not, many borrowers are now confronted with interest rates they had not anticipated and mortgage payments that they can't afford. In the past year, the percentage of homeowners with adjustable rate mortgages who are seriously delinquent either 90 days past due or in foreclosure—has nearly doubled. In my home State of Pennsylvania, the number of those who are seriously delinquent has gone up by some 40 percent. The problem is particularly severe among borrowers who had weak credit or low incomes and obtained mortgages at subprime rates. The Center for Responsible Lending projects that some 2.2 million Americans with subprime loans originated between 1998 and 2006 have lost or will lose their homes to foreclosure.

Chapter 13 of the Bankruptcy Code currently give debtors breathing space by imposing a stay on collection of debts, including mortgages, and prevents lenders from foreclosing for a period of time. During that period debtors are given the opportunity to get caught up on their mortgage payments. However, the current Code does not permit any modification of mortgages.

Now with many homeowners facing possible bankruptcy due to their mortgages, some relief is necessary.

The legislation which I have introduced will provide a number of remedies. With respect to adjustable rate mortgages, it will allow bankruptcy judges to prevent or delay interest rate increases and to roll back interest rates that have already reset. This will enable the homeowner to continue to pay down the principal amount that they took on when they bought their house, but will give them relief from increases in their payments due to resetting interest rates.

The bill also will allow the bankruptcy judges to waive early prepayment or prepayment penalties. Many of the borrowers face the situation where they could refinance and get less risky mortgages with manageable payments, but the penalties in their current mortgage contracts are so stiff that they cannot refinance.

Now, the bill does not give bankruptcy judges the latitude to reduce the principal on a mortgage. Senator DURBIN introduced a bill yesterday that goes beyond the bill I have introduced; it allows bankruptcy judges to reduce or ''cram down'' the principal on a mortgage in accordance with what the bankruptcy judge determines is the value of the property. My bill would only allow the reduction of principal if the lender and the homeowner agree.

I think there is a very significant risk in allowing cram down. If we allow cram down, lenders will factor the risk of having the principal value of their loan reduced into the interest they charge to future home buyers. In other words, people who borrow in the future are going to pay more in interest if the lenders don't have the certainty that at least the principal value of their loan will be recognized and not reduced. Under current circumstances, I think it is fair, on these adjustable rate mortgages—which really are the problem if delinquency rates are any indication—to allow judges to modify interest rate increases which in many

cases have been significant and in some cases the mortgage terms may have been fraudulent or just basically unfair. But when it comes to reducing the principal, then I think we go too far.

Many of the consumer groups would prefer to see the bankruptcy judge have the latitude to reduce the principal, and that might help those who are in default now, but that will make it more difficult for those who borrow in the future. That is because—to repeat—lenders will have to charge more interest to take into account this additional risk.

I have discussed the differences in our bills with Senator DURBIN. We tried to come to terms and find an accommodation so that we could support the same legislation. However, it appears we do support legislation directed at the same problem. The legislation I introduced is aimed at helping those caught up in the current crisis without making it harder on those Americans to own a home in the future.

The Judiciary Committee has jurisdiction on bankruptcy. The Committee has jurisdiction on the Durbin bill and on my bill, S. 2133. My position is not set in concrete. However, I am opposed to what Senator DURBIN seeks to accomplish and I am disinclined at this state based on the investigation which my staff and I have made to support his bill.

It is my hope that the Judiciary Committee will have hearings on this important issue and bring in mortgage bankers, consumer groups and investors to give us a better idea as to the intensity of the problem and what really ought to be done. Perhaps at that point we can meld our ideas into a common solution to the problem.

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

Mr. REID. Mr. President, I rise today in recognition of National Disability Employment Awareness Month, NDEAM. Designated by Congress, this month is observed every October to increase the public's understanding of issues involving individuals with disabilities and their role in America's workforce. It is a time for us to reflect on past gains and goals for the future as well.

Seventeen years ago, I commended the passage of the landmark Americans with Disabilities Act, ADA, to help ensure the rights of people with disabilities throughout various sectors of society. Together with other Federal laws like the Vocational Rehabilitation Act and the Individuals with Disabilities Education Act, the ADA has been key to the progress made toward the full inclusion of people with disabilities in daily life. We see reasons to cheer today, as more people with disabilities succeed in school, enter the workforce, and participate in their communities.

More remains to be done, however. When Nevadans with disabilities share their experiences with me, I hear many of the same struggles and challenges in their stories. Employment is an issue especially foremost on their minds, as it is for any person who wants to pursue the American dream. And like all Americans, individuals with disabilities deserve a fair shot to achieve as much success as their abilities and determination will allow.

I am heartened that this sense is spreading throughout the general public, beyond those of us who see the positive contributions that Americans with disabilities make as employees and coworkers every day. Much of the increase in awareness is due to local organizations, such as Nevada JobConnect, Opportunity Village, the Southern Nevada Center for Independent Living, SNCIL, and the Northern Nevada Center for Independent Living. This year for example, SNCIL is partnering with the City of Las Vegas to sponsor the 16th Annual Disability Awareness Day on October 20. Similar events are expected to be held across the country in observance of National Disability Employment Awareness Month.

While improving awareness is critical, especially for dispelling false stereotypes about people with disabilities, it isn't enough. Disparities on a wide range of economic and social dimensions point to significant barriers that remain for people with disabilities who want a good job to give them not just an income, but also dignity and independence. From listening to my constituents in Nevada, I also know that the incentives between employment, health care benefits, and eligibility for government-sponsored programs can interact in very problematic ways.

I supported the passage of new laws to address these issues, such as the Ticket to Work and Work Incentives Improvement Act to give people with disabilities greater access to Medicaid or Medicare coverage when they go to work. I was also pleased when Congress passed the Family Opportunity Act to allow more children with disabilities to enroll in Medicaid, thereby alleviating an unfair pressure on their parents to forgo better jobs just to keep their family health coverage. Looking ahead to the future, I will continue working to make sure that people with disabilities can access the health care they need, especially as they seek to move to economic self-sufficiency. We should not lose sight of other key priorities as well, including opening more doors to education and expanding employment opportunities for those able to work.

As we observe National Disability Employment Awareness Month this year, let us reaffirm the importance of its ideals and goals. From employers to policymakers, family members to people with disabilities themselves, all Americans can join in the effort to ensure that individuals with disabilities make the most of their potential—in the workplace and in all areas of society.

DARFUR

Mr. DURBIN. Mr. President, since returning to session, much of our discussion has once again been dominated by Iraq. Given the tragedy of the administration's Iraq policy and the need to change course, this is understandable. Yet Iraq's dominance has meant that many other critical foreign policy issues have been ignored or marginalized. From Latin America to Russia, this administration has failed to develop or implement any kind of coherent strategy.

Similarly, the crisis in Darfur demands more attention. For 4 years, the world has watched this tragedy. That is right—for 4 long years. Sadly, during this time the world has mostly stood by while yet another genocide unfolded before its eyes. Many of us on both sides of the aisle and in the international community have repeatedly called for greater U.S. and global action.

President Bush has rightly called the situation in Darfur genocide. New British Prime Minister Gordon Brown has also said that, ''Darfur is the greatest humanitarian crisis the world faces today.'' Yet, despite these statements, ultimately we have not done enough.

Today, we are at a critical juncture in Sudan. The genocide in Darfur has increasingly become a complex conflict between many factions. Refugees have spilled into neighboring countries and humanitarian workers are increasingly at risk. And just the other day, a rebel group brutally killed 10 African Union peacekeepers in a surprise raid. Sadly, the cost in lives, destruction, and human misery has been immeasurable.

In late July the U.N. Security Council voted to implement a significantly increased United Nations-African Union peacekeeping force. This peacekeeping force is desperately needed, and the United States should work with the U.N. and the global community to make sure it is implemented as soon as possible. We in the Senate should also ensure that adequate funds are available to help pay for this critical mission. But the peacekeepers are only one important step. Sudan also needs a long-term political agreement among its many factions.

Upon taking office in January of this year, U.N. Secretary General Ban Ki-moon said that ending the violence in Darfur was going to be one of his top priorities. I spoke to him in July about our shared concern and commend him for advancing the peacekeeping and diplomatic efforts. I believe his tireless work has made an important difference. In early September, his efforts resulted in the announcement of formal peace talks to begin later this month between the various factions and the Sudanese Government.

These negotiations will be a critical step and deserve our strongest support. As Secretary Ban said during his recent trip, ''there must be a peace to keep.''

Finally, we must hold Sudanese President Bashir to his commitment to

allow peacekeepers and participate in the peace talks.

Early statements by the Government of Sudan said that it would ''contribute positively to secure the environment for the negotiations'' and ''facilitate the timely deployment'' of the 26,000 member peacekeeping force. But we have heard these commitments before and then watched as President Bashir has continued fostering violence.

I, therefore, think it is critical that we maintain pressure on the Sudanese Government to honor its commitments. The administration should continue its diplomatic efforts, and at the same time the Congress should advance bipartisan legislation that I and others have introduced to increase economic pressure on the regime.

I commend Chairman DODD and the Banking Committee for holding a hearing yesterday that focused on how best to apply such pressure, and I look forward to working with my colleagues to prepare legislation that would impose sanctions on, bar Federal contracting with, and authorize divestment from organizations that support the regime.

It is critical that the Sudanese Government understand that a lack of cooperation with the peacekeepers or the upcoming peace negotiations will increase the possibility of such legislation being enacted.

Sadly, we have every reason to be skeptical of the regime's intentions.

For example, after agreeing to the peace talks, the Government of Sudan brazenly appointed former Interior Minister Ahmad Harun one of two Sudanese officials wanted by the International Criminal Court for war crimes—to lead a committee to investigate human rights abuses. As Interior Minister, Mr. Harun helped fund, recruit, and arm the jingaweit militia which was directly involved in perpetuating the genocide in Darfur. Mr. Harun's place is on trial in The Hague, not investigating violence he helped perpetuate.

Equally troubling are continued attacks on international aid workers as well as recent indications that Sudan has started placing restrictions on early efforts to deploy U.N. forces.

Mr. President, the stakes are too high and the humanitarian crisis has dragged on too long to allow any further backsliding by the Sudanese Government. We must see the immediate deployment of the peacekeeping force and a concerted global effort at supporting a long-term political settlement.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I wish to submit to the Senate the budget scorekeeping report for fiscal year 2007 prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This is my final report for fiscal year 2007.

This report shows the effects of Congressional action through October 1, 2007. Since my last report, dated July 26, 2007, the Congress has cleared and the President has signed Public Law 110–84, the Higher Education Access Act of 2007. The estimates of budget authority, outlays, and revenues used in this report are consistent with the technical and economic assumptions of S. Con. Res. 21, the 2008 budget resolution.

The estimates show that current level spending equals the budget resolution for both budget authority and outlays while current level revenues exceed the budget resolution by $4.2 billion. I want to commend the Congress for not exceeding the limits set in the 2008 budget resolution for fiscal year 2007.

I ask unanimous consent that the letter and accompanying tables from CBO be printed in the RECORD.

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

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, October 3, 2007.

Hon. KENT CONRAD,
Chairman Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2007 budget and is current through October 1, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of Table 2 of the report).

Since my last letter, dated July 26, 2007, the Congress has cleared and the President has signed the Higher Education Access Act of 2007 (Public Law 110–84), which affects budget authority and outlays.

The effects of that action are detailed on Table 2.

Sincerely,

PETER R. ORSZAG,
Director.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF OCTOBER 1, 2007

[In billions of dollars]

	Budget Resolution [1]	Current Level [2]	Current level over/under (−) resolution
ON-BUDGET			
Budget Authority	2,250.7	2,250.7	0.0
Outlays	2,263.7	2,263.7	0.0
Revenues	1,900.3	1,904.5	4.2
OFF-BUDGET			
Social Security Outlays [3]	441.7	441.7	0.0
Social Security Revenues	637.6	637.6	0.0

Source: Congressional Budget Office.

[1] S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as adjusted pursuant to section 207(f), assumed approximately $120.8 billion in budget authority and $31.1 billion in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 of table 2), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF OCTOBER 1, 2007

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Enacted in previous session:			
Revenues	n.a.	n.a.	1,904,706
Permanents and other spending legislation	1,347,423	1,297,059	n.a.
Appropriation legislation	1,480,453	1,543,072	n.a.
Offsetting receipts	−571,507	−571,507	n.a.
Total, enacted in previous session	2,256,369	2,268,624	1,904,706
Enacted this session:			
Appropriation Acts:			
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)[1]	−794	9	−166
An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (P.L. 110–42)	0	0	−24
A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of fiscal year 2007, and for other purposes (P.L. 110–48)	12	3	0
Higher Education Access Act of 2007 (P.L. 110–84)	−4,890	−4,890	0
Total, enacted this session	−5,672	−4,878	−190
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	−30	0	0
Total Current Level I,[2]	2,250,667	2,263,746	1,904,516
Total Budget Resolution[3]	2,371,470	2,294,862	1,900,340
Adjustment to the budget resolution for emergency requirements[4]	−120,803	−31,116	0
Adjusted Budget Resolution	2,250,667	2,263,746	1,900,340
Current Level Over Adjusted Budget Resolution	0	0	4,176
Current Level Under Adjusted Budget Resolution	0	0	n.a.

[1] Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2007, which are not included in the current level total, are as follows:

	Budget authority	Outlays	Revenues
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)	120,803	31,116	n.a.

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.
[3] Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 21, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution	2,380,535	2,300,572	1,900,340
Revisions:			
To reflect the difference between the assumed and actual nonemergency supplemental appropriations for fiscal year 2007 (section 207(f))	−4,187	−823	0
For extension of the Transitional Medical Assistance (TMA) program (section 320c))	12	3	0
For the Higher Education Access Act (section 306)	−4,890	−4,890	0
Revised Budget Resolution	2,371,470	2,294,862	1,900,340

[4] S. Con. Res. 21, as adjusted pursuant to section 207(f), assumed $120,803 million in budget authority and $31,116 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.
Note: n.a. = not applicable; P.L. = Public Law.
Source: Congressional Budget Office.

SCHIP

Mr. ALLARD. Mr. President, I come to the floor today to talk about a program that is important to me and to the low-income children in this country: the State Children's Health Insurance Program.

I am a strong supporter of the State Children's Health Insurance Program, and want the program to cover all uninsured, lower income children. I fully support a reauthorization of this program, but I also support the President's decision to veto the flawed SCHIP bill sent to him by Congress.

The SCHIP legislation that was vetoed by the President yesterday includes frivolous spending, expands coverage to children already covered by private insurance and neglects the original intent of the program—to provide health coverage for low-income children. While I support the reauthorization of SCHIP, I do not support legislation that expands the program and serves as an initial step towards government-run health care.

The State Children's Health Insurance Program works! It has enrolled low-income eligible children in a health coverage program to ensure that they have adequate access to coverage and services. While the program is certainly a success, there are some oversights that need to be addressed. Congress has been given the opportunity to tackle these issues with the reauthorization of the program. In Colorado we have yet to enroll all of the currently eligible children of low-income families into the SCHIP program. We should focus our attention on enrolling these children instead of fighting over an expansion of the program. Expanding eligibility requirements would only make it harder for the neediest children in Colorado, and the Nation, to receive coverage.

I am a strong supporter of the State Children's Health Insurance Program, and want the program to cover all uninsured, lower income children. I support giving Americans the opportunity to access health care, and giving them the ability to purchase affordable suitable private coverage. I support the effort by many Members of this body to spend in a fiscally responsible way, without increasing taxes or using budget gimmicks. More importantly, I support putting children first.

The State Children's Health Insurance Program was put in place to cover low-income children who would otherwise not have access to health coverage. The SCHIP agreement that passed the House and Senate not only disregards the original intent of the program, but also reauthorizes the program in a fiscally irresponsible manner that will end up costing the taxpayers $12.5 billion in the final year of the authorization. For example, the revenue source for the reauthorization is being sold as a tax increase on cigarettes which is expected to reduce the number of people smoking, but this is an unstable revenue source. I don't agree with paying for a program as important as the State Children's Health Insurance Program with an unsustainable income.

The State Children's Health Insurance Program can be reauthorized in a way that increases the number of enrolled children who are currently eligible for the program. While I oppose the expansion of the program, I do not oppose reauthorization and therefore I am cosponsoring the SCHIP Extension Act of 2007, S. 2086, which will fully fund the current program for 18 months, and give Congress more time to discuss the best way to reauthorize the program. SCHIP was scheduled to expire on September 30 and it is imperative that Congress reauthorize the current program to ensure that children of lower income families still receive health coverage. I will also be cosponsoring the Kids First Act, as an alternative proposal for the reauthorization of the SCHIP program.

HONORING OUR ARMED FORCES

SERGEANT GERALD J. CASSIDY

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave soldier from Carmel, IN. Gerald Cassidy, 31 years old, died September 21 in Fort Knox, KY. Gerald was on medical hold after sustaining injuries in Iraq from a roadside bomb. With an optimistic future before him, Gerald risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Gerald was a dedicated and longtime member of the Army. In 1992, Gerald enlisted in the Army Reserve after spending his summers at Culver Military Academy in northern Indiana, where he was named an adjutant commander in charge of 85 other academy goers and was a member of the Black Horse Troop, an elite equestrian group. In 2003, Gerald joined the Indiana National Guard where he was assigned to the 152nd Mechanized Infantry. He served in Bosnia-Herzegovina in 2004 and in Hurricane Katrina Operation Vigilant Relief in 2005. Sgt. Cassidy received the Humanitarian Service Medal for his stateside service.

Known at ''G.J.'' to his family, Gerald was a natural leader. He volunteered to serve in Iraq with the Minnesota National Guard, who had an opening in their team. He was assigned to Battery C, 2nd Battalion, 150th Field Artillery in Lebanon. For his great service and sacrifice, Gerald's family was presented with the Purple Heart, the Combat Action Badge and the Indiana Distinguished Service Award. Gerald is survived by his wife Melissa Castillo Cassidy; his daughter Abbey, 5 years old; his son Isaac, 3 years old; his mother and stepfather John and Kay McMullen; his father Gerald J. Cassidy; his sister Lisa Hignite; and his brother Darrin Cassidy.

Today, I join Gerald's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Gerald, a memory that will burn brightly during these continuing days of conflict and grief. Today and always, Gerald will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Gerald's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot

dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Gerald's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Gerald J. Cassidy in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Gerald's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Gerald.

DEFENSE APPROPRIATIONS

Mr. COLEMAN. Mr. President, I rise today to discuss a challenge facing our military forces on the ground in Iraq and Afghanistan. These forces are facing an urgent need for a precision indirect fire munition organic to the Infantry Brigade Combat Teams and Stryker Brigade Combat Teams.

In the last 3 months there have been two Operational Needs Statements submitted by the units deployed in Afghanistan and Iraq. I have included these statements for the RECORD. Both of these documents highlight the urgent need to field a precision capability for the 120mm mortar: the main, and in some cases the only, indirect fire support available to our infantry in the close fight.

The commander of the XVIII Airborne Corps wrote in July:

> This capability is critically needed within the next 12 months. As troop levels in theater begin to drop, our units can not afford to miss any opportunities to kill the enemy due to lack of organic precision indirect fire. Without it, IBCT's must resort to: slower reinforcing fires; committing soldiers to an assault; or missing the opportunity altogether.

In August the Commander of Joint Fires in Afghanistan described the problem starkly:

> The Rules of Engagement for the Afghanistan Theater of Operations limits the use of conventional artillery and mortar projectiles in support of combat operations. Recently, COMISAF restricted all preparatory fires and pre-assault fires to precision guided munitions and systems. Currently, Afghanistan requires two Light Brigade Combat teams with no organic surface precision strike capability. Our enemy takes advantage of that gap by hiding among the local populace. Additionally, the COIN environment in Afghanistan requires the minimization of collateral damage.

Both of these field commanders specifically call for the fielding of precision guided mortars for the existing 120mm mortar system as quickly as possible.

It is my understanding that since the precision guided mortar munition, PGMM, fell prey to the Army budget cutters, the program has demonstrated remarkable test results. In fact, I thank the Defense Appropriations Subcommittee for rejecting the Army's request to reprogram additional funding away from PGMM.

I ask that the subcommittee continue to carry this item forward to be considered as part of a final conference report or supplemental, pending the results of ongoing Army reviews of the program.

Mr. President, I ask unanimous consent the two documents which I referred to be printed in the RECORD.

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

DEPARTMENT OF THE ARMY,
Fort Bragg, NC, July 19, 2007.

Memorandum thru Commander, United States Army Forces Command (AFCS), 1777 Hardee Ave, SW., Fort McPherson, GA 30330–1062.

For Headqurters, Department of the Army (DAMO-RQ), 400 Army Pentagon, Washington, DC 20310–0400.

Subject: Operational Needs Statement (ONS) for Organic Precision Indirect for Infantry Brigade Combat Teams (IBCT).

1. Reference: Memorandum, XVIII Airborne Corps and Fort Bragg, AFZA-CG, 21 November 2005, subject: ONS for Improved 105mm Projectiles.

2. Unit Identification Code (UIC): WAUKAA.

3. Ship to Address: Building 2–1138, Macomb and Hamilton Streets, Fort Bragg, North Carolina 28310.

4. Problem: Termination of the Precision Guided Mortar Munition (PGMM) has left IBCTs without the organic precision indirect capability. In our current environment, our enemy takes advantage of that gap by hiding among the local populace. The tasks of finding, fixing, and killing or capturing the enemy must be executed in rapid sucession or the opportunity is lost. Heavy Brigade Combat Teams (HBCT) and Stryker Brigade Combat Teams (SBCT) have organic option (Excalibur) available; the IBCTs do not.

5. Justification:

a. The IBCTs' requirement for organic precision indirect munitions is well documented. There is an approved requirement for PGMM. The Army Field Artillery School is now writing a requirement document for a precision guided 105mm munition. This headquarters submitted an ONS for a precision guided 105mm munition.

b. Lacking the required accuracy, IBCT's howitzers and mortars remain silent while the IBCTs' headquarters request GMLRS, close air support, or fires from an adjacent HBCT or SBCT. Coordinating and directing fires through multiple levels of commands consumes time and opportunity. Direct fire missile systems (ITAS and JAVELIN) do not meet this requirement due to their limited range and precision.

c. This capability is critically needed within the next 12 months. As troop levels in theater begin to drop, our units cannot afford to miss any opportunity to kill the enemy due to lack of organic precision indirect fire. Without it, IBCTs must resort to: slower reinforcing fires; committing Soldiers to an assault; or missing the opportunity altogether.

6. System Characteristics: Organic precision indirect capability must: be organic to the IBCT and use existing assets (i.e. mortars and howitzers); have accuracy consistent with the Excalibur or GMLRS; have at least the range of the current M120 120mm Mortar; and in the objective capability, should have both GPS and laser guidance.

7. Operational Concept: An organic precision indirect munition will allow comanders to engage targets in environments that ordinarily require putting Soldiers and non-combatants in harms way or cause unnecessary collateral damage.

8. Organization Concept: The organic mortar platoons or artillery battalion will fire this munition.

9. Support Requirements: If a munition uses laser guidance, then there must be a corresponding increase in laser designators. Full MTOE authorization, not Force Feasibility Review sourcing levels, of the Lightweight Laser Designator Rangefinder (LLDR) and M707 Knight is required to make a laser guided capability viable.

10. Availability: Before its termination, the PGMM met the requirement. There are also 105mm precision munitions available.

11. Recommendation: Field an organic precision indirect munition to deploying IBCTs within 12 months.

12. Point of contact is LTC Greg Rawlings, ACofS, G7 at DSN 236–9485, Commercial (910) 396–9485, or email: gregory.rawlins@us.army.mil.

LLOYD J. AUSTIN III,
LTG, USA, Commanding.

DEPARTMENT OF DEFENSE,
Bagram Airfield, Afghanistan, August 17, 2007.

Memorandum thru Commander, Coalition Forces Land Component Command (CFLCC), C3. Camp Arifjan, Kuwait, APO AE 09304

For HQDA (DAMO–CIC), 400 Army Pentagon, Washington, DC 20310–0400

Subject: Operational Needs Statement (ONS) for the Fielding of Precision Guided 105mm Howitzer and 120mm Mortar Projectiles in support of Operation Enduring Freedom 07–09.

1. Unit Identification Code (UIC) is W91M2D.

2. Ship to address: (W91M2D) Joy O'Brian, C4ISR CECOM RSC (MANTECH) Thomas Fuller Compound, Bagram Airfield, Afghanistan, APO AE 09354

3. Problem: The Rules of Engagement for the Afghanistan Theater of Operations limits the use of conventional artillery and mortar projectiles in support of combat operations. Recently, COMISAF restricted all preparatory fires and pre-assault fires to precision guided munitions and systems. Currently Afghanistan requires two Light Brigade Combat Teams with no organic surface to surface precision strike capability. Our enemy takes advantage of that gap by hiding among the local populace. Additionally, the COIN environment in Afghanistan requires a minimization of collateral damage whenever joint fires are employed.

4. Justification:

a. In order to meet theater ROE requirements for precision guidance and provide our maneuver commanders with a dedicated 105mm and 120mm capability that minimizes collateral damage, precision munitions for both the M119A2 and 120mm Mortar are required.

b. The addition of the 105mm and 120mm PGM will give commanders a more prolific economy of force. Currently the limited Close Air Support (CAS) platforms are the only asset with the ability to fire precision guided munitions. This ability will give the BCT commanders the capability to strike a

target where time is sensitive or awaiting CAS to arrive on station will encumber a mission's accomplishment. This capacity will minimize the number of CAS sorties from being pulled from its original mission, thus economizing force.

c. CJTF–82's acquisition of 105mm/120mm PGMs will minimize the volume of fire that is required to destroy a target with surface to surface unguided munitions. Within a three day period the average amount of munitions fired within the two BCTs battlespace are: 97 high explosive 105mm rounds and 72 high explosive 120mm rounds. These PGM munitions will ultimately reduce the amount of munitions required to destroy targets. Providing commanders with precision strikes that need no adjustment while lessening the amount of ammunition resupply missions.

d. These precision guided munitions would provide CJTF–82 with a dedicated capability to attack various target sets with precision by all of its major organic artillery and mortar systems. The increased accuracy and effectiveness of these munitions would provide the ground commander the ability to employ fires in support of MOUT and troops in close proximity of enemy forces while decreasing the possibility of collateral damage.

5. System Characteristics: While several variants of precision guided munitions are in the testing and development phase for the 105mm howitzer and the 120mm mortar, a low circular error probable (CEP) would be required for any fielded munitions. Additionally, the nature of operations in theater would require any precision guided munitions to use both GPS based guidance system and laser guidance.

6. Operational Concept: The employment of these munitions would be at numerous forward operating bases and combat outposts cross the CJOA. This operational concept would enhance the ground commanders' ability to conduct all weather precision strikes against the enemy positions in keeping with ISAF's restrictions on the use of indirect fires.

7. Organizational Concept: The 105mm howitzer precision guided munitions will be issued to the field artillery and battalions of each brigade combat team to support maneuver elements with precision guided fires while minimizing of collateral damage. The 120mm mortar precision guided munitions will be issued to the battalions who own battle space within each brigade combat team to support their maneuver elements with precision guided fires while minimizing of collateral damage

8. Procurement Objective: CJTF–82 urgently requests the immediate procurement and fielding of these munitions in order to meet COMISAF's restrictions for the application of Joint Fires within the CJOA and provide organic indirect fire support with precision strike capability for all maneuver elements conducting combat operations in Afghanistan.

9. Support Requirements:

a. If a munition uses laser guidance, then there must be a corresponding increase in laser designators. Full MTOE authorization, not Force Feasibility Review sourcing levels, of the Lightweight Laser Designator (LLDR) and M707 Knight is required to make a laser guided capability viable.

b. CJTF–82 would require initial contractor and mobile training team (MTT) support for this rapid fielding.

10. Availability: Production and fielding of the projectiles is currently in the RDTE phase. These munitions are not Army programs of record.

11. Recommendation: The Department of the Army approves and endorses the procurement and rapid fielding of a Precision Guided Munitions for the 105 mm howitzer and 120mm mortar in support of Operation Enduring Freedom 07–09.

12. The point of contact for this memorandum is MAJ Kelly Webster, CJ3 Chief of Fires, Bagram Airfield, Afghanistan, *Kelly.I.webster@citf76.centcom.mil*, DSN 318–231–4024.

MARK A. MURRAY, COL. FA,
Joint Fires and Effects Coordinator.

Mr. KERRY. Mr. President, today I filed an amendment which would appropriate the necessary funds to require the Department of Homeland Security to develop a pilot program to test entry document verification technology. This technology allows border agents to quickly check travel document such as drivers' licenses, passports, and visas against a stored database of legitimate domestic and international travel documents. L1 Communications, a company with a plant in Wilmington, MA, is helping produce this technology and would be an eligible company for this funding.

The 9/11 Commission Report stated that ''for terrorists, travel documents are as important as weapons.'' The report concluded that ''better technology and training to detect terrorist travel documents are the most important immediate steps to reduce America's vulnerability to clandestine entry.'' It recommended that the Government develop a strategy to thwart terrorist travel that would incorporate better document authentication technology. Unfortunately, the technology that Customs and Border Protection, CBP, uses to authenticate travel documents is no better now than on 9/11.

The absence of advanced document authentication technology often forces border agents to eyeball travel documents—a makeshift approach that has proven to be inadequate. In 2006, investigators with the Governmental Accountability Office, GAO, were able to enter the United States from Canada and Mexico by showing CBP agents counterfeit drivers' licenses and an expired, altered U.S. diplomatic passport. The GAO used commercially available computer software to produce its travel documents. Amazingly, the GAO found that it was easier for its investigators to cross into the United States using fake travel documents than during an identical 2003 investigation. The GAO is currently drafting a followup report that will cite automated document authentication technology as a method to improve border security.

My amendment requires DHS to develop a pilot program to test automated document authentication technology at various ports of entry within 6 months. This technology is already widely used by domestic agencies, including the Coast Guard, NASA, and the Capitol Police, as well as by foreign governments, such as Australia, Japan, and Sweden. Referring to the 9/11 hijackers, the Commission reported that ''analyzing their characteristic travel documents and travel patterns could have allowed authorities to intercept 4 to 15 hijackers.''

We must not allow another 9/11. At a time when protecting our homeland against terrorists and other illicit actors remains the paramount national security priority, I believe it is critical that we implement this pilot program to test widely available document authentication technology.

EARMARKS DISCLOSURE

Mr. INOUYE. Mr. President, yesterday, the Senate adopted several amendments to the Defense appropriations bill. It is my understanding that S. 1 requires that a Senator who offers any amendment is required to list the name of any Senator who submitted a request for each respective item in the CONGRESSIONAL RECORD.

In compliance with this, I note that on amendment 3117, Senators GREGG, MCCONNELL, VITTER, CORKER, KYL, DOMENICI, CHAMBLISS, CORNYN, SUNUNU, MCCAIN, SPECTER, and ISAKSON cosponsored the amendment regarding funding for border security. On amendment 3129, Senator MIKULSKI cosponsored the amendment regarding the Troops for Nurses program. On amendment 3131, Senator LEVIN submitted a request for the Virtual Systems Integrated Laboratory. On amendment 3135, as modified, Senator KERRY submitted a request for High Temperature Superconductor Motors. On amendment 3141, Senators NELSON of Florida, KYL, LIEBERMAN, VITTER, INHOFE, NELSON of Nebraska, PRYOR, LAUTENBERG, BAYH, LINCOLN, and WEBB cosponsored the amendment regarding the Aegis Ballistic Missile System. On amendment 3152, Senators BROWN, SPECTER, WARNER, and WEBB submitted requests for the Minuteman Digitization Demonstration Program. On amendment 3153, as modified, Senator MIKULSKI cosponsored the amendment, and Senators DODD, KERRY, LIEBERMAN, LAUTENBERG, and MENENDEZ submitted requests for the Advanced Precision Kill Weapon System. On amendment 3163, Senators GRASSLEY and DURBIN submitted requests for the Molecular Sieve Oxygen Generation Systems for F-15 aircraft. On amendment 3167, Senator NELSON of Florida cosponsored the amendment regarding MARK V replacement research. On amendment 3192, Senators DOMENICI, DOLE, ENSIGN, and KYL cosponsored the amendment regarding Operation Jump Start. On amendment 3204, Senator GREGG submitted a request for Side Scan Sonar for USV and Harbor Surveillance Applications.

Mr. LEVIN. Mr. President, in accordance with the requirements of paragraph 4.a of rule XLIV of the Standing Rules of the Senate, the following is a list of items included in amendments to the Fiscal Year 2008 National Defense Authorization Act at my request:

Amendment number	Item	Requesting Senator
2278	Land Exchange in Detroit, MI	Senator Levin
3006	Former Nike Missile Site, Gross Ile, MI	Senator Levin

Mr. President, in accordance with the requirements of paragraph 4.a of rule XLIV of the Standing Rules of the Senate, the following is a list of items included in amendments to the fiscal year 2008 Defense appropriations bill at my request:

Amendment number	Item	Requesting Senator
3162	$6 million for Advanced Automotive Technology	Senator Levin

WATER RESOURCES DEVELOPMENT ACT OF 2007

Mr. VITTER. Mr. President, the explanation of managers accompanying the bill today is not as expansive as it could have been in regard to some sections of the bill. To ensure that my intent, and the intent of the remainder of the conferees, is clear I want to provide additional direction.

