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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 4, 2007.

I hereby appoint the Honorable MIKE ROSS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Clay Evans, Pastor Emeritus, Fellowship Missionary Baptist Church, Chicago, Illinois, offered the following prayer:

O God, our Father, You have said in Your word, ''If my people, which are called by my name, shall humble themselves and pray, and seek my face and turn from their wicked ways, then will I hear from heaven and will forgive their sin and will heal their land.''

I come to You today in the mighty name of Jesus, thanking You and praising You for our great Nation. I thank You for the governing plan You gave to our Forefathers.

I lift up our Congress. I pray that by Your power the legislative body will make laws that are right and just.

Father, I ask You to give them wisdom to make decisions that will strengthen and prosper our Nation.

I pray that You will cause the Members of Congress to trust You with all their heart and lean not to their own understanding. Allow them to acknowledge You alone are God and You will direct their path.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 2467. An act to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the ''Frank J. Guarini Post Office Building''.

H.R. 2587. An act to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the ''Kenneth T. Whalum, Sr. Post Office Building''.

H.R. 2654. An act to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the ''Eleanor McGovern Post Office Building''.

H.R. 2765. An act to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the ''Master Sergeant Sean Michael Thomas Post Office''.

H.R. 2778. An act to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the ''Robert Merrill Postal Station''.

H.R. 2825. An act to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the ''Owen Lovejoy Princeton Post Office Building''.

H.R. 3052. An act to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the ''John Herschel Glenn, Jr. Post Office Building''.

H.R. 3106. An act to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the ''Staff Sergeant David L. Nord Post Office''.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1585. An act to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 2082. An act to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced, that the Senate insists upon its amendment to the bill (H.R. 1585) ''An Act to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON (FL), Mr. NELSON (NE), Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. MCCASKILL, Mr. MCCAIN, Mr. WARNER, Mr. INHOFE, Mr. SESSIONS, Ms. COLLINS, Mr. CHAMBLISS, Mr. GRAHAM, Mrs. DOLE, Mr. CORNYN, Mr. THUNE, Mr. MARTINEZ, and Mr. CORKER, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to

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the bill (H.R. 2082) ''An Act to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROCKEFELLER, Mrs. FEINSTEIN, Mr. WYDEN, Mr. BAYH, Ms. MIKULSKI, Mr. FEINGOLD, Mr. NELSON (FL), Mr. WHITEHOUSE, Mr. BOND, Mr. WARNER, Mr. HAGEL, Mr. CHAMBLISS, Mr. HATCH, Ms. SNOWE, and Mr. BURR;

As additional conferees: Mr. LEVIN, and Mr. KYL; to be the conferees on the part of the Senate.

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

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

The message also announced that the Senate has agreed to the following concurrent resolution:

S. Con. Res. 45. Concurrent resolution commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month.

WELCOMING THE REVEREND DR. CLAY EVANS

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

Mr. RUSH. Mr. Speaker, I rise today to welcome our guest chaplain, the Reverend Dr. Clay Evans, the pastor emeritus of the Fellowship Baptist Church of Chicago, Illinois.

Dr. Evans, the son of A. Henry and Estanauly Evans, was born on June 23, 1925, in Brownsville, Tennessee. Ordained a Baptist minister in 1950, the illustrious founding pastor of the affectionately called ''SHIP'' has been responsible for launching the ministerial careers of 93 men and women.

Mr. Speaker, he was my catechizer at my own ordination.

Dr. Evans has been a leader in the civil rights movement since 1965. He was a staunch supporter in the Chicago crusade of Dr. Martin Luther King. That staunch support caused funding for his new church to be cut off, and the structure stood unfinished for 8 years.

From 1971 to 1976 he was the founding national board chairman of the Rainbow PUSH Coalition. Rev. Evans was the founding president and chairman of the African American Religious Connection, the founding president of the Broadcast Ministers of Chicago, and was a board member of the National Baptist Convention, U.S.A., Inc.

This radio and television minister, who reached listeners weekly in more than 20 States, has been happily married to the former Lutha Mae Hollingshed for more than 60 years, and they are the proud parents of five children.

Although Rev. Evans retired as pastor on December 8, 2000, he remains a man of faith, a man of vision, and one who emphatically believes: ''It is no secret what God can do.''

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3554

Mr. KING of Iowa. Mr. Speaker, due to an error in my office, the name JOHN SALAZAR was added to the bill H.R. 3554, and I would ask unanimous consent that his name be removed from H.R. 3554.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five further requests for 1-minute speeches on each side of the aisle.

REPUBLICANS NEED TIME TO REFLECT ON SCHIP

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

Mr. BLUMENAUER. Mr. Speaker, my Republican friends need some time to reflect on the children's health program; not over the course of the 2 weeks just for pressure, but to get their facts straight, to stop getting their information from the White House talking points and get information from the American people, their Governor, about how the program actually works.

President Bush is worried that it won't go to poor children because some families earning up to $83,000 a year will be eligible.

First of all, this is not a program for poor children, most of whom are already eligible for Medicaid. It is for children of working families, 90 percent of whom earn less than $40,000 a year. No one gets $83,000, because the Bush administration turned down one State's request. A few do have higher incomes because the States requested it and the Bush administration approved it.

The Bush administration, if they don't like families getting it, can stop approving those waivers.

SUPPORT THE MENTAL HEALTH SECURITY FOR AMERICA'S FAMILIES ACT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, last April, 33 students were killed at Virginia Tech. That tragedy exposed problems with Federal laws that are a barrier to schools communicating with parents when a student has a serious problem. The Family Educational Rights and Privacy Act of 1974 states that students' records cannot be released except ''to protect the health and safety of the student and others.''

Unfortunately, the interpretation of that law is so unclear that schools are fearful of being sued.

The just-released report from the National Association of Attorneys General Task Force on Campus Safety calls for an update of the FERPA law that would allow for protection from liability if schools make good-faith efforts to protect students, faculty and staff.

That is precisely what my bill, H.R. 2220, offers, a way to allow schools to communicate with parents when a student has significant mental health problems that increase the risk for suicide, homicide or violent acts while we still protect the confidentiality of records.

I ask that all my colleagues join me and Representative GRACE NAPOLITANO in cosponsoring our bill, the Mental Health Security for Families in Education Act, and work to protect our students.

Let's take down the walls between parents and schools. Let's take action now to save lives tomorrow.

PRIORITIES

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

Mr. EMANUEL. Mr. Speaker, in 7 years, the President has been awfully reluctant to use his veto pen. But when it comes to important health care legislation, this President hasn't hesitated to say ''no'' to the American people.

Stem cell research, which could cure diseases and save millions of lives, the American people support it. The President vetoed it.

Children's health insurance provides health care to children from working middle-class families who earn too much to qualify for Medicaid, but can't afford private insurance. The American people support it. This President vetoed it.

In my district, Dolores Sweeney works for an insurance company, has three children, and is trying to get private health care for her children, but cannot get it in the private insurance marketplace. Her employer does not provide health care. Her children are on SCHIP. This bill is right for Dolores Sweeney and the 10 million children that get health care through it. The President vetoed it.

Even Republican Senator CHARLES GRASSLEY said about the President and SCHIP, He simply doesn't understand the bill and he is wrong.

The only health care legislation this President supported was a prescription

drug bill which gave billions of dollars away to the special interests. It is time for the President to stand with the American people and support our children.

POLITICAL POSTURING ON SCHIP

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

Mr. PITTS. Mr. Speaker, we have seen an incredible amount of political posturing this week over SCHIP. The SCHIP program was created in a bipartisan effort to ensure poor children without health insurance have health care coverage. Poor children without insurance. Children, not adults. Some States have more adults on SCHIP than children. Poor children, not families making $83,000 a year, to get free health insurance. Poor children without insurance.

Under the Democrat bill, one in three children who already have private insurance would drop their private coverage to get free government coverage.

Let's ensure poor children have health coverage and do it in a bipartisan way, not shutting out Republicans the way they did in this last bill.

This Democrat Congress truly is a dysfunctional Congress. They can't even get SCHIP reauthorization right.

MISTREATMENT OF RETURNING SOLDIERS

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

Mr. CLYBURN. Mr. Speaker, I rise today to voice my outrage and utter disgust regarding the treatment of some of our brave men and women who have just returned home from serving gallantly in Iraq.

Recently, members of the Minnesota National Guard, known as the Red Bulls, were told that they did not qualify to receive benefits under the GI Bill. Why? Because they were deployed for 729 days in Iraq and not the 730 days mandated by the GI Bill to receive benefits.

The fact that they would deny educational benefits to courageous veterans who risked their lives defending our freedoms, many of whom were deployed for 20 consecutive months, is shameful and appalling. Supporting our troops means taking care of them when they come home and providing them with the benefits they have earned and rightfully deserve.

Mr. Speaker, if I might invoke the words of Alexis de Tocqueville: ''America is great because America is good. And if America ever ceases to be good, it will cease to be great.''

Mr. Speaker, this action does not reflect the goodness of our great Nation.

OPEN AND TRANSPARENT SPENDING

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

Mr. WILSON of South Carolina. Mr. Speaker, the American people deserve better from their government when it comes to the way it spends their hard-earned taxpayer dollars. As Jerry Bellune of the Lexington County Chronicle would say, ''It's the people's money, not the government's money given to the people.''

It seems that this Democrat majority which rode to power on a wave of promises about open and transparent Congress has decided these principles do not apply when it comes to all earmarks. So I ask my colleagues on the other side of the aisle, if identifying who is sponsoring an earmark is okay on spending bills, why is it not okay on all legislation?

The American people deserve more transparency from their government, not multi-million dollar spending packages slipped silently into legislation under a bureaucratic cover.

In conclusion, God bless our troops, and we will never forget September the 11th. Thank goodness for Rush Limbaugh, who supports our troops.

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DENOUNCING ATTACKS ON RUSH LIMBAUGH

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

Mr. LAMBORN. Mr. Speaker, I rise today to denounce the liberals' fraudulent attacks on Rush Limbaugh. Anyone who reads the widely available transcript as I have done sees that Mr. Limbaugh was appropriately referring to the pretenders who pose as medal winners or who falsely claim to have committed atrocities in Iraq when he used the phrase ''phony soldiers.''

No, the real scandal here is that liberals in America and here in this Congress are willing to manipulate facts to smear those they disagree with. But there's an even more insidious agenda by liberals going on and that is to reinstitute the so-called Fairness Doctrine, which is actually a way to silence conservatives on the radio waves. Mr. Limbaugh deserves mega-kudos for being a forceful and effective voice on the side of common sense and for being an example of the first amendment in action. After all, isn't that what our country is supposed to be about?

RECOGNIZING CHARLOTTE'S BLUE RIBBON CAMPAIGN

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

Mr. HAYES. Mr. Speaker, last April, Charlotte police officers Sean Clark and Jeff Shelton were shot and killed in the line of duty as they responded to a call at an east Charlotte apartment complex. As a result of these tragic murders came the Blue Ribbon Campaign. Many miles of free blue ribbon were distributed throughout the greater Charlotte area. Jeff Katz, a former police officer who hosts the afternoon drive show on WBT in Charlotte, North Carolina, urged listeners to display the blue ribbons on cars and homes as well as on their persons to visibly support law enforcement. On his radio show, Katz asked listeners to donate to a special memorial fund for the families of the slain officers. In a matter of hours, Katz had pledges of $50,000. Those making pledges were directed to make their donations directly to the Fraternal Order of Police Lodge No. 9.

I want to commend these officers and their families for their sacrifice and thank their brothers and sisters in law enforcement for their commitment to keep the city safe. I also want to thank Jeff Katz and countless citizens for their tremendous efforts in the Blue Ribbon Campaign responding to this tragedy. Out of this tragedy it was encouraging to see the tremendous outpouring of support from the whole community for our law enforcement personnel who risk their lives every day for all of us.

PROVIDING FOR CONSIDERATION OF H.R. 3648, MORTGAGE FORGIVENESS DEBT RELIEF ACT OF 2007

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 703 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 703

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3648) to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3648 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Thank you, Mr. Speaker.

For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 703.

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

There was no objection.

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

Mr. Speaker, House Resolution 703 provides for consideration of H.R. 3648, the Mortgage Forgiveness Debt Relief Act of 2007 under the traditional closed rule. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, as we have heard from countless media reports and I have seen in my own congressional district, the housing market is in crisis. Subprime mortgages and predatory lending practices are more prominent than ever. Home values have plunged 15 to 20 percent this year and foreclosures in the first 6 months of this year alone have surged 55 percent over the same period in 2006.

Sadly, Mr. Speaker, I know these situations all too well. I represent communities that have been dubbed the Foreclosure Capital of the United States of America by the national media because of foreclosure rates of about one in 27 homes. I have seen the joy in families' eyes when they have been able to purchase their first home and achieve the American Dream. I have seen the tears when they struggle to make their payments and their dream is taken away.

Mr. Speaker, losing your home to foreclosure is an unthinkable ordeal. The way I see it, if you are unfortunate enough to lose your home to foreclosure because you are struggling, you have suffered enough. You shouldn't be punished further by being taxed on what you no longer own. But that's exactly what's happening. Under current tax law, the IRS counts as income the amount of the mortgage debt that you have been forgiven by a lender as it is considered a ''gift'' and therefore subject to tax. This means that when many Americans lose their home to foreclosure, they are slapped with a tax bill when a lender discharges the debt on their home. Families are shocked—and frankly so am I—when they receive a tax bill for something they no longer own simply because of phantom income that is created when the so-called gift is forgiven. This double whammy, as Chairman RANGEL likes to say, of someone losing their home to foreclosure, often because of circumstances beyond their control, and then facing a tax bill on top of that is neither fair nor equitable, and it has to stop.

The bill before us today, H.R. 3648, addresses this very issue. The bill is quite simple. First, it exempts forgiven mortgage debt from being counted as income for tax purposes. This will prevent countless Americans from receiving a tax bill after they have lost their home to foreclosure. Second, H.R. 3648 provides for a 7-year extension of the tax deduction for private mortgage insurance, which is scheduled to end at the end of 2007. The deduction for PMI, as it is most commonly known, is critical to many low- and moderate-income families and first-time homebuyers who lack the traditional down payment. The PMI deduction allows them to purchase a home at lower cost while avoiding risky subprime or predatory second loans that would need to be made for them to make a down payment. Third, the bill makes it easier for owners of co-op housing units to qualify as a cooperative housing institution. H.R. 3648 also addresses a tax loophole regarding capital gains treatment from the sale of certain homes. Closing this unintended loophole will prevent people from switching back and forth between a primary and secondary residence to get a double tax benefit that was never intended.

Mr. Speaker, the bipartisan bill before us today, H.R. 3648, was unanimously approved by the Ways and Means Committee, and it has the strong support of organizations such as the National Association of Home Builders, the Mortgage Bankers Association and the National Association of Realtors. I would like to thank Chairman RANGEL and the Ways and Means Committee for their hard and thoughtful work in bringing this legislation to the floor today.

Mr. Speaker, this bill provides more opportunities for people to buy a home, more options for families to keep their home, and eliminates an unfair tax bill should they in fact lose their home through unfortunate circumstances. I am proud to join many organizations and my colleagues on both sides of the aisle in supporting this commonsense legislation today.

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

The SPEAKER pro tempore. The gentleman from Florida is recognized for 30 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Thank you, Mr. Speaker. I would like to thank my friend, the gentleman from California, for the time and I yield myself such time as I may consume.

In August, over 165,000 properties in Florida alone entered foreclosure, 50 percent more than the previous month. The situation is most acute in the part of Florida that I am honored to represent. Miami-Dade County ranks in the top five counties in the Nation among major metropolitan areas where homes are entering some stage of foreclosure. Broward County ranks third in the Nation. This great cause for concern in the housing market has prompted anxiety over the tax consequences associated with discharges of indebtedness, debt forgiveness, in connection with restructuring acquisition indebtedness and home foreclosures.

As the gentleman from California pointed out, under current law, when a lender forgives some or all of the mortgage debt, Mr. Speaker, the borrower is required to treat the forgiven debt as taxable income, taxed at ordinary rates. In today's marketplace, declining property values have left some sellers in the position of having to sell their homes for less than the outstanding balance on the mortgage. Even if the loss of value occurs through no fault of their own, if the lender forgives the shortfall, that amount is taxable income for sellers. This phantom income tax places a heavy burden on a family that has incurred a significant economic loss. This legislation will help protect those homeowners from an unexpected and unfair tax bill.

The bill also extends the deduction for private mortgage insurance for 7 years. Current law limits the deduction for private mortgage insurance to payments made prior to the end of 2007. This provision will be helpful, especially to young families purchasing their first home.

There is some concern that the bill may go beyond what is needed during this time. The administration and some in the minority here in Congress have stated that the relief should be temporary to assist homeowners during the current mortgage market transition period, avoiding as much as possible distorting consumer and lender decisions on new mortgage loans. But, Mr. Speaker, there can be no doubt that the underlying legislation being brought forth today for consideration by this House is an example of what can happen, the good that can happen, the progress that can be made when the congressional majority decides to work with the administration, with the President and the minority in Congress on an important issue such as this. Much of the legislation that we will be considering today was proposed, the substance of that legislation was proposed by President Bush. And so this is an example of what progress can be made on important issues when the congressional majority decides to work with the minority and the administration.

Now, on process, Mr. Speaker, in a document called The New Direction for America, the new congressional majority laid out its campaign promises to

the American people last year. Included in that document was a promise, and I quote, that bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.

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But with this rule today that, as you know, Mr. Speaker, the rule is what brings to the floor the underlying substantive legislation that will be considered subsequently by the House; with this rule today, the majority has broken its own promise in two ways. First, they denied the minority the ability to offer a substitute amendment. My colleague, the distinguished ranking member, Mr. DREIER, offered two amendments Tuesday in Rules to allow Ways and Means Ranking Member MCCRERY the ability to offer a substitute amendment on this legislation. But on a party-line vote, the majority rejected the minority's ability to offer a substitute.

The majority claims that they are running the House in a more open manner than we did in the 109th Congress, but this rule today once again demonstrates that they are not moving toward a more open process, but instead moving backwards. This rule closes out all amendments. So every Member of the House is precluded from in any way offering their ideas to improve this bill.

So far this year, the majority has offered 34 closed rules on bills, closing out all amendments, far surpassing the number from the 109th Congress at this point, as a matter of fact, more than double the amount of closed rules. At this point in the 109th Congress there had been 16 closed rules. And remember the promise: the promise was to move in the other direction, and instead, more than double the amount of closed rules; clearly, moving backwards.

What this rule today really represents, Mr. Speaker, is a missed opportunity. If the majority had offered an open rule, the majority could have doubled their number of open rules on nonappropriations bills to a whopping two; instead, they've permitted only one open rule on nonappropriations bills, thus continuously violating their claim to be a more open and bipartisan Congress.

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

Mr. CARDOZA. Mr. Speaker, I would like to remind my friend and colleague from Florida that tax bills have traditionally been handled under closed rules, including when Mr. DREIER was chairman of the committee and when Mr. DIAZ-BALART was the vice chairman of the committee.

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

Ms. CASTOR. I thank my colleague from California, who continues to be a leader for homeowners across this country as they face very troubling times.

Mr. Speaker, I rise today in strong support of the Mortgage Debt Relief Act of 2007 and this rule. I would like to thank Chairman RANGEL and the House Ways and Means Committee for moving quickly on this critical legislation.

Our efforts today will help families across America who have had to bear the unfortunate burden of their homes going into foreclosure. You see, under current law, after a homeowner loses their home to foreclosure, they are forced to pay income tax on that debt forgiveness. So although the homeowner has lost their assets, they must suffer the immeasurable strain of a tax bill that they are often unable to pay.

When a family has lost their home to foreclosure or has been unable to renegotiate their loan with their lender to reflect the current value of their home, homeowners under current law are being confronted with an unfair and, frankly, unaffordable tax bill. Our legislation on the floor of the House today will help.

This is simply an issue of fairness for struggling families and homeowners. It is unfair for a family to pay a tax on their income that they actually do not receive. When a bank forgives some amount of debt for a homeowner, either to avoid foreclosure or simply to forgive a debt to a homeowner already in the foreclosure process, the amount of the forgiven debt is treated by the IRS as income, which is then taxed. For families already struggling to make ends meet, the phantom income and resulting tax burden generated by this can endanger their financial health even further. This bill will fix this double whammy.

With the current housing crisis that exists in our country, especially from the subprime lending market, it is no wonder that so many families have found themselves in unfortunate situations when it comes to their homes. Relieving families of this tax burden is the least we can do to help our families and all that they are trying to do in their everyday lives.

My colleague from Florida is correct: in August, the State of Florida had the second highest total of foreclosure filings, up 77 percent from the previous month. Florida is ranked third in the United States for overall foreclosures this year, and nationwide foreclosures up are 115 percent.

In my home district in the Tampa Bay area, over 10,000 of my neighbors have found their homes falling into foreclosure within the first 6 months of this year. Well, we are going to extend a lifeline today, and believe me, it matters.

Last month, I visited with one of my neighbors, Isaline Wyatt. She is a single mother of two in east Tampa who was very close to losing her home to foreclosure. Fortunately, she was able to keep her home with the help of Neighborworks, a community action group. But many of our neighbors are in similar situations, and they do not have the same prospects. I promised Isaline and our neighbors throughout the Tampa Bay area that we would work to ensure that help is within reach.

I am proud to say that today we will keep that promise and help bring relief to my hardworking neighbors. We will keep them from being faced with unaffordable, large tax bills as a result of foreclosure or renegotiating mortgages.

In the city of St. Petersburg, Florida, the talented and caring staff at the local Neighborworks center work hard every day to keep homeowners in their home. Since January, they have assisted 65 families. Homeowners like Joann Carnaham of St. Petersburg are working desperately with Neighborworks so they don't lose their homes. Joann fell behind on her mortgage payment because she lost her job. The house she lived in belonged to her parents. She refinanced for $80,000. Her father was still there, but he passed away, and she had to pay all of his bills. Due to lack of income and her father's death, she was unable to negotiate a payment plan with her mortgage company. Under current law, if Joann's home goes into foreclosure, she will be hit with an income tax bill that she is in absolutely no position to pay.

Mr. Speaker, the Mortgage Forgiveness Debt Relief Act of 2007 will aid families and people like Joann in St. Petersburg and help them get back on their feet after foreclosure. With the whirlwind of problems in the mortgage finance system, this bill will help stabilize families in our neighborhood, and I urge adoption today.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, in response to my good friend Mr. CARDOZA's point about the tradition with tax bills, yes, there has been a tradition to bring tax bills to the floor under a restricted rule. That has not precluded in the past, as we did often, the ability of the minority to offer a substitute amendment.

So what I was talking about with regard to process is that there was a clear promise to move in a more open direction, to move toward more openness and more transparency and more rights for the minority. And what has happened is exactly the opposite, a doubling by the majority of closed rules that absolutely close out, in other words, prohibit, all Members from proposing amendments on this floor. So that great contrast between the promise and the performance is what I was alluding to, that unfortunate contrast.

Now, on substance, again, I think that today is an example of something very positive. The congressional majority has decided to work with the minority and the President on an issue that is of importance to this legislation. And so we see legislation, much of

which was proposed by the President of the United States, coming to the floor today to solve a major problem facing the American people.

So while I reiterate the great disappointment that we in the minority feel with regard to the lack of performance by the majority with regard to its promise to open this House to more fairness on substance, I think it's commendable that for once there is an issue of importance to the American people that the congressional majority has decided to work with the President on and with the minority in Congress.

I will be asking for a ''no'' vote on the previous question, Mr. Speaker, so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

Under the current rule, so long as the chairman of a committee of jurisdiction includes either a list of earmarks contained in the bill or report, or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress. However, under the rule as it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a question of consideration. But because the Democratic Rules Committee specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule or on the bill.

I would like to direct our distinguished colleagues, Mr. Speaker, to a letter that the House Parliamentarian, the distinguished JOHN SULLIVAN, recently sent to the distinguished chairman of the Rules Committee, Ms. SLAUGHTER, which confirms what we have been saying since January, that the Democratic earmark rule contains loopholes. In his letter to Chairwoman SLAUGHTER, the Parliamentarian stated that the Democratic earmark rule ''does not comprehensively apply to all legislative propositions at all stages of the legislative process.''

HOUSE OF REPRESENTATIVES,
OFFICE OF THE PARLIAMENTARIAN,
Washington, DC, October 2, 2007.

Hon. LOUISE MCINTOSH SLAUGHTER,
Committee on Rules, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: Thank you for your letter of October 2, 2007, asking for an elucidation of our advice on how best to word a special rule. As you also know, we have advised the committee that language waiving all points of order ''except those arising under clause 9 of rule XXI'' should not be adopted as boilerplate for all special rules, notwithstanding that the committee may be resolved not to recommend that the House waive the earmark-disclosure requirements of clause 9.

In rule XXI, clause 9(a) establishes a point of order against undisclosed earmarks in certain measures and clause 9(b) establishes a point of order against a special rule that waives the application of clause 9(a). As illuminated in the rulings of September 25 and 27, 2007, clause 9(a) of rule XXI does not comprehensively apply to all legislative propositions at all stages of the legislative process.

Clause 9(a) addresses the disclosure of earmarks in a bill or joint resolution, in a conference report on a bill or joint resolution, or in a so-called ''manager's amendment'' to a bill or joint resolution. Other forms of amendment—whether they be floor amendments during initial House consideration or later amendments between the Houses—are not covered. (One might surmise that those who developed the rule felt that proposals to amend are naturally subject to immediate peer review, though they harbored reservations about the so-called ''manager's amendment,'' i.e., one offered at the outset of consideration for amendment by a member of a committee of initial referral under the terms of a special rule.)

The question of order on September 25 involved a special rule providing for a motion to dispose of an amendment between the Houses. As such, clause 9(a) was inapposite. It had no application to the motion in the first instance. Accordingly, Speaker pro tempore Holden held that the special rule had no tendency to waive any application of clause 9(a). The question of order on September 27 involved a special rule providing (in pertinent part) that an amendment be considered as adopted. Speaker pro tempore Blumenauer employed the same rationale to hold that, because clause 9(a) had no application to the amendment in the first instance, the special rule had no tendency to waive any application of clause 9(a).

The same would be true in the more common case of a committee amendment in the nature of a substitute made in order as original text for the purpose of further amendment. Clause 9(a) of rule XXI is inapposite to such an amendment.

In none of these scenarios would a ruling by a presiding officer hold that earmarks are or are not included in a particular measure or proposition. Under clause 9(b) of rule XXI, the threshold question for the Chair—the cognizability of a point of order—turns on whether the earmark-disclosure requirements of clause 9(a) of rule XXI apply to the object of the special rule in the first place. Embedded in the question whether a special rule waives the application of clause 9(a) is the question whether clause 9(a) has any application.

In these cases to which clause 9 of rule XXI has no application in the first instance, stating a waiver of all points of order except those arising under that rule—when none can so arise—would be, at best, gratuitous. Its negative implication would be that such a point of order might lie. That would be as confusing as a waiver of all points of order against provisions of an authorization bill except those that can only arise in the case of a general appropriation bill (e.g., clause 2 of role XXI). Both in this area and as a general principle, we try hard not to use language that yields a misleading implication.

I appreciate your consideration and trust that this response is to be shared among all members of the committee. Our office will share it with all inquiring parties.

Sincerely,

JOHN V. SULLIVAN,
Parliamentarian.

This amendment, Mr. Speaker, will restore the accountability and enforceability of the earmark rule to where it was at the end of the 109th Congress, to provide Members with an opportunity to bring the question of earmarks before the House for a vote. I urge my colleagues to close this loophole by opposing the previous question.