Section 1001(24) authorizes the remaining features of the Morganza to the Gulf hurricane protection project. It is important to note that the House, Senate, and conferees recognized the importance of advancing this project beyond the initial authorization of segment J–1 and the additional funding and authorization provided in Public Law 109–148 and Public Law 109–234, with the full understanding of concerns raised regarding the potential impact of the project on wetlands—including those raised in the administration's Statement of Administration Policy related to this bill. The conferees believe that existing law, including section 902 of the Water Resources Development Act of 1986 and section 7005 of this bill, provides more than sufficient flexibility to make any modifications deemed necessary and, subject to the availability of appropriations, expect the project to move immediately to the construction phase.

The conferees recognize that the Morganza to the Gulf project was initiated in 1992. Congress authorized the full project in the Water Resources Development Act of 2000, Public Law 106–541, but Corps of Engineers' delays resulted in the failure of the command to meet the statutory deadline required to implement the project. The 15 years it has taken to reach this point have left Terrebonne Parish and portions of Lafourche Parish very vulnerable to storm surge, hurricane and flood damage, and the loss of life and property. The Federal Emergency Management Agency has expended well over $100 million in public and private assistance grants in recent years in response to damages that would have been prevented had the project been in place.

The conferees understood that modifications to the Morganza project may be required. These include but are not limited to changes related to wetlands, IPET recommendations, and other factors. The conferees also understand that significant cost increases from the initial estimates were included in the 2002 and 2003 reports of the chief. These increases are related to significant rises in labor and materials costs as a result of activities responding to Hurricanes Katrina and Rita and attributable to new standards for storm damage reduction and flood control projects related to IPET recommendations. The conferees did not increase the project authorization due to the fact that section 902 of the Water Resources Development Act of 1986 specifically provides for cost increases related to ''changes in construction cost applied to unconstructed features'' and for increases related to ''mitigation and other environmental actions''.

As was mandated by Congress in the past, the Secretary shall make the Houma Lock a top priority and expedite this feature, in addition to other features that will provide important protection to vulnerable areas. The Secretary should consider integrating the construction of the Houma Lock with modifications of the feature authorized in section 7006(e)(3)(A)(i), only if the integration will not cause delays to this feature.

Should significant additional features or increases in protection levels be warranted, the Secretary should consider the implementation of these improvements under section 211 of the Water Resources Development Act of 1996. It is noted that the Army did not notify Congress of any additional authorization needs for this project. It is the conferees' intent that this project move forward as soon as possible with no further congressional authorization. Delays in protection for this area cannot continue.

Section 1001(25) authorizes the Port of Iberia access improvement and Vermilion parish storm surge protection project. It is the intent that the Corps provide meaningful storm protection to Vermilion Parish in an expedited manner without delays to the deepening project.

Section 1004(a)(7) directs the Army Corps of Engineers to study and carry out a project to dredge and maintain the Napoleon Avenue Container Terminal berthing area in the Port of New Orleans at a depth not to exceed the authorized channel depth of the Mississippi River ship channel. Deepening of that berthing area will ensure that the full transportation benefits of the authorized channel depth of the Mississippi River ship channel will be realized by the adjacent port terminal. This small navigation enhancement project will create significant economic and business benefits for the port, and aid in the continuing recovery of the greater New Orleans area.

Section 3081 authorizes the Corps of Engineers to credit the State of Louisiana for cost associated with mitigating the impact of freshwater diversions on oyster beds. It is the intent that ''relocating'' includes any means to remove or relocate the interests in the oyster beds from the impact area. In some cases, this may include leaving the oyster beds in place. It is the understanding of the conferees that oyster beds could serve as a form of protection from further coastal land and wetlands loss.

Section 3082 provides for the relocation of facilities impacted by the closure of the Mississippi River gulf outlet through the Department of Commerce's Economic Development Administration. The section also establishes a loan program for businesses. The conferees specified that the loan program is a ''revolving loan''; therefore, nothing in the bill restricts the loan authority to $85 million. It is the intent that available loan authority be provided to businesses until demand is fully met. It is expected that the actual loan authority will far exceed the authorized funding level.

Section 3084 authorizes the Corps to maintain responsibility for long-term costs associated with the Algiers Canals Levees portion of the Westbank and Vicinity project. Subsection (c) is intended to apply only to work performed under the original authorization. Ongoing work on the project is based upon authorization and funding provided in the various emergency supplemental appropriations acts related to Hurricanes Katrina and Rita. The cost share included in subsection (c) shall not apply to the work funded in those acts.

Section 4101 directs the Government Accountability Office to conduct a review of disaster debris removal policy related to Hurricanes Katrina and Rita. It is the intent that the GAO shall coordinate the data required to determine the appropriate findings with the Environmental Protection Agency and Corps of Engineers. The EPA and Corps are expected to fully cooperate with the GAO and should be given the opportunity to comment and respond to the GAO's findings as is customary with these reports. Should any adverse findings result, it is the intent

that the appropriate agencies immediately respond to such findings.

Section 5083 directs the Corps to complete the supplemental EIS related to the lock project by July 01, 2008. As is clear in the bill language, it is expected that this mandate be met. The provision does not provide for alternative deadlines or procedures for delay. Appropriate planning and schedule compressions should be applied immediately.

Section 5084 clarifies that a previous meeting shall serve as the requirement for a stakeholders meeting. The effect of this provision is that construction grants may be awarded as part of the Lake Pontchartrain Basin Program.

Section 5157(14) authorizes improvements to the Larose to Golden Meadow, LA, project by the non-Federal interest to be reimbursed by the Secretary. It is intended that these improvements include the conversion of the Leon Theriot Floodgate into a lock and improvements required to advance protection to, meet or exceed the 100-year level of flood protection as determined under the National Flood Insurance Program at the time of construction of the improvements. It is expected that this authorization will complement the $90 million in improvements authorized under section 7015.

Title VII authorizes 15 coastal protection and restoration projects and additional flood protection and storm damage reduction. In the case of each project, it is likely that the authority provided by section 902 of the Water Resources Development Act of 1986 will be exercised. It is noted that this authority provides for cost increases of 20 percent in addition to those increases attributable to inflation, ''changes in construction cost applied to unconstructed features'' and for other cost increases. It is expected that all deadlines will be met and each project will advance in a timely manner.

Section 7004 establishes a Federal-State task force. The conferees intended that the three representatives of the State of Louisiana each serve at the pleasure of the Governor of that State.

Section 7005 authorizes the review and modification of water resource projects in the Louisiana coastal area project area to alleviate conflicts in project features. The requirement to review ''each'' project in the LCA project area should not be construed as a requirement to conduct an in depth review of all projects. The Secretary, in coordination with the State of Louisiana, is expected to identify those projects that are reasonable candidates for modification rather than wasting significant resources reviewing all projects in detail.

Section 7006, of the Louisiana Coastal Area Title, title VII, authorizes a science and technology program specifically for the coastal Louisiana ecosystem. This science and technology program will provide the accurate scientific and technological advances needed to improve the knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in the coastal Louisiana ecosystem and related natural and built assets.

Section 7006 (a)(2)(3) and (4) of title VII of H.R. 1495 already provides some of the purposes and direction for carrying out the science and technology program. However, since there is no further report language clarification in the accompanying conference report language, I want to provide further direction, and the conferees intent, specifically as it applies to the purposes and organizations that should drive this important research program so that the Louisiana coastal area projects authorized by this important bill are done right the first time.

It is my firm intent, and that of the conferees, that the science and technology program will be conducted through a Louisiana agency-university-industry partnership led by the Long-term Estuary Assessment Group, LEAG, and the Coastal Restoration & Enhancement for Science & Technology, CREST, in partnership with the U.S. Geological Survey National Wetlands Research Center. The aim of this alliance is to create a cooperative science, engineering, and technology program to help policymakers, planners, and coastal resource managers use the latest objective information on the built and natural environment to ensure sustainable and productive coastal habitats and communities. This program should respond directly to the challenges identified by the task force and provide proactive solutions for the long-term success of the program.

It is also the conferees intent that the science and technology program priority research areas shall also include the following efforts and purposes:

A. Scientific tools for coastal restoration. New tools, or refinement of existing tools, for carrying out coastal restoration in coastal Louisiana. This area includes evaluation of restoration techniques, development of new sensor and monitoring platform technologies, and operational approaches that are applicable to both ongoing and planned projects in the coastal region of these States.

B. Human dimensions of coastal restoration efforts. Sociological and economic information of direct use to managers and planners involved in coastal restoration efforts. This area focuses on projects that can be of relevance to coastal habitat which includes but are not limited to aspects such as land use, resource use and management, mitigation of coastal habitat loss, legal or industrial matters, environmental history, socioeconomic and behavioral effects, values to publics, and public awareness, sustainable neighborhood plan development, and education. This information could also be useful and applicable to other regions.

C. Future perspectives. Concepts and approaches to guide future restoration of the Louisiana coastal ecosystem should also be considered. This includes field work, workshops, expert panels, reviews or syntheses of existing work. Specifically, projects should consider sustainable approaches to restoration that take into account future changes such as existing and emerging contaminants, degradation of coastal habitat resulting from planned human actions or policies, urban and natural ecosystem linkages, or the influence of variations in the climate system on the coast. Efforts should be regional in scale and of direct utility to agencies planning future restoration.

Southern Louisiana remains severely impacted by or vulnerable to coastal erosion, sea level rise, and the loss and degradation of natural wetland habitats. This long-term deterioration was exacerbated by the 2005 hurricanes, Katrina and Rita, which devastated much of Louisiana's coastal regions. Such a combination of factors puts at risk the infrastructure of the region and the livelihood of its inhabitants, presenting an urgent need for a swift and successful response that will restore the natural protective structures in the region and enhance the ecology. Successful restoration of any natural ecosystem requires sound understanding of the problems and how they developed, as well as clearly defined targets for what we expect from the system after restoration. Scientific uncertainties and technological inadequacies must not limit our ability to respond to the needs of coastal communities. Rather, advances in science and technology should be integrated directly into restoration programs to ensure that coastal habitat restoration is implemented cost-effectively and successfully sustains coastal resources.

Section 7007 (b) directs the Secretary to accept as a non-Federal cost share other Federal funds in certain cases. In addition to other Federal programs and resources, it is the intent that the provision shall clarify any misunderstanding that funds resulting from sections 383 and 384 of the Energy Policy Act of 2005, Public Law 109–58, and title I of Division C of the Tax Relief and Health Care Act of 2006, Public Law 109–432 are eligible as a non-Federal match. This statement should not be construed as to prejudice any State's ability to use the funds specified from the Tax Relief and Health Care Act of 2006 as a non-Federal match for any program or any other use.

Section 7012(a) authorizes the modification of the outfall canals on Lake Pontchartrain. The conference agreement provides for the construction of closure structures on the 17th Street, Orleans Avenue and London Avenue canals at or near the lakefront at Lake Pontchartrain. It also authorizes the installation of new pumping stations associated with the outfall canals. It is the intent of the conferees that the Secretary continues ongoing efforts to

implement an appropriate solution to the outfall canal and pumping challenges which would be constructed under this authority. Evacuating storm water to the Mississippi River, rather than into the outfall canals, should be considered as part of any comprehensive plan constructed under this authority.

The conference agreement also includes bill language that authorizes the replacement or modification of non-Federal levees in Plaquemines Parish. The conferees urge the Secretary to expedite efforts that will supplement or compliment existing Federal protection adjacent to the Mississippi River banks associated with the New Orleans to Venice project.

Section 7012(b) clarifies that all work authorized pursuant to sections 7012(a)(2) through 7012(a)(9) and Section 7013 shall be performed at full Federal expense.

Section 7013 authorizes the closure and restoration of the Mississippi River gulf outlet ecosystem. It is the intent that the full restoration of the area be included as part of the program. The Secretary should progress with the closure as soon as possible and should consider using funds and authorization provided in Public Law 109–148 and Public Law 109–234 immediately upon enactment of this act.

Section 7014 requires the Secretary to submit actual project recommendations as part of the Louisiana coastal protection and restoration analysis and design. Despite several communications, the Secretary has continued down a course that is entirely inconsistent with congressional intent in regard to this analysis and design. It remains very concerning that the Secretary considers expending $20 million to develop a document that will provide little guidance and not advance future protection efforts a wise use of taxpayer funds. Further, it is inexcusable that the Congress was forced to include this directive in statute to refocus this analysis and design on the intent of Congress. The original intent of the authorization was clear that Corps was to provide actual project recommendations, design, and a technical report. The intentional mismanagement of this effort by the Assistant Secretary of the Army for Civil Works is concerning, will cause delays in protection improvements, and may result in additional loss of life and property. Further, it is noteworthy that the statute requiring the development of this document placed the requirement upon the Chief of Engineers to provide this information to Congress. Yet the interim report was signed only by the Assistant Secretary of the Army for Civil Works. I commend GEN Carl Strock for the integrity he apparently demonstrated in this case.

LOUISIANA WWII VETERANS

Ms. LANDRIEU. Mr. President, I would like to take a moment to pay tribute to a group of 96 World War II veterans from the Acadiana region of Louisiana that is making their way to Washington this weekend. Here they will visit the World War II, Korea, Vietnam and Marine Corps memorials as well as Arlington National Cemetery to lay a wreath at the Tomb of the Unknowns.

The trip to the Nation's Capital this Saturday is being paid for by group in Lafayette, LA, called Louisiana HonorAir. The organization is honoring each surviving Louisiana veteran by giving them a chance to see the memorials dedicated to their service. So far this year, there have been two trips to these Washington memorials and three more are planned, including this one.

World War II was the deadliest conflict in our history. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American servicemembers were slain during the long war.

In Louisiana, there remain today about 44,000 living WWII veterans, and every one of them has their own heroic tale of their experience in achieving a noble victory of freedom over tyranny.

Mervin Harmon from Lafayette was one of the Tuskegee Airmen, our country's first African American pilots. While serving his country, he had to endure the racism that was prevalent in our society during that era. Mervin, who is 80 now, joined the service at 18, becoming a mechanic and crew chief at the Tuskegee Institute in Alabama. He oversaw the P–51 Mustang fighters the Airmen flew during the war, ensuring that planes were safe for battle. When Mervin trained at Ft. Smith in Arkansas, he remembers German prisoners of war eating in restaurants while black MPs guarding them were not allowed to be served.

Mervin and the other Tuskegee airmen helped our country bridge the racial divide. He went on to serve in Lafayette Parish government for 14 years and had an upholstery business in the city.

I ask the Senate to join me in honoring Mervin Harmon, the other 95 Louisiana heroes we welcome to Washington this weekend, and Louisiana HonorAir for making these trips a reality.

ADDITIONAL STATEMENTS

IDAHO'S ANGELS IN ADOPTION

• Mr. CRAPO. Mr. President, I am privileged today to honor an Idaho couple, Rick and Tina Betzer, who have been blessed with a heart and gift to minister to children. Rick and Tina are being honored today as Angels in Adoption by the Congressional Adoption Coalition. God grants each of us gifts; some of us use them, others don't, and the world is worse off for that neglect. Today I will share a different story—it is about two people who have chosen to use their gift to make an extraordinary difference in the lives of others. Rick and Tina tell their story better than anyone. With the permission of the Chair, I will include their personal family statement as part of the RECORD. This is text from Rick and Tina Betzer's personal testimony:

We met in Jr. High and have been best friends since. We just celebrated our 30th wedding anniversary. We are privileged to be called mom and dad by 16 wonderful children. Our oldest 5 are biological and the youngest 11 have been adopted over the last 10 years. Our first born is Eric. He is now 31 years old married and has 2 step sons and 2 beautiful little girls. He owns his own tree-trimming business, and they raise quarter horses on their small farm in Chester Idaho. Next is our daughter Gina, who is now 30 years old. She is married to Zac Clawson and they have 3 sons. Zac works for the Federal Government in Washington D.C. They live in Dumfries Virginia. Next is our daughter Amber. She is 28 years old. At this time she is living with us in Shelley and she works for Eastern Idaho Special services and is a transportation specialist for the homeless shelter in Idaho Falls. Our daughter Jessica is 22 years old and is married to Jacob Hackman. They live in Boise and are expecting their first child in June. Our daughter Brittney is 20 years old, graduated High School with honors, and is attending BYU Hawaii. We moved to Shelley in August 2004, from Ashton where we had been living for the past 15 years. While in Ashton, both Rick and I worked for the State of Idaho Department of Juvenile Corrections as a Nurse and as a Therapy Technician. It was at the Juvenile correction center that we became aware of the need for committed foster parents. In the fall of 1990, we became licensed foster parents. Over the next 10 years, we fostered 38 children. On December 12, 1993, a case worker knocked on our door with a beautiful 2 year old boy in his arms. At first sight, we knew this little guy belonged to us. This was the first day of the rest of our lives. We adopted Shallon 3 years later. We thought we were a complete family, then, several years later, we were prompted to call LDS services to apply to adopt a special needs baby. A few months later we did not have a baby, but 3 active little kids. Breann, Daniel, and Courtney joined our family at the ages of 5, 6, and 7. At that point we were sure our family was complete. Again, several years went by and we could not get the thought out of our minds that someone was missing from our family. I talked Rick into another home study, and 1½ months later we were headed to Florida to pick up our 9-week-old daughter, Zoe. At this point, we started to joke that we would stop at 12 kids, not ever intending to go that far, then someone introduced us to the Internet. Thousands of foster children in the United States that are awaiting adoption are listed there. Three little children pulled me in and I contacted their case workers. One was in Texas, one was in Ohio and one in Missouri. We were hoping to be able to adopt one of the three. During this time, Tazier came home for good—he had been our foster son 4 years earlier. A month after his arrival, we brought D'Asia home from Ohio then, 3 months after that, we brought Isabelle home from Missouri, but no word from Texas. Again, we thought we are done. Then, a year later, a phone call from Georgia: Were we interested in one more child? We hesitated and the case worker read us his profile off the Internet. Half way through we stopped her and said ''that's Dakota; he lives in Texas.'' She almost dropped the phone, and asked how we knew that—there were thousands of kids on the Net. We explained that his picture had been on our

refrigerator for 2 years! It took almost 3 years from the time we saw him and a case worker in Georgia that didn't know either us or this little guy, but in September of 2002, Dakota came home. While in Texas picking Dakota up from his foster home, Rick heard a noise from a back bedroom of the home and went to investigate, he came back into the room with our next son in his arms, Delarion. He came home in September 2003.

Our children have changed our lives in many ways. Our world consists of therapists, special education and doctors. Our van could find its own way to Salt Lake and Primary Children's Hospital. We are on a first-name basis with doctors and nurses there and in Idaho Falls at Eastern Idaho Regional Medical Center. From February to November of last year, our children had 9 surgeries and countless procedures that enable them to function as best they can. We had 3 surgeries scheduled in September. Our days are filled with medications, tube feedings, diapers, bottles, wheel chairs, leg braces, glasses, hearing aids and, above all, miracles. It is so humbling to watch these children overcome the obstacles in their lives. Nothing seems to stop them; they have more determination than all of us put together. We remember a Monday night a few years back when, as Tina sat in a chair in our living room holding our 5 year old daughter Zoe, Zoe reached over to the end table and picked up her bottle put the nipple in her mouth and took a drink. We cried. This was a little girl who doctors told us to walk away from, a little girl born with only half a brain, that specialists said would only eat and sleep the rest of her life. At the age of 3, she started playing songs on the piano, by ear because she is blind, with her left hand because her right one doesn't work; a little girl who can scoot on her behind across the floor with amazing speed; a little girl who sings country music, says her ABC's, and counts to 22. These are the miracles in our lives—a little boy born weighing just one pound whose mother was found lying unconscious on the ground in a hospital parking lot, a little boy so tiny that he was thought to be a girl for the first month of his life, a little boy who at the age of 4 would never walk or talk, who now, at the age of eight, runs up to us, puts his little face to ours and says, I want to take a bath. These are some of the reasons why we do what we do . . .

Rick and Tina are more than deserving of the distinguished honor of 2007 Angels in Adoption. Their daily challenges are much more than most of us could imagine, let alone choose to experience at any time in our lives: they have chosen to become parents to children with disabilities including quadriplegic spastic cerebral palsy, blindness, vision impairedness, hearing loss, auditory neuropathy, traumatic brain injury, fetal alcohol syndrome, reactive attachment disorder, attention deficit disorder and genetic optic nerve atrophy. They are selfless examples of a loving commitment of time, energy and resources. Perhaps most difficult, but most rewarding as well, they have committed their hearts and emotions to children in need. The Betzers humble us with their actions they are the angels in their children's lives and examples to us all.●

CONGRATULATING THE UNITED STATES WOMEN'S GYMNASTICS TEAM

● Mr. HARKIN. Mr. President, one of the great joys of my job as a Senator is the opportunity to recognize exceptional people. I would like to take this opportunity to recognize seven exceptional people: Ivana Hong, Nastia Liukin, Samanthat Peszek, Alicia Sacramone, Bridget Sloan, Shayla Worley, and Shawn Johnson. These young ladies make up the U.S. women's gymnastics team.

In September of this year at the World Artistic Gymnastics Championship in Stuttgart, Germany, the U.S. women's team won a total of four gold, two silver, and one bronze medal, placing them first overall in the women's team competition. I congratulate the members of this team, their coaches, and families on their success and for their exemplary representation of our country.

As an Iowan, I would like to recognize a particular member of the U.S. women's team, Ms. Shawn Johnson of West Des Moines, IA. Ms. Johnson won the all-around women's gymnastics title at the 2007 World Artistic Gymnastics Championship. With this great achievement, she became just the fourth U.S. woman ever to win a world all-around title.

Receiving such a title takes incredible talent and athletic ability. But, without a doubt, it also takes a lot of hard work. At the age of 3, Ms. Johnson began her gymnastic training at Chow's Gymnastics in West Des Moines, IA, where she continues to train today. As a result of years of hard work and training, she has competed and won at progressively higher levels of competition. In 2006, she won the U.S. Junior National Championship; in 2007, the Visa National Championships and the Pan American Games, where she won four gold and one silver medal. Next, Ms. Johnson will be competing for a spot on the U.S. women's gymnastic team at the 2008 Beijing Olympics.

I extend my sincere congratulations to the U.S. women's gymnastics team on their success and I wish them luck on their future endeavors.●

HONORING MIKE KURLE

● Mr. JOHNSON. Mr. President, today I want to pay tribute to Mike Kurle, who retired earlier this year as the longtime manager of the West River/Lyman-Jones Rural Water System. I have worked with Mike for nearly my entire congressional career and value his friendship, professionalism, and typical South Dakota steadfastness. I know that Mike and his wife Marlene are looking forward to being able to travel a little more and spend some time with their children who are scattered across the country. However, I want to take a few minutes and explain to the Senate the role Mike played in bringing reliable supplies of drinking water to the towns and ranches of western South Dakota.

As manager of West River/Lyman-Jones, Mike guided one of the four local project sponsors that constitute the Mni Wiconi Rural Water System—one of the largest Federal drinking water projects constructed in the last 30 years. Mike managed the project practically from the beginning and over the past 16 years has always put first the interests of the communities, ranches, and farms served by the system. On Mike's watch, 2,200 rural customers now receive reliable drinking water piped hundreds of miles from the Missouri River. The towns of Philip, Presho, Kennebec, Murdo, White River and, very soon, Kadoka benefit from the Mni Wiconi project. Mike has overseen Federal transfers in excess of $55 million and constantly delivered good value and on-time performance from contractors. Most importantly, Mike is someone that could be trusted and he worked well with the system's three other sponsors—the Oglala Sioux Tribe, Lower Brule Sioux Tribe, and Rosebud Sioux Tribe. The project is a collaboration between the area's American Indian tribes, the Federal Government, and the western South Dakota communities in Lyman, Stanley, Jones, Mellette, Jackson, Haakon, and Pennington counties. Mike spent countless hours on the road traveling from one project sponsor meeting to another and on the phone and in Washington, DC, meeting with Bureau of Reclamation officials and the South Dakota congressional delegation to keep the project on track. Because of Mike's good work, the project is close to the finish line with about 70 percent of the system in the ground and delivering water to thousands of residents. These are all great goals and accomplishments.

So, in closing, I want to thank Mike Kurle for his service and professionalism and most of all friendship and guidance over these many years. I know that Mike can't stay away from the West River/Lyman-Jones office forever but hope that he can enjoy moving at a slower pace knowing that future generations will be well served by his efforts.●

HONORING PENOBSCOT BAY MEDIA, LLC

● Ms. SNOWE. Mr. President, today I pay tribute to a small company in my home State of Maine, run by a female service-disabled veteran, that has made remarkable strides in the information technology industry, and particularly in robotics. Penobscot Bay Media, LLC—known to most as Pen Bay Media—is headquartered in Camden, on Maine's beautiful coast, where it specializes in the development of information visualization solutions by using geographic information systems, GIS, interactive distance learning, and other similar technologies. For example, Pen Bay has developed a type of

robot that has the capability to detect environmental hazards, thereby protecting first responders and potentially saving lives.

A retired Navy officer who served in Vietnam, CAPT Ann S. Yahner helped found Pen Bay Media in 1999, along with current partners Stuart Rich, David Berez, and her husband Frank, a retired U.S. Marine. Today, Mrs. Yahner serves as president and general manager. I will never forget when, in response to her concerns over a ''brain drain'' in Maine, Mrs. Yahner sent a letter to MG John Libby, the adjutant general of the Maine National Guard, offering to employ qualified returning veterans from combat in Iraq and Afghanistan at Pen Bay. Overall, Pen Bay employs 28 people, and has nearly doubled its workforce since the beginning of 2006. Mrs. Yahner's determination to hire and partner with veterans is a solid example of the kind of consistent opportunity we need to extend to those who protect us so admirably.

Pen Bay Media has a long history of successful project experience with government clients. It is one of 45 prime companies in the United States, and the only New England company to be awarded the Veterans Technology Services Government-wide Acquisition Contract. As a result of this esteemed designation, Pen Bay Media will be eligible to compete for a share of contracts worth $5 billion over the next 10 years. In addition, Pen Bay has received countless awards and accolades since its inception. Most recently, the Environmental Systems Research Institute, ESRI, honored Pen Bay with its prestigious Special Achievement in Geographic Information System's award. For embracing GIS technology through its work with the New York City Bureau of Environmental Sciences and Engineering, ESRI recognized Pen Bay for its ''extraordinary contributions to our global society.'' According to ESRI, Pen Bay stood out from more than 300,000 organizations worldwide that use GIS software to enhance its clients' safety.

In its 8 years of operation, Pen Bay Media has excelled, finding a creative niche within one of the Nation's fastest-growing industries. What makes Mrs. Yahner's accomplishments all the more impressive is that, according to the Small Business Administration, only 32 percent of disabled veteran business owners are women. Ann Yahner's courageous military service and tremendous contributions to small business are commendable and a great lesson that we can all succeed. I thank Ann Yahner and everyone at Pen Bay Media for the crucial work that they do, and I wish them continued success and prestige in the years to come.●

MESSAGES FROM THE HOUSE

At 3:21 p.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 bill, in which it requests the concurrence of the Senate:

H.R. 928. An act to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

The message also announced that pursuant to 44 U.S.C. 2702, and the order of the House of January 4, 2007, the Speaker reappoints the following Member on the part of the House of Representatives to the Advisory Committee on the Records of Congress: Mr. Joseph Cooper of Baltimore, Maryland.

At 4:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following resolution, in which it requests the concurrence of the Senate:

S. Con. Res. 49. Concurrent resolution providing for a conditional adjournment or recess of the Senate.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2740. An act to require accountability for contractors and contract personnel under Federal contracts, and for other purposes.

H.R. 3246. An act to amend title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation.

H.R. 3648. An act to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 694. An act to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 928. An act to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3246. An act to amend title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation; to the Committee on Environment and Public Works.

H.R. 3432. An act to establish the Commission on the Abolition of the Transatlantic Slave Trade; to the Committee on the Judiciary.

H.R. 3527. An act to extend for two months the authorities of the Overseas Private Investment Corporation; to the Committee on Foreign Relations.

H.R. 3540. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes; to the Committee on Finance.

H.R. 3648. An act to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

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

H.R. 2828. An act to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1154. An act to award a congressional gold medal to Michael Ellis DeBakey, M.D.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2740. An act to require accountability for contractors and contract personnel under Federal contracts, and for other purposes.

S. 2152. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2012, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 4, 2007, she had presented to the President of the United States the following enrolled bills:

S. 474. An act to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3546. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Vice Admiral Ronald A. Route, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–3547. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, an inventory of the Commission's activities for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3548. A communication from the Director, Executive Resources Management Division, Department of Energy, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary (Congressional and Intergovernmental Affairs), received on October 2, 2007; to the Committee on Energy and Natural Resources.

EC–3549. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a navigation improvement project for Haines, Alaska; to the Committee on Environment and Public Works.

EC–3550. 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 ''Mercury Switches in Motor Vehicles; Significant New Use Rule'' ((RIN2070–AJ19)

(FRL No. 8110–5)) received on October 2, 2007; to the Committee on Environment and Public Works.

EC–3551. 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; Pennsylvania; Carbon Monoxide Maintenance Plan Update; Limited Maintenance Plan in Philadelphia County'' (FRL No. 8476–9) received on October 2, 2007; to the Committee on Environment and Public Works.

EC–3552. 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; Florida; Clean Air Interstate Rule'' (FRL No. 8478–1) received on October 2, 2007; to the Committee on Environment and Public Works.

EC–3553. 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; Georgia; Clean Air Interstate Rule'' (FRL No. 8478–6) received on October 2, 2007; to the Committee on Environment and Public Works.

EC–3554. 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; Pennsylvania; Redesignation of the Erie 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory'' (FRL No. 8478–9) received on October 2, 2007; to the Committee on Environment and Public Works.

EC–3555. 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 of Implementation Plans of South Carolina: Clean Air Interstate Rule'' (FRL No. 8478–3) received on October 2, 2007; to the Committee on Environment and Public Works.

EC–3556. 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 ''Consumer and Commercial Products: Control Techniques Guidelines in Lieu of Regulations for Paper, Film, and Foil Coatings; Metal Furniture Coatings; and Large Appliance Coatings'' ((RIN2060–AO14) (FRL No. 8478–7)) received on October 2, 2007; to the Committee on Environment and Public Works.

EC–3557. 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 ''National Primary Drinking Water Regulations for Lead and Copper: Short-Term Regulatory Revisions and Clarifications'' ((RIN2040–AE83) (FRL No. 8476–5)) received on October 2, 2007; to the Committee on Environment and Public Works.

EC–3558. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a study of the Lower Colorado River Basin in Texas; to the Committee on Environment and Public Works.

EC–3559. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report of the Secretary of the Army's support of the authorization and construction of navigation and ecosystem restoration improvements at the Corpus Christi Ship Channel and La Quinta Channel in Texas; to the Committee on Environment and Public Works.

EC–3560. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Current Good Manufacturing Practice for Blood and Blood Components; Notification of Consignees and Transfusion Recipients Receiving Blood and Blood Components at Increased Risk of Transmitting Hepatitis C Virus Infection'' ((RIN0910–AB76) (Docket No. 1999N–2337)) received on October 3, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3561. A communication from the Regulatory Specialist, Legislative and Regulatory Activities Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks'' (RIN1557–AD02) received on October 3, 2007; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 221. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts (Rept. No. 110–190).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 453. A bill to prohibit deceptive practices in Federal elections (Rept. No. 110–191).

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

H. Con. Res. 193. A concurrent resolution recognizing all hunters across the United States for their continued commitment to safety.

S. Res. 326. A resolution supporting the goals and ideals of a National Day of Remembrance for Murder Victims.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1640. A bill to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck.

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment and with a preamble:

S.J. Res. 17. A joint resolution directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

S. Con. Res. 39. A concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Thomas P. O'Brien, of California, to be United States Attorney for the Central District of California for the term of four years.

Edward Meacham Yarbrough, of Tennessee, to be United States Attorney for the Middle District of Tennessee for the term of four years vice James K. Vines, resigned.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM:

S. 2137. A bill to eliminate methamphetamine kingpins; to the Committee on the Judiciary.

By Mr. AKAKA (by request):

S. 2138. A bill to amend title 38, United States Code, to establish within the Department of Veterans Affairs the position of Assistant Secretary for Acquisition, Logistics, and Construction, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. KLOBUCHAR (for herself and Mr. COLEMAN):

S. 2139. A bill to amend title 38, United States Code, provide educational assistance under the Montgomery GI Bill for members of the National Guard and Reserve who serve extended periods of continuous active duty that include a prolonged period of service in certain theaters of operation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DORGAN (for himself and Mr. ENZI):

S. 2140. A bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON (for himself, Ms. MURKOWSKI, Mr. BROWN, Mr. DURBIN, Ms. LANDRIEU, and Mrs. MURRAY):

S. 2141. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 2142. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KOHL (for himself, Mr. FEINGOLD, Mr. TESTER, Mr. SANDERS, Mr. KERRY, Mr. DURBIN, Mr. OBAMA, Mr. BINGAMAN, and Mr. DOMENICI):

S. 2143. A bill to amend the Elementary and Secondary Education Act to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COLEMAN (for himself, Mr. SALAZAR, Ms. MURKOWSKI, Ms. LANDRIEU, Mr. THUNE, Mr. JOHNSON, Mr. WARNER, Mr. LIEBERMAN, Mr. MARTINEZ, and Mr. BUNNING):

S. 2144. A bill to require the Secretary of Energy to conduct a study of feasibility relating to the construction and operation of

pipelines and carbon dioxide sequestration facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself, Mr. JOHNSON, and Mr. DORGAN):

S. 2145. A bill to amend the Indian Health Care Improvement Act to ensure that Indian veterans are not liable for certain health care payments; to the Committee on the Judiciary.

By Mr. CARPER (for himself, Mr. VOINOVICH, and Mrs. CLINTON):

S. 2146. A bill to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REID (for Mr. OBAMA (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. BYRD, and Mr. KERRY)):

S. 2147. A bill to require accountability for contractors and contract personnel under Federal contracts, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 2148. A bill to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN:

S. 2149. A bill to amend the Energy Policy Act of 1992 to establish a program to provide incentives for projects to produce synthetic gas, liquid fuels, and other products from coal and other feedstocks while simultaneously reducing greenhouse gas emissions and reliance of the United States on petroleum and natural gas, and for other purposes; to the Committee on Finance.

By Mr. BOND (for himself and Mrs. MCCASKILL):

S. 2150. A bill to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the ''Wallace S. Hartsfield Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PRYOR (for himself, Mrs. LINCOLN, Mr. BOND, Mr. COCHRAN, and Mrs. MCCASKILL):

S. 2151. A bill to amend the National Flood Insurance Act of 1968 to authorize notations on flood insurance rate maps for areas protected against 100-year and 500-year floods by certified flood control structure; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCONNELL (for himself, Mr. LOTT, Mr. KYL, Mr. GREGG, Mr. ENZI, Mr. BUNNING, Mr. COBURN, Mr. ALLARD, Mr. DEMINT, Mr. CORNYN, Mr. INHOFE, Mrs. DOLE, Mr. VITTER, Mr. BURR, Mr. BENNETT, Mr. BARRASSO, Mr. ISAKSON, Mr. COCHRAN, and Mr. ENSIGN):

S. 2152. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2012, and for other purposes; read the first time.

By Mr. REED:

S. 2153. A bill to amend the Truth in Lending Act to enhance disclosure of the terms of home mortgage loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON (for himself, Mr. THUNE, and Mr. CONRAD):

S. 2154. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to exempt certain employment as a member of a local governing board, commission, or committee from social security tax coverage; to the Committee on Finance.

By Mr. BYRD:

S. 2155. A bill to amend the Energy Policy Act of 1992 to encourage the development of clean energy technologies for deployment in markets abroad, to assist the Department of Energy's promotion of research and development of clean and efficient energy systems, to encourage the Department of Energy and other Federal agencies to work together to improve the advancement of sustainable energy use and reduce greenhouse gas emissions, and for other purposes; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Ms. CANTWELL, and Mr. JOHNSON):

S. 2156. A bill to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water resources for irrigation, hydroelectric power, municipal, and environmental uses, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANDERS:

S. 2157. A bill to amend the Elementary and Secondary Education Act of 1965 to establish pilot programs in expanded school attendance; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENNETT:

S. Res. 344. A resolution commending the Government of Germany for preventing a large-scale terrorist attack in September 2007, and supporting future cooperation to prevent terrorism; considered and agreed to.

By Mr. REID:

S. Con. Res. 49. A concurrent resolution providing for a conditional adjournment or recess of the Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 535

At the request of Mr. DODD, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 535, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 700

At the request of Mr. CRAPO, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 887

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 887, a bill to restore import and entry agricultural inspection functions to the Department of Agriculture.

S. 897

At the request of Ms. MIKULSKI, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 911

At the request of Mr. REED, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Delaware (Mr. BIDEN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1008

At the request of Mr. SANDERS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1008, a bill to amend the Atomic Energy Act of 1954 to improve and strengthen the safety inspection process of nuclear facilities.

S. 1120

At the request of Mr. ISAKSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1356

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1356, a bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

S. 1394

At the request of Ms. STABENOW, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1394, a bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1451

At the request of Mr. WHITEHOUSE, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors 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. 1455

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1455, a bill to provide for the establishment of a health information technology and privacy system.

S. 1471

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1471, a bill to provide for the voluntary development by States of qualifying best practices for health care and to encourage such voluntary development by amending titles XVIII and XIX of the Social Security Act to provide differential rates of payment favoring treatment provided consistent with qualifying best practices under the Medicare and Medicaid programs, and for other purposes.

S. 1482

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1482, a bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being.

S. 1495

At the request of Mr. INOUYE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1495, a bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on vessels operating in the dual United States domestic and foreign trades, and for other purposes.

S. 1604

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1604, a bill to increase the number of well-educated nurses, and for other purposes.

S. 1708

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

S. 1760

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1782

At the request of Mr. FEINGOLD, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1782, a bill to amend chapter 1 of title 9 of United States Code with respect to arbitration.

S. 1865

At the request of Mr. SCHUMER, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1865, a bill to provide for mandatory availability of life insurance that does not preclude future lawful travel, and for other purposes.

S. 2056

At the request of Mr. ROCKEFELLER, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2063

At the request of Mr. CONRAD, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2064

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2064, a bill to fund comprehensive programs to ensure an adequate supply of nurses.

S. 2071

At the request of Mrs. FEINSTEIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2077

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2077, a bill to establish a program to assure the safety of fresh produce intended for human consumption, and for other purposes.

S. 2128

At the request of Mr. SUNUNU, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Nevada (Mr. ENSIGN) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 2128, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 2134

At the request of Mr. ALEXANDER, the names of the Senator from Maine (Ms. COLLINS), the Senator from New York (Mrs. CLINTON), the Senator from Ohio (Mr. VOINOVICH), the Senator from Virginia (Mr. WEBB) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2134, a bill to require the Secretary of Defense to submit to Congress reports on the status of planning for the redeployment of the Armed Forces from Iraq and to require the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and appropriate senior officials of the Department of Defense to meet with Congress to brief Congress on matters contained in the reports.

S.J. RES. 4

At the request of Mr. BROWNBACK, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S.J. Res. 4, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 321

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Res. 321, a resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON (for himself, Ms. MURKOWSKI, Mr. BROWN, Mr. DURBIN, Ms. LANDRIEU, and Mrs. MURRAY):

S. 2141. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. JOHNSON. Mr. President, today I join Senators BROWN, DURBIN,

LANDRIEU, MURKOWSKI and MURRAY in introducing the Advancing FASD Research, Prevention, and Services Act. I thank them for joining me in this important effort to improve the surveillance, identification, and prevention of Fetal Alcohol Syndrome Disorders, or FASD.

During the course of my career, I have admired people who struggle with the affects of a Fetal Alcohol Spectrum Disorder and watched with deep respect as their families struggle to help them succeed. Through no fault of their own, these FASD-affected individuals face a lifetime of cognitive, physical, and emotional challenges, including severe learning disabilities, physical abnormalities, costly medical bills, and behavioral impairments. However, we have an opportunity to help people with an FASD overcome many of these challenges with appropriate health, education, judicial, and housing services. As with other disabilities, by investing a small amount of money, we can ensure that FASD-affected individuals have the resources they need to succeed in school, work and life.

Fetal Alcohol Spectrum Disorders are estimated to affect 1 in 100 live births, or more than 40,000 infants, each year. Researchers estimate that one percent of our population lives with an FASD, which is more than 3 million Americans. In my home State of South Dakota, approximately 7,819 individuals are suspected of having an FASD.

The costs of this completely preventable condition to our country are staggering. According to the University of South Dakota Sanford School of Medicine's Center for Disabilities, the lifetime cost for an individual with Fetal Alcohol Syndrome, the most severe of disorders in this spectrum, is over $2 million. The annual cost of FASD to South Dakota, including medical treatment, special education services, and home and residential care, is estimated to be $18 million. Nationally, the cost for these services will approach $6 billion this year alone, but neither of these estimates include the economic costs of lost productivity.

While there is no known cure, FASD is entirely preventable, and this bill seeks a balance between directing federal resources to prevention activities and to services for individuals living with FASD and their families. This bill focuses provision of services in areas where FASD affected individuals are already receiving help. In South Dakota, more than 60 percent of people diagnosed with an FASD lived within a foster care home for some part of their lives. With that in mind, our bill works to train foster care workers and foster parents on how to best communicate with and serve children living with FASD.

Furthermore, it is estimated that 60 percent of individuals with FASD will spend some time in a correctional institution or mental health facility during their lives. Most individuals with FASD will commit their first crime between the ages of 9 and 14. To that end, our bill will provide health care and judicial system workers with the resources they need to work with and understand FASD-affected individuals when they encounter them in health care settings or the court system.

All of these unfortunate statistics compel me to join with my colleagues to offer a comprehensive approaching to preventing FASD, advancing research to learn more about FASD, and increasing provision of services to those living with FASD and their families. While we have increased awareness about the dangers of consuming alcohol during pregnancy, we clearly have much more work to do as we strive to reach the goal of eliminating the negative effects of prenatal alcohol exposure.

In my home State of South Dakota, we have had great successes in working on this issue. With the leadership of the health professionals at our esteemed universities, parents, and teachers, among countless others, we have made some important progress in addressing FASD. This legislation will bolster the efforts of these dedicated South Dakotans and many others across the country who are working hard to prevent FASD and support the children and families living with its consequences.

This bill will provide much needed support in the areas of research and prevention. This legislation requires the National Institutes of Health to develop a research agenda focusing on the most promising avenues research in diagnosis, intervention, and prevention, as well as factors that may mitigate the effects of fetal alcohol exposure.

This bill will also make available grants to federally qualified health centers to implement and evaluate programs to increase awareness and identification of FASD in those settings.

Participating health centers will be able to provide training to health care providers on identifying and educating women who are at risk for alcohol consumption during pregnancy and on screening children for FASD.

Another provision in this bill will create public awareness and education campaigns in at-risk areas in order to further the prevention of this disease. This bill will authorize the development and broadcast of national public service announcements to raise public awareness of the risks associated with alcohol consumption during pregnancy.

Recognizing that the consequences of FASD are not just health-related, the bill promotes prevention, intervention and services within the education and judicial systems. This legislation provides teachers with resources to educate and support children with FASD. The bill seeks to involve everyone who might encounter an FASD-affected person in the judicial system, including judges, attorneys, probation officers, law enforcement officers, and many others, and works to train them in communicating with and supporting individuals with FASD.

Again, I am so pleased to be introducing this bill with my colleagues and encourage all of our colleagues to consider supporting this bill. I would also like to take a moment to thank Senator Daschle for his leadership on FASD. His commitment to combating this illness is still present in South Dakota and in the lives of those who battle FASD every day.

By Mr. KOHL (for himself, Mr. FEINGOLD, Mr. TESTER, Mr. SANDERS, Mr. KERRY, Mr. DURBIN, Mr. OBAMA, Mr. BINGAMAN, and Mr. DOMENICI):

S. 2143. A bill to amend the Elementary and Secondary Education Act to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, today I join Senator KOHL in introducing the Student Breakfast and Education Improvement Act as part of my continued efforts to improve our nation's schools. I am pleased to be working with the senior Senator from Wisconsin, who has been a longtime leader in this area. As far back as 1999, he has sponsored legislation to support breakfast programs, and he has continued his support through his work on the Agriculture Appropriations Committee since then.

One often overlooked part of student classroom performance is nutrition and hunger, which can have a tremendous impact on students. I know many of my colleagues share my support for school programs that help alleviate hunger for the most in-need students, such as the Free and Reduced Price Lunch Program, as well as those programs that provide healthier food, such as the Fresh Fruit and Vegetable Snack and Farm-to-Cafeteria programs.

I am sure that I am not the only member of this body who grew up hearing that breakfast is the most important meal of the day. When I talk to my colleagues and constituents about our proposal and the importance of breakfast and learning, it is not a hard sell. People understand immediately why this issue matters.

Unfortunately, too many children go hungry and too many parents have to choose between giving their children lunch or breakfast, even if they get the help of reduced price meals.

The Student Breakfast and Education Improvement Act would provide grants for schools wishing to begin or expand universal school breakfast programs. Studies show that kids who eat breakfast perform better in school and on tests, and they tend to be less disruptive to the class, and I have heard many stories from teachers, school nurses, and other school officials over the years to confirm this. In fact, last

year in my home State of Wisconsin, with the support of Senator KOHL, the Milwaukee Public Schools worked with the Hunger Task Force to implement universal school breakfast programs in more than 60 schools. This program, which has expanded in its second year, has proven popular with students, teachers, and parents.

We are set to debate the reauthorization of the No Child Left Behind Act, NCLB, later this year. NCLB was the 2002 reauthorization of the Elementary and Secondary Education Act, ESEA, of 1965. NCLB set the important goal of closing the achievement gap that exists in our nation's schools. I disagree with some of the methods that NCLB employs, including relying primarily on high-stakes standardized tests to measure students and schools, but I strongly agree that the achievement gap needs to be closed. The latest scores from the National Assessment on Educational Progress NAEP were released last week and the scores show we have a very long way to go before we close that achievement gap in many States, including in my State of Wisconsin.

There are a variety of education reforms that need to be pursued at the federal, state, and local level in order to close the achievement gap. One step Congress can take is to support programs to comprehensively address the needs of children, including their nutrition, health, and social needs. Our Student Breakfast and Education Improvement Act is legislation that is designed to help address some of those needs. Too many students in some of our nation's most disadvantaged schools walk into school in the morning hungry, or eat junk food for their breakfast. By working to provide these students with access to a nutritious breakfast, we are telling these students that we value them and that we want to help them achieve all that they can in school. Much more needs to be done to address other needs of our students, but this bill is a step in the right direction.

Our legislation would target the schools most in need, those with 65 percent more of students eligible for the free and reduced price lunch program, with the funds necessary to implement a universal free breakfast program. The grants, which could be used in a number of ways, aim to help schools overcome the numerous barriers to creating a universal school breakfast program. In fiscal year 2006, 10 million more students participated in free and reduced price lunch than breakfast. This disparity is troubling to me and many others.

Our bill would work with existing meal programs, not replace them. Provision 2 of Section 11(a)(l) of the National School Lunch Act allows schools to establish their free and reduced meal rates for a 4 year period if they serve all meals at no charge. The combination of not having to collect free and reduced price information from students annually, and not having to collect daily meal money from students, results in significant administrative savings. While schools participating under Provision 2 must cover the lost revenue from the reduced and full price meal costs, for the high-needs schools such as those targeted by this program, the typically higher participation rate also means the school can benefit from some economies of scale and receive a better price for the food. The grants this bill would provide would help schools make the initial investments needed to establish a universal breakfast program and make up for the lost revenue.

Some universal breakfast programs, like the one I mentioned in Milwaukee, have demonstrated that universal free breakfast programs create an economy of scale that actually makes the cost per student lower. The Milwaukee program served breakfast in the classroom, which, according to teachers and others involved, further improved the economy of the program, as well as the positive impact of breakfast on students' attention.

While our bill has some preferences, including a target for the poorest schools, it is important to note that it has tremendous flexibility for the states and school districts. Schools will be able to tailor their universal breakfast programs to the needs of their own students. It also gives schools the option of purchasing locally grown foods and linking with local farmers, which provide excellent opportunities for nutrition lessons and can even be incorporated into other subjects such as science and math.

This bill is just a start; much more should be done to increase participation in breakfast programs and provide schools with the ability and resources to design programs that address the needs of their students and communities. Our bill does not intend to replace broader efforts, but rather to provide some immediate assistance for the schools most in need. Furthermore, by including a reporting requirement and encouraging researchers to study the effectiveness of the funded programs in improving student learning, this legislation would provide useful evidence about the need for broader investment and how to ensure those resources are best spent.

I would like to thank Senators TESTER, SANDERS, KERRY, DURBIN, OBAMA, BINGAMAN, and DOMENICI for their support for this legislation. The Student Breakfast and Education Improvement Act is also supported by the Hunger Task Force, Community Food Security Coalition, the School Social Work Association of America and the Wisconsin School Social Workers Association. I look forward to working with my colleagues to provide breakfast to more in-need students.

By Mr. COLEMAN (for himself, Mr. SALAZAR, Ms. MURKOWSKI, Ms. LANDRIEU, Mr. THUNE, Mr. JOHNSON, Mr. WARNER, Mr. LIEBERMAN, Mr. MARTINEZ, and Mr. BUNNING):

S. 2144. A bill to require the Secretary of Energy to conduct a study of feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2144

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 ''Carbon Dioxide Pipeline Study Act of 2007''.

SEC. 2. STUDY OF FEASIBILITY RELATING TO CONSTRUCTION AND OPERATION OF PIPELINES AND CARBON DIOXIDE SEQUESTRATION FACILITIES.

(a) IN GENERAL.—The Secretary of Energy (referred to in this section as the ''Secretary''), in coordination with the Federal Energy Regulatory Commission, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior, shall conduct a study to assess the feasibility of the construction and operation of—

(1) pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; and

(2) carbon dioxide sequestration facilities.

(b) SCOPE.—In conducting the study under subsection (a), the Secretary shall consider—

(1) any barrier or potential barrier in existence as of the date of enactment of this Act, including any technical, siting, financing, or regulatory barrier, relating to the construction and operation of—

(A) pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; or

(B) carbon dioxide sequestration facilities;

(2) any market risk (including throughput risk) relating to the construction and operation of—

(A) pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; or

(B) carbon dioxide sequestration facilities;

(3) any regulatory, financing, or siting option that, as determined by the Secretary, would—

(A) mitigate any market risk described in paragraph (2); or

(B) help ensure the construction of pipelines dedicated to the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery;

(4) the means by which to ensure the safe handling, transportation, and sequestration of carbon dioxide;

(5) any preventive measure to ensure the integrity of pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; and

(6) any other appropriate issue, as determined by the Secretary.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study.

By Mr. SMITH (for himself, Mr. JOHNSON, and Mr. DORGAN):

S. 2145. A bill to amend the Indian Health Care Improvement Act to ensure that Indian veterans are not liable for certain health care payments; to the Committee on the Judiciary.

Mr. SMITH. Mr. President, I rise today to introduce the American Indian Veteran Health Care Improvement Act, along with Senators JOHNSON and DORGAN. This legislation would encourage collaborations between the Department of Health and Human Services, HHS, and the Department of Veterans Affairs, VA, which would result in greater access to health care services for American Indian and Alaska Native, AI/AN, veterans of federally-recognized tribes. This legislation also would ensure that these AI/AN veterans eligible for VA health care benefits delivered by the Indian Health Service, IHS, an Indian tribe, or tribal organizations will not be liable for any out of pocket expenses.

American Indians and Alaska Natives have a long history of exemplary military service to the United States. They have volunteered to serve their country at a higher percentage in all of Americas' wars and conflicts than any other ethnic group on a per capita basis. As a result, they have a wide range of combat related health care needs. AI/AN veterans may be eligible for health care from Veterans Health Administration, VHA, or from IHS or both. Despite this dual eligibility, AI/AN veterans report the highest rate of unmet health care needs among veterans and exhibit high rates of disease risk factors.

On February 25, 2003, the HHS and the VA entered into a Memorandum of Understanding, MOU, to encourage cooperation and resource sharing between the IHS and the VHA. The goal of the MOU is to use the strengths and expertise of both organizations to increase access, deliver quality health care services and enhance the health status of AI/AN veterans. These collaborations are designed to improve communication between the agencies and tribal governments, and to create opportunities to develop strategies for sharing information services and technology. The technology sharing includes the VA's electronic medical record system, bar code medication administration and telemedicine. Also, the VA and the IHS cosponsor continuing medical training for their health care staffs. The MOU encourages VA, tribal, and IHS programs to collaborate in numerous ways at the local level. These services may include referrals for specialty care at a VA facility, prescriptions offered by the VA, and testing not offered by IHS.

At the local level, many partnerships are being formed among the IHS, VA, and tribal governments to identify local needs and develop local solutions. These local needs may include VA enrollment, initial screenings, and other health care services. The anticipated product of these collaborations is to ensure that quality health care is provided to all eligible AI/AN veterans. In my State, the Portland VA Medical Center and the Portland Area Office-IHS are working on a local MOU for the purpose of improving access to VA health care services for eligible AI/AN veterans. The Warms Springs Confederated Tribes have been instrumental in developing this agreement based on the needs of and by AI veterans on the Warm Springs Reservation. These veterans often are eligible for health benefits from both VA and IHS and it is their intended purpose to make care more seamless, thereby improving access and quality.

Based on the Federal Government's trust responsibility for Indian tribes, eligible Indians receive free IHS health services regardless of their ability to pay. Unlike the IHS, the VA imposes cost-sharing on certain beneficiaries. This bill would alleviate eligible AI/AN veterans' responsibility for any VA-related expenses when care is delivered through the IHS.

In November 2001, President George W. Bush proclaimed National American Indian Heritage Month by celebrating the role of the indigenous peoples of North America in shaping our Nation's history and culture. He said, ''American Indian and Alaska Native cultures have made remarkable contributions to our national identity. Their unique spiritual, artistic, and literary contributions, together with their vibrant customs and celebrations, enliven and enrich our land.''

An important part of the overall contribution of AI/AN peoples to our Nation is the part they play in protecting and preserving our freedoms. Their contributions to our armed forces have been made throughout our history. I am hopeful that the VA and the IHS will continue to work together to deliver health care services to our Nation's AI/AN veterans that they so deserve. I look forward to hearing about more of these partnership projects, and to learn of their successes.

I look forward to working with my colleagues, Senator JOHNSON and Senator DORGAN, and I urge my colleagues to join us in support of this legislation.

By Mr. AKAKA:

S. 2148. A bill to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I wish to join my colleague in the House, Congressman DANNY DAVIS, to introduce the Senior Executive Service Diversity Assurance Act to improve the management of the Senior Executive Service, SES, and enhance its diversity.

For years we have known that the Federal SES does not reflect the diversity of our Nation. The Government Accountability Office released reports in 2003 and 2007 showing that the percentages of minorities in the SES are inconsistent from agency to agency and not reflective of the diversity of the potential pool of applicants.

While we have seen some gains in the area of women in senior positions, the 28 percent of women in the SES is far less than the national average. And for minorities in senior level career positions, the gap is worse. Twenty-one percent of the potential applicants are racial and ethnic minorities while only 16 percent of the entire SES are minorities.

As agencies think about the next generation of SES, it is important to be reminded of the need to recruit a talented and diverse pool of candidates in order to bring fresh perspectives into our Government's leadership roles. In serving the diverse population of America, we need diverse leaders to improve the way the Federal workforce serves our country.

It is well known that the Federal Government is facing an impending retirement wave. Ninety percent of senior level employees will be eligible for retirement in the next 10 years. Federal agencies need to prepare for the next generation of leaders and in the process actively recruit diverse talent. I believe that mentoring is an excellent way to do that. This bill requires the establishment of an SES mentorship program. Qualified senior executives would be paired up with other talented women, racial and ethnic minorities, and disabled persons to mentor them in the hopes of cultivating a diverse pool of applicants for SES positions.

The Senior Executive Service Diversity Assurance Act also establishes an office of senior executive resources to improve overall efficiency and diversity by bringing together all the SES policy development and implementation functions at the Office of Personnel Management.

The bill also establishes evaluation panels made up of women and minorities to review incoming applications for SES positions and pass along recommendations of the qualified candidates to the Executive Review Board.

The standards are high for entry into the SES, and I believe that this bill continues that tradition and will improve the overall diversity in our highly talented executive workforce.

America is a nation of many different races and backgrounds. Every year, the diverse heritage of America continues to grow, and our communities benefit from the addition of those cultures. New cultures bring new ideas, and in our civil service—America's workforce—we need leadership that reflects those varied cultures and backgrounds.

I believe this bill lays the framework for bringing these new ideas and different populations into Federal leadership. I hope to see improvements in the representation of women, racial and ethnic minorities, and the disabled in the SES.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2148

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 ''Senior Executive Service Diversity Assurance Act''.

SEC. 2. SENIOR EXECUTIVE SERVICE RESOURCE OFFICE.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''Director'' means the Director of the Office of Personnel Management;

(2) the term ''Senior Executive Service'' has the meaning given such term by section 2101a of title 5, United States Code;

(3) the terms ''agency'', ''career appointee'', and ''career reserved position'' have the meanings given them by section 3132 of title 5, United States Code; and

(4) the term ''SES Resource Office'' means the Senior Executive Service Resource Office, established under subsection (b).

(b) ESTABLISHMENT.—Not later than January 1, 2009, the Director shall establish within the Office of Personnel Management an office to be known as the Senior Executive Service Resource Office. The mission of the SES Resource Office shall be—

(1) to improve the efficiency, effectiveness, and productivity of the Senior Executive Service through policy formulation and oversight;

(2) to advance the professionalism of the Senior Executive Service; and

(3) to ensure that, in seeking to achieve a Senior Executive Service reflective of the Nation's diversity, recruitment is from qualified individuals from appropriate sources.

(c) FUNCTIONS.—It shall be the function of the SES Resource Office to make recommendations to the Director with respect to regulations, and to provide guidance to agencies, concerning the structure, management, and diverse composition of the Senior Executive Service. In order to carry out the purposes of this section, the SES Resource Office shall—

(1) take such actions as the SES Resource Office considers necessary to manage and promote an efficient, elite, and diverse corps of senior executives by—

(A) creating policies for the management and improvement of the Senior Executive Service;

(B) providing oversight of the performance, structure, and composition of the Senior Executive Service; and

(C) providing guidance and oversight to agencies in the management of senior executives and candidates for the Senior Executive Service;

(2) be responsible for the policy development, management, and oversight of the Senior Executive Service pay system;

(3) develop standards for certification of each agency's Senior Executive Service performance management system and evaluate all agency applications for certification;

(4) be responsible for developing and monitoring programs for the advancement and training of senior executives, including the Senior Executive Service Federal Candidate Development Program;

(5) provide oversight of and guidance to agency executive resources boards;

(6) be responsible for the administration of the qualifications review board;

(7) establish and maintain lists (in a form that renders them useful to appointing authorities and candidates) of—

(A) the total number of career reserved positions at each agency;

(B) the total number of vacant career reserved positions at each agency;

(C) whether candidates are being sought for each such vacant position; and

(D) the names and (to the extent available) the race, ethnicity, gender, and any disabilities of individuals who have been certified, in accordance with section 3393(d) of title 5, United States Code (as so redesignated by section 3(a)), as having the executive qualifications necessary for initial appointment as a career appointee;

(8) establish mentoring programs for individuals described in paragraph (7)(D);

(9) collect and maintain statistics relating to the composition of the Senior Executive Service based on race, ethnicity, gender, age, and persons with disabilities;

(10) publish annually in the Federal Register statistics relating to—

(A) the data collected by the SES Resource Office under paragraph (7); and

(B) the composition of the Senior Executive Service based on the factors listed in paragraph (7)(D); and

(11) conduct a continuing program for the recruitment of women, members of racial and ethnic minority groups, and the disabled for Senior Executive Service positions, with special efforts directed at recruiting from educational institutions, professional associations, and other sources.

(d) PUBLIC ACCESS TO STATISTICS.—The SES Resource Office shall make the statistics under subsection (c)(10) accessible to the public through an Internet website.

SEC. 3. CAREER APPOINTMENTS.

(a) ESTABLISHMENT AND ROLE OF SES EVALUATION PANELS.—Section 3393 of title 5, United States Code, is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(2) by inserting after subsection (a) the following:

''(b)(1)(A) Each agency shall establish one or more Senior Executive Service evaluation panels, as appropriate, the members of which shall be appointed by the head of the agency (or his or her designee)—

''(i) from among senior executives of the agency or commissioned officers of the uniformed services serving on active duty in such agency; or

''(ii) from among senior executives of or commissioned officers of the uniformed services serving on active duty in another agency, if—

''(I) subparagraph (B) could not (but for this clause) otherwise be satisfied; and

''(II) the consent of the head of the other agency is obtained.

''(B) Each panel shall consist of 3 members, of whom at least 1 shall be a woman and 1 other shall be a member of a racial or ethnic minority group.

''(2) It shall be the function of a Senior Executive Service evaluation panel, with respect to any Senior Executive Service position for which a vacancy announcement is posted—

''(A) to review the executive qualifications of each candidate for a position which is to be filled by a career appointee; and

''(B) to certify to the appropriate executive resources board the names of candidates who, in the judgment of the panel, are best qualified for such position.

Nothing in subparagraph (A) shall be considered to apply in the case of any candidate who is already a career appointee.''.

(b) ROLE OF EXECUTIVE RESOURCES BOARDS.—Paragraph (1) of section 3393(c) of title 5, United States Code (as so redesignated by subsection (a)), is amended to read as follows:

''(1) for each career reserved position for which a vacancy is posted, review the executive qualifications of candidates certified under subsection (b) with respect to such position; and''.

(c) DEFINITION OF APPOINTING AUTHORITY.—Section 3393 of title 5, United States Code, is amended by adding after subsection (h) (as so redesignated by subsection (a)) the following:

''(i) For purposes of this section, the term 'appointing authority' means, with respect to a position within an agency, the head of such agency (or his or her designee).''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 3592(a)(1) of title 5, United States Code, is amended by striking ''3393(d)'' and inserting ''3393(e)''.

(2) Section 3593 of such title is amended—

(A) in subsection (a)—

(i) in the matter before paragraph (1), by striking ''3393(b) and (c)'' and inserting ''3393(c) and (d)''; and

(ii) in paragraph (1), by striking ''3393(d)'' and inserting ''3393(e)''; and

(B) in subsection (c)(1)—

(i) in the matter before subparagraph (A), by striking ''3393(b) and (c)'' and inserting ''3393(c) and (d)''; and

(ii) in subparagraph (C), by striking ''3393(d)'' and inserting ''3393(e)''.

(3) Section 3594 of such title is amended in subsections (a) and (b) by striking ''3393(d)'' and inserting ''3393(e)''.

(4) Section 3595(b)(1) of such title is amended by striking ''3393(d)'' and inserting ''3393(e)''.

(5) Section 7541(1)(A) of such title is amended by striking ''3393(d)'' and inserting ''3393(e)''.

By Mr. REED:

S. 2153. A bill to amend the Truth in Lending Act to enhance disclosure of the terms of home mortgage loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the Mortgage Disclosure Improvement Act of 2007. This bill will improve the loan disclosures given to homebuyers not only when they apply for a mortgage, but also when they refinance their home.

As we are all too aware, the percentage of loans entering foreclosure is at its highest level in 55 years. According to RealtyTrac, there were 1.2 million foreclosures reported nationwide last year, up 42 percent from 2005. Many of these Americans going into foreclosure took out exotic adjustable rate and payment option loans which are now resetting to new, much higher monthly payments. Many of these consumers never understood how these loan products worked or how high their payments would be once these loans reset.

The Mortgage Disclosure Improvement Act of 2007 would for the first time require that the maximum payment that a consumer has to make on a mortgage be disclosed, not only at application, but also seven days before closing. If these disclosures are not made or are made inaccurately, then lenders will be subject to statutory damages. In addition to requiring lenders to disclose the maximum payment under the loan, they will now have to provide consumers who apply for adjustable rate or variable payment loans with a warning that the payments will change, depending on the interest rate.

In addition, this bill would require lenders to give firm disclosure regarding the terms of the mortgage not only within three days of application for the loan, but also at least seven days before closing. Lenders also will now need to include a statement that the consumer is not obligated on the mortgage loan just because they have received the disclosures. This will give consumers the opportunity to truly shop around for the best mortgage terms for the first time ever. They will be able to compare the payments and costs associated with a certain loan product, and decide not to sign on the dotted line if they do not like the basic terms of the loan.

Finally, the bill clarifies that lenders are subject to statutory damages for violations of Truth in Lending disclosure provisions, increases the damages for mortgage violations from $2,000 to $5,000 per violation, and requires that mortgage disclosures be made within the stated time frames.

The increasing rate of foreclosures across the country is troubling. Not only are individual families losing their homes and their financial nest eggs, but there is a negative ripple effect across communities and the economy. Although improved TILA disclosures are only a small part of what Congress needs to do in the upcoming year, I believe that giving consumers the information they need regarding the maximum payments they might have to pay under the terms of a loan is an important and vital part of improving the process. Borrowers need to better understand the full financial impact of entering into a particular loan early in the loan decision process, and also before they actually consummate the loan. I hope my colleagues will join me in supporting this bill and other efforts to help improve the mortgage financing process.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2153

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 ''Mortgage Disclosure Improvement Act of 2007''.

SEC. 2. ENHANCED MORTGAGE LOAN DISCLOSURES.

Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting ''(A)'' before ''In the'';

(2) by striking ''a residential mortgage transaction, as defined in section 103(w)'' and inserting ''any extension of credit that is secured by the dwelling of a consumer'';

(3) by striking ''shall be made in accordance'' and all that follows through ''extended, or'';

(4) by striking ''If the'' and all that follows through the end of the paragraph and inserting the following:

''(B) In the case of an extension of credit that is secured by the dwelling of a consumer, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall—

''(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

''(ii) be furnished to the borrower not later than 7 business days before the date of consummation of the transaction, and at the time of consummation of the transaction, subject to subparagraph (D).