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

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. And at this time, Mr. Speaker, I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, I would just like to correct my colleague, the gentleman from Florida, my friend and great colleague on the committee, that on page 19 of the committee report issued after the bill was written, I would like to read section G, which reads: ''Pursuant to clause 9 of rule XXI of the rules of the House of Representatives, the Ways and Means Committee has determined that the bill as reported contains no congressional earmarks, limited tax benefits, or limited tariff benefits within the meaning of that rule.''

Further, Mr. Speaker, the gentleman has mentioned that Mr. MCCRERY had offered a substitute and that the majority had denied the minority the ability to bring that substitute up. That's correct, for good cause. The substitute was not paid for under the House PAYGO rules, and in fact violated the House PAYGO rules, and so was not deemed appropriate to be brought to the floor.

Finally, that same substitute only made these very important tax loophole corrections and changes enabled for 3 years. We believe that this particular provision needs to be permanent in Federal law and that homeowners need to be protected if they lose their homes permanently.

So, Mr. Speaker, we did not make Mr. MCCRERY's substitute in order. And, in fact, it has been the tradition that tax bills come to the floor under closed rules, even when Mr. DREIER and the Republicans were in charge, because of the complexity of tax law. If you amend that bill on the floor, we don't know how it will affect other clauses within that bill. So it has been the tradition, because of tax law complexity, that bills coming to the floor that deal with the Federal Tax Code do, in fact, come under closed rules.

□ 1045

Mr. Speaker, declining property values and rapid increases in the number of foreclosures are causing a national housing and mortgage crisis. This is a commonsense bill. It is a bill that takes key steps in stabilizing the housing market. H.R. 3648 eliminates the double whammy of someone losing their home to foreclosure and then facing an additional tax bill right when they are down on their knees anyway. It reduces mortgage costs, making it easier for families to purchase a home while avoiding high-risk loans. Most importantly, it will help countless families avoid foreclosure and to stay in their homes.

Mr. Speaker, the bill before us today, H.R. 3648, the Mortgage Forgiveness Debt Relief Act of 2007, is a necessary bill. Once again, it shows that the Democratic Congress is committed to addressing the mortgage crisis sweeping across our Nation. I want to thank Mr. RANGEL and his committee for bringing this bill to the floor.

Mr. Speaker, I urge a ''yes'' vote on the rule and on the previous question.

Mr. LEWIS of Georgia. Mr. Speaker, owning a home is part of the American dream. But it can become a nightmare when homeowners face foreclosure. In Metro Atlanta we have one of the highest foreclosure rates in the country—one in every 54 households is in foreclosure.

Too often these are people who have lost their jobs or are dealing with an illness. They have lost their home, they are out of money and they are suffering. They should not be hit with a huge tax bill from the IRS.

Cancelled debt is not income, and treating it like a paycheck adds insult to injury. Today we change the tax code to protect people who are losing their home from also having to pay a large tax penalty.

It is the right thing to do and I encourage my colleagues to support this bill.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 703 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 3246, REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT OF 2007

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 704 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 704

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3246) 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. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3246 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, House Resolution 704 provides for consideration of H.R. 3246, the Regional Economic and Infrastructure Development Act of 2007. The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

I rise today in strong support of this rule and H.R. 3246. I want to thank the distinguished chairwoman of the Economic Development, Public Buildings and Emergency Management Subcommittee, Ms. NORTON, Chairman OBERSTAR, and the ranking members, for drafting this legislation to authorize three new economic development commissions.

H.R. 3246 establishes the Northern Border, Southeast Crescent and Southwest Border Regional Commissions and reauthorizes the successful Delta and Northern Great Plains Regional Commissions. These five commissions will

help bring economic development to regions of our country that desperately need it.

Mr. Speaker, this bipartisan legislation creates a Northern Border Regional Commission that will bring much-needed job creation and economic development resources to the Northeast region. Maine, New Hampshire, Vermont and upstate New York will all benefit tremendously from the establishment of this commission because it will assess and address the very specific needs, assets and challenges of this region.

Over the last several decades, upstate New York, including my congressional district, has experienced a consistent pattern of economic distress resulting from substantial loss in the manufacturing sector, coupled with an aging infrastructure and lack of opportunities for a skilled workforce. My district alone has seen a staggering loss of more than 14,000 manufacturing jobs from 2000 to 2005. This has been devastating to our local communities; however, this loss isn't an anomaly. It is extremely characteristic of several States in the Northeast. A targeted regional approach like this one created by this bill can help bring economic vitality to this region.

The three new commissions are modeled after the highly successful Appalachian Regional Commission, ARC. The commission similar to the ARC will create Federal-State partnerships where local development districts and other nonprofits bring project ideas and priorities from the local level to the commissions to promote economic development.

Specifically, the Northern Border Regional Commission will be charged with investing $40 million per year, rising to $60 million per year by 2012, in Federal grants focused on local transportation and infrastructure projects, broadband development, alternative energy projects, agricultural development, and health care facilities. With regional planning, technical assistance, and funding of projects aimed at encouraging economic prosperity, this Commission will help local communities work together to support common developmental goals.

Simply put, the numbers speak for themselves. Since its creation, the ARC has reduced the number of distressed counties in its region from 219 to 100, cut the poverty rate from 31 percent to 15 percent, and has helped 1,400 businesses create 26,000 new jobs. In fiscal year 2005, each dollar of the ARC funding leveraged $2.57 in other public funding and $8.46 in private funding.

Speaking from personal experience, six counties in my upstate New York district have experienced similar success being a part of the ARC. The Village of Sherburne in Chenango County is a great example of how small ARC grants are extremely helpful in leveraging funds from State, local and private sources for economic development initiatives that create jobs. A $200,000 ARC grant to improve aging water infrastructure in Sherburne, New York, a problem that is plaguing many States in the Northeast, was able to leverage close to $4 million in State and local community investment.

Mr. Speaker, the Northern Border Regional Commission will not only extend benefits to economically distressed counties in Maine, New Hampshire and Vermont; it will give upstate New York counties like Oneida, Herkimer, Cayuga and Seneca the opportunity to enjoy the same benefits their neighboring counties in the southern tier enjoy under the ARC.

We need to ensure that every American has access to job training, employment-related education and high-tech infrastructure so that we can retain and grow our global competitive edge. I am confident that the Regional Economic and Infrastructure Development Act will help us achieve that end.

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

The SPEAKER pro tempore. The gentleman from Washington is recognized for 30 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentleman from New York (Mr. ARCURI) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. HASTINGS of Washington. Mr. Speaker, this rule provides for consideration of the Regional Economic and Infrastructure Development Act, which would authorize $1.25 billion to create three new regional commissions and replace two other regional commissions. These five regional commissions would be Federal-State partnerships that would provide grants to State and local governments to promote infrastructure and economic development.

While I believe that comprehensive, regional approaches to addressing infrastructure and economic development needs often can be beneficial, I am not convinced that creating five commissions and the layers of bureaucracy associated with them is necessary to provide grants to communities most in need.

The Regional Economic and Infrastructure Development Act was originally considered by the House on September 17 under suspension of the rules, which limits debate, bars amendments and requires a two-thirds vote for passage. Bills typically considered under suspension of the rules are bills and resolutions to name post offices and Federal buildings, congratulate sports teams and to raise general awareness of other issues.

Generally, bills authorizing $1 billion in government expansion are not considered under a process with limited time for debate and no opportunity for amendment, but that is what the Democrat majority chose to do with the Regional Economic and Infrastructure Development Act last month.

Because of concerns either with the underlying bill or with the way in which this bill was originally considered, it failed to garner a two-thirds vote and did not pass under suspension of the rules. This closed rule does provide for more time to debate the merits of the underlying bill, but, unfortunately, it also shuts Members out from offering amendments to make this perhaps a better bill.

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

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

Mr. HASTINGS of Washington. Mr. Speaker, I ask my friend from New York if he has any other speakers, and if not, I am prepared to yield back if he is.

Mr. ARCURI. We have no additional speakers.

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

Mr. Speaker, House Republicans believe that every earmark should be debatable on the House floor. Republican Leader Boehner has introduced a proposal to improve the House rules and allow the House to debate openly and honestly the validity and accuracy of earmarks contained in all bills.

To date, 196 Republicans have signed a discharge position to bring this measure to the House floor for a vote. Unfortunately, we are still 22 Members shy of what is needed. Therefore, I not only would encourage all Members of the House to sign the discharge position, but I will also be asking my colleagues to vote ''no'' on the previous question so that I can amend the rule to the House to allow the House to immediately consider House Resolution 479 introduced by Republican Leader BOEHNER.

It is vital that the House of Representatives act today and pass House Resolution 479 so that we can show American taxpayers we are serious when it comes to earmark transparency.

Mr. Speaker, I ask unanimous consent to have the text of the amendment inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. I urge my colleagues to oppose the previous question, Mr. Speaker, and I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I thank my friend and colleague from the Rules Committee, Mr. HASTINGS. But I must say that I am a bit confused as to what earmarks and what the statements that he just made have to do with this rule.

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. ARCURI. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I will be more than happy to tell you. We

think that the intent on both sides of the aisle was to have all earmarks have a transparency to them so we know where those earmarks come from. Under this rule, we are self-executing an amendment, and that amendment is not covered, is not covered under the transparency. Now, I don't know if there is something within that bill that has earmarks that aren't being reported, but Leader BOEHNER's resolution simply would make this subject to transparency. That is all we are saying. That is all that we are saying.

I thank the gentleman for yielding on this point.

□ 1100

Mr. ARCURI. I thank the gentleman. With all due respect, I couldn't disagree more. While some of my colleagues on the other side continue to criticize our new earmark rule, the fact of the matter is that the House Democratic majority has implemented the most honest and open earmark rule in the history of the United States House of Representatives. But don't take my word for it. In this week's CQ Weekly, Ryan Alexander, president of Taxpayers for Common Sense is quoted as saying: ''The House has given us more information than we have ever had before on earmarks, and they deserve credit for that.''

Mr. Speaker, the other side continues to talk about their plan to modify the earmark rule, but what they don't tell you is that their earmark rule would not cover any measure not already covered by the earmark rule presently in effect. It is important to remember which side actually abused the earmark process, and who actually stepped up to the plate to reform the system and provide transparency. We didn't wait until 2 months before the election; we responded to the people's call for more openness on the first day of this Congress.

It seems quite clear to me that the minority is more concerned with obstructionism, while we are focused on actually meeting the needs of our constituents. That is exactly what this bill does and what the underlying rule does.

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. ARCURI. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I appreciate the gentleman yielding, and I appreciate that he has a little bit different view than I have. I would ask the gentleman, what bills are covered by the earmark rule, transparency rule, that you are talking about today? What bills?

Mr. ARCURI. This bill today.

Mr. HASTINGS of Washington. The rules only cover appropriation bills.

Mr. ARCURI. If I may reclaim my time, the bill today is covered by it. As I say, this bill is about helping Americans. This is about putting Americans back to work and about putting money back into the development of infrastructure, into financing hospitals, and doing the kind of things that I was sent to Congress to do today.

Mr. Speaker, as I said earlier, passage of this bipartisan legislation, which this rule provides consideration of, is a critical step toward helping some of our neediest communities achieve economic parity with the rest of the country. The Regional Economic and Infrastructure Development Act authorizes the creation of five regional economic development commissions under a common framework of administration and management. These commissions are designed to address problems of systematic underdevelopment in their respective regions.

In general, the five commissions authorized in this bill will utilize the successful Appalachian Regional Commission model, which facilitates a bottom-up approach. Local development districts, nonprofit organizations, and others bring projects and ideas to the commission from the local level, ensuring that the actions of the commission reflect local and regional economic development needs and goals.

Mr. Speaker, as I mentioned a short while ago, the Northern Border Regional Commission created by this legislation builds on the success of the ARC. It would be charged with investing $40 million each year in Federal resources for economic development and job creation in the most economically distressed border areas of Maine, New York, New Hampshire, and Vermont. This commission will help fund projects that both strengthen traditional sectors in the region's economy and help to diversify it. The Northern Border Regional Commission is focused on helping areas in the Northeast that have higher levels of unemployment, a significant loss of population, and significantly low household incomes.

This legislation is yet another example of true bipartisan cooperation often seen on the Transportation and Infrastructure Committee.

Mr. Speaker, I urge my colleagues on both sides of the aisle to vote ''yes'' on the previous question and the rule.

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

AMENDMENT TO H. RES. 704 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

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

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

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

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

The yeas and nays were ordered.

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

MEJA EXPANSION AND ENFORCEMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 702 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2740.

□ 1105

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2740) to require accountability for contractors and contract personnel under Federal contracts, and for other purposes, with Mr. ARCURI (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, October 3, 2007, the amendments made in order pursuant to House Resolution 702 had been disposed of.

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr. ARCURI, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2740) to require accountability for contractors and contract personnel under Federal contracts, and for other purposes, pursuant to House Resolution 702, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FORBES

Mr. FORBES. Mr. Speaker, I offer a motion to recommit.

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

Mr. FORBES. I am, Mr. Speaker, in its current form.

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

The Clerk read as follows:

Mr. Forbes moves to recommit the bill H.R. 2740 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

At the end of the text of the bill, insert the following:

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to affect intelligence activities that are otherwise permissible prior to the enactment of this Act.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, the motion to recommit I have offered is straightforward. It preserves the ability of our intelligence community to protect America's national security.

We all agree that it is important to hold contractors liable for criminal acts that they commit while working overseas. No one is above the law. But, unfortunately, H.R. 2740 in its present form will have significant dangerous consequences to the intelligence community and the vital role it plays in protecting America. The motion to recommit clarifies the application of H.R. 2740 to ensure that critical intelligence activities will be able to continue.

The majority in its haste to score political points has ignored the intelligence community's concerns about the implications of the bill. Let me take a moment to outline some of the specific concerns that the majority has ignored.

First, H.R. 2740 covers all agents of any Department or agency of the United States, including clandestine assets. If a clandestine asset was implicated in a crime, investigating and arresting that asset under traditional criminal procedures could expose other assets and compromise critical intelligence activities.

Second, H.R. 2740 extends United States criminal jurisdiction without regard to the nationality of the offender. Host country nationals serving or assisting sensitive assets could become criminally liable for a felony violation of U.S. law and undermine critical intelligence activities.

Third, H.R. 2740 applies the entire criminal code to the new category of potential offenders and could implicate the authorized business of the intelligence community employees and contractors.

The bill also does not limit criminal liability to activities that occur in the course of employment, whether committed on duty or off duty, and increases the risk of exposing intelligence activities.

We agree with our colleagues on the other side of the aisle that we must hold everyone accountable under the law. Our criminal code is aimed at ensuring peace and order in our country and should not be applied internationally to every aspect of our Nation's foreign activities.

Our country relies on our intelligence community to preserve our national security and protect our citizens. We must legislate responsibly when it comes to applying our criminal code to overseas activities. Preserving our critical intelligence operations is paramount. Politics has no role in this decision.

Mr. Speaker, I urge my colleagues to support the motion.

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

Mr. CONYERS. Mr. Speaker, I rise to accept the motion to recommit.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. CONYERS. Mr. Speaker, I am pleased to thank the distinguished gentleman from Virginia, the ranking member, RANDY FORBES, because we are willing on this side to accept the motion to recommit, with the understanding that we will work to clarify its scope, as has been indicated in the discussion, and that we do understand that this would not in any way weaken the Military Extraterritorial Jurisdiction Act or invalidate current law which is now in place.

Mr. Speaker, with that agreement on the part of the ranking member, this side accepts the motion to recommit.

Mr. HALL of New York. Mr. Speaker, today, the House took an important step to restore accountability to our involvement in Iraq by passing H.R. 2740, the MEJA Expansion and Enforcement Act of 2007. This bill serves an important purpose by bringing previously unaccountable private security contractors under the rule of U.S. law.

By some estimates there are nearly 50,000 private security personnel working in Iraq. These contractors operate largely outside U.S. and Iraqi law, and episodes of significant contractor misconduct raise animosity toward Americans in the field and lose us hearts and minds in Iraq.

The activities of one of the most prominent contractors, Blackwater, highlight why they are a counterproductive influence in Iraq and their activities must be curtailed. Two weeks ago, Blackwater personnel guarding a State Department group were involved in a shootout that resulted in the deaths of as many as 17 Iraqis. Yesterday, the Government Reform Committee disclosed that Blackwater has been involved in 195 escalation of force incidents since 2005 and in 80 percent of those Blackwater fired the first shots.

These incidents combined with a host of other abuses clearly indicate that we need to stop putting contractors in Iraq and bring those there under control. That's why I was proud to cosponsor and vote for the MEJA Expansion and Enforcement Act to bring these contractors under U.S. jurisdiction if they commit criminal acts. Only by holding these contractors accountable can we actually begin to restore our standing in the world and win hearts and minds in Iraq.

During consideration of this bill, the House of Representatives considered a motion to recommit forthwith that stated, "Nothing in this Act shall be construed to affect intelligence activities that are otherwise permissible prior to the enactment of this Act."

I am an ardent supporter of our efforts to combat terrorism, prevent terrorist attacks, and bring terrorists to justice. I want our intelligence community to have all of the tools it needs to accomplish these tasks, and believe it can be successful in doing so within the rule of law. Some of my proudest votes on this floor have been to give our government new tools to fight terrorism and keep Americans safe. However, for the following reasons I could not in good conscience vote for this motion to recommit forthwith.

It is often said that, "the devil is in the details." In this case, I fear the level is in the lack of details. The drafting of this legislative language is extremely vague, and I have serious reservations about the scope of its impact. It seems that this language could be interpreted to provide legal cover to abuses committed by contractors, like those at Abu Ghraib, that undermine our national security and are contrary to the founding principles of our nation. On a day when the New York Times has reported at length on the concerted efforts of the Administration to twist the law to make practices like freezing and water-boarding legal, I could not support language that could be manipulated to provide cover for such illegal and counterproductive acts.

I am doubly skeptical of this language because if it was not meant to provide cover for questionable acts, it would not be necessary. The MEJA Expansion and Enforcement Act does not make any previously legal acts illegal, it simply extends the jurisdiction of U.S. law. Previously uncovered contractors would not be impeded in their work if they were acting and continue to act in accordance with the law.

For these reasons, I voted to support the MEJA Expansion and Enforcement Act and voted against the motion to recommit forthwith.

Mr. PRICE of North Carolina. Mr. Speaker, my colleague from Virginia has offered a motion to recommit H.R. 2740 the MEJA Expansion and Enforcement Act, to the Judiciary Committee and to amend the legislation with regard to intelligence activities. I will support this motion, but with two important qualifications.

The motion to recommit would amend H.R. 2740 with a rule of construction, stating, "nothing in this Act shall be construed to affect intelligence activities that are otherwise permissible prior to the enactment of this Act." This amendment does not at all modify the force of my legislation, does not limit the scope of the MEJA jurisdiction, and does not grant immunity to anyone, including contractor employees of the intelligence community. Put simply, I am voting in support of this motion because it in no way alters the underlying bill before us.

With that said, let me attach two qualifications to my support. First, the amendment is

unnecessary in the context of both current law and this legislation. Second, the amendment raises serious questions about the activities its proponents may be seeking to protect.

My legislation would indeed place contractor employees of non-defense related agencies under the extraterritorial jurisdiction of United States federal law, granting the Department of Justice authority to prosecute felony offenses committed by non-defense contractors. Defense contractors are already covered by MEJA, a point that seems lost on the authors of this motion. Given that the majority of the intelligence community falls under the Department of Defense, it stands to reason that many—if not most—contractors engaged in intelligence-related activities are already under the jurisdiction of federal law. Not only that, employees of the Defense Department intelligence agencies, including agents of the Defense Intelligence Agency, the National Security Agency, and intelligence services of the different branches of the Armed Forces, among others, are covered by MEJA, and this coverage has not endangered our national security in the least. So concerns about my legislation, which deals with non-defense contractors, seem ill-founded in the context of current law.

To my knowledge, there have never been significant concerns raised about the coverage of these Defense Department intelligence agents and contractors, for one major reason: prosecutorial discretion. The Department of Justice always has the discretion to refrain from prosecuting a case if it will endanger our national security interests. My legislation does not compel prosecution and it does not interfere with the prosecutor's discretion. If a prosecutor ever has concerns that prosecution of a contractor under MEJA would endanger state secrets, expose clandestine networks, or otherwise undermine our security interests, the prosecutor has the discretion not to prosecute the case. It's as simple as that.

Let me also point out that this bill only affects contractors who commit felony crimes. So long as private contractors, including those who are engaged in intelligence-related activities, are conducting themselves within the bounds of the law, this legislation is irrelevant to them. However, if there are private, for-profit contractors tasked with duties that require them to commit felony offenses, Congress needs to know about it. Such a revelation would point to a need for a serious debate about whether we are using contractors appropriately.

My second qualification is that this amendment raises serious questions about the activities it may be intended to protect. The question here is, given that my bill only targets activities that are unlawful, why do my colleagues feel the need to clarify that it does not affect activities that are permissible? What activities are contractors carrying out that are permissible but not lawful?

I have great apprehension about what might be meant in this context, but first let me state clearly: the law is the highest authority in the land, other than the constitution. The law trumps executive orders, memorandums, and policies in all cases. I am voting for this motion with the understanding that there is no activity a contractor might be performing that could ever be permissible but not lawful. The activities that we assign to private contractors must be in accordance with the law on the books. Therefore, I interpret this motion simply to mean that nothing in my bill will have any effect on contractors working on lawful, permissible, appropriate intelligence activities.

I raise this concern because, as my colleagues well know, Congress—including members on both sides of the aisle—and this Administration have been at significant odds about the activities appropriate for our military and intelligence community to perform in certain contexts relating to the war in Iraq and the broader war against terrorism, especially with regard to the treatment of suspects in interrogations and detentions. There is rampant evidence that this Administration believes certain activities to be "permissible" which are clearly illegal under several statutes in United States Code.

Just today, for example, the New York Times reported that the Department of Justice has issued secret memorandums that, in direct contrast to the policies they have publicly avowed, amounted to "an expansive endorsement of the harshest interrogation techniques ever used by the Central Intelligence Agency" and "for the first time provided explicit authorization to barrage terror suspects with a combination of painful physical and psychological tactics, including head-slapping, simulated drowning and frigid temperatures." I submit the full article for inclusion in the RECORD.

The harshest forms of physical and psychological tactics outlined in this article are inappropriate and illegal for our military personnel and intelligence agents, to say nothing of private contractors, and it is abominable that this Administration continues to work to circumvent our time-honored values and laws to authorize behavior that is un-American to its core.

There are clear laws on the books prohibiting torture, including the War Crimes Act (18 U.S. Code 2441) and the federal anti-torture statute (18 U.S. Code 2340). Moreover, torture is prohibited by the Uniform Code of Military Justice (articles 77–134). And the United States is a ratified signatory to international treaties, including the Geneva Conventions (Common Article 3) and the Convention Against Torture, which specifically outlaw torture. Most importantly, the United States Constitution (amendments 5, 8, and 14) explicitly prohibits cruel, unusual, and inhumane treatment or punishment.

The kinds of activities that, to the great shame of our nation, have been carried out at Abu Ghraib prison and Guantanamo Bay detention facilities are not, in any circumstances, permissible. Let us be clear that, in the passage of this motion, we are in no way authorizing or legitimating these behaviors. Let us also be clear that, in this passage of this legislation, we are providing federal prosecutors the tools to arrest and prosecute any contractor working for this government who commits such abominable acts to the full extent of the law.

[From the New York Times, Oct. 4, 2007]

SECRET U.S. ENDORSEMENT OF SEVERE INTERROGATIONS

(By Scott Shane, David Johnston and James Risen)

WASHINGTON, Oct. 3.—When the Justice Department publicly declared torture "abhorrent" in a legal opinion in December 2004, the Bush administration appeared to have abandoned its assertion of nearly unlimited presidential authority to order brutal interrogations.

But soon after Alberto R. Gonzales's arrival as attorney general in February 2005, the Justice Department issued another opinion, this one in secret. It was a very different document, according to officials briefed on it, an expansive endorsement of the harshest interrogation techniques ever used by the Central Intelligence Agency.

The new opinion, the officials said, for the first time provided explicit authorization to barrage terror suspects with a combination of painful physical and psychological tactics, including head-slapping, simulated drowning and frigid temperatures.

Mr. Gonzales approved the legal memorandum on "combined effects" over the objections of James B. Comey, the deputy attorney general, who was leaving his job after bruising clashes with the White House. Disagreeing with what he viewed as the opinion's overreaching legal reasoning, Mr. Comey told colleagues at the department that they would all be "ashamed" when the world eventually learned of it.

Later that year, as Congress moved toward outlawing "cruel, inhuman and degrading" treatment, the Justice Department issued another secret opinion, one most lawmakers did not know existed, current and former officials said. The Justice Department document declared that none of the C.I.A. interrogation methods violated that standard.

The classified opinions, never previously disclosed, are a hidden legacy of President Bush's second term and Mr. Gonzales's tenure at the Justice Department, where he moved quickly to align it with the White House after a 2004 rebellion by staff lawyers that had thrown policies on surveillance and detention into turmoil.

Congress and the Supreme Court have intervened repeatedly in the last two years to impose limits on interrogations, and the administration has responded as a policy matter by dropping the most extreme techniques. But the 2005 Justice Department opinions remain in effect, and their legal conclusions have been confirmed by several more recent memorandums, officials said. They show how the White House has succeeded in preserving the broadest possible legal latitude for harsh tactics.

A White House spokesman, Tony Fratto, said Wednesday that he would not comment on any legal opinion related to interrogations. Mr. Fratto added, "We have gone to great lengths, including statutory efforts and the recent executive order, to make it clear that the intelligence community and our practices fall within U.S. law" and international agreements.

More than two dozen current and former officials involved in counterterrorism were interviewed over the past three months about the opinions and the deliberations on interrogation policy. Most officials would speak only on the condition of anonymity because of the secrecy of the documents and the C.I.A. detention operations they govern.

When he stepped down as attorney general in September after widespread criticism of the firing of federal prosecutors and withering attacks on his credibility, Mr. Gonzales talked proudly in a farewell speech of how his department was "a place of inspiration" that had balanced the necessary flexibility to conduct the war on terrorism with the need to uphold the law.

Associates at the Justice Department said Mr. Gonzales seldom resisted pressure from Vice President Dick Cheney and David S. Addington, Mr. Cheney's counsel, to endorse policies that they saw as effective in safeguarding Americans, even though the practices brought the condemnation of other governments, human rights groups and Democrats in Congress. Critics say Mr. Gonzales turned his agency into an arm of the Bush

White House, undermining the department's independence.

The interrogation opinions were signed by Steven G. Bradbury, who since 2005 has headed the elite Office of Legal Counsel at the Justice Department. He has become a frequent public defender of the National Security Agency's domestic surveillance program and detention policies at Congressional hearings and press briefings, a role that some legal scholars say is at odds with the office's tradition of avoiding political advocacy.

Mr. Bradbury defended the work of his office as the government's most authoritative interpreter of the law. ''In my experience, the White House has not told me how an opinion should come out,'' he said in an interview. ''The White House has accepted and respected our opinions, even when they didn't like the advice being given.''

The debate over how terrorism suspects should be held and questioned began shortly after the Sept. 11, 2001, attacks, when the Bush administration adopted secret detention and coercive interrogation, both practices the United States had previously denounced when used by other countries. It adopted the new measures without public debate or Congressional vote, choosing to rely instead on the confidential legal advice of a handful of appointees.

The policies set off bruising internal battles, pitting administration moderates against hard-liners, military lawyers against Pentagon chiefs and, most surprising, a handful of conservative lawyers at the Justice Department against the White House in the stunning mutiny of 2004. But under Mr. Gonzales and Mr. Bradbury, the Justice Department was wrenched back into line with the White House.