''(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall—

''(i) label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes'; and

''(ii) state the maximum amount of the regular required payments on the loan, based on the maximum interest rate allowed, introduced with the following language in conspicuous type size and format: 'Your payment can go as high as [_____]', the blank to be filled in with the maximum possible payment amount.

''(D) In any case in which the disclosure statement provided 7 business days before the date of consummation of the transaction contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.''.

SEC. 3. CIVIL LIABILITY.

Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking ''not less than $200 or greater than $2,000'' and inserting ''$5,000, such amount to be adjusted annually based on the consumer price index, to maintain current value''; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by striking ''only for'' and inserting ''for'';

(B) by striking ''section 125 or'' and inserting ''section 122, section 125,'';

(C) by inserting ''or section 128(b),''after ''128(a),''; and

(D) by inserting ''or section 128(b)'' before the period.

Mr. BINGAMAN (for himself, Mr. DOMENICI, Ms. CANTWELL, and Mr. JOHNSON):

S. 2156. A bill to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water resources for irrigation, hydroelectric power, municipal, and environmental uses, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing a bill entitled the SECURE Water Act, Science and Engineering to Comprehensively Understand and Responsibly Enhance Water Act to address some of the serious water-related challenges facing this country. My colleagues Senator DOMENICI, Senator CANTWELL, and Senator JOHNSON are cosponsoring this measure and I am pleased to have their support.

Water resource issues are putting State and local water managers to the test in all areas of the country. In the western U.S., these challenges are exacerbated due to drought, population increases, environmental needs, and climate change, all of which are affecting the sustainability of water supplies. Much needs to be done to ensure that sufficient quantities of water of adequate quality are available to meet the basic needs of our citizens, as well as sustaining important economic and environmental uses.

As the intense competition for limited water supplies increases, more refined water management strategies are necessary. One way to improve in this area is to improve the nationwide data collection and monitoring activities associated with water. The SECURE Water Act will do this by requiring an expansion of the National Streamflow Information Program and the development of a systematic groundwater monitoring program. The bill also directs the U.S. Geological Survey to formally establish a water use and availability assessment program consistent with recommendations made by the National Research Council. Better data will lead to better modeling and improved decisionmaking by State, local, and Federal water managers.

Another area needing more attention concerns the impacts of global climate change on water resources. Already well-documented is the fact that increasing temperatures are resulting in less snowpack and more rain in many regions, and changing the timing of snow-melt runoff. Moreover, at a recent hearing on climate change and water held by the Energy and Natural Resources Committee, the USGS indicated that current climate models are also projecting a long-term drying trend in the Southwest—the fastest growing region in the country. Fully understanding and adapting to these long-term impacts is imperative to the health and well-being of many communities. The SECURE Water Act directs the Secretary of the Interior to establish an Intra-Governmental Panel to help make the link between the scientific community and water managers to improve water availability forecasts and to implement adaptation strategies. The bill also requires the Bureau of Reclamation to initiate a climate change adaptation program to develop strategies and conduct feasibility studies to address water shortages, conflicts, and other impacts to water users and the environment. In addition, both Reclamation and the Department of Energy are directed to assess the effects of climate change on the water supplies needed for hydropower production, which represents the source of at least 7 percent of the Nation's electricity supply.

Finally, the SECURE Water Act recognizes that promoting the efficient use of water is critical to respond to

any of the threats that may impact available supplies. Accordingly, the Bureau of Reclamation is authorized to provide financial assistance to States, tribes, and local entities to construct improvements or take actions to increase water-use efficiencies that respond to drought, climate change, or other water-related crises.

Of course, States bear the primary responsibility and authority for managing water resources in this country. Nonetheless, given the reality that adequate and safe water supplies are fundamental to the health, economy, and ecology of the United States, it is imperative that the Federal government be a strong partner in assisting State and local communities to address present and future water supply challenges. The SECURE Water Act was developed with this strong partnership in mind. I look forward to starting the dialogue on this important legislation and hope that my colleagues will ultimately support its enactment.

Thank you for the opportunity to make these remarks. 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. 2156

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Science and Engineering to Comprehensively Understand and Responsibly Enhance Water Act'' or the ''SECURE Water Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Climate change adaptation program.
Sec. 5. Water management improvement.
Sec. 6. Hydroelectric power assessment.
Sec. 7. Climate change and water intragovernmental panel.
Sec. 8. Water data enhancement by United States Geological Survey.
Sec. 9. Water use and availability assessment program.
Sec. 10. Effect.

SEC. 2. FINDINGS.

Congress finds that—

(1) adequate and safe supplies of water are fundamental to the health, economy, security, and ecology of the United States;

(2) systematic data-gathering with respect to, and research and development of, the water resources of the United States will help ensure the continued existence of sufficient quantities of water to support—

(A) increasing populations;

(B) economic growth;

(C) irrigated agriculture;

(D) energy production; and

(E) the protection of aquatic ecosystems;

(3) global climate change poses a significant challenge to the protection and use of the water resources of the United States due to an increased uncertainty with respect to the timing, form, and geographical distribution of precipitation, which may have a substantial effect on the supplies of water for agricultural, hydroelectric power, industrial, domestic supply, and environmental needs;

(4) although States bear the primary responsibility and authority for managing the water resources of the United States, the Federal Government should support the States, as well as regional, local, and tribal governments, by carrying out—

(A) nationwide data collection and monitoring activities;

(B) relevant research; and

(C) activities to increase the efficiency of the use of water in the United States;

(5) Federal agencies that conduct water management and related activities have a responsibility—

(A) to take a lead role in assessing risks to the water resources of the United States (including risks posed by global climate change); and

(B) to develop strategies—

(i) to mitigate the potential impacts of each risk described in subparagraph (A); and

(ii) to help ensure that the long-term water resources management of the United States is sustainable and will ensure sustainable quantities of water;

(6) it is critical to continue and expand research and monitoring efforts—

(A) to improve the understanding of the variability of the water cycle; and

(B) to provide basic information necessary—

(i) to manage and efficiently use the water resources of the United States; and

(ii) to identify new supplies of water that are capable of being reclaimed; and

(7) the study of water use is vital—

(A) to the understanding of the impacts of human activity on water and ecological resources; and

(B) to the assessment of whether available surface and groundwater supplies will be available to meet the future needs of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the National Advisory Committee on Water Information established—

(A) under the Office of Management and Budget Circular 92–01; and

(B) to coordinate water data collection activities.

(3) ASSESSMENT PROGRAM.—The term ''assessment program'' means the water availability and use assessment program established by the Secretary under section 9(a).

(4) CLIMATE DIVISION.—The term ''climate division'' means 1 of the 359 divisions in the United States that represents 2 or more regions located within a State that are as climatically homogeneous as possible, as determined by the Administrator.

(5) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Reclamation.

(6) DIRECTOR.—The term ''Director'' means the Director of the United States Geological Survey.

(7) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means any State, Indian tribe, irrigation district, water district, or other organization with water delivery authority.

(8) FEDERAL POWER MARKETING ADMINISTRATION.—The term ''Federal Power Marketing Administration'' means—

(A) the Bonneville Power Administration;

(B) the Southeastern Power Administration;

(C) the Southwestern Power Administration; and

(D) the Western Area Power Administration.

(9) HYDROLOGIC ACCOUNTING UNIT.—The term ''hydrologic accounting unit'' means 1 of the 352 river basin hydrologic accounting units used by the United States Geological Survey.

(10) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) MAJOR AQUIFER SYSTEM.—The term ''major aquifer system'' means a groundwater system that is—

(A) identified as a significant groundwater system by the Director; and

(B) included in the Groundwater Atlas of the United States, published by the United States Geological Survey.

(12) MAJOR RECLAMATION RIVER BASIN.—

(A) IN GENERAL.—The term ''major reclamation river basin'' means each major river system (including tributaries)—

(i) that is located in a service area of the Bureau of Reclamation; and

(ii) at which is located a federally authorized project of the Bureau of Reclamation.

(B) INCLUSIONS.—The term ''major reclamation river basin'' includes—

(i) the Colorado River;

(ii) the Columbia River;

(iii) the Klamath River;

(iv) the Missouri River;

(v) the Rio Grande;

(vi) the Sacramento River;

(vii) the San Joaquin River; and

(viii) the Truckee River.

(13) NON-FEDERAL PARTICIPANT.—The term ''non-Federal participant'' means—

(A) a State, regional, or local authority;

(B) an Indian tribe or tribal organization; or

(C) any other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association, or a nongovernmental organization.

(14) PANEL.—The term ''panel'' means the climate change and water intragovernmental panel established by the Secretary under section 7(a).

(15) PROGRAM.—The term ''program'' means the regional integrated sciences and assessments program—

(A) established by the Administrator; and

(B) that is comprised of 8 regional programs that use advances in integrated climate sciences to assist decisionmaking processes.

(16) SECRETARY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''Secretary'' means the Secretary of the Interior.

(B) EXCEPTIONS.—The term ''Secretary'' means—

(i) in the case of section 4, the Secretary of the Interior (acting through the Commissioner); and

(ii) in the case of sections 8 and 9, the Secretary of the Interior (acting through the Director).

(17) SERVICE AREA.—The term ''service area'' means any area that encompasses a watershed that contains a federally authorized reclamation project that is located in any State or area described in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

SEC. 4. CLIMATE CHANGE ADAPTATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a climate change adaptation program—

(1) to assess each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in a service area; and

(2) to ensure, to the maximum extent possible, that strategies are developed to address potential water shortages, conflicts, and other impacts to water users located at, and the environment of, each service area.

(b) REQUIRED ELEMENTS.—In carrying out the program described in subsection (a), the Secretary shall—

(1) consult with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary has access to the best available scientific information with respect to presently observed and projected future impacts of global climate change on water resources;

(2) assess specific risks to the water supply of each major reclamation river basin, including any risk relating to—

(A) a change in snowpack;

(B) the timing of runoff; and

(C) any increase in—

(i) the demand for water as a result of increasing temperatures; and

(ii) the rate of reservoir evaporation;

(3) with respect to each major reclamation river basin, analyze the extent to which changes in the water supply of the United States will impact—

(A) the ability of the Secretary to deliver water to the contractors of the Secretary;

(B) hydroelectric power generation facilities;

(C) recreation at reclamation facilities;

(D) fish and wildlife habitat;

(E) applicable species listed as an endangered, threatened, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(F) water quality issues (including salinity levels of each major reclamation river basin);

(4) in consultation with appropriate non-Federal participants, consider and develop appropriate strategies to mitigate each impact of water supply changes analyzed by the Secretary under paragraph (3), including strategies relating to—

(A) the modification of any reservoir storage or operating guideline in existence as of the date of enactment of this Act;

(B) the development of new water management, operating, or habitat restoration plans;

(C) water conservation;

(D) improved hydrologic models and other decision support systems; and

(E) groundwater and surface water storage needs; and

(5) in consultation with the Director, the Administrator, the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service), and applicable State water resource agencies, develop a monitoring plan to acquire and maintain water resources data—

(A) to strengthen the understanding of water supply trends; and

(B) to assist in each assessment and analysis conducted by the Secretary under paragraphs (2) and (3).

(c) REPORTING.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in each major reclamation river basin;

(2) the impact of global climate change with respect to the operations of the Secretary in each major reclamation river basin;

(3) each mitigation and adaptation strategy considered and implemented by the Secretary to address each effect of global climate change described in paragraph (1);

(4) each coordination activity conducted by the Secretary with—

(A) the Director;

(B) the Administrator;

(C) the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service); or

(D) any appropriate State water resource agency; and

(5) the implementation by the Secretary of the monitoring plan developed under subsection (b)(5).

(d) FEASIBILITY STUDIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in cooperation with any non-Federal participant, may conduct 1 or more studies to determine the feasibility of implementing each mitigation and adaptation strategy described in subsection (c)(3), including the construction of any water supply, water management, environmental, or habitat enhancement water infrastructure that the Secretary determines to be necessary to address the effects of global climate change on water resources located in each major reclamation river basin.

(2) COST SHARING.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the cost of a study described in paragraph (1) shall not exceed 50 percent of the cost of the study.

(ii) EXCEPTION RELATING TO FINANCIAL HARDSHIP.—The Secretary may increase the Federal share of the cost of a study described in paragraph (1) to exceed 50 percent of the cost of the study if the Secretary determines that, due to a financial hardship, the non-Federal participant of the study is unable to contribute an amount equal to 50 percent of the cost of the study.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a study described in paragraph (1) may be provided in the form of any in-kind services that substantially contribute toward the completion of the study, as determined by the Secretary.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2022, to remain available until expended.

SEC. 5. WATER MANAGEMENT IMPROVEMENT.

(a) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide any grant to, or enter into any cooperative agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement—

(A) to conserve water;

(B) to increase water use efficiency;

(C) to facilitate water markets;

(D) to enhance water management; or

(E) to carry out any other activity—

(i) to address any climate-related impact to the water supply of the United States; or

(ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area.

(2) APPLICATION.—To be eligible to receive a grant, or enter into a cooperative agreement with the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application that includes a proposal of the improvement to be planned, designed, constructed, or implemented by the eligible applicant.

(3) REQUIREMENTS OF GRANTS AND COOPERATIVE AGREEMENTS.—

(A) COMPLIANCE WITH REQUIREMENTS.—Each grant and cooperative agreement entered into by the Secretary with any eligible applicant under paragraph (1) shall be in compliance with each requirement described in subparagraphs (B) through (F).

(B) CERTAIN IMPROVEMENTS OR ACTIVITIES RELATING TO AGRICULTURAL OPERATIONS.—In carrying out paragraph (1), the Secretary shall not provide a grant to, or enter into a cooperative agreement with, an eligible applicant to provide financial assistance for an improvement to conserve water with respect to an agricultural operation unless the Secretary first determines that the improvement will result in a net savings in groundwater or surface water resources in the agricultural operation of the eligible applicant.

(C) NONREIMBURSABLE FUNDS.—Any funds provided by the Secretary to an eligible applicant through a grant or cooperative agreement under paragraph (1) shall be nonreimbursable.

(D) TITLE TO IMPROVEMENTS.—If an infrastructure improvement to a facility under the jurisdiction of a Federal agency is the subject of a grant or a cooperative agreement entered into between the Secretary and an eligible applicant under paragraph (1), the Federal Government shall hold title to the improvement of the facility.

(E) COST SHARING.—

(i) FEDERAL SHARE.—The Federal share of the cost of any infrastructure improvement or activity that is the subject of a grant or a cooperative agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall not exceed 50 percent of the cost of the infrastructure improvement or activity.

(ii) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of an infrastructure improvement or activity proposed by an eligible applicant through an application submitted by the eligible applicant under paragraph (2), the Secretary shall—

(I) consider the value of any in-kind services that substantially contributes toward the completion of the improvement or activity, as determined by the Secretary; and

(II) not consider any other amount that the eligible applicant receives from a Federal agency.

(iii) MAXIMUM AMOUNT.—The amount provided to an eligible applicant through a grant or cooperative agreement under paragraph (1) shall be not more than $5,000,000.

(iv) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the cost of operating and maintaining any infrastructure improvement that is the subject of a grant or a cooperative agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall be 100 percent.

(F) LIABILITY.—

(i) IN GENERAL.—Except as provided in clause (ii), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved under this section, the title of which is not held by the United States.

(ii) EXCEPTION.—Clause (i) shall not apply to liability for monetary damages resulting from an injury caused by any act of negligence committed by the United States (or by any officer, employee, or agent of the United States) that arises in relation to any facility created or improved under this section, the title of which is not held by the United States.

(iii) TORT CLAIMS ACT.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code.

(b) RESEARCH AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may enter into 1 or more cooperative agreements with any university, nonprofit research institution, or organization with water or power delivery authority to fund any research activity that is designed—

(A) to conserve water resources;

(B) to increase the efficiency of the use of water resources; or

(C) to enhance the management of water resources.

(2) TERMS AND CONDITIONS OF SECRETARY.—A cooperative agreement entered into between the Secretary and any university, institution, or organization described in paragraph (1) shall be subject to such terms and conditions as the Secretary determines to be appropriate.

(c) MUTUAL BENEFIT.—Grants or cooperative agreements made under this section may be for the mutual benefit of the United States and the entity that is provided the grant or enters into the cooperative agreement.

(d) RELATIONSHIP TO PROJECT-SPECIFIC AUTHORITY.—This section shall not supersede any existing project-specific funding authority.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000, to remain available until expended.

SEC. 6. HYDROELECTRIC POWER ASSESSMENT.

(a) DUTY OF SECRETARY OF ENERGY.—The Secretary of Energy, in consultation with the Administrator of each Federal Power Marketing Administration, shall assess each effect of, and risk resulting from, global climate change with respect to water supplies that are required for the generation of hydroelectric power at each Federal water project that is applicable to a Federal Power Marketing Administration.

(b) ACCESS TO APPROPRIATE DATA.—

(1) IN GENERAL.—In carrying out each assessment under subsection (a), the Secretary of Energy shall consult with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary of Energy has access to the best available scientific information with respect to presently observed impacts and projected future impacts of global climate change on water supplies that are used to produce hydroelectric power.

(2) ACCESS TO DATA FOR CERTAIN ASSESSMENTS.—In carrying out each assessment under subsection (a), with respect to the Bonneville Power Administration and the Western Area Power Administration, the Secretary of Energy shall consult with the Commissioner to access data and other information that—

(A) is collected by the Commissioner; and

(B) the Secretary of Energy determines to be necessary for the conduct of the assessment.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary of Energy shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to—

(A) water supplies used for hydroelectric power generation; and

(B) power supplies marketed by each Federal Power Marketing Administration, pursuant to—

(i) long-term power contracts;

(ii) contingent capacity contracts; and

(iii) short-term sales; and

(2) each recommendation of the Administrator of each Federal Power Marketing Administration relating to any change in any operation or contracting practice of each Federal Power Marketing Administration to address each effect and risk described in paragraph (1), including the use of purchased power to meet long-term commitments of each Federal Power Marketing Administration.

(d) COSTS NONREIMBURSABLE.—Any costs incurred by the Secretary of Energy in carrying out this section shall be nonreimbursable.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2022, to remain available until expended.

SEC. 7. CLIMATE CHANGE AND WATER INTRAGOVERNMENTAL PANEL.

(a) ESTABLISHMENT.—The Secretary shall establish and lead a climate change and water intragovernmental panel—

(1) to review the current scientific understanding of each impact of global climate change on the water resources of the United States; and

(2) to develop any strategy that the panel determines to be necessary to improve observational capabilities and expand data acquisition to increase the reliability and accuracy of modeling and prediction systems to benefit water managers at the Federal, State, and local levels.

(b) MEMBERSHIP.—The panel shall be comprised of—

(1) the Secretary;

(2) the Director;

(3) the Administrator;

(4) the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service);

(5) the Commissioner; and

(6) the Chief of Engineers.

(c) REVIEW ELEMENTS.—In conducting the review and developing the strategy under subsection (a), the panel shall consult with State water resource agencies, the Advisory Committee, and relevant water user, environmental, and other nongovernmental organizations—

(1) to assess the extent to which the conduct of measures of streamflow, groundwater levels, soil moisture, evapotranspiration rates, evaporation rates, snowpack levels, precipitation amounts, and glacier mass is necessary to improve the understanding of the Federal Government and the States with respect to each impact of global climate change on water resources;

(2) to identify data gaps in current water monitoring networks that must be addressed to improve the capability of the Federal Government and the States to measure, analyze, and predict changes to water resources that are directly or indirectly affected by global climate change;

(3) to establish data management and communication protocols and standards to increase the quality and efficiency by which each Federal agency acquires and reports relevant data;

(4) to consider options for the establishment of a data portal to enhance access to water resource data—

(A) relating to each nationally significant watershed and aquifer located in the United States; and

(B) that is collected by each Federal agency and any other public or private entity for each nationally significant watershed and aquifer located in the United States;

(5) to expand, and integrate each initiative of the panel with, to the maximum extent possible, any interagency initiative in existence as of the date of enactment of this Act, including—

(A) the national integrated drought information system of the National Oceanic and Atmospheric Administration; and

(B) the advanced hydrologic prediction service of the National Weather Service;

(6) to facilitate the development of hydrologic models to integrate data that reflects groundwater and surface water interactions;

(7) to apply the hydrologic models developed under paragraph (6) to water resource management problems identified by the panel; and

(8) to consider the need for, and the development of, mechanisms to effectively combine global climate models, regional climate models, and hydrologic models to produce water resource information to assist water managers at the Federal, State, and local levels in the development of adaptation strategies that can be incorporated into long-term water management decisions.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the review conducted, and the strategy developed, by the panel under subsection (a).

(e) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in consultation with the panel and the Advisory Committee, may provide grants to, or enter into any contract, cooperative agreement, interagency agreement, or other transaction with, an appropriate entity to carry out any demonstration, research, or methodology development project that the Secretary determines to be necessary to assist in the implementation of the strategy developed by the panel under subsection (a)(2).

(2) REQUIREMENTS.—

(A) MAXIMUM AMOUNT OF FEDERAL SHARE.—The Federal share of the cost of any demonstration, research, or methodology development project that is the subject of any grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and an appropriate entity under paragraph (1) shall not exceed $1,000,000.

(B) REPORT.—An appropriate entity that receives funds from a grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and the appropriate entity under paragraph (1) shall submit to the Secretary a report describing the results of the demonstration, research, or methodology development project conducted by the appropriate entity.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a) through (d) $2,000,000 for each of fiscal years 2008 and 2009, to remain available until expended.

(2) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—There is authorized to be appropriated to carry out subsection (e) $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

SEC. 8. WATER DATA ENHANCEMENT BY UNITED STATES GEOLOGICAL SURVEY.

(a) NATIONAL STREAMFLOW INFORMATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall conduct a review of the national streamflow information program, including a review of—

(A) each Federal objective with respect to the establishment of a national streamgaging network; and

(B) each geographic information-based method that the Secretary used to select sites to achieve each objective reviewed under subparagraph (A).

(2) REQUIREMENTS.—In conducting the national streamflow information program, the Secretary shall—

(A) measure streamflow and related environmental variables in nationally significant watersheds—

(i) in a reliable and continuous manner; and

(ii) to develop a comprehensive source of information on which public and private decisions relating to the management of water resources may be based;

(B) provide for a better understanding of hydrologic extremes (including floods and droughts) through the conduct of intensive data collection activities during and following hydrologic extremes;

(C) establish a base network that provides resources that are necessary for—

(i) the monitoring of long-term changes in streamflow; and

(ii) the conduct of assessments to determine the extent to which each long-term change monitored under clause (i) is related to global climate change;

(D) integrate the national streamflow information program with data collection activities of Federal agencies and appropriate State water resource agencies (including the national drought information system)—

(i) to enhance the comprehensive understanding of water availability;

(ii) to identify any data gap with respect to water resources; and

(iii) to improve hydrologic forecasting; and

(E) incorporate principles of adaptive management in the conduct of periodic reviews of information collected under the national streamflow information program to assess whether the objectives of the national streamflow information program are being adequately addressed.

(3) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure streamflow in a more cost-efficient manner.

(4) MEASUREMENT GOAL.—

(A) IN GENERAL.—Not later than 10 years after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall increase the number of sites measured under the national streamflow information program to a quantity of not less than 4,700 sites.

(B) REQUIREMENTS OF SITES.—Each site described in subparagraph (A) shall be—

(i) located in a nationally significant watershed, as determined by the Secretary; and

(ii) measured by a streamgage or any other effective means implemented by the Secretary.

(5) FEDERAL SHARE.—The Federal share of the national streamgaging network established pursuant to this subsection shall be 100 percent of the cost of carrying out the national streamgaging network.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), there are authorized to be appropriated such sums as are necessary to carry out this subsection for the period of fiscal years 2008 through 2022, to remain available until expended.

(B) ACHIEVEMENT OF MEASUREMENT GOAL.—There is authorized to be appropriated to carry out paragraph (4) $7,500,000 for each of fiscal years 2008 through 2018, to remain available until expended.

(b) NATIONAL GROUNDWATER RESOURCES MONITORING.—

(1) IN GENERAL.—The Secretary shall develop a systematic groundwater monitoring program for each major aquifer system located in the United States.

(2) PROGRAM ELEMENTS.—In developing the monitoring program described in paragraph (1), the Secretary shall—

(A) establish appropriate criteria for monitoring wells to ensure the acquisition of long-term, high-quality data sets, including, to the maximum extent possible, the inclusion of real-time instrumentation and reporting;

(B) in coordination with the Advisory Committee and State and local water resource agencies—

(i) assess the current scope of groundwater monitoring based on the access availability and capability of each monitoring well in existence as of the date of enactment of this Act; and

(ii) develop and carry out a monitoring plan that maximizes coverage for each major aquifer system that is located in the United States; and

(C) prior to initiating any specific monitoring activities within a State after the date of enactment of this Act, consult and coordinate with the applicable State water resource agency with jurisdiction over the aquifer that is the subject of the monitoring activities, and comply with all applicable laws (including regulations) of the State.

(3) PROGRAM OBJECTIVES.—In carrying out the monitoring program described in paragraph (1), the Secretary shall—

(A) provide data that is necessary for the improvement of understanding with respect to surface water and groundwater interactions;

(B) by expanding the network of monitoring wells to reach each climate division, support the groundwater climate response network to improve the understanding of the effects of global climate change on groundwater recharge and availability; and

(C) support the objectives of the assessment program.

(4) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure groundwater recharge, discharge, and storage in a more cost-efficient manner.

(5) FEDERAL SHARE.—The Federal share of the monitoring program described in paragraph (1) may be 100 percent of the cost of carrying out the monitoring program.

(6) PRIORITY.—In selecting monitoring activities consistent with the monitoring program described in paragraph (1), the Secretary shall give priority to those activities for which a State or local governmental entity agrees to provide for a substantial share of the cost of establishing or operating a monitoring well or other measuring device to carry out a monitoring activity.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for the period of fiscal years 2008 through 2022, to remain available until expended.

(c) BRACKISH GROUNDWATER ASSESSMENT.—

(1) STUDY.—The Secretary, in consultation with State and local water resource agencies, shall conduct a study of available data and other relevant information—

(A) to identify significant brackish groundwater resources located in the United States; and

(B) to consolidate any available data relating to each groundwater resource identified under subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(A) a description of each—

(i) significant brackish aquifer that is located in the United States (including 1 or more maps of each significant brackish aquifer that is located in the United States);

(ii) data gap that is required to be addressed to fully characterize each brackish aquifer described in clause (i); and

(iii) current use of brackish groundwater that is supplied by each brackish aquifer described in clause (i); and

(B) a summary of the information available as of the date of enactment of this Act with respect to each brackish aquifer described in subparagraph (A)(i) (including the known level of total dissolved solids in each brackish aquifer).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for the period of fiscal years 2008 through 2009, to remain available until expended.

(d) IMPROVED WATER ESTIMATION, MEASUREMENT, AND MONITORING TECHNOLOGIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants to appropriate entities with expertise in water resource data acquisition and reporting—

(A) to investigate, develop, and implement new methodologies and technologies to estimate or measure water resources data in a cost-efficient manner; and

(B) to improve methodologies relating to the analysis and delivery of data.

(2) PRIORITY.—In providing grants to appropriate entities under paragraph (1), the Secretary shall give priority to appropriate entities that propose the development of new methods and technologies for—

(A) predicting and measuring streamflows;

(B) estimating changes in the storage of groundwater;

(C) improving data standards and methods of analysis (including the validation of data entered into geographic information system databases);

(D) measuring precipitation and potential evapotranspiration;

(E) developing descriptive and predictive models that take into account groundwater and surface water; and

(F) water withdrawals, return flows, and consumptive use.

(3) COST SHARING.—

(A) FEDERAL SHARE.—The Federal share of the cost of the development of any new method or technology that is the subject of a grant under this subsection shall not exceed the lesser of—

(i) 50 percent of the cost of the development of the new method or technology; or

(ii) $500,000.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of the development of any new method or technology that is the subject of a grant under this subsection may be provided in the form of any in-kind services that substantially contribute toward the development of any new method or technology, as determined by the Secretary.

(C) OTHER FEDERAL ASSISTANCE.—Assistance under this subsection may be in addition to assistance provided by the Federal Government pursuant to other provisions of law.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2008 through 2018.

SEC. 9. WATER USE AND AVAILABILITY ASSESSMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Advisory Committee and State and local water resource agencies, shall establish an assessment program to be known as the ''water availability and use assessment program''—

(1) to provide a more accurate assessment of the status of the water resources of the United States;

(2) to assist in the determination of the quantity of water that is available for beneficial uses;

(3) to identify long-term trends in water availability;

(4) to use each long-term trend described in paragraph (3) to provide a more accurate assessment of the change in the availability of water in the United States; and

(5) to develop the basis for an improved ability to forecast the availability of water

for future economic, energy production, and environmental uses.

(b) PROGRAM ELEMENTS.—

(1) WATER USE.—In carrying out the assessment program, the Secretary shall conduct any appropriate activity to carry out an ongoing assessment of water use in hydrologic accounting units and major aquifer systems located in the United States, including—

(A) the maintenance of a comprehensive national water use inventory to enhance the level of understanding with respect to the effects of spatial and temporal patterns of water use on the availability and sustainable use of water resources;

(B) the incorporation of water use science principles, with an emphasis on applied research and statistical estimation techniques in the assessment of water use;

(C) the integration of any dataset maintained by any other Federal or State agency into the dataset maintained by the Secretary; and

(D) a focus on the scientific integration of any data relating to water use, water flow, or water quality to generate relevant information relating to the impact of human activity on water and ecological resources.

(2) WATER AVAILABILITY.—In carrying out the assessment program, the Secretary shall conduct an ongoing assessment of water availability by—

(A) developing and evaluating nationally consistent indicators that reflect each status and trend relating to the availability of water resources in the United States, including—

(i) surface water indicators, such as streamflow and surface water storage measures (including lakes, reservoirs, perennial snowfields, and glaciers);

(ii) groundwater indicators, including groundwater level measurements and changes in groundwater levels due to—

(I) natural recharge;

(II) withdrawals;

(III) saltwater intrusion;

(IV) mine dewatering;

(V) land drainage;

(VI) artificial recharge; and

(VII) other relevant factors, as determined by the Secretary; and

(iii) impaired surface water and groundwater supplies that are known, accessible, and used to meet ongoing water demands; and

(B) maintaining a national database of water availability data that—

(i) is comprised of maps, reports, and other forms of interpreted data;

(ii) provides electronic access to the archived data of the national database; and

(iii) provides for real-time data collection.

(c) GRANT PROGRAM.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants to State water resource agencies to assist State water resource agencies in—

(A) developing water use and availability datasets that are integrated with each appropriate dataset developed or maintained by the Secretary; or

(B) integrating any water use or water availability dataset of the State water resource agency into each appropriate dataset developed or maintained by the Secretary.

(2) CRITERIA.—To be eligible to receive a grant under paragraph (1), a State water resource agency shall demonstrate to the Secretary that the water use and availability dataset proposed to be established or integrated by the State water resource agency—

(A) is in compliance with each quality and conformity standard established by the Secretary to ensure that the data will be capable of integration with any national dataset; and

(B) will enhance the ability of the officials of the State of the State water resource agency to carry out each water management and regulatory responsibility of the officials of the State in accordance with each applicable the law of the State.

(3) MAXIMUM AMOUNT.—The amount of a grant provided to a State water resource agency under paragraph (1) shall be an amount not more than $250,000.

(d) REPORT.—Not later than January 1, 2010, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that provides a detailed assessment of—

(1) the current availability of water resources in the United States, including—

(A) historic trends and annual updates of river basin inflows and outflows;

(B) surface water storage;

(C) groundwater reserves; and

(D) estimates of undeveloped potential resources (including saline water and wastewater);

(2) significant trends affecting water availability, including each documented or projected impact to the availability of water as a result of global climate change;

(3) the withdrawal and use of surface water and groundwater by various sectors, including—

(A) the agricultural sector;

(B) municipalities;

(C) the industrial sector;

(D) thermoelectric power generators; and

(E) hydroelectric power generators;

(4) significant trends relating to each water use sector, including significant changes in water use due to the development of new energy supplies;

(5) significant water use conflicts or shortages that have occurred, or are likely to occur; and

(6) each factor that has caused, or will likely cause, a conflict or shortage described in paragraph (5).

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a), (b), and (d) $20,000,000 for each of fiscal years 2008 through 2022, to remain available until expended.

(2) GRANT PROGRAM.—There is authorized to be appropriated to carry out subsection (c) $12,500,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

SEC. 10. EFFECT.

(a) IN GENERAL.—Nothing in this Act supersedes or limits any existing authority provided, or responsibility conferred, by any provision of law.

(b) EFFECT ON STATE WATER LAW.—

(1) IN GENERAL.—Nothing in this Act preempts or affects any—

(A) State water law; or

(B) interstate compact governing water.