After the Supreme Court ruled in 2006 that the Geneva Conventions applied to prisoners who belonged to Al Qaeda, President Bush for the first time acknowledged the C.I.A.'s secret jails and ordered their inmates moved to Guantánamo Bay, Cuba. The C.I.A. halted its use of waterboarding, or pouring water over a bound prisoner's cloth-covered face to induce fear of suffocation.

But in July, after a monthlong debate inside the administration, President Bush signed a new executive order authorizing the use of what the administration calls ''enhanced'' interrogation techniques—the details remain secret—and officials say the C.I.A. again is holding prisoners in ''black sites'' overseas. The executive order was reviewed and approved by Mr. Bradbury and the Office of Legal Counsel.

Douglas W. Kmiec, who headed that office under President Ronald Reagan and the first President George Bush and wrote a book about it, said he believed the intense pressures of the campaign against terrorism have warped the office's proper role.

''The office was designed to insulate against any need to be an advocate,'' said Mr. Kmiec, now a conservative scholar at Pepperdine University law school. But at times in recent years, Mr. Kmiec said, the office, headed by William H. Rehnquist and Antonin Scalia before they served on the Supreme Court, ''lost its ability to say no.'' ''The approach changed dramatically with opinions on the war on terror,'' Mr. Kmiec said. ''The office became an advocate for the president's policies.''

From the secret sites in Afghanistan, Thailand and Eastern Europe where C.I.A. teams held Qaeda terrorists, questions for the lawyers at C.I.A. headquarters arrived daily. Nervous interrogators wanted to know: Are we breaking the laws against torture? The Bush administration had entered uncharted legal territory beginning in 2002, holding prisoners outside the scrutiny of the International Red Cross and subjecting them to harrowing pressure tactics. They included slaps to the head; hours held naked in a frigid cell; days and nights without sleep while battered by thundering rock music; long periods manacled in stress positions; or the ultimate, waterboarding.

Never in history had the United States authorized such tactics. While President Bush and C.I.A. officials would later insist that the harsh measures produced crucial intelligence, many veteran interrogators, psychologists and other experts say that less coercive methods are equally or more effective.

With virtually no experience in interrogations, the C.I.A. had constructed its program in a few harried months by consulting Egyptian and Saudi intelligence officials and copying Soviet interrogation methods long used in training American service men to withstand capture. The agency officers questioning prisoners constantly sought advice from lawyers thousands of miles away.

''We were getting asked about combinations—'Can we do this and this at the same time?' '' recalled Paul C. Kelbaugh, a veteran intelligence lawyer who was deputy legal counsel at the C.I.A.'s Counterterrorist Center from 2001 to 2003.

Interrogators were worried that even approved techniques had such a painful, multiplying effect when combined that they might cross the legal line, Mr. Kelbaugh said. He recalled agency officers asking: ''These approved techniques, say, withholding food, and 50-degree temperature—can they be combined?'' Or ''Do I have to do the less extreme before the more extreme?''

The questions came more frequently, Mr. Kelbaugh said, as word spread about a C.I.A. inspector general inquiry unrelated to the war on terrorism. Some veteran C.I.A. officers came under scrutiny because they were advisers to Peruvian officers who in early 2001 shot down a missionary flight they had mistaken for a drug-running aircraft. The Americans were not charged with crimes, but they endured three years of investigation, saw their careers derailed and ran up big legal bills.

That experience shook the Qaeda interrogation team, Mr. Kelbaugh said. ''You think you're making a difference and maybe saving 3,000 American lives from the next attack. And someone tells you, 'Well, that guidance was a little vague, and the inspector general wants to talk to you,' '' he recalled. ''We couldn't tell them, 'Do the best you can,' because the people who did the best they could in Peru were looking at a grand jury.'' Mr. Kelbaugh said the questions were sometimes close calls that required consultation with the Justice Department. But in August 2002, the department provided a sweeping legal justification for even the harshest tactics.

That opinion, which would become infamous as ''the torture memo'' after it was leaked, was written largely by John Yoo, a young Berkeley law professor serving in the Office of Legal Counsel. His broad views of presidential power were shared by Mr. Addington, the vice president's adviser. Their close alliance provoked John Ashcroft, then the attorney general, to refer privately to Mr. Yoo as Dr. Yes for his seeming eagerness to give the White House whatever legal justifications it desired, a Justice Department official recalled.

Mr. Yoo's memorandum said no interrogation practices were illegal unless they produced pain equivalent to organ failure or ''even death.'' A second memo produced at the same time spelled out the approved practices and how often or how long they could be used. Despite that guidance, in March 2003, when the C.I.A. caught Khalid Sheikh Mohammed, the chief planner of the Sept. 11 attacks, interrogators were again haunted by uncertainty. Former intelligence officials, for the first time, disclosed that a variety of tough interrogation tactics were used about 100 times over two weeks on Mr. Mohammed. Agency officials then ordered a halt, fearing the combined assault might have amounted to illegal torture. A C.I.A. spokesman, George Little, declined to discuss the handling of Mr. Mohammed. Mr. Little said the program ''has been conducted lawfully, with great care and close review'' and ''has helped our country disrupt terrorist plots and save innocent lives.''

''The agency has always sought a clear legal framework, conducting the program in strict accord with U.S. law, and protecting the officers who go face-to-face with ruthless terrorists,'' Mr. Little added.

Some intelligence officers say that many of Mr. Mohammed's statements proved exaggerated or false. One problem, a former senior agency official said, was that the C.I.A.'s initial interrogators were not experts on Mr. Mohammed's background or Al Qaeda, and it took about a month to get such an expert to the secret prison. The former official said many C.I.A. professionals now believe patient, repeated questioning by well-informed experts is more effective than harsh physical pressure.

Other intelligence officers, including Mr. Kelbaugh, insist that the harsh treatment produced invaluable insights into Al Qaeda's structure and plans. ''We leaned in pretty hard on K.S.M.,'' Mr. Kelbaugh said, referring to Mr. Mohammed. ''We were getting good information, and then they were told: ''Slow it down. It may not be correct. Wait for some legal clarification.''

The doubts at the C.I.A. proved prophetic. In late 2003, after Mr. Yoo left the Justice Department, the new head of the Office of Legal Counsel, Jack Goldsmith, began reviewing his work, which he found deeply flawed. Mr. Goldsmith infuriated White House officials, first by rejecting part of the National Security Agency's surveillance program, prompting the threat of mass resignations by top Justice Department officials, including Mr. Ashcroft and Mr. Comey, and a showdown at the attorney general's hospital bedside.

Then, in June 2004, Mr. Goldsmith formally withdrew the August 2002 Yoo memorandum on interrogation, which he found overreaching and poorly reasoned. Mr. Goldsmith left the Justice Department soon afterward. He first spoke at length about his dissenting views to The New York Times last month, and testified before the Senate Judiciary Committee on Tuesday.

Six months later, the Justice Department quietly posted on its Web site a new legal opinion that appeared to end any flirtation with torture, starting with its clarionlike opening: ''Torture is abhorrent both to American law and values and to international norms.''

A single footnote—added to reassure the C.I.A.—suggested that the Justice Department was not declaring the agency's previous actions illegal. But the opinion was unmistakably a retreat. Some White House officials had opposed publicizing the document, but acquiesced to Justice Department officials who argued that doing so would help clear the way for Mr. Gonzales's confirmation as attorney general.

If President Bush wanted to make sure the Justice Department did not rebel again, Mr. Gonzales was the ideal choice. As White House counsel, he had been a fierce protector of the president's prerogatives. Deeply loyal to Mr. Bush for championing his career from their days in Texas, Mr. Gonzales would sometimes tell colleagues that he had just one regret about becoming attorney general: He did not see nearly as much of the president as he had in his previous post.

Among his first tasks at the Justice Department was to find a trusted chief for the Office of Legal Counsel. First he informed Daniel Levin, the acting head who had backed Mr. Goldsmith's dissents and signed the new opinion renouncing torture, that he would not get the job. He encouraged Mr. Levin to take a position at the National Security Council, in effect sidelining him.

Mr. Bradbury soon emerged as the presumed favorite. But White House officials, still smarting from Mr. Goldsmith's rebuffs, chose to delay his nomination. Harriet E. Miers, the new White House counsel, ''decided to watch Bradbury for a month or two. He was sort of on trial,'' one Justice Department official recalled.

Mr. Bradbury's biography had a Horatio Alger element that appealed to a succession of bosses, including Justice Clarence Thomas of the Supreme Court and Mr. Gonzales, the son of poor immigrants. Mr. Bradbury's father had died when he was an infant, and his mother took in laundry to support her children. The first in his family to go to college, he attended Stanford and the University of Michigan Law School. He joined the law firm of Kirkland & Ellis, where he came under the tutelage of Kenneth W. Starr, the Whitewater independent prosecutor.

Mr. Bradbury belonged to the same circle as his predecessors: young, conservative lawyers with sterling credentials, often with clerkships for prominent conservative judges and ties to the Federalist Society, a powerhouse of the legal right. Mr. Yoo, in fact, had proposed his old friend Mr. Goldsmith for the Office of Legal Counsel job; Mr. Goldsmith had hired Mr. Bradbury as his top deputy.

''We all grew up together,'' said Viet D. Dinh, an assistant attorney general from 2001 to 2003 and very much a member of the club. ''You start with a small universe of Supreme Court clerks, and you narrow it down from there.''

But what might have been subtle differences in quieter times now cleaved them into warring camps.

Justice Department colleagues say Mr. Gonzales was soon meeting frequently with Mr. Bradbury on national security issues, a White House priority. Admirers describe Mr. Bradbury as low-key but highly skilled, a conciliator who brought from 10 years of corporate practice a more pragmatic approach to the job than Mr. Yoo and Mr. Goldsmith, both from the academic world.

''As a practicing lawyer, you know how to address real problems,'' said Noel J. Francisco, who worked at the Justice Department from 2003 to 2005. ''At O.L.C., you're not writing law review articles and you're not theorizing. You're giving a client practical advice on a real problem.''

As he had at the White House, Mr. Gonzales usually said little in meetings with other officials, often deferring to the hard-driving Mr. Addington. Mr. Bradbury also often appeared in accord with the vice president's lawyer.

Mr. Bradbury appeared to be ''fundamentally sympathetic to what the White House and the C.I.A. wanted to do,'' recalled Philip Zelikow, a former top State Department official. At interagency meetings on detention and interrogation, Mr. Addington was at times ''vituperative,'' said Mr. Zelikow, but Mr. Bradbury, while taking similar positions, was ''professional and collegial.''

While waiting to learn whether he would be nominated to head the Office of Legal Counsel, Mr. Bradbury was in an awkward position, knowing that a decision contrary to White House wishes could kill his chances.

Charles J. Cooper, who headed the Office of Legal Counsel under President Reagan, said he was ''very troubled'' at the notion of a probationary period.

''If the purpose of the delay was a tryout, I think they should have avoided it,'' Mr. Cooper said. ''You're implying that the acting official is molding his or her legal analysis to win the job.''

Mr. Bradbury said he made no such concessions. ''No one ever suggested to me that my nomination depended on how I ruled on any opinion,'' he said. ''Every opinion I've signed at the Office of Legal Counsel represents my best judgment of what the law requires.''

Scott Horton, an attorney affiliated with Human Rights First who has closely followed the interrogation debate, said any official offering legal advice on the campaign against terror was on treacherous ground.

''For government lawyers, the national security issues they were deciding were like working with nuclear waste—extremely hazardous to their health,'' Mr. Horton said. ''If you give the administration what it wants, you'll lose credibility in the academic community,'' he said. ''But if you hold back, you'll be vilified by conservatives and the administration.''

In any case, the White House grew comfortable with Mr. Bradbury's approach. He helped block the appointment of a liberal Ivy League law professor to a career post in the Office of Legal Counsel. And he signed the opinion approving combined interrogation techniques.

Mr. Comey strongly objected and told associates that he advised Mr. Gonzales not to endorse the opinion. But the attorney general made clear that the White House was adamant about it, and that he would do nothing to resist.

Under Mr. Ashcroft, Mr. Comey's opposition might have killed the opinion. An imposing former prosecutor and self-described conservative who stands 6-foot-8, he was the rare administration official who was willing to confront Mr. Addington. At one testy 2004 White House meeting, when Mr. Comey stated that ''no lawyer'' would endorse Mr. Yoo's justification for the N.S.A. program, Mr. Addington demurred, saying he was a lawyer and found it convincing. Mr. Comey shot back: ''No good lawyer,'' according to someone present.

But under Mr. Gonzales, and after the departure of Mr. Goldsmith and other allies, the deputy attorney general found himself isolated. His troublemaking on N.S.A. and on interrogation, and in appointing his friend Patrick J. Fitzgerald as special prosecutor in the C.I.A. leak case, which would lead to the perjury conviction of I. Lewis Libby, Mr. Cheney's chief of staff, had irreparably offended the White House.

''On national security matters generally, there was a sense that Comey was a wimp and that Comey was disloyal,'' said one Justice Department official who heard the White House talk, expressed with particular force by Mr. Addington.

Mr. Comey provided some hints of his thinking about interrogation and related issues in a speech that spring. Speaking at the N.S.A.'s Fort Meade campus on Law Day—a noteworthy setting for the man who had helped lead the dissent a year earlier that forced some changes in the N.S.A. program—Mr. Comey spoke of the ''agonizing collisions'' of the law and the desire to protect Americans.

''We are likely to hear the words: 'If we don't do this, people will die,'" Mr. Comey said. But he argued that government lawyers must uphold the principles of their great institutions.

''It takes far more than a sharp legal mind to say 'no' when it matters most,'' he said. ''It takes moral character. It takes an understanding that in the long run, intelligence under law is the only sustainable intelligence in this country.''

Mr. Gonzales's aides were happy to see Mr. Comey depart in the summer of 2005. That June, President Bush nominated Mr. Bradbury to head the Office of Legal Counsel, which some colleagues viewed as a sign that he had passed a loyalty test. Soon Mr. Bradbury applied his practical approach to a new challenge to the C.I.A.'s methods.

The administration had always asserted that the C.I.A.'s pressure tactics did not amount to torture, which is banned by federal law and international treaty. But officials had privately decided the agency did not have to comply with another provision in the Convention Against Torture—the prohibition on ''cruel, inhuman, or degrading'' treatment.

Now that loophole was about to be closed. First Senator Richard J. Durbin, Democrat of Illinois, and then Senator John McCain, the Arizona Republican who had been tortured as a prisoner in North Vietnam, proposed legislation to ban such treatment. At the administration's request, Mr. Bradbury assessed whether the proposed legislation would outlaw any C.I.A. methods, a legal question that had never before been answered by the Justice Department.

At least a few administration officials argued that no reasonable interpretation of ''cruel, inhuman or degrading'' would permit the most extreme C.I.A. methods, like waterboarding. Mr. Bradbury was placed in a tough spot, said Mr. Zelikow, the State Department counselor, who was working at the time to rein in interrogation policy. ''If Justice says some practices are in violation of the C.I.D. standard,'' Mr. Zelikow said, referring to cruel, inhuman or degrading, ''then they are now saying that officials broke current law.''

In the end, Mr. Bradbury's opinion delivered what the White House wanted: a statement that the standard imposed by Mr. McCain's Detainee Treatment Act would not force any change in the C.I.A.'s practices, according to officials familiar with the memo. Relying on a Supreme Court finding that only conduct that ''shocks the conscience'' was unconstitutional, the opinion found that in some circumstances not even waterboarding was necessarily cruel, inhuman or degrading, if, for example, a suspect was believed to possess crucial intelligence about a planned terrorist attack, the officials familiar with the legal finding said.

In a frequent practice, Mr. Bush attached a statement to the new law when he signed it, declaring his authority to set aside the restrictions if they interfered with his constitutional powers. At the same time, though, the administration responded to pressure from Mr. McCain and other lawmakers by reviewing interrogation policy and giving up several C.I.A. techniques.

Since late 2005, Mr. Bradbury has become a linchpin of the administration's defense of counterterrorism programs, helping to negotiate the Military Commissions Act last year and frequently testifying about the N.S.A. surveillance program. Once, he answered questions about administration detention policies for an ''Ask the White House'' feature on a Web site.

Mr. Kmiec, the former Office of Legal Counsel head now at Pepperdine, called Mr. Bradbury's public activities a departure for an office that traditionally has shunned any advocacy role.

A senior administration official called Mr. Bradbury's active role in shaping legislation and speaking to Congress and the press ''entirely appropriate'' and consistent with past practice. The official, who spoke on the condition of anonymity, said Mr. Bradbury ''has played a critical role in achieving greater transparency'' on the legal basis for detention and surveillance programs.

Though President Bush repeatedly nominated Mr. Bradbury as the Office of Legal Counsel's assistant attorney general, Democratic senators have blocked the nomination. Senator Durbin said the Justice Department would not turn over copies of his opinions or other evidence of Mr. Bradbury's role in interrogation policy.

''There are fundamental questions about whether Mr. Bradbury approved interrogation methods that are clearly unacceptable,'' Mr. Durbin said.

John D. Hutson, who served as the Navy's top lawyer from 1997 to 2000, said he believed that the existence of legal opinions justifying abusive treatment is pernicious, potentially blurring the rules for Americans handling prisoners.

''I know from the military that if you tell someone they can do a little of this for the country's good, some people will do a lot of it for the country's better,'' Mr. Hutson said. Like other military lawyers, he also fears that official American acceptance of such treatment could endanger Americans in the future.

''The problem is, once you've got a legal opinion that says such a technique is O.K., what happens when one of our people is captured and they do it to him? How do we protest then?'' he asked.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minutes votes on passage of H.R. 2740, if ordered; ordering the previous question on H. Res. 704; adoption of H. Res. 704, if ordered; ordering the previous question on H. Res. 703; and adoption of H. Res. 703, if ordered.

The vote was taken by electronic device, and there were—yeas 342, nays 75, not voting 15, as follows:

[Roll No. 939]

YEAS—342

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrow
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—75

Abercrombie
Andrews
Baldwin
Becerra
Braley (IA)
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Crowley
Davis (IL)
Doggett
Ellison
Farr
Filner
Gonzalez
Grijalva
Gutierrez
Hall (NY)
Hastings (FL)
Hinchey
Hirono
Hodes
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kilpatrick
Kucinich
Lewis (GA)
Markey
McCollum (MN)
McDermott
McGovern
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Olver
Pallone
Pascrell
Pastor
Payne
Rahall
Rangel
Rothman
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Scott (VA)
Serrano
Sires
Slaughter
Solis
Stark
Sutton
Thompson (MS)
Tierney
Towns
Velázquez
Waters
Watson
Watt
Waxman
Woolsey
Wynn
Yarmuth

NOT VOTING—15

Barrett (SC)
Bartlett (MD)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Gerlach
Jindal
Lee
Perlmutter
Pickering
Pryce (OH)
Renzi
Visclosky

□ 1141

Mr. MCGOVERN, Mr. ROTHMAN, Ms. VELÁZQUEZ, Mr. HONDA, Mr. FARR, Ms. LORETTA SANCHEZ of California, Mr. BECERRA, Mr. WAXMAN, Ms. MOORE of Wisconsin, Mr. MOLLOHAN, Mr. GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Mr. HODES, Ms. WATERS, Mr. OLVER and Mr. TIERNEY changed their vote from ''yea'' to ''nay.''

Messrs. LAHOOD, CAPUANO, WILSON of Ohio, HARE, BRADY of Pennsylvania, ISRAEL, EMANUEL, FATTAH, AL GREEN of Texas, BOEHNER, MEEKS of New York, LARSON of Connecticut, Ms. MATSUI, Mr. THOMPSON of California, Mrs. CAPPS and Mr. NADLER changed their vote from ''nay'' to ''yea.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. CONYERS. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 2740, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of the text of the bill, insert the following:

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to affect intelligence activities that are otherwise permissible prior to the enactment of this Act.

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 389, noes 30, not voting 13, as follows:

[Roll No. 940]

AYES—389

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

NOES—30

Alexander
Baker
Barton (TX)
Boustany
Broun (GA)
Burgess
Buyer
Cannon
Deal (GA)
Doolittle
Franks (AZ)
Hastert
Hoekstra
Hunter
Johnson, Sam
Lamborn
Linder
McCrery
Miller (FL)
Miller, Gary
Pitts
Price (GA)
Renzi
Rogers (AL)
Rohrabacher
Sessions
Shadegg
Tancredo
Westmoreland
Young (AK)

NOT VOTING—13

Barrett (SC)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Gerlach
Jindal
Lee
Perlmutter
Pickering
Pryce (OH)
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1150

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3246, REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 704, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 194, not voting 14, as follows:

[Roll No. 941]

YEAS—224

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

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw

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

NOT VOTING—14

Barrett (SC)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Gerlach
Jindal
Lee
Perlmutter
Pickering
Pryce (OH)
Sullivan
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1157

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GERLACH. Mr. Speaker, on rollcall Nos. 941, 940 and 939, had I been present, I would have voted on rollcall 939, "yea," rollcall 940, "yea," and rollcall 941, "nay."

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 227, nays 188, not voting 17, as follows:

[Roll No. 942]

YEAS—227

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

NAYS—188

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

NOT VOTING—17

Barrett (SC)
Broun (GA)
Carson
Cubin
Cuellar
Davis, Jo Ann
Delahunt
Dingell
Ferguson
Franks (AZ)
Jindal
Lee
Perlmutter
Pickering
Pryce (OH)
Sullivan
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1204

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FRANKS of Arizona. Mr. Speaker, on rollcall No. 942 I was unavoidably detained. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF H.R. 3648, MORTGAGE FORGIVENESS DEBT RELIEF ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 703, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 194, not voting 15, as follows:

[Roll No. 943]

YEAS—223

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

NAYS—194

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

NOT VOTING—15

Abercrombie
Barrett (SC)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Jindal
Lee
Murphy, Tim
Perlmutter
Pickering
Pryce (OH)
Sullivan
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1211

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 222, nays 193, not voting 17, as follows:

[Roll No. 944]

YEAS—222

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

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter

Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Barrett (SC)
Boswell
Carson
Cleaver
Cubin
Davis, Jo Ann
Delahunt
Dingell
Jindal
Larson (CT)
Lee
Melancon
Perlmutter
Pickering
Pryce (OH)
Sullivan
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1218

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3246.

The SPEAKER pro tempore (Mr. SERRANO). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT OF 2007

Mr. OBERSTAR. Mr. Speaker, pursuant to House Resolution 704, I call up the bill (H.R. 3246) 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, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3246

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 ''Regional Economic and Infrastructure Development Act of 2007''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) certain regions of the Nation, including Appalachia, the Mississippi Delta Region, the Northern Great Plains Region, the Southeast Crescent Region, the Southwest Border Region, the Northern Border Region, and rural Alaska, have suffered from chronic distress far above the national average;

(2) an economically distressed region can suffer unemployment and poverty at a rate that is 150 percent of the national average; and

(3) regional commissions are unique Federal-State partnerships that can provide targeted resources to alleviate pervasive economic distress.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation; and

(2) to ensure that the most severely economically distressed regions in the Nation have the necessary tools to develop the basic building blocks for economic development, such as transportation and basic public infrastructure, job skills training, and business development.

SEC. 3. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—Title 40, United States Code, is amended—

(1) by redesignating subtitle V as subtitle VI; and

(2) by inserting after subtitle IV the following:

"Subtitle V—Regional Economic and Infrastructure Development

''Chapter	Sec.
"151. GENERAL PROVISIONS	**15101**
"153. REGIONAL COMMISSIONS	**15301**
"155. FINANCIAL ASSISTANCE	**15501**
"157. ADMINISTRATIVE PROVISIONS	**15701**

"CHAPTER 151—GENERAL PROVISIONS

''Sec.
''15101. Definitions.

"§ 15101. Definitions

''In this subtitle, the following definitions apply:

''(1) COMMISSION.—The term 'Commission' means a Commission established under section 15301.

''(2) LOCAL DEVELOPMENT DISTRICT.—The term 'local development district' means an entity that—

''(A)(i) is an economic development district that is—

''(I) in existence on the date of enactment of this chapter; and

''(II) located in the region; or

''(ii) if an entity described in clause (i) does not exist—

''(I) is organized and operated in a manner that ensures broad-based community participation and an effective opportunity for local officials, community leaders, and the public to contribute to the development and implementation of programs in the region;

''(II) is governed by a policy board with at least a simple majority of members consisting of—

''(aa) elected officials; or

''(bb) designees or employees of a general purpose unit of local government that have been appointed to represent the unit of local government; and

''(III) is certified by the Governor or appropriate State officer as having a charter or authority that includes the economic development of counties, portions of counties, or other political subdivisions within the region; and

''(B) has not, as certified by the Federal Cochairperson—

''(i) inappropriately used Federal grant funds from any Federal source; or

''(ii) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

''(3) FEDERAL GRANT PROGRAM.—The term 'Federal grant program' means a Federal grant program to provide assistance in carrying out economic and community development activities.

''(4) 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).

''(5) NONPROFIT ENTITY.—The term 'nonprofit entity' means any entity with tax-exempt or nonprofit status, as defined by the Internal Revenue Service, that has been formed for the purpose of economic development.

''(6) REGION.—The term 'region' means the area covered by a Commission as described in subchapter II of chapter 157.

"CHAPTER 153—REGIONAL COMMISSIONS

''Sec.
''15301. Establishment, membership, and employees.
''15302. Decisions.
''15303. Functions.
''15304. Administrative powers and expenses.
''15305. Meetings.
''15306. Personal financial interests.
''15307. Tribal representation on Northern Great Plains Regional Commission.
''15308. Tribal participation.
''15309. Annual report.

"§ 15301. Establishment, membership, and employees

''(a) ESTABLISHMENT.—There are established the following regional Commissions:

''(1) The Delta Regional Commission.

''(2) The Northern Great Plains Regional Commission.

''(3) The Southeast Crescent Regional Commission.

''(4) The Southwest Border Regional Commission.

''(5) The Northern Border Regional Commission.

''(b) MEMBERSHIP.—

''(1) FEDERAL AND STATE MEMBERS.—Each Commission shall be composed of the following members:

''(A) A Federal Cochairperson, to be appointed by the President, by and with the advice and consent of the Senate.

''(B) The Governor of each participating State in the region of the Commission.

''(2) ALTERNATE MEMBERS.—

''(A) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal Cochairperson for each Commission. The alternate Federal Cochairperson, when not actively serving as an alternate for the Federal Cochairperson, shall perform such functions and duties as are delegated by the Federal Cochairperson.

''(B) STATE ALTERNATES.—The State member of a participating State may have a single alternate, who shall be appointed by the Governor of the State from among the members of the Governor's cabinet or personal staff.

''(C) VOTING.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State member for which the alternate member is an alternate.

''(3) COCHAIRPERSONS.—A Commission shall be headed by—

''(A) the Federal Cochairperson, who shall serve as a liaison between the Federal Government and the Commission; and

''(B) a State Cochairperson, who shall be a Governor of a participating State in the region and shall be elected by the State members for a term of not less than 1 year.

''(4) CONSECUTIVE TERMS.—A State member may not be elected to serve as State Cochairperson for more than 2 consecutive terms.

''(c) COMPENSATION.—

''(1) FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5.

''(2) ALTERNATE FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson's alternate shall be compensated by the Federal Government at level V of the Executive Schedule as set out in section 5316 of title 5.

''(3) STATE MEMBERS AND ALTERNATES.—Each State member and alternate shall be compensated by the State that they represent at the rate established by the laws of that State.

''(d) EXECUTIVE DIRECTOR AND STAFF.—

''(1) IN GENERAL.—A Commission shall appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Commission to carry out its duties. Compensation under this paragraph may not exceed the maximum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

''(2) EXECUTIVE DIRECTOR.—The executive director shall be responsible for carrying out the administrative duties of the Commission, directing the Commission staff, and such other duties as the Commission may assign.

''(e) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of a Commission (other than the Federal Cochairperson, the alternate Federal Cochairperson, staff of the Federal Cochairperson, and any Federal employee detailed to the Commission) shall be considered to be a Federal employee for any purpose.

''§ 15302. Decisions

''(a) REQUIREMENTS FOR APPROVAL.—Except as provided in section 15304(c)(3), decisions by the Commission shall require the affirmative vote of the Federal Cochairperson and a majority of the State members (exclusive of members representing States delinquent under section 15304(c)(3)(C)).

''(b) CONSULTATION.—In matters coming before the Commission, the Federal Cochairperson shall, to the extent practicable, consult with the Federal departments and agencies having an interest in the subject matter.

''(c) QUORUMS.—A Commission shall determine what constitutes a quorum for Commission meetings; except that—

''(1) any quorum shall include the Federal Cochairperson or the alternate Federal Cochairperson; and

''(2) a State alternate member shall not be counted toward the establishment of a quorum.

''(d) PROJECTS AND GRANT PROPOSALS.—The approval of project and grant proposals shall be a responsibility of each Commission and shall be carried out in accordance with section 15503.

''§ 15303. Functions

''A Commission shall—

''(1) assess the needs and assets of its region based on available research, demonstration projects, investigations, assessments, and evaluations of the region prepared by Federal, State, and local agencies, universities, local development districts, and other nonprofit groups;

''(2) develop, on a continuing basis, comprehensive and coordinated economic and infrastructure development strategies to establish priorities and approve grants for the economic development of its region, giving due consideration to other Federal, State, and local planning and development activities in the region;

''(3) not later than one year after the date of enactment of this section, and after taking into account State plans developed under section 15502, establish priorities in an economic and infrastructure development plan for its region, including 5-year regional outcome targets;

''(4)(A) enhance the capacity of, and provide support for, local development districts in its region; or

''(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

''(5) encourage private investment in industrial, commercial, and other economic development projects in its region;

''(6) cooperate with and assist State governments with the preparation of economic and infrastructure development plans and programs for participating States;

''(7) formulate and recommend to the Governors and legislatures of States that participate in the Commission forms of interstate cooperation and, where appropriate, international cooperation; and

''(8) work with State and local agencies in developing appropriate model legislation to enhance local and regional economic development.

''§ 15304. Administrative powers and expenses

''(a) POWERS.—In carrying out its duties under this subtitle, a Commission may—

''(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Commission as the Commission considers appropriate;

''(2) authorize, through the Federal or State Cochairperson or any other member of the Commission designated by the Commission, the administration of oaths if the Commission determines that testimony should be taken or evidence received under oath;

''(3) request from any Federal, State, or local agency such information as may be available to or procurable by the agency that may be of use to the Commission in carrying out the duties of the Commission;

''(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties by the Commission;

''(5) request the head of any Federal agency, State agency, or local government to detail to the Commission such personnel as the Commission requires to carry out its duties, each such detail to be without loss of seniority, pay, or other employee status;

''(6) provide for coverage of Commission employees in a suitable retirement and employee benefit system by making arrangements or entering into contracts with any participating State government or otherwise providing retirement and other employee coverage;

''(7) accept, use, and dispose of gifts or donations or services or real, personal, tangible, or intangible property;

''(8) enter into and perform such contracts, cooperative agreements, or other transactions as are necessary to carry out Commission duties, including any contracts or cooperative agreements with a department, agency, or instrumentality of the United States, a State (including a political subdivision, agency, or instrumentality of the State), or a person, firm, association, or corporation; and

''(9) maintain a government relations office in the District of Columbia and establish and maintain a central office at such location in its region as the Commission may select.

''(b) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

''(1) cooperate with a Commission; and

''(2) provide, to the extent practicable, on request of the Federal Cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

''(c) ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—Subject to paragraph (2), the administrative expenses of a Commission shall be paid—

''(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses of the Commission; and

''(B) by the States participating in the Commission, in an amount equal to 50 percent of the administrative expenses.

''(2) EXPENSES OF THE FEDERAL COCHAIRPERSON.—All expenses of the Federal Cochairperson, including expenses of the alternate and staff of the Federal Cochairperson, shall be paid by the Federal Government.

''(3) STATE SHARE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the share of administrative expenses of a Commission to be paid by each State of the Commission shall be determined by a unanimous vote of the State members of the Commission.

''(B) NO FEDERAL PARTICIPATION.—The Federal Cochairperson shall not participate or vote in any decision under subparagraph (A).

''(C) DELINQUENT STATES.—During any period in which a State is more than 1 year delinquent in payment of the State's share of administrative expenses of the Commission under this subsection—

''(i) no assistance under this subtitle shall be provided to the State (including assistance to a political subdivision or a resident of the State) for any project not approved as of the date of the commencement of the delinquency; and

''(ii) no member of the Commission from the State shall participate or vote in any action by the Commission.

''(4) EFFECT ON ASSISTANCE.—A State's share of administrative expenses of a Commission under this subsection shall not be taken into consideration when determining the amount of assistance provided to the State under this subtitle.

''§ 15305. Meetings

''(a) INITIAL MEETING.—Each Commission shall hold an initial meeting not later than 180 days after the date of enactment of this section.

''(b) ANNUAL MEETING.—Each Commission shall conduct at least 1 meeting each year with the Federal Cochairperson and at least a majority of the State members present.

''(c) ADDITIONAL MEETINGS.—Each Commission shall conduct additional meetings at such times as it determines and may conduct such meetings by electronic means.

''§ 15306. Personal financial interests

''(a) CONFLICTS OF INTEREST.—

''(1) NO ROLE ALLOWED.—Except as permitted by paragraph (2), an individual who is a State member or alternate, or an officer or employee of a Commission, shall not participate personally and substantially as a member, alternate, officer, or employee of the

Commission, through decision, approval, disapproval, recommendation, request for a ruling, or other determination, contract, claim, controversy, or other matter in which, to the individual's knowledge, any of the following has a financial interest:

''(A) The individual.

''(B) The individual's spouse, minor child, or partner.

''(C) An organization (except a State or political subdivision of a State) in which the individual is serving as an officer, director, trustee, partner, or employee.

''(D) Any person or organization with whom the individual is negotiating or has any arrangement concerning prospective employment.

''(2) EXCEPTION.—Paragraph (1) shall not apply if the individual, in advance of the proceeding, application, request for a ruling or other determination, contract, claim controversy, or other particular matter presenting a potential conflict of interest—

''(A) advises the Commission of the nature and circumstances of the matter presenting the conflict of interest;

''(B) makes full disclosure of the financial interest; and

''(C) receives a written decision of the Commission that the interest is not so substantial as to be considered likely to affect the integrity of the services that the Commission may expect from the individual.

''(3) VIOLATION.—An individual violating this subsection shall be fined under title 18, imprisoned for not more than 1 year, or both.

''(b) STATE MEMBER OR ALTERNATE.—A State member or alternate member may not receive any salary, or any contribution to, or supplementation of, salary, for services on a Commission from a source other than the State of the member or alternate.

''(c) DETAILED EMPLOYEES.—

''(1) IN GENERAL.—No person detailed to serve a Commission shall receive any salary, or any contribution to, or supplementation of, salary, for services provided to the Commission from any source other than the State, local, or intergovernmental department or agency from which the person was detailed to the Commission.

''(2) VIOLATION.—Any person that violates this subsection shall be fined under title 18, imprisoned not more than 1 year, or both.

''(d) FEDERAL COCHAIRMAN, ALTERNATE TO FEDERAL COCHAIRMAN, AND FEDERAL OFFICERS AND EMPLOYEES.—The Federal Cochairman, the alternate to the Federal Cochairman, and any Federal officer or employee detailed to duty with the Commission are not subject to this section but remain subject to sections 202 through 209 of title 18.

''(e) RESCISSION.—A Commission may declare void any contract, loan, or grant of or by the Commission in relation to which the Commission determines that there has been a violation of any provision under subsection (a)(1), (b), or (c), or any of the provisions of sections 202 through 209 of title 18.

''§ 15307. Tribal representation on Northern Great Plains Regional Commission

''(a) TRIBAL COCHAIRPERSON.—

''(1) APPOINTMENT.—In addition to the members specified in section 15301(b)(1), the membership of the Northern Great Plains Regional Commission shall include a Tribal Cochairperson, to be appointed by the President, by and with the advice and consent of the Senate. The Tribal Cochairperson shall be a member of an Indian tribe in the Commission's region.

''(2) DUTIES.—In addition to the Federal Cochairperson and State Cochairperson, the Commission shall be headed by the Tribal Cochairperson, who shall serve as a liaison between the governments of Indian tribes in the region and the Commission.

''(b) ALTERNATE TRIBAL COCHAIRPERSON.—

''(1) APPOINTMENT.—The President shall appoint an alternate to the Tribal Cochairperson.

''(2) DUTIES.—The alternate Tribal Cochairperson, when not actively serving as an alternate for the Tribal Cochairperson, shall perform such functions and duties as are delegated by the Tribal Cochairperson.

''(3) VOTING.—The alternate Tribal Cochairperson shall vote in the case of the absence, death, disability, removal, or resignation of the Tribal Cochairperson.

''(c) COMPENSATION.—

''(1) TRIBAL COCHAIRPERSON.—The Tribal Cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5.

''(2) ALTERNATE TRIBAL COCHAIRPERSON.—The Tribal Cochairperson's alternate shall be compensated by the Federal Government at level V of the Executive Schedule as set out in section 5316 of title 5.

''(d) EXPENSES OF TRIBAL COCHAIRPERSON.—All expenses of the Tribal Cochairperson, including expenses of the alternate and staff of the Tribal Cochairperson, shall be paid by the Federal Government.

''(e) DUTIES AND PRIVILEGES.—Except as provided in subsections (c) and (d), the Tribal Cochairperson shall have the same duties and privileges as the State Cochairperson.

''§ 15308. Tribal participation

''Governments of Indian tribes in the region of the Northern Great Plains Regional Commission or the Southwest Border Regional Commission shall be allowed to participate in matters before that Commission in the same manner and to the same extent as State agencies and instrumentalities in the region.

''§ 15309. Annual report

''(a) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, each Commission shall submit to the President and Congress a report on the activities carried out by the Commission under this subtitle in the fiscal year.

''(b) CONTENTS.—The report shall include—

''(1) a description of the criteria used by the Commission to designate counties under section 15702 and a list of the counties designated in each category;

''(2) an evaluation of the progress of the Commission in meeting the goals identified in the Commission's economic and infrastructure development plan under section 15303 and State economic and infrastructure development plans under section 15502;

''(3) any policy recommendations approved by the Commission.

''CHAPTER 155—FINANCIAL ASSISTANCE

''Sec.
''15501. Economic and infrastructure development grants.
''15502. Comprehensive economic and infrastructure development plans.
''15503. Approval of applications for assistance.
''15504. Program development criteria.
''15505. Local development districts and organizations.
''15506. Supplements to Federal grant programs.

''§ 15501. Economic and infrastructure development grants

''(a) IN GENERAL.—A Commission may make grants to States and local governments, Indian tribes, and public and nonprofit organizations for projects, approved in accordance with section 15503—

''(1) to develop the transportation infrastructure of its region;

''(2) to develop the basic public infrastructure of its region;

''(3) to develop the telecommunications infrastructure of its region;

''(4) to assist its region in obtaining job skills training, skills development and employment-related education, entrepreneurship, technology, and business development;

''(5) to provide assistance to severely economically distressed and underdeveloped areas of its region that lack financial resources for improving basic health care and other public services;

''(6) to promote resource conservation, tourism, recreation, and preservation of open space in a manner consistent with economic development goals;

''(7) to promote the development of renewable and alternative energy sources; and

''(8) to otherwise achieve the purposes of this subtitle.

''(b) ALLOCATION OF FUNDS.—A Commission shall allocate at least 40 percent of any grant amounts provided by the Commission in a fiscal year for projects described in paragraphs (1) through (3) of subsection (a).

''(c) SOURCES OF GRANTS.—Grant amounts may be provided entirely from appropriations to carry out this subtitle, in combination with amounts available under other Federal grant programs, or from any other source.

''(d) MAXIMUM COMMISSION CONTRIBUTIONS.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission may contribute not more than 50 percent of a project or activity cost eligible for financial assistance under this section from amounts appropriated to carry out this subtitle.

''(2) DISTRESSED COUNTIES.—The maximum Commission contribution for a project or activity to be carried out in a county for which a distressed county designation is in effect under section 15702 may be increased to 80 percent.

''(3) SPECIAL RULE FOR REGIONAL PROJECTS.—A Commission may increase to 60 percent under paragraph (1) and 90 percent under paragraph (2) the maximum Commission contribution for a project or activity if—

''(A) the project or activity involves 3 or more counties or more than one State; and

''(B) the Commission determines in accordance with section 15302(a) that the project or activity will bring significant interstate or multicounty benefits to a region.

''(e) MAINTENANCE OF EFFORT.—Funds may be provided by a Commission for a program or project in a State under this section only if the Commission determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within region, will not be reduced as a result of funds made available by this subtitle.

''(f) NO RELOCATION ASSISTANCE.—Financial assistance authorized by this section may not be used to assist a person or entity in relocating from one area to another.

''§ 15502. Comprehensive economic and infrastructure development plans

''(a) STATE PLANS.—In accordance with policies established by a Commission, each State member of the Commission shall submit a comprehensive economic and infrastructure development plan for the area of the region represented by the State member.

''(b) CONTENT OF PLAN.—A State economic and infrastructure development plan shall reflect the goals, objectives, and priorities identified in any applicable economic and infrastructure development plan developed by a Commission under section 15303.

''(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of

programs and projects for assistance), a State shall—

''(1) consult with local development districts, local units of government, and local colleges and universities; and

''(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

''(d) PUBLIC PARTICIPATION.—

''(1) IN GENERAL.—A Commission and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

''(2) GUIDELINES.—A Commission shall develop guidelines for providing public participation, including public hearings.

''§ 15503. Approval of applications for assistance

''(a) EVALUATION BY STATE MEMBER.—An application to a Commission for a grant or any other assistance for a project under this subtitle shall be made through, and evaluated for approval by, the State member of the Commission representing the applicant.

''(b) CERTIFICATION.—An application to a Commission for a grant or other assistance for a project under this subtitle shall be eligible for assistance only on certification by the State member of the Commission representing the applicant that the application for the project—

''(1) describes ways in which the project complies with any applicable State economic and infrastructure development plan;

''(2) meets applicable criteria under section 15504;

''(3) adequately ensures that the project will be properly administered, operated, and maintained; and

''(4) otherwise meets the requirements for assistance under this subtitle.

''(c) VOTES FOR DECISIONS.—On certification by a State member of a Commission of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Commission under section 15302 shall be required for approval of the application.

''§ 15504. Program development criteria

''(a) IN GENERAL.—In considering programs and projects to be provided assistance by a Commission under this subtitle, and in establishing a priority ranking of the requests for assistance provided to the Commission, the Commission shall follow procedures that ensure, to the maximum extent practicable, consideration of—

''(1) the relationship of the project or class of projects to overall regional development;

''(2) the per capita income and poverty and unemployment and outmigration rates in an area;

''(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

''(4) the importance of the project or class of projects in relation to the other projects or classes of projects that may be in competition for the same funds;

''(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

''(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

''§ 15505. Local development districts and organizations

''(a) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—Subject to the requirements of this section, a Commission may make grants to a local development district to assist in the payment of development planning and administrative expenses.

''(b) CONDITIONS FOR GRANTS.—

''(1) MAXIMUM AMOUNT.—The amount of a grant awarded under this section may not exceed 80 percent of the administrative and planning expenses of the local development district receiving the grant.

''(2) MAXIMUM PERIOD FOR STATE AGENCIES.—In the case of a State agency certified as a local development district, a grant may not be awarded to the agency under this section for more than 3 fiscal years.

''(3) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

''(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

''(1) operate as a lead organization serving multicounty areas in the region at the local level;

''(2) assist the Commission in carrying out outreach activities for local governments, community development groups, the business community, and the public;

''(3) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens; and

''(4) assist the individuals and entities described in paragraph (3) in identifying, assessing, and facilitating projects and programs to promote the economic development of the region.

''§ 15506. Supplements to Federal grant programs

''(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

''(1) they lack the economic resources to provide the required matching share; or

''(2) there are insufficient funds available under the applicable Federal law with respect to a project to be carried out in the region.

''(b) FEDERAL GRANT PROGRAM FUNDING.—A Commission, with the approval of the Federal Cochairperson, may use amounts made available to carry out this subtitle—

''(1) for any part of the basic Federal contribution to projects or activities under the Federal grant programs authorized by Federal laws; and

''(2) to increase the Federal contribution to projects and activities under the programs above the fixed maximum part of the cost of the projects or activities otherwise authorized by the applicable law.

''(c) CERTIFICATION REQUIRED.—For a program, project, or activity for which any part of the basic Federal contribution to the project or activity under a Federal grant program is proposed to be made under subsection (b), the Federal contribution shall not be made until the responsible Federal official administering the Federal law authorizing the Federal contribution certifies that the program, project, or activity meets the applicable requirements of the Federal law and could be approved for Federal contribution under that law if amounts were available under the law for the program, project, or activity.

''(d) LIMITATIONS IN OTHER LAWS INAPPLICABLE.—Amounts provided pursuant to this subtitle are available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other law.

''(e) FEDERAL SHARE.—The Federal share of the cost of a project or activity receiving assistance under this section shall not exceed 80 percent.

''(f) MAXIMUM COMMISSION CONTRIBUTION.—Section 15501(d), relating to limitations on Commission contributions, shall apply to a program, project, or activity receiving assistance under this section.

''CHAPTER 156—ADMINISTRATIVE PROVISIONS

''SUBCHAPTER I—GENERAL PROVISIONS

''Sec.
''15701. Consent of States.
''15702. Distressed counties and areas.
''15703. Counties eligible for assistance in more than one region.
''15704. Inspector General; Records.
''15705. Biannual meetings of representatives of all commissions.
''15706. Relationship to other laws.

''SUBCHAPTER II—DESIGNATION OF REGIONS

''15731. Delta Regional Commission.
''15732. Northern Great Plains Regional Commission.
''15733. Southeast Crescent Regional Commission.
''15734. Southwest Border Regional Commission.
''15735. Northern Border Regional Commission.

''SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

''15751. Authorization of appropriations.

''SUBCHAPTER I—GENERAL PROVISIONS

''§ 15701. Consent of States

''This subtitle does not require a State to engage in or accept a program under this subtitle without its consent.

''§ 15702. Distressed counties and areas

''(a) DESIGNATIONS.—Not later than 90 days after the date of enactment of this section, and annually thereafter, each Commission shall make the following designations:

''(1) DISTRESSED COUNTIES.—The Commission shall designate as distressed counties those counties in its region that are the most severely and persistently economically distressed and underdeveloped and have high rates of poverty, unemployment, or outmigration.

''(2) TRANSITIONAL COUNTIES.—The Commission shall designate as transitional counties those counties in its region that are economically distressed and underdeveloped or have recently suffered high rates of poverty, unemployment, or outmigration.

''(3) ATTAINMENT COUNTIES.—The Commission shall designate as attainment counties, those counties in its region that are not designated as distressed or transitional counties under this subsection.

''(4) ISOLATED AREAS OF DISTRESS.—The Commission shall designate as isolated areas of distress, areas located in counties designated as attainment counties under paragraph (3) that have high rates of poverty, unemployment, or outmigration.

''(b) ALLOCATION.—A Commission shall allocate at least 50 percent of the appropriations made available to the Commission to carry out this subtitle for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

''(c) ATTAINMENT COUNTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), funds may not be provided under this subtitle for a project located in a county designated as an attainment county under subsection (a).

''(2) EXCEPTIONS.—

''(A) ADMINISTRATIVE EXPENSES OF LOCAL DEVELOPMENT DISTRICTS.—The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 15505.

''(B) MULTICOUNTY AND OTHER PROJECTS.—A Commission may waive the application of the funding prohibition under paragraph (1) with respect to—

''(i) a multicounty project that includes participation by an attainment county; and

''(ii) any other type of project, if a Commission determines that the project could bring significant benefits to areas of the region outside an attainment county.

''(3) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress to be effective, the designation shall be supported—

''(A) by the most recent Federal data available; or

''(B) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

''§ 15703. Counties eligible for assistance in more than one region

''(a) LIMITATION.—A political subdivision of a State may not receive assistance under this subtitle in a fiscal year from more than one Commission.

''(b) SELECTION OF COMMISSION.—A political subdivision included in the region of more than one Commission shall select the Commission with which it will participate by notifying, in writing, the Federal Cochairperson and the appropriate State member of that Commission.

''(c) CHANGES IN SELECTIONS.—The selection of a Commission by a political subdivision shall apply in the fiscal year in which the selection is made, and shall apply in each subsequent fiscal year unless the political subdivision, at least 90 days before the first day of the fiscal year, notifies the Cochairpersons of another Commission in writing that the political subdivision will participate in that Commission and also transmits a copy of such notification to the Cochairpersons of the Commission in which the political subdivision is currently participating.

''(d) INCLUSION OF APPALACHIAN REGIONAL COMMISSION.—In this section, the term 'Commission' includes the Appalachian Regional Commission established under chapter 143.

''§ 15704. Inspector General; records

''(a) APPOINTMENT OF INSPECTOR GENERAL.—There shall be an Inspector General for the Commissions appointed in accordance with section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.). All of the Commissions shall be subject to a single Inspector General.

''(b) RECORDS OF A COMMISSION.—

''(1) IN GENERAL.—A Commission shall maintain accurate and complete records of all its transactions and activities.

''(2) AVAILABILITY.—All records of a Commission shall be available for audit and examination by the Inspector General (including authorized representatives of the Inspector General).

''(c) RECORDS OF RECIPIENTS OF COMMISSION ASSISTANCE.—

''(1) IN GENERAL.—A recipient of funds from a Commission under this subtitle shall maintain accurate and complete records of transactions and activities financed with the funds and report to the Commission on the transactions and activities.

''(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Commission and the Inspector General (including authorized representatives of the Commission and the Inspector General).

''(d) ANNUAL AUDIT.—The Inspector General shall audit the activities, transactions, and records of each Commission on an annual basis.

''§ 15705. Biannual meetings of representatives of all Commissions

''(a) IN GENERAL.—Representatives of each Commission, the Appalachian Regional Commission, and the Denali Commission shall meet biannually to discuss issues confronting regions suffering from chronic and contiguous distress and successful strategies for promoting regional development.

''(b) CHAIR OF MEETINGS.—The chair of each meeting shall rotate among the Commissions, with the Appalachian Regional Commission to host the first meeting.

''§ 15706. Relationship to other laws

''Projects receiving assistance under this subtitle shall be treated in the manner provided in section 602 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3212).

''SUBCHAPTER II—DESIGNATION OF REGIONS

''§ 15731. Delta Regional Commission

''The region of the Delta Regional Commission shall consist of the following political subdivisions:

''(1) ALABAMA.—The counties of Barbour, Bullock, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lowndes, Macon, Marengo, Monroe, Perry, Pickens, Russell, Sumter, Washington, and Wilcox in the State of Alabama.

''(2) ARKANSAS.—The counties of Arkansas, Ashley, Baxter, Bradley, Calhoun, Chicot, Clay, Cleveland, Craighead, Crittenden, Cross, Dallas, Desha, Drew, Fulton, Grant, Greene, Independence, Izard, Jackson, Jefferson, Lawrence, Lee, Lincoln, Lonoke, Marion, Mississippi, Monroe, Ouachita, Phillips, Poinsett, Prairie, Pulaski, Randolph, St. Francis, Searcy, Sharp, Stone, Union, Van Buren, White, and Woodruff in the State of Arkansas.

''(3) ILLINOIS.—The counties of Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, White, and Woodruff in the State of Illinois.

''(4) KENTUCKY.—The counties of Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Muhlenberg, Todd, Trigg, Union, and Webster in the State of Kentucky.

''(5) LOUISIANA.—The parishes of Acadia, Allen, Ascension, Assumption, Avoyelles, Caldwell, Catahoula, Concordia, E. Baton Rouge, E. Carroll, E. Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Richland, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, Tangipahoa, Tensas, Union, Washington, W. Baton Rouge, W. Carroll, W. Feliciana, and Winn in the State of Louisiana.

''(6) MISSISSIPPI.—The counties of Adams, Amite, Attala, Benton, Bolivar, Carroll, Claiborne, Coahoma, Copiah, Covington, Desoto, Franklin, Grenada, Hinds, Holmes, Humphreys, Issaquena, Jefferson, Jefferson Davis, Lafayette, Lawrence, Leflore, Lincoln, Madison, Marion, Marshall, Montgomery, Panola, Pike, Quitman, Rankin, Sharkey, Simpson, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wilkinson, Yalobusha, and Yazoo in the State of Mississippi.

''(7) MISSOURI.—The counties Bollinger, Butler, Cape Girardeau, Carter, Crawford, Dent, Douglas, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Ozark, Pemiscott, Perry, Phelps, Reynolds, Ripley, Ste. Genevieve, St. Francois, Scott, Shannon, Stoddard, Texas, Washington, Wayne, and Wright in the State of Missouri.

''(8) TENNESSEE.—The counties of Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, and Weakley in the State of Tennessee.

''§ 15732. Northern Great Plains Regional Commission

''The region of the Northern Great Plains Regional Commission shall consist of all counties of the States of Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

''§ 15733. Southeast Crescent Regional Commission

''The region of the Southeast Crescent Regional Commission shall consist of all counties of the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida not already served by the Appalachian Regional Commission or the Delta Regional Commission.

''§ 15734. Southwest Border Regional Commission

''The region of the Southwest Border Regional Commission shall consist of the following political subdivisions:

''(1) ARIZONA.—The counties of Cochise, Gila, Graham, Greenlee, La Paz, Maricopa, Pima, Pinal, Santa Cruz, and Yuma in the State of Arizona.

''(2) CALIFORNIA.—The counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura in the State of California.

''(3) NEW MEXICO.—The counties of Catron, Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lincoln, Luna, Otero, Sierra, and Socorro in the State of New Mexico.

''(4) TEXAS.—The counties of Atascosa, Bandera, Bee, Bexar, Brewster, Brooks, Cameron, Coke, Concho, Crane, Crockett, Culberson, Dimmit, Duval, Ector, Edwards, El Paso, Frio, Gillespie, Glasscock, Hidalgo, Hudspeth, Irion, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Loving, Mason, Maverick, McMullen, Medina, Menard, Midland, Nueces, Pecos, Presidio, Reagan, Real, Reeves, San Patricio, Shleicher, Sutton, Starr, Sterling, Terrell, Tom Green Upton, Uvalde, Val Verde, Ward, Webb, Willacy, Wilson, Winkler, Zapata, and Zavala in the State of Texas.

''§ 15735. Northern Border Regional Commission

''The region of the Northern Border Regional Commission shall include the following counties:

''(1) MAINE.—The counties of Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox, Oxford, Penobscot, Piscataquis, Somerset, Waldo, and Washington in the State of Maine.

''(2) NEW HAMPSHIRE.—The counties of Carroll, Coos, Grafton, and Sullivan in the State of New Hampshire.

''(3) NEW YORK.—The counties of Cayuga, Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, Oswego, Seneca, and St. Lawrence in the State of New York.

''(4) VERMONT.—The counties of Caledonia, Essex, Franklin, Grand Isle, Lamoille, and Orleans in the State of Vermont.

''SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

''§ 15751. Authorization of appropriations

''(a) IN GENERAL.—There is authorized to be appropriated to each Commission to carry out this subtitle—

''(1) $40,000,000 for fiscal year 2008;
''(2) $45,000,000 for fiscal year 2009;
''(3) $50,000,000 for fiscal year 2010;
''(4) $55,000,000 for fiscal year 2011; and
''(5) $60,000,000 for fiscal year 2012.