(2) COMPLIANCE REQUIRED.—The Secretary shall comply with applicable State water laws in carrying out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 344—COMMENDING THE GOVERNMENT OF GERMANY FOR PREVENTING A LARGE-SCALE TERRORIST ATTACK IN SEPTEMBER 2007, AND SUPPORTING FUTURE COOPERATION TO PREVENT TERRORISM

Mr. BENNETT submitted the following resolution; which was considered and agreed to:

S. RES. 344

Whereas, on September 4, 2007, police in Germany arrested 3 individuals for planning large-scale terrorist attacks against locations in Germany, including sites frequented by United States citizens;

Whereas possible targets included Ramstein Air Base, which serves as headquarters for United States Air Forces in Europe and is also a North Atlantic Treaty Organization installation, and Frankfurt Airport, one of the largest airports in Europe;

Whereas, according to German authorities, the 3 suspects belonged to a German cell of Islamic Jihad Union, a radical Sunni group based in Central Asia with links to Al Qaeda;

Whereas 300 police and other law enforcement officials were involved in the investigation and 41 homes across Germany were raided in a highly successful operation;

Whereas United States intelligence agencies reportedly provided critical information that alerted their counterparts in Germany as to the travels of the suspects between Germany and Pakistan and the suspects' affiliation with the Islamic Jihad Union;

Whereas German authorities acted swiftly and decisively to prevent an attack that could have come within days of the arrests;

Whereas the successful collaborative action by United States and German authorities prevented the possible deaths of many innocent people;

Whereas Germany and the United States have been close allies in the fight against terrorism;

Whereas the law enforcement, intelligence, diplomatic, and military organizations in Germany and the United States continue to work together to combat the terrorist threat and prevent future attacks; and

Whereas victory in the fight against terrorism is critical to preserve the liberty and ensure the safety of all people: Now, therefore, be it

Resolved, That the Senate—

(1) commends the efforts of law enforcement authorities in Germany in preventing a large-scale terrorist attack on numerous targets in Germany, including sites frequented by United States citizens;

(2) recognizes the role of United States intelligence agencies in providing critical information to German authorities in their investigation and apprehension of the suspected terrorists and notes the continuing importance of such United States intelligence cooperation with Germany;

(3) commends the intelligence community of Germany for its outstanding work in identifying the individuals suspected of seeking to carry out this terrorist plot;

(4) condemns those individuals who would use acts of violence against innocent civilians to spread a message of hate and intolerance;

(5) urges the allies of the United States to remain steadfast in their efforts to defeat international terrorism; and

(6) expresses its readiness to provide necessary assistance to the Government of Germany in its counterterrorism effort to bring to justice those individuals involved in this terrorist plot.

SENATE CONCURRENT RESOLUTION 49—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

Mr. REID submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 49

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Thursday, October 4, 2007, or Friday, October 5, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Monday, October 15, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3208. Mr. BINGAMAN (for himself, Mr. SMITH, Ms. CANTWELL, Mr. FEINGOLD, Mr. SALAZAR, Mr. BAUCUS, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3209. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3210. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3211. Ms. MIKULSKI (for herself and Mr. SHELBY) proposed an amendment to the bill H.R. 3093, supra.

SA 3212. Mr. McCONNELL (for Mr. DOMENICI) submitted an amendment intended to be proposed by Mr. McConnell to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3213. Mr. McCONNELL (for Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3214. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3215. Ms. MIKULSKI proposed an amendment to the bill H.R. 3093, supra.

SA 3216. Ms. MIKULSKI proposed an amendment to the bill H.R. 3093, supra.

SA 3217. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3218. Mrs. MURRAY (for herself, Ms. CANTWELL, Mr. LEAHY, Mr. SCHUMER, Mr. CRAPO, Mr. TESTER, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra.

SA 3219. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra.

SA 3220. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3221. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3222. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra.

SA 3223. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra.

SA 3224. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3225. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3226. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3227. Ms. MIKULSKI (for Mr. DORGAN (for himself, Ms. STABENOW, Mr. HAGEL, Mr. REED, Mr. LEVIN, and Mr. BIDEN)) proposed an amendment to the bill H.R. 3093, supra.

SA 3228. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3229. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3230. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3215 proposed by Ms. MIKULSKI to the bill H.R. 3093, supra.

SA 3231. Mr. SHELBY (for himself and Ms. MIKULSKI) proposed an amendment to the bill H.R. 3093, supra.

SA 3232. Mr. REID (for Mr. DODD (for himself, Ms. LANDRIEU, Mr. BIDEN, Mrs. McCASKILL, and Mr. BROWN)) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3233. Ms. MIKULSKI (for herself, Mr. SHELBY, and Mrs. MURRAY) proposed an amendment to the bill H.R. 3093, supra.

SA 3234. Mr. REID (for Mr. OBAMA (for himself and Mr. DURBIN)) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3235. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3236. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3237. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3238. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3239. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3240. Mr. DORGAN (for himself, Mr. BINGAMAN, Mr. TESTER, Mr. BAUCUS, Ms. CANTWELL, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3241. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3242. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3243. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3244. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3245. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3246. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3247. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3248. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3249. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3250. Ms. MIKULSKI (for herself, Mrs. HUTCHISON, Mr. SHELBY, Ms. LANDRIEU, Mr. NELSON, of Florida, Mr. MARTINEZ, Mr. SALAZAR, Mr. LIEBERMAN, Mr. BENNETT, Mr. VITTER, Mrs. CLINTON, Mr. BROWN, and Mrs. BOXER) proposed an amendment to the bill H.R. 3093, supra.

SA 3251. Mr. LAUTENBERG (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3252. Mr. FEINGOLD (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3253. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3254. Mrs. FEINSTEIN (for herself and Mr. KYL) submitted an amendment intended to be proposed by her to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3255. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3256. Mr. REID (for Mr. BIDEN (for himself, Mr. KOHL, Mr. BINGAMAN, Mrs. CLINTON, Mr. KERRY, Mr. LEVIN, Mr. KENNEDY, Mr. BAYH, Ms. CANTWELL, Mrs. BOXER, Mr. SCHUMER, Mr. DODD, Mr. CASEY, Ms. COLLINS, Mr. CARDIN, Mr. REED, Mr. NELSON, of Nebraska, Mr. LAUTENBERG, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mr. LEAHY)) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 3093, supra.

SA 3257. Mrs. MURRAY (for herself, Mr. ISAKSON, and Mrs. BOXER) proposed an amendment to the bill S. 742, to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing materials and products having asbestos-containing material, and for other purposes.

SA 3258. Mrs. MURRAY proposed an amendment to the bill S. 742, supra.

SA 3259. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3260. Mr. BROWN (for himself, Ms. STABENOW, Mr. BYRD, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra.

SA 3261. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3262. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3263. Mr. PRYOR (for himself, Mr. SMITH, Mr. KERRY, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3264. Ms. CANTWELL submitted an amendment intended to be proposed by her

to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3265. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3266. Mr. REID (for Mrs. CLINTON (for herself, Mr. BROWN, and Mr. SCHUMER)) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3267. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

SA 3268. Ms. MIKULSKI proposed an amendment to the bill H.R. 3093, supra.

SA 3269. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3093, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3208. Mr. BINGAMAN (for himself, Mr. SMITH, Ms. CANTWELL, Mr. FEINGOLD, Mr. SALAZAR, Mr. BAUCUS, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIVE AMERICAN METHAMPHETAMINE ENFORCEMENT AND TREATMENT ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the ''Native American Methamphetamine Enforcement and Treatment Act of 2007''.

(b) NATIVE AMERICAN PARTICIPATION IN METHAMPHETAMINE GRANTS.—

(1) IN GENERAL.—Section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797cc(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting '', territories, and Indian tribes (as defined in section 2704)'' after ''to assist States''; and

(ii) in subparagraph (B), by striking ''and local'' and inserting '', territorial, Tribal, and local'';

(B) in paragraph (2), by inserting '', territories, and Indian tribes'' after ''make grants to States''; and

(C) in paragraph (3)(C), by inserting '', Tribal,'' after ''support State''.

(2) GRANT PROGRAMS FOR DRUG ENDANGERED CHILDREN.—Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–2(a)) is amended by inserting '', territories, and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d))'' after ''make grants to States''.

(3) GRANT PROGRAMS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARENTING WOMEN OFFENDERS.—Section 756 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–3) is amended—

(A) in subsection (a)(2), by inserting '', territorial, or Tribal'' after ''State'';

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by inserting '', territorial, or Tribal'' after ''State''; and

(II) by striking ''and/or'' and inserting ''or'';

(ii) in paragraph (2)—

(I) by inserting '', territory, Indian tribe,'' after ''agency of the State''; and

(II) by inserting '', territory, Indian tribe,'' after ''criminal laws of that State''; and

(iii) by adding at the end the following:

''(C) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d).''; and

(C) in subsection (c)—

(i) in paragraph (3), by striking ''Indian Tribes'' and inserting ''Indian tribes''; and

(ii) in paragraph (4)—

(I) in the matter preceding subparagraph (A)—

(aa) by striking ''State's''; and

(bb) by striking ''and/or'' and inserting ''or'';

(II) in subparagraph (A), by striking ''State'';

(III) in subparagraph (C), by inserting '', Indian tribes,'' after ''involved counties''; and

(IV) in subparagraph (D), by inserting '', Tribal'' after ''Federal, State''.

SA 3209. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, between lines 9 and 10, insert the following:

SEC. 528. Section 504(a)(11)(E) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–55) is amended by inserting before ''an alien'' the following: ''a nonimmigrant worker admitted to, or permitted to remain in, the United States under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) for forestry labor or''.

SA 3210. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 26, after line 24, add the following:

SEC. 114. INTANGIBLE ASSETS INVESTMENT STUDY.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Bureau of Economic Analysis of the Department of Commerce shall enter into an agreement with the Council of the National Academy of Sciences to conduct a study, which shall—

(1) recommend steps to improve the measurement of intangible assets and their incorporation in the National Income and Product Accounts;

(2) identify and estimate the size of the Federal Government's investment in intangible assets;

(3) survey other countries' efforts to measure and promote investments in intangible assets; and

(4) recommend policies to accelerate private and public investment in the types of intangible assets most likely to contribute to economic growth.

(b) COMPLETION.—The National Academy of Sciences shall complete the study described in subsection (a) not later than 18 months after the date on which the agreement described in subsection (a) was signed.

(c) FUNDING.—From the funds appropriated for economic and statistical analysis under this title, the Secretary of Commerce shall set aside sufficient amounts to complete the study described in subsection (a).

SA 3211. Ms. MIKULSKI (for herself and Mr. SHELBY) proposed an amendment to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

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 COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $425,431,000, to remain available until September 30, 2009, of which $8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $49,564,000 shall be for Manufacturing and Services; $44,960,000 shall be for Market Access and Compliance; $66,601,000 shall be for the Import Administration; $229,702,000 shall be for the United States and Foreign Commercial Service; and $26,604,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: *Provided further*, That the International Trade Administration shall be exempt from the requirements of Circular A–25 (or any successor administrative regulation or policy) issued by the Office of Management and Budget: *Provided further*, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping

and countervailing duties: *Provided further,* That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $78,776,000, to remain available until expended, of which $14,767,000 shall be for inspections and other activities related to national security: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further,* That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $250,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $32,800,000: *Provided,* That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $30,200,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $85,000,000, to remain available until September 30, 2009.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $226,238,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses to collect and publish statistics for periodic censuses and programs provided for by law, $1,020,406,000, to remain available until September 30, 2009.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $18,581,000, to remain available until September 30, 2009: *Provided,* That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further,* That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $20,000,000, to remain available until expended: *Provided,* That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further,* That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

TECHNOLOGY OPPORTUNITIES PROGRAM

For grants authorized by sections 391 and 392 of the Communications Act of 1934, as amended, $10,000,000, to remain available until expended: *Provided,* That funds provided under this heading shall be for competitive grants for the construction of broadband services.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,915,500,000, to remain available until expended: *Provided,* That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2008, so as to result in a fiscal year 2008 appropriation from the general fund estimated at $0: *Provided further,* That during fiscal year 2008, should the total amount of offsetting fee collections be less than $1,915,500,000, this amount shall be reduced accordingly: *Provided further,* That any amount received in excess of $1,915,500,000 in fiscal year 2008, in an amount up to $100,000,000, shall remain available until expended: *Provided further,* That not less than 1,020 full-time equivalents, 1,082 positions and $214,150,000 shall be for the examination of trademark applications; and not less than 8,522 full-time equivalents, 9,000 positions and $1,701,402,000 shall be for the examination and searching of patent applications: *Provided further,* That not less than $18,000,000 shall be for training of personnel: *Provided further,* That any deviation from the full-time equivalent, position, and funding designations set forth in the preceding provisos shall be subject to the procedures set forth in section 505 of this Act: *Provided further,* That from amounts provided herein, not to exceed $5,000 shall be made available in fiscal year 2008 for official reception and representation expenses: *Provided further,* That notwithstanding section 1353 of title 31, United States Code, no employee of the United States Patent and Trademark Office may accept payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Office, or represents a person or corporation subject to regulation by the Office, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986: *Provided further,* That in fiscal year 2008, from the amounts made available for ''Salaries and Expenses'' for the United States Patent and Trademark Office (PTO), the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further,* That sections 801, 802, and 803 of Division B, Public Law 108–447 shall remain in effect during fiscal year 2008: *Provided further,* That the Director may reduce patent filing fees payable in 2008 for documents filed electronically consistent with Federal regulation.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $502,117,000, to remain available until expended, of which not to exceed $12,500,000 may be transferred to the ''Working Capital Fund'': *Provided,* That not to exceed $7,500 shall be for official reception and representation expenses.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $110,000,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $100,000,000, to remain available until expended, of which not to exceed $1,500,000 shall be for Institutional Support: *Provided,*

That no single applicant awards shall be made to companies with revenues greater than $1,000,000,000: *Provided further,* That funds shall not support Standards Development pursuant to 15 U.S.C. 278n(h).

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, including agency recreational and welfare facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $150,900,000, to remain available until expended: *Provided,* That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years: *Provided further,* That notwithstanding any other provision of law, of the amount made available for construction of research facilities, $8,000,000 shall be for the University of Mississippi Medical Center Biotechnology Research Park; $8,000,000 shall be for the Mississippi State University Research, Technology and Economic Development Park; $2,000,000 shall be for the University of Southern Mississippi Innovation and Commercialization Park Infrastructure and Building Construction and Equipage; $5,000,000 shall be for the Alabama State University Life Sciences Building; and $30,000,000 shall be for laboratory and research space at the University of South Alabama Engineering and Science Center.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,036,888,000, to remain available until September 30, 2008, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2009: *Provided,* That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further,* That in addition, $3,000,000 shall be derived by transfer from the fund entitled ''Coastal Zone Management'' and in addition $77,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further,* That of the $3,121,888,000 provided for in direct obligations under this heading $3,036,888,000 is appropriated from the general fund, $80,000,000 is provided by transfer, and $5,000,000 is derived from recoveries of prior year obligations: *Provided further,* That of the funds provided under this heading, $250,000 is made available until expended subject to procedures set forth in section 209 of Public Law 108–447: *Provided further,* That no general administrative charge shall be applied against an assigned activity included in this Act or the report accompanying this Act: *Provided further,* That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $209,179,000: *Provided further,* That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $34,425,000: *Provided further,* That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further,* That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000, unless funds provided for ''Coastal Zone Management Grants'' exceed funds provided in the previous fiscal year: *Provided further,* That if funds provided for ''Coastal Zone Management Grants'' exceed funds provided in the previous fiscal year, then no State shall receive more than 5 percent or less than 1 percent of the additional funds: *Provided further,* That for fiscal year 2008 and hereafter the Administrator of the National Oceanic and Atmospheric Administration may engage in formal and informal education activities, including primary and secondary education, related to the agency's mission goals: *Provided further,* That in accordance with section 215 of Public Law 107–372 the number of officers in the NOAA Commissioned Officer Corps shall increase to 321: *Provided further,* That for fiscal year 2009 and hereafter the National Oceanic and Atmospheric Administration shall submit its budget request to Congress concurrently with its submission to the Office of Management and Budget: *Provided further,* That of the funds provided, $15,000,000 is provided for the alleviation of economic impacts associated Framework 42 on the Massachusetts groundfish fishery.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,089,000,000, to remain available until September 30, 2009, except funds provided for construction of facilities which shall remain available until expended: *Provided,* That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar-for-dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further,* That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: *Provided further,* That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $90,000,000.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the ''Operations, Research, and Facilities'' account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2008, obligations of direct loans may not exceed $8,000,000 for Individual Fishing Quota loans as authorized by the Merchant Marine Act of 1936.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $53,193,000.

HCHB RENOVATION AND MODERNIZATION

For expenses necessary for the renovation and modernization of the Herbert C. Hoover Building, $5,100,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $23,426,000.

NATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATION COUNCIL

For necessary expenses of the National Intellectual Property Law Enforcement Coordination Council to coordinate domestic and international intellectual property protection and law enforcement relating to intellectual property among Federal and foreign entities, $1,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further,* That the Secretary of Commerce shall notify the Senate

Committee on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, Science, and Related Agencies Appropriations Act: *Provided further*, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property 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 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. EXTENSION OF GUARANTEE AUTHORITY. (a) IN GENERAL.—Section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking ''2007'' and inserting ''2009''.

(b) CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 101(b) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) are each amended by striking ''in 1998'' and inserting ''since 1998''.

(c) DEFINITION OF QUALIFIED STEEL COMPANY.—Subparagraph (C) of section 101(c)(3) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking '', in 1998'' and inserting ''in 1998, and thereafter,''.

(d) SALARIES AND ADMINISTRATIVE EXPENSES.—The Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by adding at the end the following:

''SEC. 103. SALARIES AND ADMINISTRATIVE EXPENSES.

''(a) In addition to funds made available under section 101(j) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note), up to $1,000,000 in funds made available under section 101(f) of such Act may be used for salaries and administrative expenses to administer the Emergency Steel Loan Guarantee Program.

''(b) Funds made available for salaries and administrative expenses to administer the Emergency Steel Loan Guarantee Program shall remain available until expended.''.

SEC. 106. Notwithstanding any other provision of law, no funds appropriated under this Act shall be used to register, issue, transfer, or enforce any trademark of the phrase ''Last Best Place''.

SEC. 107. Section 3315(b) of title 19, United States Code, is amended by inserting '', including food when sequestered,'' following ''for the establishment and operations of the United States Section and for the payment of the United States share of the expenses''.

SEC. 108. Notwithstanding the requirements of subsection 4703(d), the personnel management demonstration project established by the Department of Commerce pursuant to 5 U.S.C. 4703 may be expanded to involve more than 5,000 individuals, and is extended indefinitely.

SEC. 109. (a) The Stevenson-Wydler Technology Innovation Act of 1980 (Public Law 96–480), as amended, is amended by:

(1) deleting section 5;

(2) deleting paragraphs (1) and (3) of section 4; and

(3) redesignating paragraphs (2) and (4) through (13) as paragraphs (1) through (11).

(b) Section 212(b) of the National Technical Information Act of 1988 (Public Law 100–519), as amended, is amended by striking ''Under Secretary of Commerce for Technology'' and inserting ''Director of the National Institute of Standards and Technology''.

SEC. 110. The Secretary of Commerce is permitted to prescribe and enforce standards or regulations affecting safety and health in the context of scientific and occupational diving within the National Oceanic and Atmospheric Administration.

SEC. 111. NOAA PACIFIC REGIONAL CENTER. (a) IN GENERAL.—The National Oceanic and Atmospheric Administration (NOAA) is authorized to engage in planning, design, acquisition, renovation, construction and related activities to complete NOAA's Pacific Regional Center on Ford Island, Hawaii, consisting of the following: adaptive re-use and renovation of hangars 175 and 176, and construction of a new interconnecting building and other related structures. Funds are hereby authorized to be appropriated for fiscal years beginning after September 2007 for purposes of completing the Center.

(b) INCREMENTAL FUNDING.—Of the funds appropriated elsewhere in this Act, $20,250,000 are available for obligation and expenditure as an additional increment to funds previously appropriated for the NOAA Pacific Regional Center. These funds may be expended incrementally through multiple year contracts for design, construction and related activities for the Center; and remain available until expended.

SEC. 112. PAPAHĀNAUMOKUĀKEA FISHERY REDUCTION. (a) IN GENERAL.—The Papahānaumokuākea Marine National Monument was created by Presidential proclamation on June 15, 2006 to protect more than 7,000 marine and terrestrial species including protection for the habitat for the endangered Hawaiian monk seal, threatened Hawaiian green sea turtle and other marine species. The Presidential proclamation will phase out all commercial fishing by June 15, 2011. The Secretary of Commerce is authorized to conduct a voluntary capacity reduction program to remove all commercial fishing capacity in the area prior to that date.

(b) REGULATIONS.—The Secretary shall promulgate regulations for the voluntary capacity reduction program that:

(1) identifies eligible participants as those individuals engaged in commercial fishing in the designated waters within the Papahānaumokuākea Marine National Monument pursuant to a valid commercial Federal fishing permit in the 2006 fishing season;

(2) provides a mechanism to compensate eligible participants for no more than the economic value of their permits, their vessels or vessel endorsements, and fishing gear;

(3) ensures that commercial fishing vessels of eligible participants cannot be used in fishing anywhere in the world;

(4) for the commercial fishing vessels of eligible participants, ensures

(A) that documentation be provided showing that such vessel has been scrapped or scuttled or,

(B) that the Secretary of the department in which the Coast Guard is operating places a title restriction on the fishing vessel permanently prohibiting and effectively preventing its use in fishing, and

(C) that the vessel must remain in Federal documentation and that the Maritime Administration will prohibit the reflagging of the vessel.

(c) AUTHORIZATION.—There is authorized no more than $7,500,000 and there is appropriated $7,500,000 of the amount provided in this Act for National Oceanic and Atmospheric Administration's ''Operations, research, and facilities'' to implement this program.

(d) CLARIFICATION.—Nothing in this section is intended to enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the Northwestern Hawaiian Islands or the tidal or submerged lands under any provision of State or Federal law.

SEC. 113. NIST BUILDING 1 EXTENSION. Of the funds appropriated elsewhere in this Act, $28,000,000 are available for obligation and expenditure as an additional increment to funds previously appropriated for this project. These funds may be expended incrementally through multiple year contracts for design, construction and related activities for the Building 1 Extension; and remain available until expended.

This title may be cited as the ''Department of Commerce Appropriations Act, 2008''.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $104,777,000, of which not to exceed $3,317,000 is for security and construction of Department of Justice facilities, to remain available until expended: *Provided*, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: *Provided further*, That no appropriations for any office within General Administration shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That $12,684,000 is for Department Leadership; $7,664,000 is for Intergovernmental Relations/External Affairs; $11,832,000 is for Executive Support/Professional Responsibility; and $72,597,000 is for the Justice Management Division: *Provided further*, That any change in funding greater than 5 percent shall be submitted for approval to the Senate Committee on Appropriations consistent with the terms of section 505 of this Act: *Provided further*, That this transfer authority is in addition to transfers authorized under section 505 of this Act: *Provided further*, That not to exceed $30,000 shall be available for official reception and representation expenses.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and Departmental direction, $95,795,000, to remain available until expended: *Provided*, That, of the funds available, up to $21,000,000 is for the unified financial management system to be administered by the Unified Financial Management System Executive Council.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $76,353,000, to remain available until September 30, 2009: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 505 of this Act: *Provided further*, That the Attorney General shall transfer to the ''Narrowband Communications/Integrated Wireless Network'' account all funds made available in this Act to the Department of Justice for the purchase of portable and mobile radios and

related infrastructure and any transfer made under this section shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $251,499,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examinations Fee'' account: *Provided,* That $4,000,000 shall be expended on the Executive Office for Immigration Review's Legal Orientation Programs.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,265,872,000: *Provided,* That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention: *Provided further,* That any unobligated balances available in prior years from the funds appropriated under the heading ''Federal Prisoner Detention'' shall be transferred to and merged with the appropriation under the heading ''Detention Trustee'' and shall be available until expended: *Provided further,* That funds not to exceed $5,000,000 shall be considered ''funds appropriated for State and local law enforcement assistance'' pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $73,700,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $12,194,000.

LEGAL ACTIVITIES

GENERAL LEGAL ACTIVITIES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $753,000,000, of which not to exceed $10,000,000 is for litigation support contracts and shall remain available until expended: *Provided,* That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further,* That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further,* That in addition there is hereby appropriated $6,833,000 for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, to be appropriated from the Vaccine Injury Compensation Trust Fund.

ANTITRUST DIVISION

SALARIES AND EXPENSES

For expenses necessary for the enforcement of antitrust and kindred laws, $155,097,000, to remain available until expended: *Provided,* That, notwithstanding any other provision of law, not to exceed $139,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the general fund shall be reduced as such offsetting 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 $16,097,000.

UNITED STATES ATTORNEYS

SALARIES AND EXPENSES

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,747,822,000: *Provided,* That of the total amount appropriated, not to exceed $8,000,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $20,000,000 shall remain available until expended.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $231,899,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided,* That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further,* That, notwithstanding any other provision of law, $184,000,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further,* That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year 2008 appropriation from the Fund estimated at $0.

FOREIGN CLAIMS SETTLEMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $1,709,000.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $896,860,000; of which not to exceed $20,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 shall be for information technology systems and shall remain available until expended: *Provided,* That not less than $12,397,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied, or utilized by the United States Marshals Service, $8,015,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $168,300,000, to remain available until expended: *Provided,* That, not to exceed $10,000,000 may be made available for construction of buildings for protected witness safesites: *Provided further,* That not to exceed $3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: *Provided further,* That not to exceed $9,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

COMMUNITY RELATIONS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Community Relations Service, $10,230,000: *Provided,* That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, $20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $78,056,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided,* That notwithstanding section 204 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $509,154,000, of which $50,000,000 shall remain available until expended: *Provided,* That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $6,372,250,000; of which not to exceed $150,000,000 shall remain available until expended; and of which $2,308,580,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to national security: *Provided,* That not to exceed $205,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $170,000 shall be available for expenses associated with the celebration of the 100th anniversary of the FBI.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $206,400,000, to remain available until expended: *Provided,* That $63,700,000 shall be available for Sensitive Compartmented Information Facilities (SCIFs).

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $1,854,157,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, including not to exceed $50,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,013,980,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which $10,000,000 shall remain available until expended: *Provided,* That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further,* That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further,* That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further,* That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further,* That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to other agencies or Departments in fiscal year 2008: *Provided further,* That no funds appropriated under this or any other Act with respect to any previous fiscal year, fiscal year 2008, and any fiscal year thereafter may be used to disclose all or part of any information received or generated by the Bureau of Alcohol, Tobacco, Firearms and Explosives in connection with any request to trace a firearm, or information required to be kept by licensees pursuant to 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of title 18, United States Code, except—

(1) to an official of a Federal, State, tribal, local, or foreign law enforcement agency or a Federal, State, or local prosecutor, who certifies that the information is sought solely in connection with and for use in a bona fide criminal investigation or bona fide criminal prosecution, or for national security or intelligence purposes, and will not be used or disclosed for any other purpose;

(2) for use in an action or proceeding commenced by the Attorney General to enforce the provisions of chapter 44 of title 18, United States Code; chapter 53 of title 26, United States Code; chapter 3 of the Arms Export Control Act; or a review of such an action or proceeding; or

(3) for use in an action or proceeding commenced by the Secretary of the Treasury to enforce part III of subchapter D of chapter 32 of the Internal Revenue Code of 1986, or a review of such an action or proceeding:

Provided further, That nothing in the previous proviso shall be construed to prevent the sharing or exchange of such information among and between Federal, State, tribal, local or foreign law enforcement agencies or Federal, State, or local prosecutors, or national security, intelligence, or counterterrorism officials, provided that such information, regardless of its source, is shared, exchanged, or used solely in connection with bona fide criminal investigations or bona fide criminal prosecutions or for national security or intelligence purposes: *Provided further,* That information in the Firearms Trace System database maintained by the National Trace Center, including all information received or generated by of the Bureau of Alcohol, Tobacco, Firearms and Explosives shall be immune from legal process, shall not be subject to subpoena or other discovery, shall not be used, relied on, or disclosed in any manner, and, regardless of when disclosed including previously disclosed information, shall not be admissible as evidence, nor shall testimony or other evidence based on such data be admissible as evidence, in any civil action pending on or filed after the effective date of this subparagraph in any State or Federal court (including any court in the District of Columbia), or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of title 18, United States Code; chapter 53 of title 26, United States Code; chapter 3 of the Arms Export Control Act; a proceeding commenced by the Secretary of the Treasury to enforce part III of subchapter D of chapter 32 of the Internal Revenue Code of 1986; or judicial review of such actions or proceedings. This provision shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(19) of title 18) and licensed manufacturer (as defined in section 921(a)(10) of title 18): *Provided,* That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further,* That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further,* That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986: *Provided further,* That notwithstanding any other provision of law, home to work transportation currently allotted to Bureau of Alcohol, Tobacco, Firearms and Explosives field operations is extended to headquarters executive Special Agents and designees.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design or projects; $35,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 640, of which 605 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $5,151,440,000: *Provided,* That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further,* That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further,* That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2009: *Provided further,* That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: *Provided further,* That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity

which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $495,000,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,477,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 4711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1796) (''the 1994 Act''); the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108–21; 117 Stat. 650); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) (''the 1974 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386; 114 Stat. 1464) (''the 2000 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 2960) (''the 2005 Act''); $390,000,000, including amounts for administrative costs, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided—

(1) $1,500,000 is for grants for televised testimony, as authorized by part N of the 1968 Act;

(2) $186,500,000 is for grants to combat violence and violent crimes against women, as authorized by part T of the 1968 Act, of which—

(A) $2,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women; and

(B) $17,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking, or sexual assault as authorized by section 40299(a) of the 1994 Act;

(3) $55,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(4) $39,500,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(5) $5,500,000 is for training programs to assist probation and parole officers as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(6) $3,900,000 is for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(7) $10,000,000 to reduce violent crimes against women on campus, as authorized by section 304(a) of the 2005 Act;

(8) $46,000,000 is for legal assistance for victims, as authorized by section 1201(c) of the 2000 Act;

(9) $4,500,000 is for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802(a) of the 1994 Act;

(10) $14,500,000 is for the safe havens for children pilot program, as authorized by section 1301(a) of the 2000 Act;

(11) $7,100,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402(a) of the 2000 Act;

(12) $10,000,000 is for sexual assault services, as authorized by section 202 of the 2005 Act;

(13) $2,000,000 is for services to advocate and respond to youth, as authorized by section 401 of the 2005 Act;

(14) $2,000,000 is for grants to assist children and youth exposed to violence, as authorized by section 303 of the 2005 Act;

(15) $1,000,000 is for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act; and

(16) $1,000,000 is for tracking of violence against Indian women, as authorized by section 905 of the 2005 Act.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968; the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405; 108 Stat. 2260); the Victims of Child Abuse Act of 1990 (Public Law 101–647; 104 Stat. 4792) (''the 1990 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); and the Victims of Crime Act of 1984 (Public Law 98–473; 98 Stat. 2170), $240,000,000, to remain available until expended: *Provided*, That grants under subparagraphs (1)(A) and (B) of Public Law 98–473 are issued pursuant to rules or guidelines that generally establish a publicly-announced, competitive process: *Provided further*, That not more than $35,000,000 of balances made available as a result of prior year deobligations may be obligated for program management and administration: *Provided further*, That any balances made available as a result of prior year deobligations in excess of $35,000,000 shall only be obligated in accordance with section 505 of this Act: *Provided further*, That amounts under this heading, or amounts transferred to and merged with this account, for salaries and expenses are for not less than 590 permanent positions and not less than 600 full-time equivalent workyears.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647; 104 Stat. 9792) (''the 1990 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164; 119 Stat. 3558); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,400,000,000 (including amounts for administrative costs, which shall be transferred to and merged with the ''Justice Assistance'' account): *Provided*, That funding provided under this heading shall remain available until expended, as follows—

(1) $660,000,000 for the Edward Byrne Memorial Justice Assistance Grant Program as authorized by subpart 1 of part E of title I of the 1968 Act, as amended by section 1111 of Public Law 109–162, of which—

(A) $60,000,000 for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note); and

(B) $5,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process;

(2) $400,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)), of which $30,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices;

(3) $190,000,000 for discretionary grants, notwithstanding the provisions of section 505 of the 1968 Act;

(4) $15,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;

(5) $25,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(6) $10,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(7) $25,000,000 for the Capital Litigation Improvement Grant Program as authorized by sections 421, 422, and 426 of Public Law 108–405, to be equally divided between the Capital Prosecution Improvement Grants and Capital Representation Improvement Grants;

(8) $10,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act;

(9) $2,000,000 for the National Sex Offender Public Registry;

(10) $1,000,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of Public Law 106–386;

(11) $28,000,000 for assistance to Indian tribes, of which—

(A) $15,000,000 shall be available for grants under section 201109(a)(2) of subtitle A of title II of the 1994 Act;

(B) $8,000,000 shall be available for the Tribal Courts Initiative; and

(C) $5,000,000 shall be available for demonstration projects on alcohol and crime in Indian County;

(12) $5,000,000 for prison rape prevention and prosecution programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79);

(13) $15,000,000 is for the court appointed advocate program, as authorized by section 217 of the 1990 Act;

(14) $4,000,000 is for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(15) $5,000,000 for prescription drug monitoring program:

Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government shall achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement ''Weed and Seed'' program activities, $50,000,000, to remain available until September 30, 2008, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, nonprofit organizations, and agencies of local government engaged in the investigation and prosecution of violent and gang-related crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Senate Committee on Appropriations in accordance with section 505 of this Act: *Provided further*, That of the funds appropriated for the Executive Office for Weed and Seed, not to exceed $2,000,000 shall be directed for comprehensive community development training and technical assistance.