''(b) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the funds made available to a Commission in a fiscal year under this section may be used for administrative expenses.''.

(b) CONFORMING AMENDMENT.—The table of subtitles for chapter 40, United States Code, is amended by striking the item relating to subtitle V and inserting the following:

''V. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT 15101
''VI. MISCELLANEOUS ..... 17101.''.

SEC. 4. CONFORMING AMENDMENTS.

(a) REPEALS.—Subtitles F and G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–2009bb–13) are repealed.

(b) INSPECTOR GENERAL ACT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1) by striking ''or the President of the Export-Import Bank;'' and inserting ''the President of the Export-Import Bank; or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;''; and

(2) in paragraph (2) by striking ''or the Export-Import Bank,'' and inserting ''the Export-Import Bank, or the Commissions established under section 15301 of title 40, United States Code,''.

SEC. 5. TRANSFERS OF AUTHORITY AND SAVINGS PROVISIONS.

(a) TRANSFERS OF AUTHORITY.—Subject to the requirements of this Act (including the amendments made by this Act)—

(1) all of the functions of the Delta Regional Authority are transferred to the Delta Regional Commission; and

(2) all of the functions of the Northern Great Plains Regional Authority are transferred to the Northern Great Plains Regional Commission.

(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, grants, loans, contracts, and agreements—

(1) that have been issued, made, granted, or allowed to become effective by the Delta Regional Authority or the Northern Great Plains Regional Authority in the performance of any function that is transferred by this section, and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by an authorized official, a court of competent jurisdiction, or operation of law.

(c) TRANSFER OF ASSETS AND PERSONNEL.—

(1) DELTA REGIONAL COMMISSION.—There shall be transferred to the Delta Regional Commission such assets, funds, personnel, records, and other property of the Delta Regional Authority relating to the functions of the Authority as the Commission determines appropriate.

(2) NORTHERN GREAT PLAINS REGIONAL COMMISSION.—There shall be transferred to the Northern Great Plains Regional Commission such assets, funds, personnel, records, and other property of the Northern Great Plains Regional Authority as the Commission determines appropriate.

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 704, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110–361, is adopted and the bill, as amended, is considered read.

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

H.R. 3246

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 ''Regional Economic and Infrastructure Development Act of 2007''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) certain regions of the Nation, including Appalachia, the Mississippi Delta Region, the Northern Great Plains Region, the Southeast Crescent Region, the Southwest Border Region, the Northern Border Region, and rural Alaska, have suffered from chronic distress far above the national average;

(2) an economically distressed region can suffer unemployment and poverty at a rate that is 150 percent of the national average; and

(3) regional commissions are unique Federal-State partnerships that can provide targeted resources to alleviate pervasive economic distress.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed regions in the Nation; and

(2) to ensure that the most severely economically distressed regions in the Nation have the necessary tools to develop the basic building blocks for economic development, such as transportation and basic public infrastructure, job skills training, and business development.

SEC. 3. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—Title 40, United States Code, is amended—

(1) by redesignating subtitle V as subtitle VI; and

(2) by inserting after subtitle IV the following:

''Subtitle V—Regional Economic and Infrastructure Development

''Chapter Sec.
''151. GENERAL PROVISIONS 15101
''153. REGIONAL COMMISSIONS 15301
''155. FINANCIAL ASSISTANCE 15501
''157. ADMINISTRATIVE PROVISIONS 15701

''CHAPTER 151—GENERAL PROVISIONS

''Sec.
''15101. Definitions.

''§ 15101. Definitions

''In this subtitle, the following definitions apply:

''(1) COMMISSION.—The term 'Commission' means a Commission established under section 15301.

''(2) LOCAL DEVELOPMENT DISTRICT.—The term 'local development district' means an entity that—

''(A)(i) is an economic development district that is—

''(I) in existence on the date of enactment of this chapter; and

''(II) located in the region; or

''(ii) if an entity described in clause (i) does not exist—

''(I) is organized and operated in a manner that ensures broad-based community participation and an effective opportunity for local officials, community leaders, and the public to contribute to the development and implementation of programs in the region;

''(II) is governed by a policy board with at least a simple majority of members consisting of—

''(aa) elected officials; or

''(bb) designees or employees of a general purpose unit of local government that have been appointed to represent the unit of local government; and

''(III) is certified by the Governor or appropriate State officer as having a charter or authority that includes the economic development of counties, portions of counties, or other political subdivisions within the region; and

''(B) has not, as certified by the Federal Cochairperson—

''(i) inappropriately used Federal grant funds from any Federal source; or

''(ii) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

''(3) FEDERAL GRANT PROGRAM.—The term 'Federal grant program' means a Federal grant program to provide assistance in carrying out economic and community development activities.

''(4) 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).

''(5) NONPROFIT ENTITY.—The term 'nonprofit entity' means any entity with tax-exempt or nonprofit status, as defined by the Internal Revenue Service, that has been formed for the purpose of economic development.

''(6) REGION.—The term 'region' means the area covered by a Commission as described in subchapter II of chapter 157.

''CHAPTER 153—REGIONAL COMMISSIONS

''Sec.
''15301. Establishment, membership, and employees.
''15302. Decisions.
''15303. Functions.
''15304. Administrative powers and expenses.
''15305. Meetings.
''15306. Personal financial interests.
''15307. Tribal representation on Northern Great Plains Regional Commission.
''15308. Tribal participation.
''15309. Annual report.

''§ 15301. Establishment, membership, and employees

''(a) ESTABLISHMENT.—There are established the following regional Commissions:

''(1) The Delta Regional Commission.

''(2) The Northern Great Plains Regional Commission.

''(3) The Southeast Crescent Regional Commission.

''(4) The Southwest Border Regional Commission.

''(5) The Northern Border Regional Commission.

''(b) MEMBERSHIP.—

''(1) FEDERAL AND STATE MEMBERS.—Each Commission shall be composed of the following members:

''(A) A Federal Cochairperson, to be appointed by the President, by and with the advice and consent of the Senate.

''(B) The Governor of each participating State in the region of the Commission.

''(2) ALTERNATE MEMBERS.—

''(A) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal Cochairperson for each Commission. The alternate Federal Cochairperson, when not actively serving as an alternate for the Federal Cochairperson, shall perform such functions and duties as are delegated by the Federal Cochairperson.

''(B) STATE ALTERNATES.—The State member of a participating State may have a single alternate, who shall be appointed by the Governor of the State from among the members of the Governor's cabinet or personal staff.

''(C) VOTING.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State member for which the alternate member is an alternate.

''(3) COCHAIRPERSONS.—A Commission shall be headed by—

''(A) the Federal Cochairperson, who shall serve as a liaison between the Federal Government and the Commission; and

''(B) a State Cochairperson, who shall be a Governor of a participating State in the region and shall be elected by the State members for a term of not less than 1 year.

''(4) CONSECUTIVE TERMS.—A State member may not be elected to serve as State Cochairperson for more than 2 consecutive terms.

''(c) COMPENSATION.—

''(1) FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5.

''(2) ALTERNATE FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson's alternate shall be compensated by the Federal Government at level V of the Executive Schedule as set out in section 5316 of title 5.

''(3) STATE MEMBERS AND ALTERNATES.—Each State member and alternate shall be compensated by the State that they represent at the rate established by the laws of that State.

''(d) EXECUTIVE DIRECTOR AND STAFF.—

''(1) IN GENERAL.—A Commission shall appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Commission to carry out its duties. Compensation under this paragraph may not exceed the maximum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

''(2) EXECUTIVE DIRECTOR.—The executive director shall be responsible for carrying out the administrative duties of the Commission, directing the Commission staff, and such other duties as the Commission may assign.

''(e) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of a Commission (other than the Federal Cochairperson, the alternate Federal Cochairperson, staff of the Federal Cochairperson, and any Federal employee detailed to the Commission) shall be considered to be a Federal employee for any purpose.

''§ 15302. Decisions

''(a) REQUIREMENTS FOR APPROVAL.—Except as provided in section 15304(c)(3), decisions by the Commission shall require the affirmative vote of the Federal Cochairperson and a majority of the State members (exclusive of members representing States delinquent under section 15304(c)(3)(C)).

''(b) CONSULTATION.—In matters coming before the Commission, the Federal Cochairperson shall, to the extent practicable, consult with the Federal departments and agencies having an interest in the subject matter.

''(c) QUORUMS.—A Commission shall determine what constitutes a quorum for Commission meetings; except that—

''(1) any quorum shall include the Federal Cochairperson or the alternate Federal Cochairperson; and

''(2) a State alternate member shall not be counted toward the establishment of a quorum.

''(d) PROJECTS AND GRANT PROPOSALS.—The approval of project and grant proposals shall be a responsibility of each Commission and shall be carried out in accordance with section 15503.

''§ 15303. Functions

''A Commission shall—

''(1) assess the needs and assets of its region based on available research, demonstration projects, investigations, assessments, and evaluations of the region prepared by Federal, State, and local agencies, universities, local development districts, and other nonprofit groups;

''(2) develop, on a continuing basis, comprehensive and coordinated economic and infrastructure development strategies to establish priorities and approve grants for the economic development of its region, giving due consideration to other Federal, State, and local planning and development activities in the region;

''(3) not later than one year after the date of enactment of this section, and after taking into account State plans developed under section 15502, establish priorities in an economic and infrastructure development plan for its region, including 5-year regional outcome targets;

''(4)(A) enhance the capacity of, and provide support for, local development districts in its region; or

''(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

''(5) encourage private investment in industrial, commercial, and other economic development projects in its region;

''(6) cooperate with and assist State governments with the preparation of economic and infrastructure development plans and programs for participating States;

''(7) formulate and recommend to the Governors and legislatures of States that participate in the Commission forms of interstate cooperation and, where appropriate, international cooperation; and

''(8) work with State and local agencies in developing appropriate model legislation to enhance local and regional economic development.

''§ 15304. Administrative powers and expenses

''(a) POWERS.—In carrying out its duties under this subtitle, a Commission may—

''(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Commission as the Commission considers appropriate;

''(2) authorize, through the Federal or State Cochairperson or any other member of the Commission designated by the Commission, the administration of oaths if the Commission determines that testimony should be taken or evidence received under oath;

''(3) request from any Federal, State, or local agency such information as may be available to or procurable by the agency that may be of use to the Commission in carrying out the duties of the Commission;

''(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties by the Commission;

''(5) request the head of any Federal agency, State agency, or local government to detail to the Commission such personnel as the Commission requires to carry out its duties, each such detail to be without loss of seniority, pay, or other employee status;

''(6) provide for coverage of Commission employees in a suitable retirement and employee benefit system by making arrangements or entering into contracts with any participating State government or otherwise providing retirement and other employee coverage;

''(7) accept, use, and dispose of gifts or donations or services or real, personal, tangible, or intangible property;

''(8) enter into and perform such contracts, cooperative agreements, or other transactions as are necessary to carry out Commission duties, including any contracts or cooperative agreements with a department, agency, or instrumentality of the United States, a State (including a political subdivision, agency, or instrumentality of the State), or a person, firm, association, or corporation; and

''(9) maintain a government relations office in the District of Columbia and establish and maintain a central office at such location in its region as the Commission may select.

''(b) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

''(1) cooperate with a Commission; and

''(2) provide, to the extent practicable, on request of the Federal Cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

''(c) ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—Subject to paragraph (2), the administrative expenses of a Commission shall be paid—

''(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses of the Commission; and

''(B) by the States participating in the Commission, in an amount equal to 50 percent of the administrative expenses.

''(2) EXPENSES OF THE FEDERAL COCHAIRPERSON.—All expenses of the Federal Cochairperson, including expenses of the alternate and staff of the Federal Cochairperson, shall be paid by the Federal Government.

''(3) STATE SHARE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the share of administrative expenses of a Commission to be paid by each State of the Commission shall be determined by a unanimous vote of the State members of the Commission.

''(B) NO FEDERAL PARTICIPATION.—The Federal Cochairperson shall not participate or vote in any decision under subparagraph (A).

''(C) DELINQUENT STATES.—During any period in which a State is more than 1 year delinquent in payment of the State's share of administrative expenses of the Commission under this subsection—

''(i) no assistance under this subtitle shall be provided to the State (including assistance to a political subdivision or a resident of the State) for any project not approved as of the date of the commencement of the delinquency; and

''(ii) no member of the Commission from the State shall participate or vote in any action by the Commission.

''(4) EFFECT ON ASSISTANCE.—A State's share of administrative expenses of a Commission under this subsection shall not be taken into consideration when determining the amount of assistance provided to the State under this subtitle.

''§ 15305. Meetings

''(a) INITIAL MEETING.—Each Commission shall hold an initial meeting not later than 180 days after the date of enactment of this section.

''(b) ANNUAL MEETING.—Each Commission shall conduct at least 1 meeting each year with the Federal Cochairperson and at least a majority of the State members present.

''(c) ADDITIONAL MEETINGS.—Each Commission shall conduct additional meetings at such times as it determines and may conduct such meetings by electronic means.

''§ 15306. Personal financial interests

''(a) CONFLICTS OF INTEREST.—

''(1) NO ROLE ALLOWED.—Except as permitted by paragraph (2), an individual who is a State member or alternate, or an officer or employee of a Commission, shall not participate personally and substantially as a member, alternate, officer, or employee of the Commission, through decision, approval, disapproval, recommendation, request for a ruling, or other determination, contract, claim, controversy, or other matter in which, to the individual's knowledge, any of the following has a financial interest:

''(A) The individual.

''(B) The individual's spouse, minor child, or partner.

''(C) An organization (except a State or political subdivision of a State) in which the individual is serving as an officer, director, trustee, partner, or employee.

''(D) Any person or organization with whom the individual is negotiating or has any arrangement concerning prospective employment.

''(2) EXCEPTION.—Paragraph (1) shall not apply if the individual, in advance of the proceeding, application, request for a ruling or other determination, contract, claim controversy, or other particular matter presenting a potential conflict of interest—

''(A) advises the Commission of the nature and circumstances of the matter presenting the conflict of interest;

''(B) makes full disclosure of the financial interest; and

''(C) receives a written decision of the Commission that the interest is not so substantial as to be considered likely to affect the integrity of the services that the Commission may expect from the individual.

''(3) VIOLATION.—An individual violating this subsection shall be fined under title 18, imprisoned for not more than 1 year, or both.

''(b) STATE MEMBER OR ALTERNATE.—A State member or alternate member may not receive any salary, or any contribution to, or supplementation of, salary, for services on a Commission from a source other than the State of the member or alternate.

''(c) DETAILED EMPLOYEES.—

''(1) IN GENERAL.—No person detailed to serve a Commission shall receive any salary, or any contribution to, or supplementation of, salary, for services provided to the Commission from any source other than the State, local, or intergovernmental department or agency from which the person was detailed to the Commission.

''(2) VIOLATION.—Any person that violates this subsection shall be fined under title 18, imprisoned not more than 1 year, or both.

''(d) FEDERAL COCHAIRMAN, ALTERNATE TO FEDERAL COCHAIRMAN, AND FEDERAL OFFICERS AND EMPLOYEES.—The Federal Cochairman, the alternate to the Federal Cochairman, and any Federal officer or employee detailed to duty with the Commission are not subject to this section but remain subject to sections 202 through 209 of title 18.

''(e) RESCISSION.—A Commission may declare void any contract, loan, or grant of or by the Commission in relation to which the Commission determines that there has been a violation of any provision under subsection (a)(1), (b), or (c), or any of the provisions of sections 202 through 209 of title 18.

''§ 15307. Tribal representation on Northern Great Plains Regional Commission

''(a) TRIBAL COCHAIRPERSON.—

''(1) APPOINTMENT.—In addition to the members specified in section 15301(b)(1), the membership of the Northern Great Plains Regional Commission shall include a Tribal Cochairperson, to be appointed by the President, by and with the advice and consent of the Senate. The Tribal Cochairperson shall be a member of an Indian tribe in the Commission's region.

''(2) DUTIES.—In addition to the Federal Cochairperson and State Cochairperson, the Commission shall be headed by the Tribal Cochairperson, who shall serve as a liaison between the governments of Indian tribes in the region and the Commission.

''(b) ALTERNATE TRIBAL COCHAIRPERSON.—

''(1) APPOINTMENT.—The President shall appoint an alternate to the Tribal Cochairperson.

''(2) DUTIES.—The alternate Tribal Cochairperson, when not actively serving as an alternate for the Tribal Cochairperson, shall perform such functions and duties as are delegated by the Tribal Cochairperson.

''(3) VOTING.—The alternate Tribal Cochairperson shall vote in the case of the absence, death, disability, removal, or resignation of the Tribal Cochairperson.

''(c) COMPENSATION.—

''(1) TRIBAL COCHAIRPERSON.—The Tribal Cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5.

''(2) ALTERNATE TRIBAL COCHAIRPERSON.—The Tribal Cochairperson's alternate shall be compensated by the Federal Government at level V of the Executive Schedule as set out in section 5316 of title 5.

''(d) EXPENSES OF TRIBAL COCHAIRPERSON.—All expenses of the Tribal Cochairperson, including expenses of the alternate and staff of the Tribal Cochairperson, shall be paid by the Federal Government.

''(e) DUTIES AND PRIVILEGES.—Except as provided in subsections (c) and (d), the Tribal Cochairperson shall have the same duties and privileges as the State Cochairperson.

''§ 15308. Tribal participation

''Governments of Indian tribes in the region of the Northern Great Plains Regional Commission or the Southwest Border Regional Commission shall be allowed to participate in matters before that Commission in the same manner and to the same extent as State agencies and instrumentalities in the region.

''§ 15309. Annual report

''(a) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, each Commission shall submit to the President and Congress a report on the activities carried out by the Commission under this subtitle in the fiscal year.

''(b) CONTENTS.—The report shall include—

''(1) a description of the criteria used by the Commission to designate counties under section 15702 and a list of the counties designated in each category;

''(2) an evaluation of the progress of the Commission in meeting the goals identified in the Commission's economic and infrastructure development plan under section 15303 and State economic and infrastructure development plans under section 15502; and

''(3) any policy recommendations approved by the Commission.

''CHAPTER 155—FINANCIAL ASSISTANCE

''Sec.
''15501. Economic and infrastructure development grants.
''15502. Comprehensive economic and infrastructure development plans.
''15503. Approval of applications for assistance.
''15504. Program development criteria.
''15505. Local development districts and organizations.
''15506. Supplements to Federal grant programs.

''§ 15501. Economic and infrastructure development grants

''(a) IN GENERAL.—A Commission may make grants to States and local governments, Indian tribes, and public and nonprofit organizations for projects, approved in accordance with section 15503—

''(1) to develop the transportation infrastructure of its region;

''(2) to develop the basic public infrastructure of its region;

''(3) to develop the telecommunications infrastructure of its region;

''(4) to assist its region in obtaining job skills training, skills development and employment-related education, entrepreneurship, technology, and business development;

''(5) to provide assistance to severely economically distressed and underdeveloped areas of its region that lack financial resources for improving basic health care and other public services;

''(6) to promote resource conservation, tourism, recreation, and preservation of open space in a manner consistent with economic development goals;

''(7) to promote the development of renewable and alternative energy sources; and

''(8) to otherwise achieve the purposes of this subtitle.

''(b) ALLOCATION OF FUNDS.—A Commission shall allocate at least 40 percent of any grant amounts provided by the Commission in a fiscal year for projects described in paragraphs (1) through (3) of subsection (a).

''(c) SOURCES OF GRANTS.—Grant amounts may be provided entirely from appropriations to carry out this subtitle, in combination with amounts available under other Federal grant programs, or from any other source.

''(d) MAXIMUM COMMISSION CONTRIBUTIONS.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission may contribute not more than 50 percent of a project or activity cost eligible for financial assistance under this section from amounts appropriated to carry out this subtitle.

''(2) DISTRESSED COUNTIES.—The maximum Commission contribution for a project or activity to be carried out in a county for which a distressed county designation is in effect under section 15702 may be increased to 80 percent.

''(3) SPECIAL RULE FOR REGIONAL PROJECTS.—A Commission may increase to 60 percent under paragraph (1) and 90 percent under paragraph (2) the maximum Commission contribution for a project or activity if—

''(A) the project or activity involves 3 or more counties or more than one State; and

''(B) the Commission determines in accordance with section 15302(a) that the project or activity will bring significant interstate or multicounty benefits to a region.

''(e) MAINTENANCE OF EFFORT.—Funds may be provided by a Commission for a program or project in a State under this section only if the Commission determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within region, will not be reduced as a result of funds made available by this subtitle.

''(f) NO RELOCATION ASSISTANCE.—Financial assistance authorized by this section may not be used to assist a person or entity in relocating from one area to another.

''§ 15502. Comprehensive economic and infrastructure development plans

''(a) STATE PLANS.—In accordance with policies established by a Commission, each State member of the Commission shall submit a comprehensive economic and infrastructure development plan for the area of the region represented by the State member.

''(b) CONTENT OF PLAN.—A State economic and infrastructure development plan shall reflect the goals, objectives, and priorities identified in any applicable economic and infrastructure development plan developed by a Commission under section 15303.

''(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State shall—

''(1) consult with local development districts, local units of government, and local colleges and universities; and

''(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

''(d) PUBLIC PARTICIPATION.—

''(1) IN GENERAL.—A Commission and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

''(2) GUIDELINES.—A Commission shall develop guidelines for providing public participation, including public hearings.

''§ 15503. Approval of applications for assistance

''(a) EVALUATION BY STATE MEMBER.—An application to a Commission for a grant or any other assistance for a project under this subtitle shall be made through, and evaluated for approval by, the State member of the Commission representing the applicant.

''(b) CERTIFICATION.—An application to a Commission for a grant or other assistance for a project under this subtitle shall be eligible for assistance only on certification by the State member of the Commission representing the applicant that the application for the project—

''(1) describes ways in which the project complies with any applicable State economic and infrastructure development plan;

''(2) meets applicable criteria under section 15504;

''(3) adequately ensures that the project will be properly administered, operated, and maintained; and

''(4) otherwise meets the requirements for assistance under this subtitle.

''(c) VOTES FOR DECISIONS.—On certification by a State member of a Commission of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Commission under section 15302 shall be required for approval of the application.

"§ 15504. Program development criteria

''(a) IN GENERAL.—In considering programs and projects to be provided assistance by a Commission under this subtitle, and in establishing a priority ranking of the requests for assistance provided to the Commission, the Commission shall follow procedures that ensure, to the maximum extent practicable, consideration of—

''(1) the relationship of the project or class of projects to overall regional development;

''(2) the per capita income and poverty and unemployment and outmigration rates in an area;

''(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

''(4) the importance of the project or class of projects in relation to the other projects or classes of projects that may be in competition for the same funds;

''(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

''(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

"§ 15505. Local development districts and organizations

''(a) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—Subject to the requirements of this section, a Commission may make grants to a local development district to assist in the payment of development planning and administrative expenses.

''(b) CONDITIONS FOR GRANTS.—

''(1) MAXIMUM AMOUNT.—The amount of a grant awarded under this section may not exceed 80 percent of the administrative and planning expenses of the local development district receiving the grant.

''(2) MAXIMUM PERIOD FOR STATE AGENCIES.—In the case of a State agency certified as a local development district, a grant may not be awarded to the agency under this section for more than 3 fiscal years.

''(3) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

''(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

''(1) operate as a lead organization serving multicounty areas in the region at the local level;

''(2) assist the Commission in carrying out outreach activities for local governments, community development groups, the business community, and the public;

''(3) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens; and

''(4) assist the individuals and entities described in paragraph (3) in identifying, assessing, and facilitating projects and programs to promote the economic development of the region.

"§ 15506. Supplements to Federal grant programs

''(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

''(1) they lack the economic resources to provide the required matching share; or

''(2) there are insufficient funds available under the applicable Federal law with respect to a project to be carried out in the region.

''(b) FEDERAL GRANT PROGRAM FUNDING.—A Commission, with the approval of the Federal Cochairperson, may use amounts made available to carry out this subtitle—

''(1) for any part of the basic Federal contribution to projects or activities under the Federal grant programs authorized by Federal laws; and

''(2) to increase the Federal contribution to projects and activities under the programs above the fixed maximum part of the cost of the projects or activities otherwise authorized by the applicable law.

''(c) CERTIFICATION REQUIRED.—For a program, project, or activity for which any part of the basic Federal contribution to the project or activity under a Federal grant program is proposed to be made under subsection (b), the Federal contribution shall not be made until the responsible Federal official administering the Federal law authorizing the Federal contribution certifies that the program, project, or activity meets the applicable requirements of the Federal law and could be approved for Federal contribution under that law if amounts were available under the law for the program, project, or activity.

''(d) LIMITATIONS IN OTHER LAWS INAPPLICABLE.—Amounts provided pursuant to this subtitle are available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other law.

''(e) FEDERAL SHARE.—The Federal share of the cost of a project or activity receiving assistance under this section shall not exceed 80 percent.

''(f) MAXIMUM COMMISSION CONTRIBUTION.—Section 15501(d), relating to limitations on Commission contributions, shall apply to a program, project, or activity receiving assistance under this section.

"CHAPTER 157—ADMINISTRATIVE PROVISIONS

''SUBCHAPTER I—GENERAL PROVISIONS

''Sec.
''15701. Consent of States.
''15702. Distressed counties and areas.
''15703. Counties eligible for assistance in more than one region.
''15704. Inspector General; records.
''15705. Biannual meetings of representatives of all Commissions.
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''SUBCHAPTER II—DESIGNATION OF REGIONS

''15731. Delta Regional Commission.
''15732. Northern Great Plains Regional Commission.
''15733. Southeast Crescent Regional Commission.
''15734. Southwest Border Regional Commission.
''15735. Northern Border Regional Commission.

''SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

''15751. Authorization of appropriations.

''SUBCHAPTER I—GENERAL PROVISIONS

"§ 15701. Consent of States

''This subtitle does not require a State to engage in or accept a program under this subtitle without its consent.

"§ 15702. Distressed counties and areas

''(a) DESIGNATIONS.—Not later than 90 days after the date of enactment of this section, and annually thereafter, each Commission shall make the following designations:

''(1) DISTRESSED COUNTIES.—The Commission shall designate as distressed counties those counties in its region that are the most severely and persistently economically distressed and underdeveloped and have high rates of poverty, unemployment, or outmigration.

''(2) TRANSITIONAL COUNTIES.—The Commission shall designate as transitional counties those counties in its region that are economically distressed and underdeveloped or have recently suffered high rates of poverty, unemployment, or outmigration.

''(3) ATTAINMENT COUNTIES.—The Commission shall designate as attainment counties, those counties in its region that are not designated as distressed or transitional counties under this subsection.

''(4) ISOLATED AREAS OF DISTRESS.—The Commission shall designate as isolated areas of distress, areas located in counties designated as attainment counties under paragraph (3) that have high rates of poverty, unemployment, or outmigration.

''(b) ALLOCATION.—A Commission shall allocate at least 50 percent of the appropriations made available to the Commission to carry out this subtitle for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

''(c) ATTAINMENT COUNTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), funds may not be provided under this subtitle for a project located in a county designated as an attainment county under subsection (a).

''(2) EXCEPTIONS.—

''(A) ADMINISTRATIVE EXPENSES OF LOCAL DEVELOPMENT DISTRICTS.—The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 15505.

''(B) MULTICOUNTY AND OTHER PROJECTS.—A Commission may waive the application of the funding prohibition under paragraph (1) with respect to—

''(i) a multicounty project that includes participation by an attainment county; and

''(ii) any other type of project, if a Commission determines that the project could bring significant benefits to areas of the region outside an attainment county.

''(3) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress to be effective, the designation shall be supported—

''(A) by the most recent Federal data available; or

''(B) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

"§ 15703. Counties eligible for assistance in more than one region

''(a) LIMITATION.—A political subdivision of a State may not receive assistance under this subtitle in a fiscal year from more than one Commission.

''(b) SELECTION OF COMMISSION.—A political subdivision included in the region of more than one Commission shall select the Commission with which it will participate by notifying, in writing, the Federal Cochairperson and the appropriate State member of that Commission.

''(c) CHANGES IN SELECTIONS.—The selection of a Commission by a political subdivision shall apply in the fiscal year in which the selection is made, and shall apply in each subsequent fiscal year unless the political subdivision, at least 90 days before the first day of the fiscal year, notifies the Cochairpersons of another Commission in writing that the political subdivision will participate in that Commission and also transmits a copy of such notification to the Cochairpersons of the Commission in which the political subdivision is currently participating.

''(d) INCLUSION OF APPALACHIAN REGIONAL COMMISSION.—In this section, the term 'Commission' includes the Appalachian Regional Commission established under chapter 143.

"§ 15704. Inspector General; records

''(a) APPOINTMENT OF INSPECTOR GENERAL.—There shall be an Inspector General for the Commissions appointed in accordance with section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.). All of the Commissions shall be subject to a single Inspector General.

''(b) RECORDS OF A COMMISSION.—

''(1) IN GENERAL.—A Commission shall maintain accurate and complete records of all its transactions and activities.

''(2) AVAILABILITY.—All records of a Commission shall be available for audit and examination by the Inspector General (including authorized representatives of the Inspector General).

''(c) RECORDS OF RECIPIENTS OF COMMISSION ASSISTANCE.—

''(1) IN GENERAL.—A recipient of funds from a Commission under this subtitle shall maintain accurate and complete records of transactions and activities financed with the funds and report to the Commission on the transactions and activities.

''(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Commission and the Inspector General (including authorized representatives of the Commission and the Inspector General).

''(d) ANNUAL AUDIT.—The Inspector General shall audit the activities, transactions, and records of each Commission on an annual basis.

"§ 15705. Biannual meetings of representatives of all Commissions

''(a) IN GENERAL.—Representatives of each Commission, the Appalachian Regional Commission, and the Denali Commission shall meet biannually to discuss issues confronting regions suffering from chronic and contiguous distress and successful strategies for promoting regional development.

''(b) CHAIR OF MEETINGS.—The chair of each meeting shall rotate among the Commissions, with the Appalachian Regional Commission to host the first meeting.

"§ 15706. Relationship to other laws

''Projects receiving assistance under this subtitle shall be treated in the manner provided in section 602 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3212).

''SUBCHAPTER II—DESIGNATION OF REGIONS

"§ 15731. Delta Regional Commission

''The region of the Delta Regional Commission shall consist of the following political subdivisions:

''(1) ALABAMA.—The counties of Barbour, Bullock, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lowndes, Macon, Marengo, Monroe, Perry, Pickens, Russell, Sumter, Washington, and Wilcox in the State of Alabama.

''(2) ARKANSAS.—The counties of Arkansas, Ashley, Baxter, Bradley, Calhoun, Chicot, Clay, Cleveland, Craighead, Crittenden, Cross, Dallas, Desha, Drew, Fulton, Grant, Greene, Independence, Izard, Jackson, Jefferson, Lawrence, Lee, Lincoln, Lonoke, Marion, Mississippi, Monroe, Ouachita, Phillips, Poinsett, Prairie, Pulaski, Randolph, St. Francis, Searcy, Sharp, Stone, Union, Van Buren, White, and Woodruff in the State of Arkansas.

''(3) ILLINOIS.—The counties of Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, White, and Williamson in the State of Illinois.

''(4) KENTUCKY.—The counties of Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Muhlenberg, Todd, Trigg, Union, and Webster in the State of Kentucky.

''(5) LOUISIANA.—The parishes of Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Caldwell, Cameron, Catahoula, Claiborne, Concordia, E. Baton Rouge, DeSoto, E. Carroll, E. Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, Lafourche, LaSalle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, Tangipahoa, Tensas, Union, Vermilion, Washington, Webster, W. Baton Rouge, W. Carroll, W. Feliciana, and Winn in the State of Louisiana.

''(6) MISSISSIPPI.—The counties of Adams, Amite, Attala, Benton, Bolivar, Carroll, Claiborne, Coahoma, Copiah, Covington, DeSoto, Franklin, Grenada, Hinds, Holmes, Humphreys, Issaquena, Jasper, Jefferson, Jefferson Davis, Lafayette, Lawrence, Leflore, Lincoln, Madison, Marion, Marshall, Montgomery, Panola, Pike, Quitman, Rankin, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wilkinson, Yalobusha, and Yazoo in the State of Mississippi.

''(7) MISSOURI.—The counties Bollinger, Butler, Cape Girardeau, Carter, Crawford, Dent, Douglas, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Ozark, Pemiscott, Perry, Phelps, Reynolds, Ripley, Ste. Genevieve, St. Francois, Scott, Shannon, Stoddard, Texas, Washington, Wayne, and Wright in the State of Missouri.

''(8) TENNESSEE.—The counties of Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, and Weakley in the State of Tennessee.

"§ 15732. Northern Great Plains Regional Commission

''The region of the Northern Great Plains Regional Commission shall consist of the following:

''(1) All counties of the States of Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

''(2) The counties of Andrew, Atchison, Buchanan, Caldwell, Carroll, Chariton, Clay, Clinton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Howard, Jackson, Linn, Livingston, Mercer, Nodaway, Platte, Putnam, Schuyler, Sullivan, and Worth in the State of Missouri.

"§ 15733. Southeast Crescent Regional Commission

''The region of the Southeast Crescent Regional Commission shall consist of all counties of the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida not already served by the Appalachian Regional Commission or the Delta Regional Commission.

"§ 15734. Southwest Border Regional Commission

''The region of the Southwest Border Regional Commission shall consist of the following political subdivisions:

''(1) ARIZONA.—The counties of Cochise, Gila, Graham, Greenlee, La Paz, Maricopa, Pima, Pinal, Santa Cruz, and Yuma in the State of Arizona.

''(2) CALIFORNIA.—The counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura in the State of California.

''(3) NEW MEXICO.—The counties of Catron, Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lincoln, Luna, Otero, Sierra, and Socorro in the State of New Mexico.

''(4) TEXAS.—The counties of Atascosa, Bandera, Bee, Bexar, Brewster, Brooks, Cameron, Coke, Concho, Crane, Crockett, Culberson, Dimmit, Duval, Ector, Edwards, El Paso, Frio, Gillespie, Glasscock, Hidalgo, Hudspeth, Irion, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Loving, Mason, Maverick, McMullen, Medina, Menard, Midland, Nueces, Pecos, Presidio, Reagan, Real, Reeves, San Patricio, Shleicher, Sutton, Starr, Sterling, Terrell, Tom Green Upton, Uvalde, Val Verde, Ward, Webb, Willacy, Wilson, Winkler, Zapata, and Zavala in the State of Texas.

"§ 15735. Northern Border Regional Commission

''The region of the Northern Border Regional Commission shall include the following counties:

''(1) MAINE.—The counties of Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox, Oxford, Penobscot, Piscataquis, Somerset, Waldo, and Washington in the State of Maine.

''(2) NEW HAMPSHIRE.—The counties of Carroll, Coos, Grafton, and Sullivan in the State of New Hampshire.

''(3) NEW YORK.—The counties of Cayuga, Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, Oswego, Seneca, and St. Lawrence in the State of New York.

''(4) VERMONT.—The counties of Caledonia, Essex, Franklin, Grand Isle, Lamoille, and Orleans in the State of Vermont.

''SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

"§ 15751. Authorization of appropriations

''(a) IN GENERAL.—There is authorized to be appropriated to each Commission to carry out this subtitle—

''(1) $40,000,000 for fiscal year 2008;

''(2) $45,000,000 for fiscal year 2009;

''(3) $50,000,000 for fiscal year 2010;

''(4) $55,000,000 for fiscal year 2011; and

''(5) $60,000,000 for fiscal year 2012.

''(b) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the funds made available to a Commission in a fiscal year under this section may be used for administrative expenses.''.

(b) CONFORMING AMENDMENT.—The table of subtitles for chapter 40, United States Code, is amended by striking the item relating to subtitle V and inserting the following:

''V. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT 15101

''VI. MISCELLANEOUS ..... 17101''.

SEC. 4. CONFORMING AMENDMENTS.

(a) REPEALS.—Subtitles F and G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–2009bb–13) are repealed.

(b) INSPECTOR GENERAL ACT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1) by striking ''or the President of the Export-Import Bank;'' and inserting ''the President of the Export-Import Bank; or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;''; and

(2) in paragraph (2) by striking ''or the Export-Import Bank,'' and inserting ''the Export-Import Bank, or the Commissions established under section 15301 of title 40, United States Code,''.

SEC. 5. TRANSFERS OF AUTHORITY AND SAVINGS PROVISIONS.

(a) TRANSFERS OF AUTHORITY.—Subject to the requirements of this Act (including the amendments made by this Act)—

(1) all of the functions of the Delta Regional Authority are transferred to the Delta Regional Commission; and

(2) all of the functions of the Northern Great Plains Regional Authority are transferred to the Northern Great Plains Regional Commission.

(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, grants, loans, contracts, and agreements—

(1) that have been issued, made, granted, or allowed to become effective by the Delta Regional Authority or the Northern Great Plains

Regional Authority in the performance of any function that is transferred by this section, and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by an authorized official, a court of competent jurisdiction, or operation of law.

(c) TRANSFER OF ASSETS AND PERSONNEL.—

(1) DELTA REGIONAL COMMISSION.—There shall be transferred to the Delta Regional Commission such assets, funds, personnel, records, and other property of the Delta Regional Authority relating to the functions of the Authority as the Commission determines appropriate.

(2) NORTHERN GREAT PLAINS REGIONAL COMMISSION.—There shall be transferred to the Northern Great Plains Regional Commission such assets, funds, personnel, records, and other property of the Northern Great Plains Regional Authority as the Commission determines appropriate.

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Missouri (Mr. GRAVES) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Thank you, Mr. Speaker.

The Regional Economic and Infrastructure Development Act of 2007 reauthorizes two existing commissions and establishes three new commissions. The two existing commissions, one, the Delta Regional Commission, was created through the appropriation process, and the Northern Great Plains Regional Commission was established some time ago, but we establish three new regional economic development commissions: The Southeast Crescent Regional Commission, the Southwest Border Regional Commission, and the Northern Border Regional Commission.

The purpose of the regional commission approach to economic development is a recognition that economic difficulties don't stop at political dividing lines, county lines, State lines, that they transcend our political boundaries, that the economic development problems are grouped by region. By economy, if you will.

Some years ago, we had the Upper Great Lakes Regional Commission linking the upper peninsula of Michigan, the upper counties of Wisconsin and the northern tier of Minnesota. They had in common forestry, wood, wood fiber industries, fisheries, travel/tourism and Great Lakes ports connected to the international economy through the St. Lawrence Seaway. Projects conceived by the Upper Great Lakes Commission were to be linked to the commonality of regional economic difficulties the three States experienced. The same with Appalachia coal; the attendant difficulties of the coal sector of our economy stretched across State boundaries and linked the entire Appalachian region with their forestry difficulties as well and also with their need for surface transportation development. That is the principle that is extended to the three new commissions, the Southeast Crescent, the Southwest Border and the Northern Border Commission.

The Delta Regional Commission is one that has unique problems, exacerbated and at the same time underscored by the tragedy of Hurricanes Katrina, Rita and Wilma. All of the counties, or I should say most of the counties, and parishes in Louisiana, in that region suffered common economic problems. Creating an economic development structure on a regional basis will join the resources and the forces of these States, the counties and the parishes, to bring forth new ideas that will benefit not just one community, not just one parish, but a commonality of parishes, a commonality of counties and a commonality of the States.

In this legislation, we establish a structure, a common framework for administration and management modeled after the Appalachian Regional Commission but also modeled after the difficulties we experienced in previous regional economic development commissions in the sixties and seventies and early eighties. We need standard procedures. We need a voting structure. We need standard procedures for staffing, standards that establish conditions under which conflicts of interest can be evaluated and avoided. Commonality establishment of local economic development districts, a consistent method for distributing economic development funds, a uniform set of procedures that will apply to all of the commission, and, finally, with commonality then we can have uniform evaluation standards of the results of these commissions. And it will be the purpose of our Committee on Transportation and Infrastructure to hold intensive oversight hearings as these commissions get under way with their work, they are funded, and we will want to hold them accountable, we will want to see their record of success, and I am quite confident, given the grassroots-up nature of establishment of planning and mission of these commissions, that there will be great success stories.

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

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

Mr. Speaker, the Regional Economic and Infrastructure Development Act of 2007 reauthorizes two economic development commissions, the Delta Regional Commission and the Northern Great Plains Regional Commission. The bill also creates three new commissions, the Southeast Crescent Regional Commission, the Southwest Border Regional Commission and the Northern Border Regional Commission.

First, I want to thank Chairman OBERSTAR and Subcommittee Chairwoman NORTON for working with me to add several counties in northwest Missouri to the Northern Great Plains Regional Commission and for working with other members of the committee to add their counties to the bill as well. I appreciate it very much.

The Northern Great Plains Regional Commission borders my district in the north and the west. The counties added by this bill are contiguous to the counties in the commission. Additionally, these northwest Missouri counties are experiencing problems similar to the counties in the commission already, yet they have higher levels of economic distress.

The Northern Great Plains Regional Commission will set the stage for economic growth by creating an effective Federal-State partnership for attracting new businesses, creating new jobs and developing the infrastructure in northwest Missouri. The commission will encourage local economic development by making use of local resources for the benefit of the community. The commission is designed to successfully leverage other public and private funds, providing northwest Missouri with a very valuable economic development tool.

Economic development plays a very vital role in maintaining our rural way of life by keeping folks in those communities and keeping that culture alive. A major component to economic development is the build-out of broadband services throughout many regions in the country.

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No matter where you live, broadband can bring a world of opportunities and possibilities to your doorstep. It is imperative to our rural way of life that we push broadband out to every corner of the country. Where you live should not limit your opportunities for education, commerce, and medical care.

Many citizens in rural America's small communities do not have broadband access at a reasonable cost. It should be available to everyone no matter where they live at a reasonable rate. Through this legislation and other efforts that my colleagues and I have taken on, grants will be available to further establish an infrastructure that can support this important tool to rural economic development.

Additionally, I must commend two members of the Committee on Transportation and Infrastructure, Mr. HAYES and Mr. BOUSTANY, who have been tireless advocates for their districts. I would like to recognize Mr. HAYES for his dedication to stimulating economic development and job promotion in the State of North Carolina and leading efforts to create the Southeast Crescent Authority.

Additionally, he has championed efforts to recruit new industry and create new jobs while sharpening the competitive proficiency of existing industries in the Eighth Congressional District of North Carolina.

Mr. BOUSTANY has also worked tirelessly to promote development and create opportunities for communities in

his district and has been a leader on the issue for the entire State of Louisiana.

Again, thank you, Chairman OBERSTAR and Chairwoman NORTON for working with Members and working with me to bring this legislation to the floor.

Mr. Speaker, I know we have a few speakers out there, so I will cut mine short.

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

Mr. OBERSTAR. Mr. Speaker, I yield such time as she may consume to the very distinguished Chair of our Subcommittee on Economic Development and other subject matters, the gentlewoman from the District of Columbia who presided over the hearings and whose steady hands shaped this legislation. I am greatly appreciative of her splendid work.

Ms. NORTON. I thank the chairman for yielding.

I understand the gentleman from Maine, who is a major sponsor of this bill, has a hearing. In deference to him, I will wait until after he finishes and yield my time at this time to him, if it is all right with the chairman.

Mr. OBERSTAR. I will then yield such time as he may consume to the gentleman from Maine.

Mr. MICHAUD. I thank the gentlewoman and the gentleman for yielding.

The Regional Economic and Infrastructure Development Act of 2007 represents a vision for economic development in our Nation that will help Americans in the most distressed regions of our country.

In the northern border region, we are seeing clearly persistent patterns of economic distress. If you look at the 36 counties that lie on the border or right next to the border between Maine and New York, you will find poverty above the national average, medium household income that is more than $6,500 below the national average, persistent unemployment through layoffs in traditional manufacturing industries, and most striking of all, a meager gain of only 0.6 percent in population between 1990 and 2000, compared to the 13 percent growth nationally over the same period.

In short, Mr. Speaker, our mills are closing, our young people are leaving, and too many of our workers are looking for work. Clearly, this region has a common set of challenges and a compelling need for investment in new growth.

Two days after I was elected to Congress, the very mill that I worked at for over 28 years went bankrupt, and my hometown and region were devastated. The story of my town and the mill that I worked at has been repeated across our region. That is why we need to support our regional industries and build new job opportunities, and that is why we need the investment, leadership and focus in our regional economic development bill.

The Northern Border Commission would help the region invest in transportation, health care, agriculture, broadband, and alternative energy. It can be a partner with businesses to maintain our industry and build a new industry cluster. It can help us create jobs in the long term.

We have all the ingredients we need to face our challenges head-on and make our region an economic engine. This new commission will help us make the fundamental changes for our future.

I want to once again thank the chairman and chairwoman for all their hard work on this bill. This bill is a new way to look at economic development in our Nation.

So with that, hopefully our colleagues will pass this bill.

Mr. GRAVES. Mr. Speaker, I now yield to the gentleman from Louisiana (Mr. BOUSTANY). He has worked tirelessly for his district. And since, not so much Hurricane Katrina, but Hurricane Rita, which devastated his district, he has been working very hard to bring some economic development to his district.

I yield such time as he may consume for his remarks.

Mr. BOUSTANY. Mr. Speaker, I thank my colleague and friend, Mr. GRAVES, for yielding time to me.

Mr. Speaker, I rise in support of this bill. H.R. 3246 reauthorizes the Delta Regional Authority, which works to improve the life for residents in some of the most economically distressed areas in our country. Those parishes and counties served by the DRA have per capita incomes at or far below the national average, and poverty in the region runs nearly 55 percent higher than the national rate.

Since being created, DRA has worked to improve the economy in the delta and allowed these residents to achieve parity with the rest of the country. The key to DRA's success is its ability to foster partnerships throughout the region and to collaborate with local development districts and other Federal and State agencies to ensure maximum benefit from the dollars invested.

In fact, in an article published last year, the Economist noted: ''It is creating, or helping to retain, 36,000 jobs, mostly in manufacturing, which will generate $1 billion in salaries. It has also helped 23,000 families get running water and sewage.''

In the aftermath, Mr. Speaker, of Hurricanes Rita and Katrina, the DRA took a leadership role in working to address many of the recovery issues facing our State of Louisiana.

I want to thank Chairman OBERSTAR, my good friend, and the leadership of the Transportation and Infrastructure Committee, the staff, subcommittee Chairman GRAVES, my good friend, for working with me to ensure that several of the parishes in my district that were hit hardest by Hurricane Rita are included in the DRA.

Data provided by the Department of Commerce shows that these parishes are now among the most economically distressed in our country, and recovery has been slow. I want to emphasize, though, that the people of southwest Louisiana are resilient, and we will rebuild and, in fact, we are rebuilding. This legislation will provide them with just yet another tool to facilitate growth and return to economic prosperity in the region.

I urge my colleagues to support this bill. Again, I thank Chairman OBERSTAR, the Democratic staff, Chairman GRAVES, Chairman MICA and our staff. I want to thank also my legislative director, Terry Fisk, for working with me on this very important piece of legislation.

Mr. OBERSTAR. Mr. Speaker, I also want to express my great appreciation to the gentleman from Missouri (Mr. GRAVES) and admiration for the time that he devoted personally and committed to the hearings, both in the past Congress and in this Congress, and for his consolidation of the interests of the various Members on the Republican side. We really developed a very strong bipartisan initiative as a result of the gentleman's diligent efforts.

And to the gentleman from Louisiana (Mr. BOUSTANY), who also worked within the Louisiana and Mississippi delegations, did extraordinary yeoman's work bringing disparate issues, interests and personalities together which have resulted in this successful initiative we have today.

I now yield such time as she may consume to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I echo the comments of our chairman, especially as regards our ranking member, Mr. GRAVES, who worked closely with me on this bill to ensure its profoundly bipartisan nature as counties, regardless of part of the country, regardless of who represents them, were selected based on very objective and competitive criteria. I appreciate the bipartisan support that he helped round up and the bipartisan support of so many Members of Congress.

I'm going to ask that my full statement be in the RECORD, and say only a few words, first about the chairman. It needs to be mentioned where this all started. It started with the extraordinary chairman of the full committee decades ago, when he created the notion of a bill to address the most impoverished sections of the country, beginning with, of course, the classic one that everyone knows, Appalachia. All we're doing here is expanding on Mr. OBERSTAR's work.

I must say, so much that has happened in our committee is emblematic of his career. It will be hard to say what his signature bill is; but knowing him, I think he would probably want this bill to rise up among them because of who benefits, those who have least benefited from the most prosperous economy the world has ever known.

This bill is back here by popular demand, and I use that in the technical sense of the word. The subcommittee

was besieged by Members saying, We want commissions, How come we don't have a commission, and then coming forward with statistics to show that, under the definition of persistent poverty, they now qualified. It wasn't easy to get a commission or to get in this bill, with one of the counties included in this bill. We held hearings, and we used very objective criteria that you had to fit in order for us, after the hearings, after full study to say, yes, that county, among many in the United States that are suffering today, should have the special attention of a regional commission.

And we think, Mr. Speaker, that as the global economy has expanded throughout our country because of all the pressures, the natural pressures that come from that and from international trade, many came forward and wanted to be included as part of these commissions. But we held to the criteria set when the Oberstar bill was first passed: there had to be systemic poverty. And the region or the county, in order to be included, had to be clearly underdeveloped relative to what was possible. And so you had only two commissions, and then you have three added now.

When it comes to poverty, there is always controversy about what works. And this time we really know what works because this bill is patterned on the very successful, indeed the acclaimed, Appalachian Regional Commission. And the bill itself simply wants to make sure that administrative procedures and methods for distributing the economic development funds are uniform. When you consider that most of the funds that will flow to these regions far and away are private funds, one has to really look at this bill as a small public investment for enormous returns in private attraction and investment.

Mr. Speaker, I want to say just a word to extricate ourselves from the stereotypes about certain regions, like the northern border region which stretches from Maine to New York. We're talking about a region that some might consider in light of large cities in the region; but if you look as the commission methodology looks at counties in the region, you will understand why the northern border qualifies: few basic industries, overdependence in today's economy on agriculture, and 12.5 percent of the population living in poverty.

Or take the southeastern region of the United States, the Sunbelt, which everyone associates with economic growth, and well you might. But these are also the States which have historically most lagged behind the national economy.

And so we have regions in Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida. And the reason we have them, of course, is that on top of industrial and technological underdevelopment, this is the region in the United States that has natural disasters at a rate of two or three times the rest of the country.

Finally, Mr. Speaker, I want to say that, of all of the aspects of this bill, I think that which has been embraced most by our committee is the record of private investment in the region once we designate a commission and once it begins to operate.

□ 1245

It really does tell us much about the ''blessing of the Federal Government'' and the methodology used by this commission. It tells us much about the reputation of what these commissions have done.

I have been in Congress 16 years. I have seldom sat in hearings where people came forward not with criticisms but with glowing examples of how a specific approach to poverty in our country works. I therefore strongly recommend the bill. I commend all of those, of whom there are dozens, who had a hand in its design.

Mr. Speaker, H.R. 3246 amends title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severly economically distressed regions in the Nation.

H.R. 3246 the Regional Economic and Infrastructure Development Act of 2007, authorizes two existing comissions and three new regional economic development commissions under a common framework of administration and management, and further provides a framework for good decision making and planning. These Commissions are designed to address problems of systemic poverty and underdevelopment in their respective regions. The five commissions are: the Delta Regional Commission, the Northern Great Plains Regional Commission, the Southeast Crescent Regional Commission, the Southwest Border Regional Commission, and the Northern Border Regional Commission.

This bill models the administrative and management procedures for these five Comissions after the highly successful Appalachian Regional Commission. The bill provides for a voting structure, provisions regarding staffing, conflicts of interest, local development districts, and other matters designed to produce a standard administrative framework. By providing a uniform set of procedures, this bill provides a consistent method for distributing economic development funds throughout the regions most in need of such assistance and ensures a comprehensive regional approach to economic and infrastructure development in the most severely distressed regions in the country.

The Northern Border Regional Commission, the Southeast Crescent Regional Commission, and the Southwest Border Regional Commission have been proposed in legislation introduced in this and previous Congresses and are designed to address problems of systemic poverty and underdevelopment in those regions. Additional, the Delta Regional Commission and the Northern Great Plains Commission would be reauthorized through this legislation.

H.R. 3246 authorizes funds for each commission to provide vital assistance for the development of our Nation's most chronically poor and distressed regions.

I would like to say of few words about the uniqueness of each of the new commissions being authorized by this bill. The Southwest border region includes all counties within 150 miles of the U.S.-Mexico border. This region contains 11 counties in New Mexico, 65 counties in Texas, 10 counties in Arizona, and 7 counties in California for a combined population of approximately 29 million. According to research compiled by the Interagency Task Force on the Economic Development of the Southwest Border: 20 percent of the residents in this region of the nation live below the poverty level, unemployment rates often reach as high as five times the national unemployment rate, and a lack of adequate access to capital has created economic disparities and made it difficult for businesses to start up in the region.

The Northern border region stretching from Maine to New York, while abundant in natural resources and rich in potential, lags behind much of the Nation in its economic growth, and its people have not shared properly in the Nation's prosperity. The region's historic reliance on a few basic industries and agriculture has failed to provide a diverse enough economic base for vigorous, self-sustaining growth. In the belt of counties along the Northern border from Maine through New York, 12.5 percent of the population lives in poverty, median household income is more than $6,500 below the national average, unemployment through layoffs in traditional manufacturing industries is persistent, and the population only grew by 0.6 percent between 1990 and 2000, while the U.S. population rose by 13.2 percent, showing significant out migration and loss of young people.

The southeastern portion of the United States, encompassing the states of Virgina, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida, is an area which has seen poverty rates well above the national average coupled with record unemployment. The region has also experienced natural disasters at a rate of two to three times greater than any other region of the U.S. The SouthEast Crescent Authority (SECA) authorizes a local-state-federal partnership to lift citizens in this geographic area out of poverty and create jobs. With the federal allocation of funding, SECA seeks to funnel monies to programs which address one or more of the following criteria for community betterment: (1) infrastructure, (2) education and job training, (3) health care, (4) entrepreneurship, and (5) leadership development. Those communities with the greatest need will be targeted, and grants will be made according to the degree of distress.

This bill has broad bi-partisan support, and the Committee has held a series of hearings regarding the need for these economic development commissions.

I support the bill and urge the passage of H.R. 3246.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina (Mr. McINTYRE), a strong advocate for this legislation.

Mr. McINTYRE. Mr. Speaker, I rise today in support of the Regional Economic and Infrastructure Development

Act which provides a comprehensive regional approach to economic and infrastructure development in the most severely economically distressed part of our Nation.

This bill includes legislation that I have introduced in every Congress since the 107th Congress that will establish the Southeast Crescent Authority for Economic Development. This authority would cover the southeastern portion of the United States, including the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi and Florida, which have all seen poverty rates well above the national average coupled with record unemployment.

I would like to thank Chairman OBERSTAR and the ranking member, Mr. MICA, as well as the Transportation and Infrastructure Subcommittee on Economic Development Chairwoman ELEANOR HOLMES NORTON and the ranking member, Mr. GRAVES, Mr. MICHAUD and Mr. HAYES and my other colleagues who together have worked with us in trying to help the most economically disadvantaged areas of our country. It is their compassion, cooperation and commitment that has brought us here today. I applaud all those who have worked together to help our areas of the country that have suffered so much. The southeastern U.S. has suffered a double whammy, the highest levels of poverty coupled with the highest levels of unemployment over the last several years.