COMMUNITY ORIENTED POLICING SERVICES

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (including administrative costs), the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''), the Justice for All Act of 2004 (Public Law 108–405), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), the USA PATRIOT Improvement and Reauthorization Act (Public Law 109–177; 120 Stat. 192) (including administrative costs), the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108–21), $550,000,000, to remain available until expended: *Provided*, That of the funds under this heading, not to exceed $2,575,000 shall be available for the Office of Justice Programs for any and all reimbursable services, functions and activities associated with programs administered by the Office of Community Oriented Policing Services including activities authorized by sections 1158 and 1159 of Public Law 109–162: *Provided further*, That section 1703(b) and (c) of the 1968 Act shall not apply to non-hiring grants made pursuant to part Q of title I (42 U.S.C. 3796dd et seq.): *Provided further*, That the $15,000,000 provided to the National Institute of Standards and Technology's Office of Law Enforcement Standards under this section shall be transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office: *Provided further*, That of the amounts provided—

(1) $25,000,000 is for the matching grant program for law enforcement armor vests as authorized by section 2501 of part Y of the 1968 Act;

(2) $80,000,000 is for policing initiatives to combat illegal methamphetamine production, sale and use in ''drug hot spots'' as authorized by section 754 of Public Law 109–177;

(3) $110,000,000 is for law enforcement technologies;

(4) $5,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(5) $10,000,000 is for an offender re-entry program;

(6) $169,000,000 is for DNA analysis and capacity enhancement program, and for other State, local and Federal forensic activities, of which—

(A) $151,000,000 for the Debbie Smith DNA Backlog Grants as authorized by Public Law 108–405 section 202;

(B) $5,000,000 for the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program as authorized by Public Law 108–405 section 412 and section 413;

(C) $6,000,000 for DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers as authorized by Public Law 108–405 section 303;

(D) $5,000,000 for DNA Research and Development as authorized by Public Law 108–405 section 305;

(E) $2,000,000 for the DNA Identification of Missing Persons as authorized by Public Law 108–405 section 308;

(7) $35,000,000 is for improving tribal law enforcement, including equipment and training assistance to Indian tribes;

(8) $6,000,000 is for training and technical assistance;

(9) $40,000,000 is for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act (42 U.S.C. 3797j et seq.);

(10) $5,000,000 is for the National District Attorneys Association to conduct prosecutorial training by the National Advocacy Center;

(11) $55,000,000 is for a national grant program to arrest and prosecute child predators as authorized by section 1701(d) of part Q of title I of the 1968 Act as amended by section 341 of Public Law 108–21; and

(12) Funds not to exceed $11,000,000 is for program management and administration.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''), the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $340,000,000, to remain available until expended, as follows—

(1) $500,000 is for coordination of Federal efforts, as authorized by section 204 of the 1974 Act;

(2) $73,000,000 is for State and local programs authorized by section 221 of the 1974 Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) $76,500,000 is for demonstration projects, as authorized by sections 261 and 262 of the 1974 Act;

(4) $5,000,000 is for juvenile mentoring programs;

(5) $65,000,000 is for delinquency prevention, as authorized by section 505 of the 1974 Act, of which—

(A) $10,000,000 shall be for the Tribal Youth Program; and

(B) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(6) $10,000,000 is for the Secure Our Schools Act as authorized by part AA of the 1968 Act;

(7) $20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(8) $80,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of the 1968 Act and Guam shall be considered a State for the purpose of that program; and

(9) $10,000,000 shall be for gang resistance education and training and programs:

Provided, That not more than 2 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to demonstration projects, as authorized by sections 261 and 262 of the 1974 Act.

PUBLIC SAFETY OFFICERS BENEFITS

For payments and expenses authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340) (including amounts for administrative costs, which amounts shall be paid to the ''Justice Assistance'' account), to remain available until expended; and $5,000,000 for payments authorized by section 1201(b) of such Act; and $4,100,000 for educational assistance, as authorized by section 1212 of such Act: *Provided*, That, hereafter, funds available to conduct appeals under section 1205(c) of the 1968 Act, which includes all claims processing, shall be available also for the same under subpart 2 of such part L and under any statute authorizing payment of benefits described under subpart 1 thereof, and for appeals from final decisions of the Bureau (under such part or any such statute)

to the Court of Appeals for the Federal Circuit, which shall have exclusive jurisdiction thereof (including those pending), and for expenses of representation of hearing examiners (who shall be presumed irrebuttably to enjoy quasi-judicial immunity in the discharge of their duties under such part or any such statute) in connection with litigation against them arising from such discharge.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided,* That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 202. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 203. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided,* That nothing in this section in any way diminishes the effect of section 202 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice 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 any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section: *Provided further,* That none of the funds appropriated to ''Buildings and Facilities, Federal Prison System'' in this or any other Act may be transferred to ''Salaries and Expenses, Federal Prison System'', or any other Department of Justice account, unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to section 505 of this Act.

SEC. 205. The Attorney General is authorized to extend through September 30, 2009, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 206. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 207. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 208. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) Subsection (a) shall not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 209. Any deviation from the amounts designated for specific activities in this Act and accompanying report, or any use of deobligated balances of funds provided under this title in previous years, shall be subject to the procedures set forth in section 505 of this Act.

SEC. 210. Section 112 of title I as contained in division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199) is amended as follows:

(1) by inserting in paragraph (a)(2)(A) ''the Commissioner of Health & Social Services for Alaska, a representative of an Alaska Native healthcare provider'' after ''Village Public Safety Officer programs,'';

(2) by inserting in paragraph (a)(2)(A) ''and a non-voting judge'' after ''non-voting representative''; and

(3) by inserting in paragraph (a)(2)(A) ''The Chief Justice of the Alaska Supreme Court may appoint a non-voting representative of the Alaska Supreme Court to provide technical support.'' at the end of the paragraph.

SEC. 211. Section 589a of title 28, United States Code, is amended in subsection (b) by—

(1) striking ''and'' in paragraph (8);

(2) striking the period in paragraph (9) and inserting ''; and''; and

(3) adding the following new paragraph:

''(10) fines imposed under section 110(1)(4)(A) of title 11, United States Code.''.

SEC. 212. (a) Section 1930(a) of title 28, United States Code, is amended in paragraph (6) by striking everything after ''whichever occurs first.'' and inserting in lieu thereof: ''The fee shall be $325 for each quarter in which disbursements total less than $15,000; $650 for each quarter in which disbursements total $15,000 or more but less than $75,000; $975 for each quarter in which disbursements total $75,000 or more but less than $150,000; $1,625 for each quarter in which disbursements total $150,000 or more but less than $225,000; $1,950 for each quarter in which disbursements total $225,000 or more but less than $300,000; $4,875 for each quarter in which disbursements total $300,000 or more but less than $1,000,000; $6,500 for each quarter in which disbursements total $1,000,000 or more but less than $2,000,000; $9,750 for each quarter in which disbursements total $2,000,000 or more but less than $3,000,000; $10,400 for each quarter in which disbursements total $3,000,000 or more but less than $5,000,000; $13,000 for each quarter in which disbursements total $5,000,000 or more but less than $15,000,000; $20,000 for each quarter in which disbursements total $15,000,000 or more but less than $30,000,000; $30,000 for each quarter in which disbursements total more than $30,000,000. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.''.

(b) This section and the amendment made by this section shall take effect January 1, 2008, or the date of the enactment of this Act, whichever is later.

SEC. 213. Notwithstanding any other provision of law, during fiscal year 2008, Federal reimbursement to the District of Columbia for felons newly sentenced by the District of Columbia Superior Court shall commence no later than the date of sentencing for such felons; and Federal reimbursement to the District of Columbia for recommitted District of Columbia parolees shall commence no later than the date of the commitment of such parolees to prison: *Provided,* That no more than $8,000,000 shall be made available for such reimbursements from funds made available in this Act.

SEC. 214. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 215. None of the funds made available to the Department of Justice in this Act may be obligated for the Federal Bureau of Investigation's Sentinel procurement until the Government Accountability Office has certified to the Senate Committee on Appropriations and the Senate Committee on the Judiciary that a performance measurement baseline has been established and the Federal Bureau of Investigation is using a performance-based management system that complies with the American National Standards Institute/Electronics Industries Alliance Standard 748–A, as required by Office of Management and Budget Circular A–11, Part 7 to measure achievement of the cost, schedule and performance goals.

SEC. 216. None of the funds appropriated in this or any other Act shall be obligated for any work, development or procurement of the Sentinel information technology program phases III or IV until the Government Accountability Office certifies to the Senate Committee on Appropriations and the Senate Committee on the Judiciary that the phase under construction has reached 70 percent completion of the planned work and the estimated cost to complete the phase does not exceed 35 percent of the budgeted cost for such phase.

This title may be cited as the ''Department of Justice Appropriations Act, 2008''.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,715,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

For necessary expenses in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $10,633,000,000, of which $119,100,000 shall remain available until expended and $10,513,900,000 shall remain available until September 30, 2009: *Provided,* That, of the amounts provided under this heading, $5,655,110,000 shall be for science, $554,030,000 shall be for aeronautics research, $3,972,490,000 shall be for exploration systems, and $521,380,000 shall be for cross-agency support programs: *Provided further,* That the amounts in the previous proviso shall be

reduced by $70,000,000 in corporate and general administrative expenses and the reduction shall be applied proportionally to each amount therein: *Provided further*, That within the amounts provided under this heading, management and operations of National Aeronautics and Atmospheric Administration centers shall not exceed $1,150,800,000; corporate general and administrative costs shall not exceed $345,000,000; and institutional investments, including planning, design, maintenance, repair, rehabilitation and modification of existing facilities, construction of new facilities, acquisition and condemnation of real property as authorized by law, and environmental compliance and restoration shall not exceed $195,500,000: *Provided further*, That funds provided under this heading shall be available only according to the terms and conditions specified in the committee report of the Senate accompanying this Act.

EXPLORATION CAPABILITIES

For necessary expenses in the conduct and support of exploration capabilities research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,792,000,000, of which $5,200,000 shall remain available until expended and $6,786,800,000 shall remain available until September 30, 2009: *Provided*, That of the amounts provided under this heading, $4,007,760,000 shall be for Space Shuttle operations, production, research, development, and support and $2,238,610,000 shall be for International Space Station operations, production, research, development, and support: *Provided further*, That within the amounts provided under this heading, management and operations of National Aeronautics and Atmospheric Administration centers shall not exceed $862,200,000; corporate general and administrative costs shall not exceed $263,700,000; and institutional investments, including planning, design, maintenance, repair, rehabilitation and modification of existing facilities, construction of new facilities, acquisition and condemnation of real property as authorized by law, and environmental compliance and restoration shall not exceed $124,200,000: *Provided further*, That funds provided under this heading shall be available only according to the terms and conditions specified in the committee report of the Senate accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $34,600,000.

ADMINISTRATIVE PROVISION

For fiscal year 2009 and hereafter, the National Aeronautics and Space Administration shall provide, at a minimum, the following information in its annual budget justification:

(1) The actual, current, proposed funding level, and estimated budgets for the next five fiscal years by directorate, theme, program, project and activity within each appropriations account.

(2) The budget for headquarters including—

(A) the budget by office for the actual, current, proposed funding level, and estimated budgets for the next five fiscal years;

(B) the travel budget for each office for the actual, current, and proposed funding level; and

(C) the civil service full time equivalent assignments per headquarters office including the number of Senior Executive Service, noncareer, detailee, and contract personnel per office.

(3) Concurrent with the submission of the budget to the Congress an accompanying volume shall be provided to the Committee on Appropriations containing the following information for each center and federally funded research and development center operated by the National Aeronautics and Space Administration:

(A) the actual, current, proposed funding level, and estimated budgets for the next five fiscal years by directorate, theme, program, project, and activity;

(B) The proposed programmatic and nonprogrammatic construction of facilities;

(C) The number of civil service full time equivalent positions per center for each identified fiscal year;

(D) The number of civil service full time equivalent positions considered to be uncovered capacity at each location for each identified fiscal year.

(4) Sufficient narrative shall be provided to explain the request for each program, project, and activity, and an explanation for any deviation to previously adopted baselines for all justification materials provided to the Committee.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,156,090,000, to remain available until September 30, 2009, of which not to exceed $510,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That from funds specified in the fiscal year 2008 budget request for icebreaking services, up to $57,000,000 shall be available for the procurement of polar icebreaking services: *Provided further*, That the National Science Foundation shall only reimburse the Coast Guard for such sums as are agreed to according to the existing memorandum of agreement: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $244,740,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $850,600,000, to remain available until September 30, 2009.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $285,590,000: *Provided*, That contracts may be entered into under ''Agency Operations and Award Management'' in fiscal year 2008 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,030,000: *Provided*, That not to exceed $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $12,350,000, to remain available until September 30, 2009.

This title may be cited as the ''Science Appropriations Act, 2008''.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,000,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $37,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $378,000,000: *Provided*, That funds made available under this heading shall only be allocated in the manner specified in the report accompanying this Act: *Provided further*, That no funds made available under this heading may be used to operate the National Contact Center: *Provided further*, That the Commission may take no

action to implement any workforce repositioning, restructuring, or reorganization until such time as the Senate Committee on Appropriations has been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $68,400,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $390,000,000, of which $373,000,000 is for basic field programs and required independent audits; $3,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,800,000 is for management and administration; $3,000,000 is for client self-help and information technology: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 United States Code 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 United States Code 2996(d).

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2006 and 2007, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $3,000,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $47,800,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further*, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572), $3,500,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE V

GENERAL PROVISIONS

SEC. 501. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Senate Committee on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were made available to any such agency in any previous appropriations Act.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies 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 available to the agencies 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) reorganizes or renames offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Senate Committee on Appropriations is notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies 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 available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 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 10 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 Senate Committee on Appropriations is notified 15 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this Act or any other Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. 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 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 510. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 511. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $625,000,000 shall not be available for obligation until the following fiscal year.

SEC. 512. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 513. None of the funds made available in 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 appropriations Act.

SEC. 514. With the consent of the President, the Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals,

or sea turtles: *Provided*, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. ACCOUNTABILITY AND TRANSPARENCY OF ACTIVITIES CARRIED OUT WITH FUNDS PROVIDED BY THIS ACT. (a) AUDIT PROGRESS REPORTS.—The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, and the National Science Foundation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) AVAILABILITY TO THE PUBLIC.—Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, or Director, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, or Foundation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) PROHIBITED USE OF FUNDS.—A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) CONFLICT OF INTEREST STATEMENT.—Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, or the Director, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) APPLICATION TO OTHER FEDERAL GRANTS AND CONTRACTS.—The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office and Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 517. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 518. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the Senate Committee on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. Notwithstanding section 505 of this Act, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances.

SEC. 521. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of the Intelligence Authorization Act for Fiscal Year 2008.

SEC. 522. The Offices of Inspectors General funded under this Act shall forward copies of all audit reports to the Senate Committee on Appropriations immediately after they are issued and immediately make the Committee aware of any review that recommends cancellation of, or modification to, any major acquisition project or grant, or that recommends significant budgetary savings: *Provided*, That the Offices of Inspectors General funded under this Act shall withhold from public distribution for a period of 15 days any final audit or investigation report that was requested by the Senate Committee on Appropriations.

SEC. 523. Hereafter, none of the funds made available by the Congress may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 524. None of the funds in this Act or prior Acts making appropriations for the Department of Justice may be used to make a grant allocation, a discretionary grant award, or a discretionary contract award that is specified in the report accompanying this Act, or to publicly announce the intention to make such an award, unless the Attorney General, Secretary, Administrator or Director of the appropriate agency or bureau notifies the Senate Committee on Appropriations, at least three full business days in advance: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 525. None of the funds provided in this Act may be used to implement an involuntary reduction in force at any NASA center during fiscal year 2008.

SEC. 526. (a) MODIFICATION OF ENHANCED-USE LEASE AUTHORITY FOR NASA.—Subsection (a) of section 315 of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j) is amended—

(1) by striking ''Notwithstanding any other provision of law, the Administrator'' and inserting ''The Administrator''; and

(2) by striking ''any real property'' and inserting ''any non-excess real property and related personal property''; and

(3) by striking ''at no more than two (2) National Aeronautics and Space Administration (NASA) centers''.

(b) CONSIDERATION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking ''consideration'' and all that follows through the end of the paragraph and inserting ''cash consideration for the lease at fair market value as determined by the Administrator.'';

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) in paragraph (2), as redesignated by paragraph (3) of this subsection—

(A) in subparagraph (B), by striking ''maintenance'' and all that follows through ''centers selected for this demonstration program'' and inserting ''capital revitalization and construction projects and improvements of real property assets and related personal property under the jurisdiction of the Administrator''; and

(B) by adding at the end the following new subparagraph:

''(C) Amounts utilized under subparagraph (B) may not be utilized for daily operating costs.''.

(c) LEASE RESTRICTIONS.—Subsection (e) of such section is amended—

(1) by striking ''LEASE RESTRICTIONS.—NASA'' and inserting the following: ''LEASE RESTRICTIONS.—

''(1) NASA''; and

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

''(2) NASA is not authorized to enter into an out-lease under this section unless the Administrator certifies that such out-lease will not have a negative impact on NASA's mission.''.

(d) REPEAL OF PLAN AND REPORTING REQUIREMENTS.—Such section is further amended by striking subsection (f).

(e) SUNSET.—Such section is further amended by adding at the end the following new subsection (f):

''(f) SUNSET.—The authority to enter into leases under this section shall expire on the date that is ten years after the date of the enactment of the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2008. The expiration under this subsection of authority to enter into leases under this section shall not affect the validity or term of leases or NASA's retention of proceeds from leases entered into under this section before the date of the expiration of such authority.''.

(f) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''Enhanced-use lease of real property demonstration'' and inserting ''Lease of non-excess property''.

SEC. 527. LIMITATION. (a) IN GENERAL.—None of the funds made available in this Act shall be used to initiate or participate in a civil action by or on the behalf of the Equal Employment Opportunity Commission against an entity on the grounds that the entity requires an employee to speak English while engaged in work.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to all civil actions that commence on or after the date of enactment of this Act.

TITLE VI

RESCISSIONS

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, $10,000,000 are rescinded.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $41,000,000 are rescinded.

DETENTION TRUSTEE

(RESCISSION)

Of the unobligated balances available under this heading, $135,000,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $240,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading, $87,500,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

Of the unobligated balances available under this heading, $37,500,000 are rescinded.

This Act may be cited as the ''Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2008''.

SA 3212. Mr. MCCONNELL (for Mr. DOMENICI) submitted an amendment intended to be proposed by Mr. MCCONNELL to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue regulations that authorize a national of Mexico, who enters the United States at a port of entry in New Mexico with a valid Border Crossing Card (as described in section 212.1(c)(1)(i) of title 8, Code of Federal Regulations), to travel in New Mexico within 75 miles of the international border between the United States and Mexico.

SA 3213. Mr. MCCONNELL (for Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. DEPUTY UNITED STATES MARSHALS.

(a) INCREASE POSITIONS.—In each of the fiscal years 2008 through 2012, the Attorney General, subject to the availability of appropriations, shall increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals assigned to work on immigration-related matters, including transporting prisoners and working in Federal courthouses.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a).

SA 3214. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) This section may be cited as the ''Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act''.

(b) The purpose of this section is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(c)(1) There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this section as the ''Commission'').

(2) The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(A) 3 members shall be appointed by the President;

(B) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(C) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(3) Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4)(A) The President shall call the first meeting of the Commission not later than the later of—

(i) 60 days after the date of enactment of this Act; or

(ii) 30 days after the date of enactment of legislation making appropriations to carry out this section.

(B) Except as provided in subparagraph (A), the Commission shall meet at the call of the Chairperson.

(5) Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(6) The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

(d)(1) The Commission shall—

(A) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(i) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(ii) in investigating those facts and circumstances, to review directives of the United States armed forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(B) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(2) Not later than 1 year after the date of the first meeting of the Commission pursuant to subsection (c)(4)(A), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under paragraph (1)(A) and recommendations described in paragraph (1)(B).

(e)(1) The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this section—

(A) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(2)(A) Subpoenas issued under paragraph (1) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(B) In the case of contumacy or failure to obey a subpoena issued under paragraph (1), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(3) Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(4) The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(5) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f)(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the

Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(B) The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(6) The Commission may—

(A) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(B) enter into contracts to procure supplies, services, and property; and

(C) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

(g) The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under subsection (d)(2).

(h)(1) There are authorized to be appropriated such sums as may be necessary to carry out this section.

(2) Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.

SA 3215. Ms. MIKULSKI proposed an amendment to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. (a) The Attorney General shall submit quarterly reports to the Inspector General of the Department of Justice regarding the costs and contracting procedures relating to each conference held by the Department of Justice during fiscal year 2008 for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the Department of Justice in evaluating potential contractors for that conference.

SA 3216. Ms. MIKULSKI proposed an amendment to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

After section 113, insert the following:

SEC. 114. LIMITATIONS ON SATELLITE ACQUISITIONS BY THE DEPARTMENT OF COMMERCE.

(a) CERTIFICATION.—

(1) REQUIREMENT FOR CERTIFICATION.—Prior to the date that the certification described in paragraph (2) is made, the Secretary may not—

(A) obligate funds provided by this Act or by previous appropriations Acts to acquire satellites; or

(B) receive approval of—

(i) a major milestone; or

(ii) a key decision point.

(2) CONTENT OF CERTIFICATION.—The certification described in this paragraph is a certification made by the Secretary and the Director that—

(A) the technology utilized in the satellites has been demonstrated in a relevant environment;

(B) the program has demonstrated a high likelihood of accomplishing the its intended goals; and

(C) the acquisition of satellites for use in the program represents a good value—

(i) in consideration of the per unit cost and the total acquisition cost of the program and in the context of the total resources available for the fiscal year in which the certification is made and the future out-year budget projections for the Department of Commerce; and

(ii) in consideration of the ability of the Secretary to accomplish the goals of the program using alternative systems.

(3) SUBMISSION TO CONGRESS.—Not later than the 30 days after the date of the enactment of this Act, the Secretary and the Director shall submit to the appropriate congressional committees—

(A) the certification described in paragraph (2); or

(B) a report on the reasons that such certification cannot be made.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Appropriations and the Committee on Science and Technology of the House of Representatives.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(3) KEY DECISION POINT.—The term ''key decision point'' means the initiation of procurement for a major system or subsystem of a program.

(4) MAJOR MILESTONE APPROVAL.—The term ''major milestone approval'' means a decision to enter into development of a system for a program.

(5) PROGRAM.—The term ''program'' means the programs of the National Oceanic and Atmospheric Administration for which satellites will be acquired.

(6) SATELLITE.—The term ''satellite'' means the satellites proposed to be acquired for the National Oceanic and Atmospheric Administration, other than the National Polar-orbiting Operational Environmental Satellite System (NPOESS).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(c) INDEPENDENT COST ESTIMATES.—

(1) REQUIREMENT.—The Secretary may not approve the development or acquisition of a program unless an independent estimate of the full life-cycle cost of the program has been considered by the Secretary.

(2) REGULATIONS.—The Secretary shall prescribe regulations governing the content and submission of the estimate required by paragraph (1). The regulations shall require that each such estimate—

(A) be prepared by an office or other entity that is not under the supervision of the Under Secretary of Oceans and Atmosphere; and

(B) include all costs of development, procurement, construction, operations, maintenance, and management of the program.

(d) REQUIREMENT FOR ANALYSIS IF UNIT COSTS EXCEED 15 PERCENT.—

(1) REQUIREMENT.—If the percentage increase in the acquisition cost of a program in which the acquisition unit cost or procurement unit cost exceeds 15 percent more than the baseline cost of the program, the Secretary shall initiate an analysis of the program. Such analysis of alternatives shall include, at a minimum, the following:

(A) The projected cost to complete the program if current requirements are not modified.

(B) The projected cost to complete the program based on potential modifications to the requirements.

(C) The projected cost to complete the program based on design modifications, enhancements to the producibility of the program, and other efficiencies.

(D) The projected cost and capabilities of the program that could be delivered within the originally authorized budget for the program, including any increase or decrease in capability.

(E) The projected costs for an alternative system or capability.

(2) SUBMISSION TO CONGRESS.—The analysis of alternatives required under paragraph (1) with respect to a program shall be—

(A) completed not later than 6 months after the date of that the Secretary determines that the cost of the program exceeds 15 percent more than the baseline cost of the program; and

(B) submitted to the appropriate congressional committees not later than 30 days after the date the analysis is completed.

(3) CLARIFICATION OF COST ESCALATION.—For the purposes of determining whether cost of the Geostationary Operational Environmental Satellite Program exceeds 15 percent more than the baseline cost under paragraph (1), the baseline cost of the such Program is $6,960,000,000.

SA 3217. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, after line 10, insert the following:

SEC. ____. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SA 3218. Mrs. MURRAY (for herself, Ms. CANTWELL, Mr. LEAHY, Mr. SCHUMER, Mr. CRAPO, Mr. TESTER, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 53, line 11, after ''officers'' insert ''and of which $20,000,000 shall be for the Northern Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices, subject to section 505 of this Act''.

SA 3219. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 37, line 14, strike the period and insert '': *Provided further,* That not later than 60 days after the enactment of this Act, the Director of the FBI shall submit to the Committee on Appropriations of each House a report that evaluates the FBI's current work force allocation and assesses the right-sizing and realignment of agents, analysts and support personnel currently in field offices to better meet the FBI's mission requirements and priorities.''.

SA 3220. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Notwithstanding any other provision of this title—

(1) the amount appropriated under the heading ''JUSTICE INFORMATION SHARING TECHNOLOGY'' under the heading ''GENERAL ADMINISTRATION'' under this title is reduced by $5,000,000;

(2) the amount appropriated under the heading ''JUVENILE JUSTICE PROGRAMS'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title is increased by $5,000,000; and

(3) of the amount appropriated under the heading ''JUVENILE JUSTICE PROGRAMS'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title, $10,000,000 is for juvenile mentoring programs.

SA 3221. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, between lines 9 and 10, insert the following:

SEC. 528. LIMITATION ON USE OF FUNDS FOR NEGOTIATING FREE TRADE AGREEMENTS.—None of the funds obligated or otherwise made available in this Act shall be used by the United States Trade Representative to negotiate or enter into a free trade agreement with another country, unless the United States Trade Representative estimates that, over the 5-year period beginning on the date the agreement enters into force, the number of new jobs created in the United States will exceed the number of jobs lost in the United States as a result of the agreement.

SA 3222. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 35, line 12, insert '': *Provided further,* That of the amount appropriated under this heading, $2,000,000 shall be used for salaries and expenses for hiring additional conciliators for the regional offices of the Community Relations Service of the Department of Justice: *Provided further,* That not less than 3 of the conciliators hired under the preceding proviso shall be employed in region 6'' before the period.

SA 3223. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 57, line 23, after ''Office:'' insert the following: ''*Provided further,* That the Attorney General shall waive in whole the matching requirement under section 1701(g) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(g)) for any grant recipient located in a county or parish in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) in response to Hurricane Katrina of 2005 or Hurricane Rita of 2005:''.

SA 3224. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 14, before the period insert the following: '': *Provided further,* That for purposes of making grants under the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.) during fiscal year 2008, the Attorney General shall deem the population of any State in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 to be the population of that State during fiscal year 2004 or fiscal year 2008, whichever is greater''.

SA 3225. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 26, after line 24, insert the following:

SEC. 114. UNITED STATES ECONOMIC DATA. (a) Of the funds provided in this title for Economic and Information Infrastructure under the heading ''ECONOMIC AND STATISTIC ANALYSIS'', $950,000 shall be used to carry out the study and report required under this section.

(b) Not later than 60 days after the date of the enactment of this Act, the Secretary of Commerce shall enter into a contract with the National Academy of Sciences to conduct a study and report on whether the import price data published by the Bureau of Labor Statistics and other economic data collected by the United States accurately reflect the economic condition of the United States.

(c)(1) The report required by subsection (b) shall include an analysis of the methods used to determine the condition of the United States economy and shall address—

(A) whether the statistical measure of the United States economy correctly interprets the impact of imports and outsourced production;

(B) whether the statistical measures of the United States economy result in an accurate report of United States gross domestic product (GDP), productivity, and other aspects of economic performance;

(C) whether the impact of imports on United States manufacturing levels and competitiveness is accurately reported; and

(D) whether other countries are accounting for import prices more accurately or frequently than the United States.

(2) If the findings of the report indicate that the methods used for accounting for imported goods and United States wages result in overstating economic growth, domestic manufacturing output, and productivity growth, the report shall include recommendations with respect to—

(A) what actions should be taken to produce more accurate import price indices on a regular basis; and

(B) what other measures of economic analysis should be used to accurately reflect the globalization of economic activity and offshoring of domestic production.

(d) The report required by subsection (b) shall be completed and submitted to Congress not later than 18 months after the date of the contract described in subsection (b).

SA 3226. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for

other purposes; which was ordered to lie on the table; as follows:

On page 70, insert between lines 10 and 11 the following:

SEC. 217. JUVENILE ACCOUNTABILITY BLOCK GRANTS PROGRAM.

(a) IN GENERAL.—There are appropriated, out of any money in the Treasury not otherwise appropriated $30,000,000, for the Juvenile Accountability Block Grants Program as authorized by part R of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 4711 et seq.), in addition to any amounts appropriated for that program under this title.

(b) REDUCTIONS.—Notwithstanding any other provision of this Act, the amount appropriated under the heading ''JUSTICE INFORMATION SHARING TECHNOLOGY '' under the heading ''GENERAL ADMINISTRATION'' under this title and the amount appropriated under the heading ''TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS '' under the heading ''GENERAL ADMINISTRATION'' under this title are each reduced by $15,000,000.

SA 3227. Ms. MIKULSKI (for Mr. DORGAN (for himself, Ms. STABENOW, Mr. HAGEL, Mr. REED, Mr. LEVIN, and Mr. BIDEN)) proposed an amendment to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 52, line 5, strike ''$1,400,000,000'' and insert ''$1,415,000,000''.

On page 53, strike lines 18 and 19 and insert the following:

(5) $40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act: *Provided,* That of the unobligated balances available to the Department of Justice (except for amounts made available for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act), $15,000,000 are rescinded;

SA 3228. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 16, line 11, strike the period at the end and insert '': *Provided further*, That of the funds provided under this heading, up to $275,000 is made available for the purchase and distribution of bycatch reduction devices to shrimpers in areas of the Gulf Coast impacted by Hurricane Rita or Hurricane Katrina during 2005.''.

SA 3229. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 24, insert the following:

SEC. 113. The amount made available in this title under the heading ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'' and the subheading ''OPERATIONS, RESEARCH, AND FACILITIES'' is hereby increased by $275,000 for the purchase and distribution of bycatch reduction devices to shrimpers in areas of the Gulf Coast impacted by Hurricane Rita or Hurricane Katrina during 2005.

SA 3230. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3215 proposed by Ms. MIKULSKI to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATIONS ON FUNDING FOR CERTAIN CONFERENCES.

Notwithstanding any other provision of this Act, not more than $15,000,000 of all funds made available to the Department of Justice under this Act, may be available for any expenses related to conferences, including for conference programs, travel costs, and related expenses. No funds appropriated under this Act may be used to support a conference sponsored by any organization named as an unindicted co-conspirator by the Government in any criminal prosecution.

SA 3231. Mr. SHELBY (for himself and Ms. MIKULSKI) proposed an amendment to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 28 line 3 strike ''.'' And insert '': *Provided further*, That $10,000,000 shall only be used to address the health safety and security issues identified in the United States Department of Justice, Office of Inspector General Report 1–2007–008,''

SA 3232. Mr. REID (for Mr. DODD (for himself, Ms. LANDRIEU, Mr. BIDEN, Mrs. MCCASKILL, and Mr. BROWN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. _____. (a) This section may be cited as the ''Emmett Till Unsolved Civil Rights Crime Act of 2007''.

(b) It is the sense of Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation and other entities within the Department of Justice, should—

(1) expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses; and

(2) provide all the resources necessary to ensure timely and thorough investigations in the cases involved.

(c)(1) The Attorney General shall designate a Deputy Chief in the Criminal Section of the Civil Rights Division of the Department of Justice.

(2)(A) The Deputy Chief shall be responsible for coordinating the investigation and prosecution of violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death.

(B) In investigating a complaint under subparagraph (A), the Deputy Chief may coordinate investigative activities with State and local law enforcement officials.