As a Member that represents a district from one of the southern States that has experienced stagnation in job growth, I have seen firsthand the restructuring of the South's economy. Jobs in textile and furniture-making have decreased substantially. Although a more high-tech and globally competitive economy has created new opportunities for employment in the South, it also has meant that we have lost many jobs held by employees who have few prospects for shifting to other jobs with comparable pay. In addition, the seven States of the Southeast Crescent Authority region also have experienced natural disasters at a rate of two to three times greater than any other region in the United States, and this vulnerability to natural disasters further exacerbates the ability to recover from economic distress.

Modeled primarily after the successful Appalachian Regional Commission, the Southeast Crescent Authority would enjoin a local, State and Federal partnership to lift our citizens out of poverty and give them job opportunity.

The Southeast Crescent Authority would help communities by doing several things: improving infrastructure, giving the opportunity for education and job training, better health care, business entrepreneurship and leadership development. What is great about this opportunity, Mr. Speaker, is that those areas in the greatest need will be targeted. Those with the greatest need of economic distress will be helped.

It is time indeed to change the pattern of poverty and unemployment in the southeastern United States, the only major region of the country that has never had this type of Federal focus on economic development. We are excited that we are now able to help the least of these, our brothers and sisters, who have suffered enough and suffered so much. Now we can help bolster a better opportunity for economic progress and possibility. May God bless our efforts to help those who have suffered so much and now can see a life-changing difference in economic opportunity.

Mr. OBERSTAR. Mr. Speaker, may I inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from Minnesota has 10½ minutes. The gentleman from Missouri has 24 minutes.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Vermont (Mr. WELCH) and I yield myself 15 seconds to explain that, through a clerical error, unfortunately, I regret and I apologize to the gentleman, his name was not included in the cosponsors of the reintroduced bill or bill reported from the Rules Committee. I just want it known that the gentleman has, from the outset, been a vigorous supporter of this legislation. His name should have been listed as a cosponsor.

Mr. WELCH of Vermont. I thank the gentleman from Minnesota for his leadership. I thank the Chair of the subcommittee, Ms. HOLMES NORTON, and I thank Mr. GRAVES for his good work.

Mr. Speaker, this commission is going to be very helpful to Vermont. We have in the northern tier of Vermont six counties, Caledonia, Grand Isle, Lamoille, Franklin, Orleans and Essex. It is among the most beautiful parts of Vermont. It has among the most industrious people in Vermont. But it has the highest unemployment rate and the lowest wages, about $10,000 below the national median. We want economic development in our northern counties. This legislation is going to give that impetus that is going to allow our regional economic commissions that have been providing excellent leadership but on threadbare resources the opportunity to use local decisionmaking, local ingenuity and local people committed to a prosperous economy in that region to get a leg up.

What is tremendous about this legislation, modeled after its predecessors, is that it is a bottom-up approach. So if we have a proposal from folks in Caledonia County that broadband penetration is going to be what they need, or if we have folks in Franklin County who are going to do an agriculture-to-energy-related project, or something with dairy and that is what they need, they are going to have the opportunity for that to become a reality.

This is a situation where we actually have bottom-up leadership integrated into this legislation where the Federal Government here in Washington is going to be a partner, not an impediment, to the goals, the aspirations, and the accomplishments of people back home. This bill is really about hope for the future. It is about confidence that local people in those counties in Vermont can make the best decision for themselves, and it is about Congress finally working as a partner with our local communities and local leadership.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from New Hampshire (Mr. HODES), who has, Mr. Speaker, been a tireless advocate. He has worn me out, frankly, advocating for this commission.

Mr. HODES. I thank the gentleman for yielding.

First, I thank the distinguished chairman, Mr. OBERSTAR, and the distinguished subcommittee chairwoman, Ms. Eleanor Holmes Norton, as well as Mr. GRAVES for their work on this important bill.

Mr. Speaker, I rise today to urge my colleagues on both sides of the aisle to support this bill which includes the Northern Border Regional Development Commission. Parts of my home State of New Hampshire, Grafton, Sullivan and Carroll Counties, and especially in Coos County, the beautiful region known as the North Country, have taken an economic beating and are struggling to recover. A staggering number of jobs have been lost. We have seen manufacturing plants close, pulp plants disappear, and our young people leave to places that offer more opportunity.

New Hampshire's North Country has suffered repeated economic body blows. For people who live there, it is getting harder and harder to get by. As I travel throughout my State, I speak to hard-working folks who have the drive to improve their neighborhood but who feel their communities have been ignored by the Federal Government for years. The commissions created in this bill would be charged with investing Federal resources for economic development and job creation in the most distressed counties in New Hampshire and the ice belt region. I use the word ''invest'' purposely. New Hampshire is a very frugal State. We believe in small, effective Government. But we also know that a wise, effective Federal Government honors local control and invests wisely to promote opportunity and prosperity.

This commission employs a bottom-up grassroots approach that ensures that actions reflect both local needs and regional economic development goals. It also ensures that States have a deciding voice in what investment is made within their borders. The bill says that if you are willing to work hard and play by the rules, we are here to help you get ahead. That is why this bill enjoys such bipartisan support. It is an important step for many communities in New Hampshire.

Mr. Speaker, I urge its passage.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Thank you, Chairman OBERSTAR, for yielding time.

Mr. Speaker, I rise today in support of H.R. 3246, the Regional Economic and Development Act of 2007.

The U.S.-Mexico border region's economic challenges are deeply entrenched and have been overlooked by national policymakers for far too long. Throughout my district, low incomes and high unemployment have translated into a stagnant and depressed local marketplace. Many colonias along the border lack adequate water supplies and paved roads while a shortage of investment and development has limited the economic opportunities of residents throughout that region.

In addition to current challenges, the border region's population is expanding very rapidly and straining our local infrastructure. Historically, Congress has confronted regional economic challenges by creating multi-State development commissions designed to coordinate local resources and encourage cooperation between Federal, State and local governments.

The Southwest Regional Border Commission included within this bill would represent a significant commitment by Congress to developing the economy of the Southwest. Because the challenges of this region cannot be isolated in any one city, county or State, the commission will work to stimulate the entirety of the area's economy by recognizing the connections between local economies and by coordinating the efforts of local officials.

By facilitating the provision of grants to States, local governments, universities, small businesses, and nonprofit entities, the commission will plant the seeds of future economic growth throughout the region.

By expanding the transportation, public health facilities, wastewater treatment plants and telecommunications networks, these grants will provide the border region with the infrastructure it needs to meet its current needs while preparing for the strain of an expanding population.

Mr. Speaker, at a time when the mounting pressures of the global economy and income disparities are causing great economic distress in the border region, the Southwest Regional Border Authority has never been more needed. I urge my colleagues to support this critical legislation, H.R. 3246.

Mr. OBERSTAR. Mr. Speaker, does the gentleman from Missouri have any further speakers besides himself?

Mr. GRAVES. I don't. Just my own final words before the chairman closes.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CUELLAR).

□ 1300

Mr. CUELLAR. I want to thank the distinguished Member from Minnesota for yielding. Again, I applaud the committee's tremendous work and the work of Chairman OBERSTAR for the leadership and vision that he has provided, along with Chairman REYES.

This bill creates the Southwest Border Region Commission and will positively impact the State of Texas. Eleven out of the 12 counties that I represent will be impacted in a positive way. These counties are struggling with common infrastructure needs that inhibit the community's ability to increase economic development. Some of these communities on the U.S.-Mexico border can be identified as colonias. As you know, colonias are found in Texas, New Mexico Arizona, and California, all States that will benefit from the establishment of the Southwest Border Regional Commission.

These colonias many times do not have paved roads, hospitals, or even utilities. Many colonias do not have sewage systems, forcing residents to rely on often inadequate wastewater disposal methods, such as small and outdated septic tanks. These conditions often result in sewage pooling on the ground. Even if these colonias do have adequate sewage systems, the border area lacks sufficient facilities to treat wastewater in this area.

Mr. Speaker, again, this Southwest Border Commission will provide the resources to help colonias and other underdeveloped regions to adequately address needs to be solved. By the establishment of this commission, this will address the basic needs that are needed in these areas. This is why I am asking the Members to support this bill.

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

Mr. Speaker, we have heard now from folks talking about Louisiana, Maine, New Hampshire, Vermont, myself from Missouri; and I think folks can see that we have a lot of areas in the United States that are very economically distressed, and for various reasons. Every one of those regions, and, traditionally the Appalachia region, are distressed for different reasons. This bill allows these commissions to leverage public and private dollars. It is a great partnership.

Mr. Speaker, again, I want to thank the chairman for allowing me to add counties in northwest Missouri. It is very important to the folks there. I know he has been working on various aspects of these commissions for a long, long time. I appreciate his expertise and his willingness to be very open in this process and work with us.

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

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

Mr. Speaker, again, I express my great appreciation to Mr. MICA, the ranking member of the full committee, and especially to Mr. GRAVES, who devoted so much time to the hearings, to the diligent effort within the committee of shaping and crafting this bill.

In the matter of adding counties that were not in the original commissions' proposals, we adhered to a very strict principle, that is, the additions had to conform with unemployment rate significantly above national average, per capita income rates that were significantly below national average rates, and out-migrations. In all cases, the counties recommended by the gentleman from Missouri, the parishes by the gentleman from Louisiana, and the gentleman from Mississippi all conformed when we got updated census information.

Mr. Speaker, I think we have here a splendid structure, one in which we can achieve accountability, one in which there already is success. In a report the committee received just this morning from the Delta Regional Commission on cumulative projects over the last year, the leveraging ratio is 16 to 1. That is for every $1 the commission invested in projects within the region, $16 additional in private sector and non-Federal funds have been invested. That is an extraordinary success ratio, and we want to ensure that that success will continue and will be extended to all of the commissions.

Mr. Speaker, I yield back the balance of my time and ask for a resounding affirmative vote for this legislation.

The SPEAKER pro tempore (Mr. SERRANO). All time for debate has expired.

Pursuant to House Resolution 704, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. Mr. Speaker, I offer a motion to recommit.

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

Mr. JORDAN of Ohio. I am in its current form.

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

The Clerk read as follows:

Mr. Jordan of Ohio moves to recommit the bill H.R. 3246 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House promptly with the following amendment:

At the end of the bill, add the following:

SEC. 7. LIMITATION ON THE USE OF FUNDS.

None of the funds authorized by this Act, including the amendments made by this Act, may be used—

(1) to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer; or

(2) to pay for expenses related to the membership of any individual or entity in an organization or association.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio is recognized for 5 minutes in support of his motion.

Mr. JORDAN of Ohio. Mr. Speaker, I appreciate the work of the chairman of the committee and the ranking member. The motion to recommit that we

have in front of us is an insurance policy. It will guarantee that no funds in the bill go to lobbyists or lobbying activities. This motion, in other words, is a step towards breaking that link between legislation and lobbyists.

Mr. Speaker, H.R. 3246, as we have heard from the language here on the floor today, is intended to aid the economic and infrastructure development in economically distressed regions of the country. Taxpayer dollars should be used for that purpose, and that purpose only.

The motion does two things: first, it prevents any of the funds authorized by this bill from being used to lobby or retain a lobbyist for the purposes of influencing a Federal, State or local government entity or officer. Second, the motion prohibits funds to pay for expenses related to the membership of an individual or entity in an organization or association.

Mr. Speaker, the majority promised in its opening-day rules package, section 202 of H. Res. 6, to end the K Street Project. This motion to recommit is policy that all Members should support. In fact, when this same language was offered to H.R. 569, the Water Quality Investment Act, it was approved by a 425–0 vote. That same act came out of this same committee, and the full House in unanimous fashion supported this same language.

Again, Mr. Speaker, this motion to recommit is an opportunity to improve the bill by adding explicit language to make sure that taxpayer dollars are used for their intended purpose.

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

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, it is well known, has been debated many times in this body, that a motion to recommit that uses the term ''promptly'' is simply a motion to kill the bill by sending it back to committee, where it will take weeks to then return it to the House floor. Why an initiative to try to kill this legislation would be offered is puzzling to me, since there was no opposition to the legislation in subcommittee, full committee.

Mr. Speaker, two weeks ago when the bill was debated on the suspension calendar, no one rose in opposition to the bill. There was no opposition raised to the legislation this afternoon. So the motion to recommit on the merits of the term ''promptly'' is clearly an effort to send it back to committee, kill the bill.

But I point out, since the gentleman offering the motion referred to initiatives by the Democratic majority to have accountability, on page 17 of the bill, section 15–306, Personal Financial Interests, conflicts of interest, we address the issue of personal conflict of interest, of integrity of personnel employed by the commission in either the Federal co-chairman's office or the State co-chairman's office, and establish very clear obligations for reporting and excluding of such activity. Furthermore, under general Federal legislation, lobbying by a Federal Government agency of the Congress is not permitted.

So this is a non sequitur motion. It does not accomplish anything except the purpose of sending the bill back to committee and, in effect, killing it by delay. Again, I repeat, there was no opposition registered. When the Committee on Transportation and Infrastructure considered this bill in subcommittee, in full committee markup, when it came to the floor under suspension of the rules, nor was there any opposition today, why there would be a motion of this nature to kill the bill is beyond me.

Furthermore, there are restraints, very explicit language on personal financial interest, conflict of interest not allowed; and, in general, Federal law, Federal agencies are prohibited from retaining a lobbyist, to pay expenses for lobbying.

Mr. Speaker, this is a transparent effort to try to kill the bill rather than deal with it on its merits. So I oppose the motion to recommit with instructions.

Mr. MCHUGH. Mr. Speaker, I rise today in strong support of H.R. 3246, the Regional Economic and Infrastructure Development Act of 2007. As a cosponsor of this legislation, I was disappointed when the full House failed to adopt a motion to suspend the rules and pass H.R. 3246 on September 17. That said, I am pleased that the House is reconsidering the bill today.

As I have previously stated, H.R. 3246 is important to my constituents in Northern and Central New York because it would create the Northern Border Regional Commission to help further economic development. There is no question this assistance is needed. Specifically, in 2000, each of the counties I represent—Clinton, Essex, Franklin, Fulton, Hamilton, Jefferson, Lewis, Madison, Oneida, Oswego, and St. Lawrence—had a median household income that was below the national median of $41,994. Moreover, seven of these counties had poverty rates in excess of the national rate of 12.4 percent, and three, Franklin, Oswego and St. Lawrence counties, had poverty rates in excess of 14 percent. Similarly, from 2004 to 2006, 8 of these counties had unemployment rates in excess of the national average.

I greatly appreciate the efforts of the Gentleman from Maine, Mr. MICHAUD, to move this measure one step closer to enactment. Since the 108th Congress, we have been working to enact legislation to create a Northern Border Regional Commission, and I look forward to working with him further to do so.

Mr. GRIJALVA. Mr. Speaker, I rise today in support of H.R. 3246, the Regional Economic and Infrastructure Development Act of 2007.

This bill acknowledges a critical component of our country's success, and creates the Southwest Border Regional Commission for border counties in Arizona, California, New Mexico and Texas.

First, I thank the committee for the inclusion of this region in the bill. I am proud to represent this region, home to one of the most vibrant communities. Where the United States and Mexico meet, it is a symbiotic community. For cities in my district, there is often a division.

Many times on this house floor, the debate of the border is divisive and based on demagoguery. There is no room for those issues in today's debate. This commission is about investing in U.S. citizens that live in a unique community, a community that is the gateway to our country.

For as much as this Congress debates and exploits immigration and constantly works to militarize our border, we could spare some time to discuss needed investment in the region.

The residents of the southwest border are burdened with concerns that include low income, low education levels, the lowest number of health professionals, some of the highest rates of diabetes, tuberculosis, AIDS and other health crises, a lack of economic development, and the list goes on.

The southwest border communities are at the periphery of the United States and Mexico's national economic and political concerns. The U.S. Government has historically forgotten this community in terms of economic development, education and social programs.

The Southwest Border Regional Commission takes a great step to correct this misguided omission. It is our responsibility to assist our border communities and our border residents.

I urge my colleagues to support this bill and reject any attempts to further exploit the citizens who are at the gateway of this country and who sacrifice so much already to the demands of our border security.

Mr. ORTIZ. Mr. Speaker, I'm proud to be a cosponsor of this bill to provide a comprehensive, regional approach to economic and infrastructure development in areas that need it the most, including South Texas.

The Southwest Regional Border Authority helps areas along the U.S.-Mexican border, which have: a 20 percent poverty rate, unemployment rates much higher than the national rate, and a lack of capital to spur business growth.

This bill offers a significant investment for federal-state partnerships to help economically distressed and underdeveloped areas that have experienced high levels of unemployment, poverty, or population loss.

The bill provides an unprecedented amount of money to develop transportation and infrastructure, provide job skills training and support business development.

I am personally offended—as are my constituents in South Texas—that the only infrastructure Congress has approved along the border is a wall . . . a wall that won't work and that is entirely about political expediency, not border security.

Developing the South Texas infrastructure helps ensure that this region can support the trade that churns through the U.S. economy.

South Texas faces a host of challenges in terms of economic development and infrastructure to support trade all along the Southwest border—and the only way to tackle it is all together, not piecemeal.

I ask my colleagues to join me in passing this bill that is important to both the border region—and the Nation.

Mr. TERRY. Mr. Speaker, I rise today in opposition to this legislation and urge my colleagues to oppose it.

I am a strong supporter of economic development in rural America. That is why I have been pressing for reform of the Universal Service Fund to bring the benefits of broadband telecommunications to the rural areas of the country. I also strongly support the programs of the U.S. Department of Agriculture and our State Department of Agriculture that promote economic growth in Nebraska.

But, Mr. Speaker, I cannot support this bill. The State of Nebraska already participates in the existing Northern Great Plains Commission and the North Central BioEconomic Consortium. I am told by Nebraska's Deputy Director of Agriculture that there are even more of these organizations in the Midwest dedicated to the same goals. H.R. 3246 would just add one more entity to this existing number of economic development groups now in place.

Even more troubling is the $1.25 billion price tag authorized by the bill and the creation of permanent regional commissions that will require millions of dollars in tax dollars for administrative expenses. We need to cut federal spending, not increase it.

Finally, the legislation also includes a provision requiring prevailing wages under the Davis-Bacon Act. For all of these reasons, I urge a ''no'' vote on this bill.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in strong support of H.R. 3246, the Regional Economic and Infrastructure Development Act of 2007.

This bill provides the opportunity for many communities along the border to receive the assistance and resources they have long needed in order for them to develop their infrastructure and economic prospects.

Mr. Speaker, I represent an expansive district spanning from El Paso County in far west Texas, to Dimmitt County about 550 miles south and to South San Antonio about 150 miles west. This district encompasses the longest stretch of U.S.-Mexico border of any district in the United States.

These communities along the border lack some of the most basic infrastructure including sewers, roads and health care. These mostly rural communities along the border are often too poor to take advantage of government grants and loan programs. These cities, towns and counties don't have the revenue to provide local matching funds to qualify for federal grants and programs or have the tax base to build million-dollar waste water plants on their own.

A regional economic development commission on the southwest border, I believe will put the hundreds of small, rural border communities on the fast track to becoming self-sustaining and developing economically.

Mr. Speaker, a Southwest Border Regional Commission would essentially bring the federal government to the border. This bill will not raise taxes, will not create duplicative programs and certainly not provide any services to illegal or undocumented immigrants; this bill instead provides opportunity for our communities that are most in need.

I strongly urge my colleagues to pass this bipartisan bill.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. JORDAN of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

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

[Roll No. 945]

YEAS—201

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

NAYS—218

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

NOT VOTING—13

Barrett (SC)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Jindal
Lee
Perlmutter
Pickering
Pryce (OH)
Sullivan
Visclosky

□ 1337

Mr. KAGEN, Mr. COOPER, Mrs. BOYDA of Kansas, Ms. WOOLSEY and Mr. MEEK of Florida changed their vote from ''yea'' to ''nay.''

Messrs. PAUL, HASTERT, FORBES, MAHONEY of Florida and Mrs. DRAKE changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 264, nays 154, not voting 14, as follows:

[Roll No. 946]

YEAS—264

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

NAYS—154

Akin
Bachmann
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Everett
Fallin
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Reichert
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—14

Barrett (SC)
Carson
Cubin
Davis, Jo Ann
Delahunt
Dingell
Feeney
Jindal
Lee
Perlmutter
Pickering
Pryce (OH)
Sullivan
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1346

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3222. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3222) ''An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, and Mrs. HUTCHISON, to be the conferees on the part of the Senate.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 49. Concurrent resolution providing for a conditional adjournment or recess of the Senate.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

The SPEAKER pro tempore. The Chair lays before the House a privileged Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, 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.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

MORTGAGE FORGIVENESS DEBT RELIEF ACT OF 2007

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 703, I call up the bill (H.R. 3648) to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3648

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

SECTION 1. DISCHARGES OF INDEBTEDNESS ON PRINCIPAL RESIDENCE EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Paragraph (1) of section 108(a) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', or'', and by inserting after subparagraph (D) the following new subparagraph:

''(E) the indebtedness discharged is qualified principal residence indebtedness.''.

(b) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—Section 108 of such Code is amended by adding at the end the following new subsection:

''(h) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—

''(1) BASIS REDUCTION.—The amount excluded from gross income by reason of subsection (a)(1)(E) shall be applied to reduce (but not below zero) the basis of the principal residence of the taxpayer.

''(2) QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—For purposes of this section, the term 'qualified principal residence indebtedness' means acquisition indebtedness (within the meaning of section 163(h)(3)(B), without regard to clause (ii) thereof) with respect to the principal residence of the taxpayer.

''(3) EXCEPTION FOR DISCHARGES ON ACCOUNT OF SERVICES PERFORMED FOR THE LENDER.—Subsection (a)(1)(E) shall not apply to the discharge of a loan if the discharge is on account of services performed for the lender.

''(4) PRINCIPAL RESIDENCE.—For purposes of this subsection, the term 'principal residence' has the same meaning as when used in section 121.''.

(c) COORDINATION.—

(1) Subparagraph (A) of section 108(a)(2) of such Code is amended by striking ''and (D)'' and inserting '', (D), and (E)''.

(2) Paragraph (2) of section 108(a) of such Code is amended by adding at the end the following new subparagraph:

''(C) PRINCIPAL RESIDENCE EXCLUSION TAKES PRECEDENCE OVER INSOLVENCY EXCLUSION UNLESS ELECTED OTHERWISE.—Paragraph (1)(B) shall not apply to a discharge to which paragraph (1)(E) applies unless the taxpayer elects to apply paragraph (1)(B) in lieu of paragraph (1)(E).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness on or after January 1, 2007.

SEC. 2. LONG-TERM EXTENSION OF DEDUCTION FOR MORTGAGE INSURANCE PREMIUMS.

(a) IN GENERAL.—Subparagraph (E) of section 163(h)(3) of the Internal Revenue Code of 1986 (relating to mortgage insurance premiums treated as interest) is amended by striking clauses (iii) and (iv) and inserting the following new clause:

''(iii) APPLICATION.—Clause (i) shall not apply with respect to any mortgage insurance contract issued before January 1, 2007, or after December 31, 2014.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contracts issued after December 31, 2006.

SEC. 3. ALTERNATIVE TESTS FOR QUALIFYING AS COOPERATIVE HOUSING CORPORATION.

(a) IN GENERAL.—Subparagraph (D) of section 216(b)(1) of the Internal Revenue Code of 1986 (defining cooperative housing corporation) is amended to read as follows:

''(D) meeting 1 or more of the following requirements for the taxable year in which the taxes and interest described in subsection (a) are paid or incurred:

''(i) 80 percent or more of the corporation's gross income for such taxable year is derived from tenant-stockholders.

''(ii) At all times during such taxable year, 80 percent or more of the total square footage of the corporation's property is used or available for use by the tenant-stockholders for residential purposes or purposes ancillary to such residential use.

''(iii) 90 percent or more of the expenditures of the corporation paid or incurred during such taxable year are paid or incurred for the acquisition, construction, management, maintenance, or care of the corporation's property for the benefit of the tenant-stockholders.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 4. GAIN FROM SALE OF PRINCIPAL RESIDENCE ALLOCATED TO NONQUALIFIED USE NOT EXCLUDED FROM INCOME.

(a) IN GENERAL.—Subsection (b) of section 121 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

''(4) EXCLUSION OF GAIN ALLOCATED TO NONQUALIFIED USE.—

''(A) IN GENERAL.—Subsection (a) shall not apply to so much of the gain from the sale or exchange of property as is allocated to periods of nonqualified use.

''(B) GAIN ALLOCATED TO PERIODS OF NONQUALIFIED USE.—For purposes of subparagraph (A), gain shall be allocated to periods of nonqualified use based on the ratio which—

''(i) the aggregate periods of nonqualified use during the period such property was owned by the taxpayer, bears to

''(ii) the period such property was owned by the taxpayer.

''(C) PERIOD OF NONQUALIFIED USE.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'period of nonqualified use' means any period (other than the portion of any period preceding January 1, 2008) during which the property is not used as the principal residence of the taxpayer or the taxpayer's spouse or former spouse.

''(ii) EXCEPTIONS.—The term 'period of nonqualified use' does not include—

''(I) any portion of the 5-year period described in subsection (a) which is after the last date that such property is used as the principal residence of the taxpayer or the taxpayer's spouse,

''(II) any period (not to exceed an aggregate period of 10 years) during which the taxpayer or the taxpayer's spouse is serving on qualified official extended duty (as defined in subsection (d)(9)(C)) described in clause (i), (ii), or (iii) of subsection (d)(9)(A), and

''(III) any other period of temporary absence (not to exceed an aggregate period of 2 years) due to change of employment, health conditions, or such other unforeseen circumstances as may be specified by the Secretary.

''(D) COORDINATION WITH RECOGNITION OF GAIN ATTRIBUTABLE TO DEPRECIATION.—For purposes of this paragraph—

''(i) subparagraph (A) shall be applied after the application of subsection (d)(6), and

''(ii) subparagraph (B) shall be applied without regard to any gain to which subsection (d)(6) applies.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales and exchanges after December 31, 2007.

SEC. 5. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''114.75 percent'' and inserting ''116.50 percent''.

The SPEAKER pro tempore. Pursuant to House Resolution 703, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110–360, is adopted and the bill, as amended, is considered read.

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

H.R. 3648

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 Forgiveness Debt Relief Act of 2007''.

SEC. 2. DISCHARGES OF INDEBTEDNESS ON PRINCIPAL RESIDENCE EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Paragraph (1) of section 108(a) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', or'', and by inserting after subparagraph (D) the following new subparagraph:

''(E) the indebtedness discharged is qualified principal residence indebtedness.''.

(b) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—Section 108 of such Code is amended by adding at the end the following new subsection:

''(h) SPECIAL RULES RELATING TO QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—

''(1) BASIS REDUCTION.—The amount excluded from gross income by reason of subsection (a)(1)(E) shall be applied to reduce (but not below zero) the basis of the principal residence of the taxpayer.

''(2) QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.—For purposes of this section, the term 'qualified principal residence indebtedness' means acquisition indebtedness (within the meaning of section 163(h)(3)(B), ''applied by substituting $2,000,000 ($1,000,000' for '$1,000,000 ($500,000' in clause (ii) thereof'' with respect to the principal residence of the taxpayer.

''(3) EXCEPTION FOR CERTAIN DISCHARGES NOT RELATED TO TAXPAYER'S FINANCIAL CONDITION.—Subsection (a)(1)(E) shall not apply to the discharge of a loan if the discharge is on account of services performed for the lender or any other factor not directly related to a decline in the value of the residence or to the financial condition of the taxpayer.