(3)(A) The Attorney General shall annually conduct a study of the cases under the jurisdiction of the Deputy Chief or under the jurisdiction of the Supervisory Special Agent and, in conducting the study, shall determine—

(i) the number of open investigations within the Department for violations of criminal civil rights statutes that occurred not later than December 31, 1969;

(ii) the number of new cases opened pursuant to this section since the previous year's study;

(iii) the number of unsealed Federal cases charged within the study period, including the case names, the jurisdiction in which the charges were brought, and the date the charges were filed;

(iv) the number of cases referred by the Department to a State or local law enforcement agency or prosecutor within the study period, the number of such cases that resulted in State charges being filed, the jurisdiction in which such charges were filed, the date the charges were filed, and if a jurisdiction declines to prosecute or participate in an investigation of a case so referred, the fact it did so;

(v) the number of cases within the study period that were closed without Federal prosecution, the case names of unsealed Federal cases, the dates the cases were closed, and the relevant federal statutes;

(vi) the number of attorneys who worked, in whole or in part, on any case described in paragraph (2)(A); and

(vii) the applications submitted for grants under subsection (e), the award of such grants, and the purposes for which the grant amount were expended.

(B) Not later than 6 months after the date of enactment of this Act, and each year thereafter, the Attorney General shall prepare and submit to Congress a report containing the results of the study conducted under subparagraph (A).

(d)(1) The Attorney General shall designate a Supervisory Special Agent in the Civil Rights Unit of the Federal Bureau of Investigation of the Department of Justice.

(2)(A) The Supervisory Special Agent shall be responsible for investigating violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death.

(B) In investigating a complaint under subparagraph (A), the Supervisory Special Agent may coordinate the investigative activities with State and local law enforcement officials.

(e)(1) The Attorney General may award grants to State or local law enforcement agencies for expenses associated with the investigation and prosecution by them of criminal offenses, involving civil rights, that occurred not later than December 31, 1969, and resulted in a death.

(2) There are authorized to be appropriated $2,000,000 for each of the fiscal years 2008 through 2017 to carry out this subsection.

(f)(1) There are authorized to be appropriated, in addition to any other amounts otherwise authorized to be appropriated for this purpose, to the Attorney General $10,000,000 for each of the fiscal years 2008 through 2017 for the purpose of investigating and prosecuting violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death. These funds shall be allocated by the Attorney General to the Deputy Chief of the Criminal Section of the Civil Rights Division and the Supervisory Special Agent of the Civil Rights Unit of the Federal Bureau of Investigation in order to advance the purposes set forth in this section.

(2) In addition to any amounts authorized to be appropriated under title XI of the Civil

Rights Act of 1964 (42 U.S.C. 2000h et seq.), there are authorized to be appropriated to the Community Relations Service of the Department of Justice $1,500,000 for fiscal year 2008 and each subsequent fiscal year, to enable the Service (in carrying out the functions described in title X of such Act (42 U.S.C. 2000g et seq.)) to provide technical assistance by bringing together law enforcement agencies and communities in the investigation of violations of criminal civil rights statutes, in cases described in subsection (d)(2)(A).

(g) In this section, the term ''criminal civil rights statutes'' means—

(1) section 241 of title 18, United States Code (relating to conspiracy against rights);

(2) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(3) section 245 of title 18, United States Code (relating to federally protected activities);

(4) sections 1581 and 1584 of title 18, United States Code (relating to involuntary servitude and peonage);

(5) section 901 of the Fair Housing Act (42 U.S.C. 3631); and

(6) any other Federal law that—

(A) was in effect on or before December 31, 1969; and

(B) the Criminal Section of the Civil Rights Division of the Department of Justice enforced, before the date of enactment of this Act.

(h) Subsections (b) through (f) shall cease to have effect at the end of fiscal year 2017.

(i) Title XXXVII of the Crime Control Act of 1990 (42 U.S.C. 5779 et seq.) is amended by adding at the end the following:

''SEC. 3703. AUTHORITY OF INSPECTORS GENERAL.

''(a) IN GENERAL.—An Inspector General appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to assist the National Center for Missing and Exploited Children—

''(1) by conducting reviews of inactive case files to develop recommendations for further investigations; and

''(2) by engaging in similar activities.

''(b) LIMITATIONS.—

''(1) PRIORITY.—An Inspector General may not permit staff to engage in activities described in subsection (a) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

''(2) FUNDING.—No additional funds are authorized to be appropriated to carry out this section.''.

SA 3233. Ms. MIKULSKI (for herself, Mr. SHELBY, and Mrs. MURRAY) proposed an amendment to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Notwithstanding any other provision of this title—

(1) the amount appropriated in this title under the heading ''GENERAL ADMINISTRATION'' is reduced by $10,000,000;

(2) the amount appropriated in this title under the heading ''VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' under the heading ''OFFICE ON VIOLENCE AGAINST WOMEN'' is increased by $10,000,000; and

(3) of the amount appropriated in this title under the heading ''VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' under the heading ''OFFICE ON VIOLENCE AGAINST WOMEN''—

(A) $60,000,000 is for grants to encourage arrest policies, as authorized by part U of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.);

(B) $4,000,000 is for engaging men and youth in prevention programs, as authorized by section 41305 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d–4); and

(C) $1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the Violence Against Women Act of 1994 (42 U.S.C. 14043f).

SA 3234. Mr. REID (for Mr. OBAMA (for himself and Mr. DURBIN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 528. 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, to the best of its knowledge and belief, 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, more than 90 days prior to certification, 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 proceeding.

SA 3235. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. (a) The Attorney General, in conjunction with other Federal agencies, shall conduct a study on—

(1) the connection between methamphetamine crimes and identity theft crimes, and assess the degree of correlation between such crimes;

(2) how individuals who use methamphetamine and commit identity theft crimes typically obtain the information of the victim of such crimes;

(3) how individuals who use methamphetamine and commit identity theft crimes misuse the information of the victims of such crimes;

(4) the possible linkages between the sale and distribution of methamphetamine, gang activity, and gang-related crimes, including whether there is an increase in gang-related crime with respect to identity theft;

(5) the needs of Federal, State, local, and tribal law enforcement to pursue and prosecute methamphetamine crimes related to identity theft and whether any changes are needed to Federal law;

(6) the advisability of imposing a sentencing enhancement—

(A) if a person commits both a methamphetamine crime and an identity theft crime; and

(B) if a person is part of a conspiracy to commit methamphetamine and identity theft crimes; and

(7) the advisability of establishing a password-protected electronic clearinghouse within the Department of Justice for Federal, State, and local law enforcement agencies to—

(A) share information on crimes involving both methamphetamine and the commission of identity theft;

(B) create a better understanding of the correlation between such crimes; and

(C) share best practices.

(b) Not later than 12 months after the date of the enactment of this Act, the Attorney General shall submit a report to Congress describing the findings of the study conducted under (a).

SA 3236. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 24, insert the following:

SEC. 113. The amount made available in this title under the heading ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'' and the subheading ''OPERATIONS, RESEARCH, AND FACILITIES'' is hereby increased by $5,000,000 for competitive grants to qualified universities for the purposes of improving large-scale floodplain research directly applicable to floodplain management and wetland remediation, coastal restoration, and water quality problems related to the channelization and control of the Mississippi River.

SA 3237. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 11, strike the period at the end and insert '': *Provided further*, That of the funds provided under this heading, up to $5,000,000 is made available for competitive grants to qualified universities for the purposes of improving large-scale floodplain research directly applicable to floodplain management and wetland remediation, coastal restoration, and water quality problems related to the channelization and control of the Mississippi River.''.

SA 3238. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, after line 10, insert the following:

SEC. ___. Section 209 of title 18, United States Code, is amended by adding at the end the following:

''(i) This section does not prohibit—

''(1) a public or private institution of higher education from providing an officer or employee of any branch of the United States Government or of the District of Columbia, who is a current or former student of such institution, financial assistance for the purpose of repaying a student loan or forbearance of student loan repayment; and

''(2) an officer or employee of any branch of the United States Government or of the District of Columbia from receiving such assistance or forbearance.''.

SA 3239. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, after line 10, insert the following:

SEC. ____. Notwithstanding any other provision of law, a public or private institution of higher education may offer or provide an officer or employee of any branch of the United States Government or of the District of Columbia, who is a current or former student of such institution, financial assistance for the purpose of repaying a student loan or forbearance of student loan repayment, and an officer or employee of any branch of the United States Government or of the District of Columbia may seek or receive such assistance or forbearance.

SA 3240. Mr. DORGAN (for himself, Mr. BINGAMAN, Mr. TESTER, Mr. BAUCUS, Ms. CANTWELL, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 27, line 8, strike ''$104,777,000'' and insert ''$84,777,000''.

On page 54, strike lines 15 through 17 and insert the following:

(A) $25,000,000 shall be available for grants under section 20109(b) of the 1994 Act (42 U.S.C. 13709(b));

On page 54, strike lines 20 through 22 and insert the following:

(C) $10,000,000 shall be available for demonstration projects relating to alcohol and crime in Indian Country, of which $5,000,000 shall be used to address the problem of methamphetamine abuse in Indian Country;

On page 59, line 11, strike ''$35,000,000'' and insert ''$40,000,000''.

SA 3241. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATIONS ON FUNDING FOR CERTAIN CONFERENCES.

Notwithstanding any other provision of this Act, not more than $15,000,000 of all funds made available to the Department of Justice under this Act, may be available for any expenses related to conferences, including for conference programs, travel costs, and related expenses. No funds appropriated under this Act may be used to support a conference sponsored by any organization named as an unindicted co-conspirator by the Government in any criminal prosecution.

SA 3242. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

After section 113, insert the following:

SEC. 114. (a) None of the funds appropriated pursuant to this Act may be made available for displays at the Thunder Bay National Marine Sanctuary visitor center in Alpena, Michigan.

(b) The amount made available in this Act for National Ocean Services grants shall be reduced $2,000,000 and the amount made available in this Act for the National Hurricane Center of the National Oceanic and Atmospheric Administration shall be increased by $2,000,000.

SA 3243. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, add the following:

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

(1) In February 2006, the United States Attorney General and the FBI director announced a partnership with the NAACP, the Southern Poverty Law Center, and the National Urban League to investigate unsolved crimes from the civil rights era.

(2) Attorney General Alberto Gonzales has pledged that ''The Justice Department is committed to investigating and prosecuting civil-rights era homicides for as long as it takes and as far as the law allows—because there is no statute of limitations on human dignity and justice.''.

(3) In February 2006, the FBI enacted an initiative to identify hate crimes that occurred prior to December 1969, and resulted in death.

(4) The Bureau's 56 field offices have been directed to reexamine their unsolved civil rights cases and determine which ones could still be viable for prosecution.

(5) The FBI has partnered with a number of State and local authorities, civic organizations, and community leaders to reexamine old files.

(6) Since the initiative began, the FBI has received nearly 100 such referrals.

(7) The FBI is continuing to assess each referral for its investigative and legal viability and, given the updated investigative and forensic tools, move forward in investigating these cases.

(8) The United States national debt is nearly $9,000,000,000,000.

(9) Rather than adding to this debt, Congress should offset any new spending from lower priority spending.

(10) Bringing justice to those who have committed ghastly civil rights crimes in a fiscally responsible manner that does not add to the United States national debt should be a higher priority for Congress than funding parochial pork barrel projects.

(b) INCREASED APPROPRIATIONS.—Amounts provided in this Act for the Civil Rights Division within the Department of Justice are increased by $1,680,000 for the prosecution of civil rights crimes.

(c) DECREASED APPROPRIATIONS.—Appropriations in this Act for the following accounts are decreased by the amount indicated:

(1) Ocean, Coastal, and Great Lakes research by $450,000.

(2) Ocean and Coastal Management, National Ocean Service, by $500,000.

(3) Local Warnings and Forecasts, National Weather Service, by $300,000.

(4) National Aeronautics and Space Administration by $800,000.

(5) Education Program, NOAA, by $500,000.

(d) PROHIBITION ON FUNDING.—Notwithstanding any other provision of this Act, there shall be no funding for fiscal year 2008 for the following:

(1) Advanced Undersea Vehicle, Mystic Aquarium-Institute for Exploration, Mystic, Connecticut.

(2) Maritime Museum, City of Mobile, Alabama.

(3) Eye-On-The-Sky, Fairbanks Museum and Planetarium, St. Johnsbury, Vermont.

(4) Adler Planetarium, Chicago, Illinois.

(5) U.S. Space and Rocket Center, Huntsville, Alabama, for an update for the museum and exhibits.

(6) John Smith Water Trail, installation of bouys marking the John Smith National Water Trail on the Chesapeake Bay, the Conservation Fund, Arlington, Virginia.

SA 3244. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 11, insert '', and of which not less than $75,000,000 shall be used for training, exercises, and technical assistance consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g))'' before the semicolon at the end.

SA 3245. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 3, strike the colon and insert '', of which $250,000 shall be available to the University of Alaska at Fairbanks to organize and operate the 2008 meeting of the Conference of Parliamentarians of the Arctic Region in Fairbanks, Alaska:''.

SA 3246. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

(a) FINDINGS.—The Senate finds the following:

(1) The Census, taken every ten years since 1790, is necessary for determining Congressional representation, Electoral College votes, and government program funding;

(2) The United States Census Bureau is required to count citizens and non-citizens alike;

(3) It is a challenge for the United States Census Bureau to convince non-citizens living in the United States that their participation in the census is important and the information they provide will not be disclosed to law enforcement authorities;

(4) During the 1980, 1990, and 2000 censuses, federal immigration officials agreed to limit immigration enforcement efforts to allow the Census Bureau to encourage the participation of all persons in the United States in the census;

(5) The officials of the Immigration and Customs Enforcement Bureau of the Department of Homeland Security's Immigration and Customs Enforcement have publicly stated the agency will ''not even consider scaling back [its] efforts'' to aggressively enforce federal immigration laws during the 2010 census;

(6) The data provided by the United States Census Bureau is essential to understanding population trends and providing the federal government and the Congress with important information related to public policy debates, including information on the number of undocumented persons living in the United States;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that as part of the effort to count all persons physically in the United States during the 2010 Census, the Immigration and Customs Enforcement Bureau of the Department of Homeland Security should limit aggressive enforcement of federal immigration laws to promote full participation by noncitizens in the census.

SA 3247. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SA 3248. Mrs. BOXER submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 24, insert the following:

SEC. 113. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report that provides a detailed plan for—

(1) the implementation of the recommendations made in the regional ecosystem research study carried out under paragraph (1) of section 406(f) of the of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1882); and

(2) the provision of the technical advice described in paragraph (2) of such section.

(b) Of the amount made available in this title under the heading ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'' and the subheading ''OPERATIONS, RESEARCH, AND FACILITIES''—

(1) $250,000 is made available to prepare the report required by subsection (a); and

(2) $2,000,000 is made available to carry out the plan described in such report.

SEC. 114. (a) Not later than 1 year after the date of the enactment of this Act, the National Research Council shall complete the study on acidification of the oceans and how this process affects the United States authorized by section 701 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 120 Stat. 3649).

(b) Of the amount made available in this title under the heading ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'' and the subheading ''OPERATIONS, RESEARCH, AND FACILITIES'' $750,000 is made available for the study required by subsection (a).

SA 3249. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, line 5, strike ''$1,400,000,000'' and insert ''$1,430,000,000''.

On page 52, line 15, strike ''$60,000,000'' and insert ''$90,000,000''.

On page 70, after line 10, insert the following:

SEC. ____. Of the unobligated balances made available for the Department of Justice in prior fiscal years, $30,000,000 are rescinded. *Provided*, That within 30 days after the date of the enactment of this section the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

SA 3250. Ms. MIKULSKI (for herself, Mrs. HUTCHISON, Mr. SHELBY, Ms. LANDRIEU, Mr. VITTER, Mrs. CLINTON, Mr. BROWN, and Mrs. BOXER) proposed an amendment to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 74, between lines 4 and 5, insert the following:

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $1,000,000,000 to remain available until expended with such sums as determined by the Administrator of the National Aeronautics and Space Administration as available for transfer to ''Exploration Capabilities'' and ''Science, Aeronautics, And Exploration'' for restoration of funds previously reallocated to meet return to flight activities: *Provided*, That the amount provided under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress).

SA 3251. Mr. LAUTENBERG (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 11, strike the period at the end and insert '': *Provided further*, That of the funds available for the Ocean Research Priorities Plan Implementation, such sums as may be necessary shall be set aside to initiate the study to be completed within 2 years, on acidification of the oceans and how this process affects the United States as authorized by section 701 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 120 Stat. 3649).''.

SA 3252. Mr. FEINGOLD (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, after line 21, insert the following:

TITLE VII—WARTIME TREATMENT STUDY ACT

SEC. 701. SHORT TITLE.

This title may be cited as the ''Wartime Treatment Study Act''.

SEC. 702. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States Government deemed as ''enemy aliens'' more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification and limited their travel and personal property rights. At that time, these groups were the 2 largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, many European Latin Americans, including German and Austrian Jews, were arrested, brought to the United States, and interned. Many were later expatriated, repatriated, or deported to European Axis nations during World War II, many to be exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were devastating to the Italian American and German American

communities, individuals, and their families. The detrimental effects are still being experienced.

(6) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an independent review to fully assess and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 703. DEFINITIONS.

In this title:

(1) DURING WORLD WAR II.—The term ''during World War II'' refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term ''European Americans'' refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term ''Italian Americans'' refers to United States citizens and resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term ''German Americans'' refers to United States citizens and resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term ''European Latin Americans'' refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

(4) LATIN AMERICAN NATION.—The term ''Latin American nation'' refers to any nation in Central America, South America, or the Carribean.

Subtitle A—Commission on Wartime Treatment of European Americans

SEC. 710. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this subtitle as the ''European American Commission'').

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this title as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this title.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 711. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportation of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A comprehensive review of United States Government action during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of—

(A) all temporary detention and long-term internment facilities in the United States and Latin American nations that were used to detain or intern European Americans and European Latin Americans during World War II (in this paragraph referred to as ''World War II detention facilities'');

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States, the ships that transported them to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin Americans were exchanged for persons held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21 et seq.), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 101(e).

SEC. 712. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European

American Commission to the extent permitted by law, including information collected under the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 713. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 714. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this subtitle.

SEC. 715. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

Subtitle B—Commission on Wartime Treatment of Jewish Refugees

SEC. 720. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this title as the ''Jewish Refugee Commission'').

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this title as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this title.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 721. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's decision to deny Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 201(e).

SEC. 722. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 723. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 724. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this subtitle.

SEC. 725. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

SA 3253. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of

Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, line 15, strike the period and insert '': *Provided further*, That an additional $2,416,000 shall be available to provide additional funding for the Bureau of Justice of Assistance to convert the National Motor Vehicle Title Information System's (NMVTIS) systems data storage to server-based architecture which amount shall be offset by a $2,416,000 reduction in the Legal Activities account.''.

SA 3254. Mrs. FEINSTEIN (for herself and Mr. KYL) submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On 88, line 1, strike ''$625,000,000'' and all that follows through line 2 and insert the following: ''$635,000,000 shall not be available for obligation until the following fiscal year and, notwithstanding any other provision of this Act, the amount appropriated under the heading 'SALARIES AND EXPENSES' under the heading 'OTHER DEPARTMENTAL MANAGEMENT' under title I is reduced by $10,000,000.''.

SA 3255. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DOCUMENT VERIFICATION TECHNOLOGY.

(a) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, using funds appropriated by this Act, shall implement a pilot program to test automated document authentication technology at United States ports of entry to determine the effectiveness of the technology in detecting fraudulent travel documents and reducing the ability of terrorists to enter the United States.

(b) REPORT.—Not later than 90 days after the completion of the pilot program under subsection (a), the Secretary of Homeland Security shall submit a report to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))) on the results of the pilot program.

SA 3256. Mr. REID (for Mr. BIDEN (for himself, Mr. KOHL, Mr. BINGAMAN, Mrs. CLINTON, Mr. KERRY, Mr. LEVIN, Mr. KENNEDY, Mr. BAYH, Ms. CANTWELL, Mrs. BOXER, Mr. Schumer, Mr. DODD, Mr. CASEY, Ms. COLLINS, MR. CARDIN, Mr. REED, Mr. NELSON of Nebraska, Mr. LAUTENBERG, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mr. LEAHY)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 57, line 7, strike ''$550,000,000'' and insert ''$660,000,000''.

On page 60, line 2, strike ''and'' and all that follows through ''Funds'' on line 3, and insert the following:

(12) $110,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title, notwithstanding subsection (i) of such section; and

(13)

On page 97, between lines 19 and 20, insert the following:

Of the unobligated balances made available for the Department of Justice in prior fiscal years, $110,000,000 are rescinded.

SA 3257. Mrs. MURRAY (for herself, Mr. ISAKSON, and Mrs. BOXER) proposed an amendment to the bill S. 742, to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing materials and products having asbestos-containing material, and for other purposes; as follows:

On page 24, strike lines 10 through 22.

On page 24, line 23, strike ''(10)'' and insert ''(6)''.

On page 25, strike lines 1 through 3.

On page 25, line 4, strike ''(12)'' and insert ''(7)''.

On page 25, line 7, strike ''(13)'' and insert ''(8)''.

On page 25, line 11, strike ''(14)(A)'' and insert ''(9)(A)''.

On page 25, line 20, strike ''(15)'' and insert ''(10)''.

On page 25, line 23, strike ''(16)'' and insert ''(11)''.

On page 26, line 1, strike ''(17)'' and insert ''(12)''.

On page 26, line 6, strike ''(18)'' and insert ''(13)''.

On page 26, line 10, strike ''(19)'' and insert ''(14)''.

On page 26, line 15, strike ''(20)'' and insert ''(15)''.

On page 26, line 19, strike ''(21)'' and insert ''(16)''.

On page 27, line 1, strike ''(22)'' and insert ''(17)''.

On page 27, line 6, strike ''(23)'' and insert ''(18)''.

On page 27, line 15, strike ''(24)'' and insert ''(19)''.

On page 27, line 17, strike ''(25)'' and insert ''(20)''.

SA 3258. Mrs. MURRAY proposed an amendment to the bill S. 742, to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing materials and products having asbestos-containing material, and for other purposes; as follows:

Amend the title so as to read: ''To amend the Toxic Substances Control Act to materials and products having asbestos-containing material, and for other purposes.''.

SA3259. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, line 15, strike ''$340,000,000'' and insert ''$350,000,000''.

On page 61, line 6, strike ''$65,000,000'' and insert ''$75,000,000''.

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Of the unobligated balances made available for the Department of Justice in any fiscal year before fiscal year 2008, $10,000,000 are rescinded.

SA 3260. Mr. BROWN (for himself, Ms. STABENOW, Mr. BYRD, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 97, between lines 9 and 10, and insert the following:

SEC. 528. LIMITATION ON NEGOTIATING TRADE AGREEMENTS. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

SA 3261. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.___. ACCOUNTABILITY AND TRANSPARENCY.

(a) PROHIBITED USE OF FUNDS.—A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded. A directly and programmatically related banquet or conference includes a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract. Records of the total costs related to, and justifications for, all banquets and conferences shall be reported to the appropriate Department, Administration, or Foundation. Not later than 60 days after receipt of such records, the appropriate Department, Administration, or Foundation shall make the records available to the public.

(b) CONFLICT OF INTEREST STATEMENT.—Any person awarded a grant or contract funded by amounts appropriated by this Act

shall submit a statement to the Secretary or the Director, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest or other conflict of interest in the person awarded the grant or contract, unless such conflict is previously disclosed and approved in the process of entering into a contract or awarding a grant. Not later than 60 days after receipt of the certification, the appropriate Secretary, Administrator, or Director shall make all documents received that relate to the certification available to the public.

SA 3262. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

After section 113, insert the following:

SEC. 114. The National Oceanic and Atmospheric Administration Ship Henry B. Bigelow is the replacement for the National Oceanic and Atmospheric Administration Ship Albatross IV and, as such replacement, has the same homeport of Woods Hole, Massachusetts.

SA 3263. Mr. PRYOR (for himself, Mr. SMITH, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DIGITAL AND WIRELESS NETWORKS FOR HIGHER EDUCATION PILOT PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''ED 1.0 Act''.

(b) APPROPRIATIONS.—Notwithstanding any other provision of this Act, from the amount appropriated under title I under the heading ''Technology Opportunities Program'', $4,500,000 may be available for the pilot program under this section, to remain available until expended.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Telecommunications and Information Administration.

(2) ELIGIBLE EDUCATIONAL INSTITUTION.—The term ''eligible educational institution'' means an institution that is—

(A) a historically Black college or university;

(B) a Hispanic-serving institution as that term is defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

(C) a tribally controlled college or university as that term is defined in section 2(a)(4) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(4));

(D) an Alaska Native-serving institution as that term is defined in section 317(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(2)); or

(E) a Native Hawaiian-serving institution as that term is defined in section 317(b)(4) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(4)).

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' means a part B institution as that term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

(d) MINORITY ONLINE DEGREE PILOT PROGRAM.—

(1) PILOT PROGRAM ESTABLISHED.—

(A) IN GENERAL.—There is established within the National Telecommunications and Information Administration a pilot program under which the Administrator shall award 9 grants to eligible educational institutions to enable the eligible educational institutions to develop digital and wireless networks for online educational programs of study within the eligible educational institutions. The Administrator shall award not less than 1 grant to each type of eligible educational institution, enumerated under subsection (c)(2).

(B) GRANT NUMBER AND AMOUNT.—

(i) NUMBER.—The Administrator shall award a total of 9 grants under this subsection.

(ii) GRANT PAYMENT AMOUNTS.—The Administrator shall make grant payments under this subsection in the amount of $500,000.

(2) PRIORITY.—

(A) IN GENERAL.—In awarding grants under this subsection the Administrator shall give priority to an eligible educational institution that, according to the most recent data available (including data available from the Bureau of the Census), serves a county, or other appropriate political subdivision where no counties exist—

(i) in which 50 percent of the residents of the county, or other appropriate political subdivision where no counties exist, are members of a racial or ethnic minority;

(ii) in which less than 18 percent of the residents of the county, or other appropriate political subdivision where no counties exist, have obtained a baccalaureate degree or a higher education;

(iii) that has an unemployment rate of 7 percent or greater;

(iv) in which 20 percent or more of the residents of the county, or other appropriate political subdivision where no counties exist, live in poverty;

(v) that has a negative population growth rate; or

(vi) that has a family income of not more than $32,000.

(B) HIGHEST PRIORITY.—In awarding grants under this subsection the Administrator shall give the highest priority to an eligible educational institution that meets the greatest number of requirements described in clauses (i) through (vi) of subparagraph (A).

(3) USE OF FUNDS.—An eligible educational institution receiving a grant under this subsection may use the grant funds—

(A) to acquire equipment, instrumentation, networking capability, hardware, software, digital network technology, wireless technology, or wireless infrastructure;

(B) to develop and provide educational services, including faculty development; or

(C) to develop strategic plans for information technology investments.

(4) MATCHING NOT REQUIRED.—The Administrator shall not require an eligible educational institution to provide matching funds for a grant awarded under this subsection.

(5) CONSULTATIONS; REPORT.—

(A) CONSULTATIONS.—The Administrator shall consult with the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives, on a quarterly basis regarding the pilot program assisted under this subsection.

(B) REPORT.—Not later than 1 year after the date of enactment of this section, the Administrator shall submit to the committees described in subparagraph (A) a report evaluating the progress of the pilot program assisted under this subsection.

(6) LIMITATION ON USE OF OTHER FUNDS.—The Administrator shall carry out this subsection only with amounts appropriated in advance specifically to carry out this subsection.

SA 3264. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 11, strike ''fishery.'' and insert ''fishery: *Provided further*, That of the funds provided, $100,000 is provided for a study to determine the feasibility, effectiveness, and costs of using advanced radar technologies to enhance radar coverage along the outer coast of the State of Washington to minimize or eliminate the region's current radar gaps.''.

SA 3265. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

After section 113, insert the following:

SEC. 114. The National Oceanic and Atmospheric Administration Ship Henry B. Bigelow is the replacement for the National Oceanic and Atmospheric Administration Ship Albatross IV and, as such replacement, has the same homeport of Woods Hole, Massachusetts.

SA 3266. Mr. REID (for Mrs. CLINTON (for herself, Mr. BROWN, and Mr. SCHUMER)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 217. Notwithstanding any other provision of this title—

(1) the amount appropriated under the heading ''SALARIES AND EXPENSES'' under the heading ''GENERAL ADMINISTRATION'' under this title is reduced by $6,250,000;

(2) the amount appropriated under the heading ''SALARIES AND EXPENSES'' under the heading ''FEDERAL BUREAU OF INVESTIGATION'' under this title is increased by $6,250,000; and

(3) of the amount appropriated under the heading ''SALARIES AND EXPENSES'' under the heading ''FEDERAL BUREAU OF INVESTIGATION'' under this title, $6,250,000 is for investigations relating to mortgage fraud.

SA 3267. Mr. AKAKA submitted an amendment intended to be proposed by

him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, strike lines 22 through and 24, and insert ''$1,090,500,000, to remain available until September 30, 2009, except funds provided for construction of facilities which shall remain available until expended: *Provided*, That of such amount, $1,500,000 shall be for National Oceanic and Atmospheric Administration weather system transmitter upgrades to provide for the transmission of emergency alert system emergency notifications: *Provided further*,''.

SA 3268. Ms. MIKULSKI proposed an amendment to bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 97, between lines 9 and 10, insert the following:

SEC. 528. FUNDS FOR TEACH FOR AMERICA.—Of the funds provided in this Act for the National Aeronautics and Space Administration, under the heading ''SCIENCE, AERONAUTICS, AND EXPLORATION'', $3,000,000 may be for Teach for America for science, technology, engineering, and mathematics related activities.

SA 3269. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DOCUMENT VERIFICATION TECHNOLOGY.

(a) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall implement a pilot program to test automated document authentication technology compatible with existing databases at United States ports of entry to determine the effectiveness of the technology in detecting fraudulent travel documents and reducing the ability of terrorists to enter the United States.

(b) REPORT.—Not later than 90 days after the completion of the pilot program under subsection (a), the Secretary of Homeland Security shall submit a report to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))) on the results of the pilot program.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, November 7, 2007, at 10 a.m., to hear testimony on the recently released GAO report regarding funding challenges and facilities maintenance at the Smithsonian Institution.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on October 4, 2007, at 9:30 a.m., in open session to consider the following nominations: Honorable John J. Young, Jr. to be Under Secretary of Defense for Acquisition, Technology, and Logistics; Douglas A. Brook to be Assistant Secretary of the Navy for Financial Management and Comptroller; and Robert L. Smolen to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 4, 2007, at 10 a.m., in order to conduct a hearing entitled ''Examining the Regulation and Supervision of Industrial Loan Companies.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, October 4, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing will review the Department of Homeland Security's implementation and administration of several port and cargo security programs authorized in the SAFE Port Act, the Maritime and Transportation Security Act of 2002, and the Coast Guard and Maritime Transportation Act of 2004.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, October 4, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

At this hearing, the Committee will explore the state of the Consumer Product Safety Commission, examine reforms that are necessary to make the agency more effective to protect children and other consumers from dangerous and defective products, and seek comments on S. 2045, the Consumer Product Safety Commission Reform Act of 2007.

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

COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, October 4, 2007, at 2 p.m., in room 215 of the Dirksen Senate Office Building, to consider favorably reporting an original bill entitled, ''The Heartland, Habitat, Harvest, and Horticulture Act of 2007'' and legislation implementing the U.S.-Peru Trade Promotion Agreement.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 4, 2007, at 9:30 a.m. to hold a hearing on the Law of the Sea Convention.

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

COMMITTEE ON INDIAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, October 4, 2007, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on Backlogs at the Department of the Interior: Land into Trust Applications; Environmental Impact Statements; Probate; and Appraisals and Lease Approvals.

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

COMMITTEE ON THE JUDICIARY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct an Executive Business Meeting on Thursday, October 4, 2007, at 10 a.m. in the Dirksen Senate Office Building room 226.

Agenda

I. Bills: S. 2035, Free Flow of Information Act of 2007 (SPECTER, SCHUMER, LUGAR, DODD, LEAHY, GRAHAM) and S. 1640, Vessel Hull Design Protection Amendments of 2007 (LEAHY, CORNYN, KOHL, WHITEHOUSE).

II. Resolutions: S. Res. 326, Supporting the goals and ideals of a National Day of Remembrance for Murder Victims (CORNYN, FEINSTEIN, KYL) and H. Con. Res. 193, Recognizing all hunters across the United States for their continued commitment to safety.

III. Nominations: Thomas P. O'Brien to be United States Attorney for the Central District of California.

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

COMMITTEE ON THE JUDICIARY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate to conduct a hearing entitled ''Justice Denied? Implementation of

the Hometown Heroes Survivors Benefits Act'' on Thursday, October 4, 2007 at 2:30 p.m. in the Dirksen Senate Office Building room 226.

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

JOINT ECONOMIC COMMITTEE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Joint Economic Committee he authorized to conduct a hearing entitled, ''Mass Incarceration in the United States: At What Cost?'', in room 216 of the Hart Senate Office Building, Thursday, October 4, 2007, from 10 a.m. to 1 p.m.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Managment, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, October 4, 2007, at 2:30 p.m. in order to conduct a hearing entitled, ''Forestalling the Coming Pandemic: Infectious Disease Surveillance Overseas.''

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

PRIVILEGES OF THE FLOOR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Earl Rilington and Eric Perritt, fellows serving in Senator COCHRAN's office, be granted the privilege of the floor during consideration of the Departments of Commerce and Justice, Science, and related agencies appropriations bill.

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

On Wednesday, October 3, 2007, the Senate passed H.R. 3222, as amended, as follows:

H.R. 3222

Resolved, That the bill from the House of Representatives (H.R. 3222) entitled ''An Act making appropriations for the Department of Defense 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, for military functions administered by the Department of Defense and for other purposes, namely:*

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $31,734,076,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,338,772,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $10,291,831,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $24,155,054,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,672,440,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,801,985,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $595,372,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,368,897,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,947,354,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,616,560,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $28,598,563,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,257,000 can

be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $33,150,380,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,061,649,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $32,599,333,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $23,239,227,000: Provided, That not less than $794,000,000 of such amount shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: Provided further, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than $27,380,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,510,286,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,187,151,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $208,688,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,816,103,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $5,800,933,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,471,745,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $11,971,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $444,879,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $300,591,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $458,428,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $12,751,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made

available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $295,249,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $63,300,000, to remain available until September 30, 2009.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $448,048,000, to remain available until September 30, 2010: Provided, That of the amounts provided under this heading, $12,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,273,998,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,756,979,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,122,889,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,208,976,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $11,697,265,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $12,599,744,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,094,687,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,058,832,000, to remain available for obligation until September 30, 2010.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $2,703,953,000;

Carrier Replacement Program (AP), $124,401,000;

NSSN, $1,796,191,000;

NSSN (AP), $1,172,710,000;

CVN Refuelings (AP), $297,344,000;

SSBN Submarine Refuelings, $187,652,000;

SSBN Submarine Refuelings (AP), $42,744,000;

DDG–1000 Program, $2,807,437,000;

DDG–1000 Program (AP), $150,886,000;

DDG–51 Destroyer, $48,078,000;

Littoral Combat Ship (AP), $75,000,000;

LPD–17, $1,398,922,000;

LHA–R, $1,377,414,000;

LCAC Service Life Extension Program, $98,518,000;

Prior year shipbuilding costs, $511,474,000;

Service Craft, $32,903,000; and

For outfitting, post delivery, conversions, and first destination transportation, $379,811,000.

In all: $13,205,438,000, to remain available for obligation until September 30, 2012: Provided, That additional obligations may be incurred after September 30, 2012, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 10 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,376,530,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $2,091,897,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $12,133,900,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,920,219,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $854,167,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $15,517,127,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 5 vehicles required for physical security of personnel, notwithstanding prior limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $3,246,843,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $1,000,000,000, to remain available for obligation until September 30, 2010: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $65,092,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,355,005,000, to remain available for obligation until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,472,210,000, to remain available for obligation until September 30, 2009: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $26,070,841,000, to remain available for obligation until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,303,726,000, to remain available for obligation until September 30, 2009.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $180,264,000, to remain available for obligation until September 30, 2009.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,352,746,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,044,194,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $23,490,051,000, of which $22,650,758,000 shall be for Operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2009, and of which up to $12,341,286,000 may be available for contracts entered into under the TRICARE program; of which $362,261,000, to remain available for obligation until September 30, 2010, shall be for Procurement; and of which $477,032,000, to remain available for obligation until September 30, 2009, shall be for Research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,517,724,000, of which $1,186,500,000 shall be for Operation and maintenance; $18,424,000 shall be for Procurement, to remain available until September 30, 2010; $312,800,000 shall be for Research, development, test and evaluation, of which $302,900,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2008; and no less than $124,618,000 shall be for the Chemical Stockpile Emergency Preparedness Program, of which $36,373,000 shall be for activities on military installations and of which $88,245,000, to remain available until September 30, 2008, shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $962,603,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund, $120,000,000: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for Operation and maintenance; Procurement; Research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That amounts transferred shall be merged with and available for the same purposes and time period as the appropriations to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $225,995,000, of which $224,995,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2010, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $262,500,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $709,376,000: Provided, That of the funds appropriated under this heading, $16,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $3,700,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June

30, 2008: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section: Provided further, That no obligation of funds may be made pursuant to section 1206 of Public Law 109–163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.

SEC. 8006. The Secretaries of the Air Force and the Army are authorized, using funds available under the heading ''Operation and Maintenance, Air Force'' and ''Operation and Maintenance, Army'', to complete phased repair projects, of which repairs may include upgrades and additions to Alaskan range infrastructure and training areas, to include improved access to these ranges.

(TRANSFER OF FUNDS)

SEC. 8007. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8008. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8009. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

M1A2 Abrams System Enhancement Package Upgrades; M2A3/M3A3 Bradley Upgrades; and SSN Virginia Class Submarine.

SEC. 8010. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8011. (a) During fiscal year 2008, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2009 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2009 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2009.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active components of the Army.

SEC. 8014. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to

any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8018. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8020. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8021. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8022. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8023. (a) Of the funds made available in this Act, not less than $31,905,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $26,553,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $4,477,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $875,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8024. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2008 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2008, not more than 5,517 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,060 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2009 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $53,428,000.

SEC. 8025. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8026. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8027. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8028. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2008. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et

seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8029. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2009 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2009 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2009 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2009: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2009.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8040. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the Senate accompanying this Act.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Procurement, Marine Corps, 2006/2008'', $15,000,000;

''Missile Procurement, Army, 2007/2009'', $18,100,000;

''Procurement, Defense-Wide, 2007/2009'', $15,913,000;

''Research, Development, Test and Evaluation, Army, 2007/2008'', $13,300,000;

''Research, Development, Test and Evaluation, Air Force, 2007/2008'', $75,000,000;

''Research, Development, Test and Evaluation, Defense-Wide, 2007/2008'', $144,000,000;

''Shipbuilding and Conversion, Navy, 2007/2011'', $300,000,000; and

''Aircraft Procurement, Air Force, 2007/2009'', $72,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the

activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8048. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8049. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8050. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8055. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8057. Notwithstanding any other provision of law, funds available to the Department of Defense in this Act shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8058. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government.

SEC. 8059. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels,

ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8060. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8061. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8062. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8063. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8064. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8065. Beginning in the current fiscal year and hereafter, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8066. (a) None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b)(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c)(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include a statement confirming that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) For purposes of this section:

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8067. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8068. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32 may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8069. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8070. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8071. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8072. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $34,500,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8074. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2008.

SEC. 8075. The Secretary of the Air Force is authorized, using funds available under the heading ''Operation and Maintenance, Air Force'', to complete phased electrical infrastructure upgrades at Hickam Air Force Base.

SEC. 8076. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8077. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $155,572,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, $37,383,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures, $15,000,000 shall be available for an Arrow System Improvement Program-Upper Tier program for risk mitigation and preliminary design activities to enhance the Arrow Weapon system, and $42,000,000 shall be available for the Short Range Ballistic Missile Defense (SRBMD) program: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8078. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8079. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8080. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of the Intelligence Authorization Act for fiscal year 2008.

SEC. 8081. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8082. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to 2 percent of the total appropriated funds under this section shall be available to support the administration and execution of the funds or program and/or events that promote the purpose of this appropriation (e.g. payment of travel and per diem of school teachers attending conferences or a meeting that promotes the purpose of this appropriation and/or consultant fees for on-site training of teachers, staff, or Joint Venture Education Forum (JVEF) Committee members): Provided further, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: Provided further, That to the extent a Federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose, if the non-Federal entity requests such assistance and the non-Federal funds are provided on a reimbursable basis.

SEC. 8083. The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon (NLOS–C) and a compatible large caliber ammunition resupply capability for this system supported by the Future Combat Systems (FCS) Brigade Combat Team (BCT) in order to field this system in fiscal year 2010: Provided, That the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS–C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: Provided further, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8084. Up to $3,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8085. The budget of the President for fiscal year 2009 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8086. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8087. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8088. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8089. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the Senate and the House of Representatives, unless sooner notified by the Committees that there is no objection to the proposed transfer: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8091. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by $39,693,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

SEC. 8092. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8093. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the Extended Range Multi-Purpose (ERMP) Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8094. Of the funds provided in this Act, $10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training Center-East and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agency, and State and local first responder personnel at the Joint Interagency Training Center-East.

SEC. 8095. The authority to conduct a continuing cooperative program in the proviso in title II of Public Law 102–368 under the heading ''Research, Development, Test and Evaluation, Defense Agencies'' (106 Stat. 1121) shall be extended through September 30, 2009, in cooperation with NELHA.

SEC. 8096. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any weeklong national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8097. Up to $15,000,000 of the funds appropriated under the heading, ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8098. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions the total amount appropriated in title II of this Act is hereby reduced by $470,000,000, the total amount appropriated in title III of this Act is hereby reduced by $506,000,000, the total amount appropriated in title IV of this Act is hereby reduced by $367,000,000, and the total amount appropriated in title V of this Act is hereby reduced by $10,000,000: Provided, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8099. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8100. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8101. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2009.

SEC. 8102. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8103. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8104. From amounts appropriated in this or previous Acts making appropriations for the Department of Defense which remain available for obligation, up to $20,000,000 may be transferred by the Secretary of the Navy to the Secretary of the Department of the Interior for any expenses associated with the construction of the USS ARIZONA Memorial Museum and Visitors Center.

SEC. 8105. (a) Notwithstanding any other provision of law, the Department of Defense shall complete work on the destruction of the United States stockpile of lethal chemical agents and munitions, including those stored at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, by the deadline established by the Chemical Weapons Convention, and in no circumstances later than December 31, 2017.

(b) REPORT.—

(1) Not later than December 31, 2007, and every 180 days thereafter, the Secretary of Defense shall submit to the parties described in paragraph (2) a report on the progress of the Department of Defense toward compliance with this section.

(2) The parties referred to in paragraph (1) are the Speaker of the House of Representatives, the Majority and Minority Leaders of the House of Representatives, the Majority and Minority Leaders of the Senate, and the congressional defense committees.

(3) Each report submitted under paragraph (1) shall include the updated and projected annual funding levels necessary to achieve full compliance with this section. The projected funding levels for each report shall include a detailed accounting of the complete life-cycle costs for each of the chemical disposal projects.

(c) In this section, the term ''Chemical Weapons Convention'' means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21).

SEC. 8106. Not later than 90 days after enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit a classified report to the congressional defense committees and to the Subcommittees on Energy and Water Development of the Senate and House Appropriations Committees on the policies and procedures governing the storage and logistic movement of U.S. nuclear weapons and nuclear components through all phases of the nuclear weapons cycle from cradle to grave: Provided, That the report shall include a review and evaluation of the suitability and effectiveness of—

(1) The standards and procedures for ensuring accountability of nuclear weapons and components.

(2) The standards and procedures for the transfer of custody of nuclear weapons.

(3) The documentation used for the purpose of property accountability, custody receipting, and shipping transactions.

(4) The standards and procedures for nuclear surety inspections.

(5) The training of all personnel involved in the handling, management, and accountability of nuclear weapons and components.

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $1,000,000 may be available for the Smart Data Project: Real Time Geospatial Video Sensor Intelligence program.

SEC. 8108. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'' and available for Program Element 0603112F, up to $1,000,000 may be available for Materials Integrity Management Research for Air Force Systems.

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'' and available for the Permanent Magnet Motor, up to $2,000,000 may be used for the DDG–51 Class Modernization–Hybrid Propulsion Permanent Magnet Drive System.

SEC. 8110. AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by title III under the heading ''OTHER PROCUREMENT, AIR FORCE'', up to $4,000,000 may be available for purposes of accelerating the deployment of the Associate Intermodal Platform pallet system.

SEC. 8111. BORDER SECURITY REQUIREMENTS.—(a) SHORT TITLE.—This section may be cited as the ''Border Security First Act of 2007''.

(b) APPROPRIATIONS FOR BORDER SECURITY.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $3,000,000,000 for fiscal year 2008—

(1) to achieve and maintain operational control over the entire international land and maritime border of the United States, including the ability to monitor such border through available methods and technology, as authorized under the Secure Fence Act of 2006 (Public Law 109–367);

(2) to hire and train full-time border patrol agents, as authorized under section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458);

(3) to install along the international land border between the United States and Mexico—

(A) fencing required under section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note)); and

(B) vehicle barriers, unmanned aerial vehicles, ground-based sensors and cameras; and

(4) to remove and detain aliens for overstaying their visas, illegally reentering the United States, or committing other crimes for which they would be subject to removal; and

(5) to reimburse States and political subdivisions of a State, for expenses that are reimbursable under 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)).

(c) EMPLOYMENT ELIGIBILITY VERIFICATION.—Of the amounts appropriated for border security and employment verification improvements under subsection (b), $60,000,000 shall be made available for employment eligibility verification, as authorized under subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

(d) EMERGENCY REQUIREMENT.—Amounts appropriated under subsection (b) are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SEC. 8112. (a) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, ARMY.—Of the amount appropriated or otherwise made available by title I under the heading ''MILITARY PERSONNEL, ARMY'', up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

(b) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, NAVY.—Of the amount appropriated or otherwise made available by title I under the heading ''MILITARY PERSONNEL, NAVY'', up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

(c) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, AIR FORCE.—Of the amount appropriated or otherwise made available by title I under the heading ''MILITARY PERSONNEL, AIR FORCE'', up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

SEC. 8113. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $6,000,000 may be available for the continuation of the Advanced Precision Kill Weapons System by the Marine Corps.

SEC. 8114. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $6,000,000 may be available for Advanced Automotive Technology (PE #0602610A).

SEC. 8115. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'', up to $2,000,000 may be available for the Minuteman Digitization Demonstration Program.

SEC. 8116. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $1,000,000 may be available for Army Missile Defense Systems Integration (PE #0603308A) for the High Altitude Airship Program.

SEC. 8117. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $3,750,000 may be available for a Mid-Infrared Advanced Chemical Laser at the High Energy Laser Systems Test Facility.

SEC. 8118. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $3,750,000 may be available for a sea light Beam Director and the High Energy Laser Systems Test Facility.

SEC. 8119. Paragraph 1(b) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(3) It is not a gift for a commercial airline to allow a Member, officer, or employee to make multiple reservations on scheduled flights consistent with Senate travel regulations.''.

SEC. 8120. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $1,000,000 may be available for the development of Low-Cost, High Resolution, remote controlled Side Scan Sonar for USV and Harbor Surveillance Applications.

SEC. 8121. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish and maintain on the homepage of the Internet website of the Department of Defense a direct link to the Internet website of the Office of Inspector General of the Department of Defense.

SEC. 8122. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $5,000,000 may be available for the Laser Perimeter Awareness System for integration into the Electronic Harbor Security System.

SEC. 8123. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $5,000,000 may be made available for the High Temperature Superconductor AC Synchronous Propulsion Motor.

SEC. 8124. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'' and available for Program Element #0603640M, up to $1,200,000 may be available for Ground Warfare Acoustical Combat System of netted sensors.

SEC. 8125. Of the amount appropriated or otherwise made available by title III under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', up to $5,000,000 may be available for the integration, procurement, and retrofit of upgraded Molecular Sieve Oxygen Generation Systems (MSOGS) into F–15C/D fighter aircraft.

SEC. 8126. IMPROVEMENT OF BARRIERS AT BORDER. Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking ''Attorney General, in consultation with the Commissioner of Immigration and Naturalization,'' and inserting ''Secretary of Homeland Security''; and

(2) in subsection (b)—

(A) in the subsection heading, by striking ''IN THE BORDER AREA'' and inserting ''ALONG THE BORDER'';

(B) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(C) in paragraph (2), as redesignated—

(i) in the paragraph heading, by striking ''SECURITY FEATURES'' and inserting ''ADDITIONAL FENCING ALONG SOUTHWEST BORDER''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

''(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

''(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

''(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

''(C) CONSULTATION.—

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

''(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

''(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

''(II) affect the eminent domain laws of the United States or of any State.

''(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.''; and

(D) in paragraph (5), as redesignated, by striking ''to carry out this subsection not to exceed $12,000,000'' and inserting ''such sums as may be necessary to carry out this subsection''.

SEC. 8127. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', up to $4,000,000 may be available for the 8th Air Force Cyberspace Innovation Center for Cyber Combat Development at Barksdale Air Force Base, Louisiana.

SEC. 8128. Of the amount appropriated or otherwise made available by title VII under the heading ''INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT'', up to $5,000,000 may be available for the Office of Counter Intelligence of the National Geospatial-Intelligence Agency for Internet Observer and Inner View insider threat mitigation tools.

SEC. 8129. 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, to the best of its knowledge and belief, 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, more than 90 days prior to certification, 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 proceeding.

SEC. 8130. (a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.—The amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'' is hereby increased by $10,000,000.

(b) OFFSET.—The aggregate amount appropriated by title II, other than under the headings ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'' and ''OPERATION AND MAINTENANCE, AIR NATIONAL GUARD'', is hereby reduced by $10,000,000.

SEC. 8131. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $4,000,000 may be available for Program Element 1160402BB for MARK V replacement research for the pursuit by the Special Operations Command of manufacturing research needed to develop all-composite hulls for ships larger than 100 feet.

SEC. 8132. Of the amount appropriated or otherwise made available by title III under the heading ''PROCUREMENT, DEFENSE-WIDE'', up to $7,000,000 may be available for DISA Information Systems Security for the Insider Threat program.

SEC. 8133. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $75,000,000 may be available for Program Element 063892C for the Aegis Ballistic Missile Defense System, of which—

(1) $20,000,000 may be for an increase in the production rate of the SM–3 interceptor to four interceptors per month;

(2) $45,000,000 may be for long-lead production of an additional 15 SM–3 interceptors; and

(3) $10,000,000 may be for an acceleration in the development of the Aegis Ballistic Missile Defense Signal Processor and Open Architecture software for the Aegis Ballistic Missile Defense system.

SEC. 8134. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $5,000,000 may be available to the National Military Family Association for purposes of the program of the Association known as ''Operation Purple''.

Not later than 45 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Congressional Defense Committees a report on mechanisms for expanding public-private partnerships with military and family organizations for the purpose of increasing access to family support, in particular, for the minor dependent children of deployed service members.

(1) Such report shall identify—

(A) the adjustment needs of minor children of deployed service personnel, including children who have experienced multiple deployments of one or more parents or guardians;

(B) alternative support and recreational activities which have been shown to be effective in improving coping skills in young children of deployed service members;

(C) support networks beyond educational settings that have been effective in addressing the needs of children of deployed service members, to include summer and after-school recreational, sports and cultural activities;

(D) programs which can be accessed without charge to military families;

(E) gaps in services for minor dependent children of deployed personnel; and

(F) opportunities for expanding public and private partnerships in support of such programs.

Prior to submission of the report required by this section, the Secretary shall consult with military family advocacy organizations, and include the comments of such organizations within the required report to Congressional Defense Committees.

(2) Plan required—Not later than 60 days after submission of the report required by this section, the Secretary shall submit a plan to the Congressional Defense Committees to address the needs and gaps in services identified in the report. Such a plan shall also address the comments and recommendations of military family advocacy organizations, as required by this section.

SEC. 8135. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $4,000,000 may be available for the Virtual Systems Integrated Laboratory–Armored Vehicle Components and Systems Simulated In Cost-Effective Virtual Design and Test Environment.

This Act may be cited as the ''Department of Defense Appropriations Act, 2008''.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2007 third quarter Mass Mailings is Thursday, October 25, 2007. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office on (202) 224–0322.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Executive Calendar Nos. 303, 304, 310 through 331, and the nominations reported earlier today by the Judiciary Committee: Thomas P. O'Brien, of California, to be U.S. attorney, and Edward Meacham Yarbrough, of Tennessee, to be U.S. attorney; 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 then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Patrick P. Shen, of Maryland, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

EXECUTIVE OFFICE OF THE PRESIDENT

Donald M. Kerr, of Virginia, to be Principal Deputy Director of National Intelligence.

GOVERNMENT PRINTING OFFICE

Robert Charles Tapella, of Virginia, to be Public Printer.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

Kristine Mary Miller, of Colorado, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2010.

Brenda L. Kingery, of Texas, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

Julie E. Kitka, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

Sonya Kelliher-Combs, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2008.

Perry R. Eaton, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

DEPARTMENT OF JUSTICE

James Russell Dedrick, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

DEPARTMENT OF VETERANS AFFAIRS

Paul J. Hutter, of Virginia, to be General Counsel, Department of Veterans Affairs.

DEPARTMENT OF JUSTICE

Thomas P. O'Brien, of California, to be United States Attorney for the Central District of California for the term of four years.

Edward Meacham Yarbrough, of Tennessee, to be United States Attorney for the Middle District of Tennessee for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDER FOR PRINTING—H.R. 1585

Mr. REID. Mr. President, I ask unanimous consent that H.R. 1585, the Department of Defense authorization legislation, be printed as passed by the Senate on October 1, 2007.

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

ORDER FOR STAR PRINT—REPORT 110–188

Mr. REID. Mr. President, I ask unanimous consent that the Senate report No. 110–188 be star printed with the changes at the desk.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Mr. President, I ask unanimous consent that the Senate committees may file reports on legislative and executive calendar business on Tuesday, October 9, from 12 noon to 3 p.m., notwithstanding a recess or adjournment of the Senate.

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

APPOINTMENT AUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

VESSEL HULL DESIGN PROTECTION AMENDMENTS OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 404, S. 1640.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1640) to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definition of a hull and a deck.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, today the Senate will pass S. 1640, the Vessel Hull Design Protection Act Amendments of 2007, after the Judiciary Committee voted unanimously to send it to the floor. This is a small but important piece of legislation, and I thank my cosponsors, Senator CORNYN, Senator KOHL, and Senator WHITEHOUSE, for all their hard work. Last year, this bill was passed by the Judiciary Committee and by the full Senate, but unfortunately the House held it hostage to an unrelated bill at the end of the session. I don't want that to happen again this year.

In 1998, Congress passed the Vessel Hull Design Protection Act to recognize the significant time, effort, and innovation that figure into ship design. Recent courtroom experience has made it clear that in order to be effective, this law needs to be clarified and refined. Our bill does exactly this, and no more, by clarifying the definition of "hull" and "deck." This ensures that the intellectual property rights of vessel hull designers will be protected.

I look forward to this bill becoming law.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating thereto be printed in the RECORD.

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

The bill (S. 1640) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1640

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

SECTION 1. VESSEL HULL DESIGN PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Vessel Hull Design Protection Amendments of 2007".

(b) DESIGNS PROTECTED.—Section 1301(a) of title 17, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) VESSEL FEATURES.—The design of a vessel hull, deck, or combination of a hull and deck, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1302(4).".

(c) DEFINITIONS.—Section 1301(b) of title 17, United States Code, is amended—

(1) in paragraph (2), by striking "vessel hull, including a plug or mold," and inserting "vessel hull or deck, including a plug or mold,";

(2) by striking paragraph (4) and inserting the following:

"(4) A 'hull' is the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments."; and

(3) by adding at the end the following:

"(7) A 'deck' is the horizontal surface of a vessel that covers the hull, including exterior cabin and cockpit surfaces, and exclusive of masts, sails, yards, rigging, hardware, fixtures, and other attachments.".

COMMENDING THE GOVERNMENT OF GERMANY FOR PREVENTING A LARGE-SCALE TERRORIST ATTACK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 344, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 344) commending the government of Germany for preventing a large-scale terrorist attack in September 2007, and supporting future cooperation to prevent terrorism.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 344) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 344

Whereas, on September 4, 2007, police in Germany arrested 3 individuals for planning large-scale terrorist attacks against locations in Germany, including sites frequented by United States citizens;

Whereas possible targets included Ramstein Air Base, which serves as headquarters for United States Air Forces in Europe and is also a North Atlantic Treaty Organization installation, and Frankfurt Airport, one of the largest airports in Europe;

Whereas, according to German authorities, the 3 suspects belonged to a German cell of Islamic Jihad Union, a radical Sunni group based in Central Asia with links to Al Qaeda;

Whereas 300 police and other law enforcement officials were involved in the investigation and 41 homes across Germany were raided in a highly successful operation;

Whereas United States intelligence agencies reportedly provided critical information that alerted their counterparts in Germany as to the travels of the suspects between Germany and Pakistan and the suspects' affiliation with the Islamic Jihad Union;

Whereas German authorities acted swiftly and decisively to prevent an attack that could have come within days of the arrests;

Whereas the successful collaborative action by United States and German authorities prevented the possible deaths of many innocent people;

Whereas Germany and the United States have been close allies in the fight against terrorism;

Whereas the law enforcement, intelligence, diplomatic, and military organizations in Germany and the United States continue to work together to combat the terrorist threat and prevent future attacks; and

Whereas victory in the fight against terrorism is critical to preserve the liberty and ensure the safety of all people: Now, therefore, be it

Resolved, That the Senate—

(1) commends the efforts of law enforcement authorities in Germany in preventing a large-scale terrorist attack on numerous targets in Germany, including sites frequented by United States citizens;

(2) recognizes the role of United States intelligence agencies in providing critical information to German authorities in their investigation and apprehension of the suspected terrorists and notes the continuing importance of such United States intelligence cooperation with Germany;

(3) commends the intelligence community of Germany for its outstanding work in identifying the individuals suspected of seeking to carry out this terrorist plot;

(4) condemns those individuals who would use acts of violence against innocent civilians to spread a message of hate and intolerance;

(5) urges the allies of the United States to remain steadfast in their efforts to defeat international terrorism; and

(6) expresses its readiness to provide necessary assistance to the Government of Germany in its counterterrorism effort to bring to justice those individuals involved in this terrorist plot.

AGREEMENT FOR MANAGING MIGRATORY AND TRANSBOUNDARY FISH STOCKS

SUPPORTING THE GOALS AND IDEALS OF A DAY OF REMEMBRANCE FOR ROAD CRASH VICTIMS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the consideration of Calendar No. 407, S.J. Res. 17; and Calendar No. 408, S. Con. Res. 39.

The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 17) directing the United States to initiate international discussions and take necessary steps with other nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

A concurrent resolution (S. Con. Res. 39) supporting the goals and ideals of a world day of remembrance for road crash victims.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the joint resolution be read the third time, and passed; that the preambles be agreed to, en bloc, and the motions to reconsider laid upon the table; that consideration of these items appear separately in the Record; and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 39) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 39

Whereas 40,000 people in the United States, and 1,200,000 people globally, die in road crashes each year;

Whereas another 20,000,000 to 50,000,000 people globally are injured each year as a result of speeding motor vehicles, the increasing use of motor vehicles, and rapid urbanization;

Whereas the World Health Organization has predicted that by the year 2020 the annual number of deaths from motor vehicle crashes is likely to surpass the annual number of deaths from AIDS;

Whereas the current estimated cost of motor vehicle crashes worldwide is $518,000,000,000 annually, representing between 3 and 5 percent of the gross domestic product of each nation;

Whereas over 90 percent of motor vehicle-related deaths occur in low- and middle-income countries;

Whereas, according to the World Health Organization, motor vehicle-related deaths and costs continue to rise in these countries due to a lack of appropriate road engineering and injury prevention programs in public health sectors; and

Whereas the United Nations General Assembly adopted a resolution designating the third Sunday of November as a day of remembrance for road crash victims and their families, and called on nations globally to improve road safety: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of a world day of remembrance for road crash victims; and

(2) encourages the people of the United States to commemorate a world day of remembrance for road crash victims with appropriate ceremonies, programs, and other activities.

The joint resolution (S.J. Res. 17) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 17

Whereas the decline of several commercially valuable fish stocks throughout the world's oceans highlights the need for fishing nations to conserve fish stocks and develop management systems that promote fisheries sustainability;

Whereas fish stocks are migratory throughout their habitats, and changing ocean conditions can restructure marine habitats and redistribute the species dependent on those habitats;

Whereas changing global climate regimes may increase ocean water temperature, creating suitable new habitats in areas previously too cold to support certain fish stocks, such as the Arctic Ocean;

Whereas habitat expansion and migration of fish stocks into the Arctic Ocean and the potential for vessel docking and navigation in the Arctic Ocean could create conditions favorable for establishing and expanding commercial fisheries in the future;

Whereas commercial fishing has occurred in several regions of the Arctic Ocean, including the Barents Sea, Kara Sea, Beaufort Sea, Chukchi Sea, and Greenland Sea, although fisheries scientists have only limited data on current and projected future fish stock abundance and distribution patterns throughout the Arctic Ocean;

Whereas remote indigenous communities in all nations that border the Arctic Ocean engage in limited, small scale subsistence fishing and must maintain access to and sustainability of this fishing in order to survive;

Whereas many of these communities depend on a variety of other marine life for social, cultural and subsistence purposes, including marine mammals and seabirds that may be adversely affected by climate change, and emerging fisheries in the Arctic should take into account the social, economic, cultural and subsistence needs of these small coastal communities;

Whereas managing for fisheries sustainability requires that all commercial fishing be conducted in accordance with science-based limits on harvest, timely and accurate reporting of catch data, equitable allocation and access systems, and effective monitoring and enforcement systems;

Whereas migratory fish stocks traverse international boundaries between the exclusive economic zones of fishing nations and the high seas, and ensuring sustainability of fisheries targeting these stocks requires management systems based on international coordination and cooperation;

Whereas international fishing treaties and agreements provide a framework for establishing rules to guide sustainable fishing activities among those nations that are parties to the agreement, and regional fisheries management organizations provide international fora for implementing these agreements and facilitating international cooperation and collaboration;

Whereas under its authorities in the Magnuson-Stevens Fishery Conservation and Management Act, the North Pacific Fishery Management Council has proposed that the United States close all Federal waters in the Chukchi and Beaufort Seas to commercial fishing until a fisheries management plan is fully developed; and

Whereas future commercial fishing and fisheries management activities in the Arctic Ocean should be developed through a coordinated international framework, as provided by international treaties or regional fisheries management organizations, and this framework should be implemented before significant commercial fishing activity expands to the high seas: Now, therefore, be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the United States should initiate international discussions and take necessary steps with other Arctic nations to negotiate an agreement or agreements for managing migratory, transboundary, and straddling fish stocks in the Arctic Ocean and establishing a new international fisheries management organization or organizations for the region;

(2) the agreement or agreements negotiated pursuant to paragraph (1) should conform to the requirements of the United Nations Fish Stocks Agreement and contain mechanisms, inter alia, for establishing catch and bycatch limits, harvest allocations, observers, monitoring, data collection and reporting, enforcement, and other elements necessary for sustaining future Arctic fish stocks;

(3) as international fisheries agreements are negotiated and implemented, the United States should consult with the North Pacific Regional Fishery Management Council and Alaska Native subsistence communities of the Arctic; and

(4) until the agreement or agreements negotiated pursuant to paragraph (1) come into force and measures consistent with the United Nations Fish Stocks Agreement are in effect, the United States should support international efforts to halt the expansion of commercial fishing activities in the high seas of the Arctic Ocean.

MEASURES READ THE FIRST TIME—S. 2152 and H.R. 2740

Mr. REID. Mr. President, there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 2152) to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2012, and for other purposes.

A bill (H.R. 2740) to require accountability for contractors and contract personnel under Federal contracts, and for other purposes.

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the pro forma session of the Senate on Friday, October 5, the bills be considered to have received a second reading and placed on the calendar.

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

ORDERS FOR FRIDAY, OCTOBER 5, 2007, AND MONDAY, OCTOBER 15, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. Friday, October 5; that on Friday, the Senate conduct a pro forma session only, with no business conducted; that at the close of the pro forma session, the Senate stand adjourned under the provisions of S. Con. Res. 49 until 2 p.m., Monday, October 15; that on Monday, October 15, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each and the time equally divided and controlled between the majority and minority; that at the close of morning business, the Senate then resume consideration of H.R. 3093, the Departments of Commerce and Justice and Science appropriations bill.

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

Mr. REID. Mr. President, I finally will say that there will be a vote Monday afternoon on the day we get back between 5 p.m. and 6 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:32 p.m., adjourned until Friday, October 5, 2007, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 4, 2007:

GOVERNMENT PRINTING OFFICE

ROBERT CHARLES TAPELLA, OF VIRGINIA, TO BE PUBLIC PRINTER.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

KRISTINE MARY MILLER, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2010.

BRENDA L KINGERY, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2012.

JULIE E. KITKA, OF ALASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2012.

SONYA KELLIHER-COMBS, OF ALASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2008.

PERRY R. EATON, OF ALASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2012.

DEPARTMENT OF VETERANS AFFAIRS

PAUL J. HUTTER, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF VETERANS AFFAIRS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

ROSLYNN RENEE MAUSKOPF, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

RICHARD A. JONES, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON.

SHARION AYCOCK, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI.

JENNIFER WALKER ELROD, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

DEPARTMENT OF JUSTICE

PATRICK P. SHEN, OF MARYLAND, TO BE SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES FOR A TERM OF FOUR YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

DONALD M. KERR, OF VIRGINIA, TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.

DEPARTMENT OF JUSTICE

JAMES RUSSELL DEDRICK, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

THOMAS P. O'BRIEN, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

EDWARD MEACHAM YARBROUGH, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS VICE JAMES K. VINES, RESIGNED.