''(4) ORDERING RULE.—If any loan is discharged, in whole or in part, and only a portion of such loan is qualified principal residence indebtedness, subsection (a)(1)(E) shall apply only to so much of the amount discharged as exceeds the amount of the loan (as determined immediately before such discharge) which is not qualified principal residence indebtedness.

''(5) PRINCIPAL RESIDENCE.—For purposes of this subsection, the term 'principal residence' has the same meaning as when used in section 121.''.

(c) COORDINATION.—

(1) Subparagraph (A) of section 108(a)(2) of such Code is amended by striking ''and (D)'' and inserting ''(D), and (E)''.

(2) Paragraph (2) of section 108(a) of such Code is amended by adding at the end the following new subparagraph:

''(C) PRINCIPAL RESIDENCE EXCLUSION TAKES PRECEDENCE OVER INSOLVENCY EXCLUSION UNLESS ELECTED OTHERWISE.—Paragraph (1)(B) shall not apply to a discharge to which paragraph (1)(E) applies unless the taxpayer elects to apply paragraph (1)(B) in lieu of paragraph (1)(E).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness on or after January 1, 2007.

SEC. 3. LONG-TERM EXTENSION OF DEDUCTION FOR MORTGAGE INSURANCE PREMIUMS.

(a) IN GENERAL.—Subparagraph (E) of section 163(h)(3) of the Internal Revenue Code of 1986

(relating to mortgage insurance premiums treated as interest) is amended by striking clauses (iii) and (iv) and inserting the following new clause:

''(iii) APPLICATION.—Clause (i) shall not apply with respect to any mortgage insurance contract issued before January 1, 2007, or after December 31, 2014.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contracts issued after December 31, 2006.

SEC. 4. ALTERNATIVE TESTS FOR QUALIFYING AS COOPERATIVE HOUSING CORPORATION.

(a) IN GENERAL.—Subparagraph (D) of section 216(b)(1) of the Internal Revenue Code of 1986 (defining cooperative housing corporation) is amended to read as follows:

''(D) meeting 1 or more of the following requirements for the taxable year in which the taxes and interest described in subsection (a) are paid or incurred:

''(i) 80 percent or more of the corporation's gross income for such taxable year is derived from tenant-stockholders.

''(ii) At all times during such taxable year, 80 percent or more of the total square footage of the corporation's property is used or available for use by the tenant-stockholders for residential purposes or purposes ancillary to such residential use.

''(iii) 90 percent or more of the expenditures of the corporation paid or incurred during such taxable year are paid or incurred for the acquisition, construction, management, maintenance, or care of the corporation's property for the benefit of the tenant-stockholders.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 5. GAIN FROM SALE OF PRINCIPAL RESIDENCE ALLOCATED TO NONQUALIFIED USE NOT EXCLUDED FROM INCOME.

(a) IN GENERAL.—Subsection (b) of section 121 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

''(4) EXCLUSION OF GAIN ALLOCATED TO NONQUALIFIED USE.—

''(A) IN GENERAL.—Subsection (a) shall not apply to so much of the gain from the sale or exchange of property as is allocated to periods of nonqualified use.

''(B) GAIN ALLOCATED TO PERIODS OF NONQUALIFIED USE.—For purposes of subparagraph (A), gain shall be allocated to periods of nonqualified use based on the ratio which—

''(i) the aggregate periods of nonqualified use during the period such property was owned by the taxpayer, bears to

''(ii) the period such property was owned by the taxpayer.

''(C) PERIOD OF NONQUALIFIED USE.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'period of nonqualified use' means any period (other than the portion of any period preceding January 1, 2008) during which the property is not used as the principal residence of the taxpayer or the taxpayer's spouse or former spouse.

''(ii) EXCEPTIONS.—The term 'period of nonqualified use' does not include—

''(I) any portion of the 5-year period described in subsection (a) which is after the last date that such property is used as the principal residence of the taxpayer or the taxpayer's spouse,

''(II) any period (not to exceed an aggregate period of 10 years) during which the taxpayer or the taxpayer's spouse is serving on qualified official extended duty (as defined in subsection (d)(9)(C)) described in clause (i), (ii), or (iii) of subsection (d)(9)(A), and

''(III) any other period of temporary absence (not to exceed an aggregate period of 2 years) due to change of employment, health conditions, or such other unforeseen circumstances as may be specified by the Secretary.

''(D) COORDINATION WITH RECOGNITION OF GAIN ATTRIBUTABLE TO DEPRECIATION.—For purposes of this paragraph—

''(i) subparagraph (A) shall be applied after the application of subsection (d)(6), and

''(ii) subparagraph (B) shall be applied without regard to any gain to which subsection (d)(6) applies.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales and exchanges after December 31, 2007.

SEC. 6. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting ''116.75 percent''.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

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

Mr. Speaker, first I want to thank the minority ranking member on the Ways and Means Committee and our staffs for working to bring some relief to those people that are feeling the problems of the subprime mortgage crisis.

I want to make a special thanks to Congressman ROB ANDREWS, whose creativity in working with the committee, along with ZACH SPACE, gave us the direction to remove some of the inequities that may relieve some of the pain that people are feeling.

It's a commonsense piece of legislation that when the banks and those that hold the mortgage decide to give forgiveness on some parts of that loan, that these parts of the loan not be considered as income and does not create a taxable event. So we do that. We passed it out by voice vote because it just made a lot of sense.

In addition to that, we make it easier for people to extend their mortgage insurance, as well as those people who own condos, to be able to get relief from debts that they may have by getting long-term extension of private mortgage insurance on all of them.

Finally, the bill makes it easier for taxpayers to form housing cooperation co-ops.

We give a general relief and at the same time make it more difficult for people to move into their rentals or vacation homes and enjoy the same tax relief as they move from their original homes. In other words, they can only get the tax relief for that part of the time they actually lived in the rental or the vacation home, rather than having the luxury of moving from one vacation home to the other and enjoying the tax benefits.

Mr. Speaker, I yield the balance of my time to one of the hardest-working members of the committee that spent a lot of time on this subject matter, Mr. BLUMENAUER, and allow him to delegate the time as requested by other Members of the House.

The SPEAKER pro tempore. Without objection, the gentleman from Oregon will control the remainder of the time.

There was no objection.

Mr. MCCRERY. Mr. Speaker, I rise in support of this legislation, though not without some reservations. I share the concern of my chairman and my colleagues about the subprime mortgage crisis.

While we are all ultimately responsible for the contracts we sign, there were clearly failures in the market that led people to buy homes larger or more expensive than they could really afford, or to accept mortgage terms that might quickly become unsustainable.

The result has been a growing number of foreclosures, which, in turn, puts downward pressure on other home prices. Moreover, when a bank forgives some or all of the mortgage, that cancelled debt is treated as income and is subject to tax. Too many people are learning the hard way about this ''kick-'em-when-they're-down'' feature of the tax code.

In August, President Bush recognized the seriousness of this crisis and proposed a temporary provision exempting from tax the income that individuals receive when a bank reduces or eliminates the mortgage on a primary residence.

I think that his proposal, a temporary solution to a temporary crisis, is appropriate, and asked the Rules Committee to make in order a substitute which did just that. As my colleagues know, however, we were not given that opportunity, and so we are not debating such a proposal.

Nevertheless, there are good policy arguments for making this provision permanent, just as there are for making it temporary. But the important thing is that we do something to help. I am glad the chairman of the Ways and Means Committee decided to move a bill dealing with this crisis.

The bill does, however, contain revenue offsets that I do find troubling. Generally, I continue to oppose PAYGO rules that require us to raise taxes in one place in order to provide tax relief in another. Nonetheless, those are the rules that this House has adopted, so I understand the majority's need to include an offset in the bill.

The offset being used today will deny part of the capital gains exemption to families who sell a second home which was not always their primary residence. During committee markup, I expressed concerns that the proposal could undercut housing prices in areas of the country where second-home purchases form a large share of the housing market. I understand the chairman's desire to identify an offset within the housing market, and that certainly constrained our choices.

I also appreciate the chairman's efforts to include transition relief to limit the effect of this provision on families who may already own more than one home. As has been noted already and will surely be noted again, the bill, including this offset, has been endorsed by several leading real estate

groups, and that calms, although it doesn't eliminate, my concerns about the impact the offset may have.

Thus, while I do support the positive tax relief in this bill for those with cancellation of indebtedness income, I would prefer to do so without this objectionable offset. It is my hope that as this legislation moves forward, as I believe it should today, we will have an opportunity to reconsider the revenue raises attached to it.

Mr. Speaker, I reserve the balance of my time and request unanimous consent that the gentleman from Kentucky (Mr. LEWIS), who coauthored the original legislation similar to the bill before us today with Mr. ANDREWS, be allowed to allocate the remainder of the time.

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

There was no objection.

Mr. BLUMENAUER. Mr. Speaker, I recognize myself for 2½ minutes.

It is not often I find myself disagreeing with my esteemed friend, the ranking member of the Ways and Means Committee, but I would like to briefly address his concerns.

As our esteemed chairman, Mr. RANGEL, pointed out, this is a serious program that all agree needs a serious solution to avoid having people who lose their homes end up having their loss become a taxable event. Our legislation solves this.

Where I take modest exception to the ranking member and, in fact, had a rather spirited debate before the Rules Committee with Ranking Member DREIER that this is somehow a temporary problem and just requires a temporary solution, we are in a situation now where the majority would argue that there is never a good time to have people who lose their homes have that loss be a taxable event. Second, unlike the Bush administration thinks this is going to be solved in the next year or two, the fact is, in 2006, 20 percent of the first-lien mortgages were in the subprime market.

We are going to see exploding adjustable rate mortgages for years. Those people shouldn't have uncertainty if there are people who assume control who think that their loss should be a taxable event.

As it speaks to the pay-for, the Democrats have made a commitment that we are going to pay for our actions. We are not going to add to the deficit. This is an entirely appropriate pay-for. There was never an intent with the $500,000 per couple exclusion from capital gains on the sale of their homes to string these together.

I came to Congress committed to enacting that relief to protect them. But under the provisions that, as it has worked out, some extraordinarily wealthy people can string these together and have a $500,000 tax-free gain three times in 6 years.

Our amendment, our pay-for, gives everybody the protection for their principal home and allows them to get the capital gains exclusion to the extent that a second home is their principal home. It's reasonable, it's balanced, it's paid for. I urge its adoption.

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

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support for the Mortgage Forgiveness Debt Relief Act of 2007. I have heard concerns from many homeowners in my district about the serious situation in the mortgage market. A recent University of Michigan study of homeowners indicated that at least 26 percent of those surveyed had experienced a loss of equity in their home during the past year. These declining prices have led some families to sell their homes for less than they paid for them.

On August 31, President Bush spoke from the Rose Garden and called on Congress to address a crisis in the mortgage market. Included in the President's priorities was a bill that Congressman ROB ANDREWS and I introduced in April to relieve tax obligations on those who sell homes that have lost equity and have been forgiven a portion of outstanding mortgage debt.

Our measure was later incorporated into the larger bipartisan committee bill that we are debating today, just a little over a month since the President's remarks. This legislation, although not perfect, is a piece of legislation that I asked my colleagues to take a close look at and the intent of the bill before casting your vote.

You will see that this legislation delivers real help to our constituents. Under current law, only two categories of individuals pay taxes when selling the principal residence: those who have been able to realize a capital gain of more than $250,000 or $500,000 on a joint return and those who lose the equity in their home and are forced to pay tax if the lender forgives some portion of the mortgage debt.

It is unfair to tax people on phantom income, particularly when they have suffered serious economic loss and had less ability to pay the tax. The Mortgage Forgiveness Debt Relief Act would relieve this tax burden.

□ 1400

The Andrews-Lewis provision states that no tax will be collected when a lender forgives part of the mortgage on the sale or disposition of a principal residence. This proposal has earned the support of the National Association of Home Builders, the National Association of Realtors, and the United States Department of the Treasury.

Addressing this Tax Code inequity and other long-term issues in the housing market cuts to the core of our national economic stability as we seek to calm financial markets, aid local communities, and support one of our most basic American aspirations, and that's homeownership.

I would like to thank my colleague, Congressman ANDREWS, for his commitment to this issue. I also appreciate the time and effort of my chairman, Congressman RANGEL, Ranking Member MCCRERY, and their staffs for moving this important measure to the House floor.

The bill before us is a good first step toward addressing the mortgage situation. But more important, this bill is an example of what happens when both parties work together to produce good policy that will benefit millions of Americans.

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

Mr. BLUMENAUER. Mr. Speaker, I yield 2 minutes to the distinguished Chair of the Trade Subcommittee, and a senior member of the Ways and Means Committee, Mr. LEVIN.

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

Mr. LEVIN. Mr. Speaker, I rise in strong support of this legislation. On the Democratic side, we've been emphasizing the importance of fairness in the code, of equity in the code, the ability to go home, meet our constituents, look them squarely in the eye and say that we're taking steps to make the Tax Code more equitable. And this legislation is a step in that direction, and an important one so a loss isn't taxable when it should not be. So this is one step, an important step, towards meeting the subprime mortgage crisis.

My home State of Michigan has very much suffered from this phenomenon, and I'm glad that we're taking this step today.

As mentioned, also included in this legislation is a 7-year extension of the deduction for mortgage insurance premiums. This is also necessary. What it does is to level the playing field among the products of mortgages; and this will be helpful, especially helpful now, in view of the crisis with these mortgages.

Let me just say a word about the payment. There's been some comment about the pay-for, and I mean to say this charitably. I think this pay-for is better than, much better than no pay-for. And we've been having too much, in recent years, legislation that proceeded without any pay-for at all. And this is an effort to be fiscally responsible, and I think it does so in an effective and an equitable way.

I urge support for this legislation.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield 2 minutes to my friend from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for the opportunity to speak on a bill that he has spent an extraordinary amount of time on and is most timely.

The bill before us today is really a question of bringing fairness to the Tax Code. At its heart it puts those taxpayers that have been placed in the tough situation of declining property values and perhaps even foreclosure in

a better position to be able to stay in their homes.

Under current law, a homeowner must pay taxes at ordinary income rates on the fictitious income never realized by the homeowner when a lender forgives part of the debt owed on a mortgage. It is simply unfair that when lenders do the right thing and try to work to keep working families in their homes during tough times, that the taxman then comes and presents that family with a bill on money that they never saw.

The kicker, Mr. Speaker, is that were the homeowner to realize a gain on selling their home, the situation is a very different matter. In that instance, the seller of the home would be only required to pay tax, and at the capital gains rate versus the income tax rate on the amount above an exclusion. Yet, for the homeowner facing a short sale or participating in a debt forgiveness proposal in order to keep them in their home, no such help is extended through the Tax Code.

This bill provides a major step toward helping taxpayers, our constituents, facing this difficult situation. And, Mr. Speaker, it does it while maintaining tight controls to ensure that this change will not be abused by those looking to game the system.

In short, given the situation facing so many of our constituents in this uncertain housing and credit market, this is a needed change for working families and for our economy as a whole.

In States such as Pennsylvania, where delinquency rates are climbing by the quarter, this will serve to keep people in their homes. Homeownership is a major part of the equation when it comes to building savings and ownership in our society, and we shouldn't permit our Tax Code to unnecessarily stand in the way of enabling working families to participate in the ownership society.

I urge my colleagues to make this bill law as soon as possible.

Mr. BLUMENAUER. Mr. Speaker, I yield 2 minutes to the distinguished Chair of the Select Revenue Measures Committee and a champion of tax fairness, Mr. NEAL from Massachusetts.

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I thank Mr. BLUMENAUER for yielding the time. And I want to acknowledge Chairman RANGEL and JIM MCCRERY today for the manner in which they moved this legislation and how swiftly they addressed the issue that is looming across markets here in America and has had, in fact, an international impact.

In my home State of Massachusetts, foreclosures have risen by 66 percent over the last year. Recent studies have estimated that one in five subprime mortgages from the past 2 years will result in foreclosure. That means more than 1 million homeowners will lose their opportunity to hold on to the American Dream. But even more distressing will be the tax bill if the lender is kind enough to forgive part of this debt.

We want to do all that we can to keep them in their home and to work out some arrangement to help them keep paying, even if that means forgiving a part of the tax debt. But with the tax bill looming, many might even argue that that could be counterproductive. So that's why I'm enthusiastic about supporting the legislation that's on the floor today.

This bipartisan bill, and I emphasize, the most bipartisan bill in the last 7 years on the Ways and Means committee, this bipartisan bill would change the current tax law and provide that homeowners would not be taxed on the portion of forgiven debt if due to financial hardship or decline, and I emphasize decline, in the value of the home.

It simply makes good sense to do this. The bill has been endorsed by the Realtors Association, the homebuilders, the mortgage bankers, and most importantly, members of the American family.

This is a commonsense proposal. I hope we're all going to support it.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield 2 minutes to Mr. SAM JOHNSON from Texas.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, the current problems with mortgage and real estate markets are considerable, but they're not permanent. For the individuals and families who have gotten into trouble with inappropriate mortgages, I'm glad to see that their lenders are restructuring and writing down loans so people can move on with their lives. Taxation of phantom income is something I've fought for a long time. I have confidence in the American economy and in the fact that real estate markets will rebound. It's not a permanent problem.

However, this bill puts permanent relief in place and sets up a system where there is permanent assumption of sliding home prices. Instead of a permanent problem, I believe it's a short-term problem worthy of being given emergency budget designation. This would allow this phantom income to remain untaxed, and to make it unnecessary for permanent tax increases to be imposed on other Americans.

The tax increase the majority has chosen as an offset is a permanent luxury tax on one in 20 American families who own a second home. The Ways and Means Committee has a track record on luxury taxes, and it's not good. When the Democrats were last in the majority, they imposed a luxury tax on yachts and claimed that only the rich would pay the tax. The luxury tax on yachts really ended up being a tax on boats. It was a disaster tax on the American boat building industry and on marinas all over America. The luxury tax killed the yacht business, devastated an industry and was finally repealed with sincere regret.

I fear this luxury tax on second homes will have the same effect as the luxury tax on yachts. Yet our friends, the Realtors, the bankers and the homebuilders all support the bill before us today because of the need for relief and mortgage debt forgiveness.

It's clearly not a perfect bill. It should come back from conference with the Senate with only a temporary provision, then the luxury tax on second homes ought to no longer be necessary because it should be given the emergency budget designation it deserves.

Mr. BLUMENAUER. Mr. Speaker, I yield myself 15 seconds to clarify that there's no luxury tax on second or third homes. It preserves the tax exemption for the $500,000 capital gain on a residence, and it permits people to claim an additional benefit to the extent to which it is their primary residence in the future.

I would at this point, Mr. Speaker, recognize a distinguished member of the Ways and Means Committee, Mrs. TUBBS JONES from Ohio, whose experience helped shape this legislation, for 2 minutes.

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I want to commend my colleagues, both on the Democratic and Republican side, for introducing this legislation.

I rise today in support of H.R. 3648, the Mortgage Forgiveness Debt Act of 2007.

It comes as no surprise to most Americans that when debt is forgiven by lending institutions in a foreclosure, this amount must be included as income in their tax statement. In a time of rising foreclosures, I cannot imagine anything more upsetting to a family than this scenario. The situation usually occurs when the family cannot pay their mortgage and then must give up their home. Then they must pay tax on phantom income when the lender forgives some part of the homeowner's mortgage.

More than 8 years ago, I introduced a piece of legislation called the Predatory Lending Reduction Act of 2001, I believe it was. And in that legislation, I suggested that we needed to monitor or regulate mortgage brokers.

The reason I raised the issue is because most of the subprime lending that occurs in America comes through brokers who are brokering subprime lending mortgages.

The reason I'm so concerned about the statement of my colleague before about this taxation should not be permanent, the reality is, for many families who lose their homes as a result of the situation we're in, it's permanent. It's permanent loss of assets that would pass from one generation to the next. And they can never recover from it. It's permanent loss for communities

where the tax duplicate is reduced because they don't have that money upon which they can build a rating so that that community could then borrow money on a bond. It's a permanent loss for public school systems that no longer receive the tax that you allow them to be able to support that public school system. So this legislation is very, very important.

And whatever happens in the housing market, and hopefully we're going to get a hold on these subprime lenders who have devastated permanently our communities across the United States of America, we're going to get a hold on that. But in the interim, let's give the people who are in this position a break.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield 3 minutes to Mr. BRADY from Texas.

Mr. BRADY of Texas. Mr. Speaker, if you lose your job and lose your home or are forced to sell at a loss, only in America do you get a bill, a tax bill from Uncle Sam for forgiven debt. Having witnessed this during the terrible Texas recession of the 1980s, it is nothing less than shooting the financially wounded. There's no question this is long past time to correct this unfairness.

I applaud the authors of this bill, Representatives LEWIS and ANDREWS, and all of those who have helped bring this to the floor today. There is serious question, however, about the way we pay for it.

Raising taxes on the sales of second homes unfairly taxes families who live in one city, but are forced to work in another, and couples who have scrimped their whole lives to enjoy a retirement home they dreamed of.

□ 1415

It is a poor way to fund this bill.

This $2 billion tax hike unfairly punishes those who make their house payments to help those who can't or who find themselves in a bad situation. It's a false choice, completely unrelated to each other. And yet those who profited millions of dollars from the sale of predatory and risky loans walk away unscathed. What type of accountability is that?

Because this pay-for has had no real study, no in-depth analysis by Congress, I and others worry there may well be unintended consequences that damage the value of second homes and, in the long run, not today but in the long run, harm lake communities, vacation communities, and retirement communities around the Nation whose economies are dependent upon these types of homes.

There are better ways to offset the tax cost of this bill, including raising more than $1 billion simply by allowing government workers in 457 plans to have the option of a Roth-style IRA, an option available to millions of workers in the private sector.

I am hopeful that before this bill goes to the President's desk that a change is made, whether that recommendation or another. This is an important measure to help those who are losing their homes or are in a bad situation. There is surely a fairer, more thoughtful way to pay for it.

Mr. BLUMENAUER. Mr. Speaker, I yield 2 minutes to the distinguished Ways and Means Committee member, Mr. PASCRELL from New Jersey, a former mayor who has firsthand experience about the significance of this legislation.

Mr. PASCRELL. I thank the gentleman for yielding. I want to thank Mr. RANGEL and Mr. MCCRERY for the great work they have done and the great work of ROB ANDREWS from New Jersey, the exhaustive efforts in this regard, to help people avoid foreclosure, to stay in their homes.

There is a little doubt that the current tax effect on the struggling homeowners is not fair or prudent. Requiring any discharge of indebtedness to be included in taxable income further exacerbates and endangers the financial health of those already in distress.

Think about it: A bank forgives some amount of indebtedness for a homeowner in trouble, either to avoid foreclosure or to forgive a debt to a homeowner in the foreclosure process. Right now the amount of forgiven indebtedness is treated by the IRS as income, which is then taxable. That's pretty incredible, I think.

For families across America, this dubious income and the resulting tax burden can cause an even greater level of anguish that they should not have to absorb in the time of need.

This legislation would provide a permanent exclusion of gross income of discharged homeowner indebtedness. It is the wise and decent thing to do.

And I might add there is danger ahead. Right now between January and September of this year $263 billion of debt that was opened up, people were losing their homes, and in 18 months that is going to go to $700 billion of loans in the pipeline that are going to open up to higher rates. This is what we have to look forward to. This is a serious, serious problem that's not going to go away next week.

So I thank both the chairman and the ranking member. With the abundance of acute problems in the mortgage finance system, this legislation can help stabilize families, their neighborhoods and communities, as well as our national economy.

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

Mr. BLUMENAUER. Mr. Speaker, I yield 2¼ minutes to the distinguished Ways and Means member from Nevada (Ms. BERKLEY), who has represented an area that is facing this problem and has been so generous in sharing with us the consequences.

Ms. BERKLEY. Mr. Speaker, I thank Mr. BLUMENAUER for his leadership on this issue.

I rise today in support of the Mortgage Forgiveness Debt Relief Act. This legislation represents an important step in helping homeowners caught in our Nation's housing crisis. The people I represent have been hardest hit by this crisis. It pains me to say that the State of Nevada currently has the highest rate of foreclosure in the Nation. In Nevada there is one foreclosure for every 163 households. That is three times the national average.

Unfortunately, many of those who lose their homes to foreclosure are hit with the added insult of a surprise tax bill. This occurs when a home has decreased in value and the amount owed is more than the current value of the home. The difference between the amount owed and the actual value of the home is considered forgiven debt and, therefore, taxed at regular income. With interest rates on hundreds of thousands of mortgages about to reset and home values in decline in many areas, this foreclosure tax is likely to be a growing problem.

This bill will help protect homeowners from this tax by providing a permanent exclusion of the discharged debt as long as the mortgage was on the primary residence.

And for those who fear that this legislation will bail out wealthy land speculators who have made bad investments, let me assure you that the relief provided in this bill is targeted towards those losing the very roofs over their heads, their family's home, and not to real estate speculators who made bad bets.

Additionally, this bill will extend the tax deduction on private mortgage insurance to provide an additional measure of tax relief to homeowners. Lowering the cost of mortgage insurance by keeping this tax deductible will help ensure that more borrowers are choosing mortgages they can actually afford. For some of my constituents this tax savings will mean the difference between being able to stay in their homes or becoming one of thousands facing foreclosure and loss of their family home.

For those on the other side of the aisle who are criticizing the pay-for in this bill, not one, not one of them has come up with a sensible and honest alternative or solution to the pay-for that is included here.

I think this is a good piece of legislation. I urge support for this legislation.

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

Mr. BLUMENAUER. Mr. Speaker, it is my honor to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS), who has been acknowledged as one of the prime drivers in shaping this legislation.

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

Mr. ANDREWS. Mr. Speaker, I thank my good friend for yielding, and I would like to thank Chairman RANGEL and his staff especially for their great work in bringing this to the floor. Thank you very much. And to Mr.

MCCRERY and to my friend Mr. LEWIS for showing that when people from two parties come together in support of a good idea, it can happen.

This is what this bill is about: A person buys a house for $150,000 and has a $140,000 mortgage. And then bad times hit the neighborhood and the person can only sell the house for $130,000, but they still owe $140,000 on the mortgage. So they go to closing and they sell the house, but even after all the proceeds of the sale are paid, they still owe money on the mortgage. Now, someone is only going to do this because they have lost their job or had a health crisis or some other family crisis. By definition, this is an American family in some trouble.

If their lender says that they are going to write off that $10,000 that still is owed on the mortgage, if the lender says we are not going to bother to chase this person, usually because there is nothing to recover from, under present law the IRS would treat that family as having $10,000 worth of income. Now, they have no money in their checking account to pay it. They have no means to go earn the money. They owe a tax on money they never saw.

This is unfair, and it exacerbates the problem we see in the mortgage market right now. So Republicans and Democrats came together. We are thankful for the leadership of Chairman RANGEL, and we have before us now a bill that will address in a fair and targeted way this problem.

I would also add I do appreciate the pay-for. I think we should pay for what we do here. And what this bill does is close a loophole. It basically says that everybody can get the $500,000 exclusion for the house they actually live in, but you can't take that for a property you don't live in. That seems pretty fair to me.

So, again, I thank people on both sides of the aisle for their support. I would urge a ''yes'' vote.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself 15 seconds.

I want to thank Mr. ANDREWS for this bill, and I certainly have appreciated working with him on this.

And this is a good time. This is good for the American people to see that we can come together when a problem, a serious problem, is affecting them and we can come up with a solution. Instead of pointing fingers and talking about a problem, we have actually come up with a solution. So thank you for your work.

Mr. BLUMENAUER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of the Mortgage Forgiveness Debt Relief Act. I commend the sponsors. I believe that this is a necessary and compassionate step in helping families recover from problems caused by the continuing mortgage crisis.

Let's face it. Unscrupulous lending practices have taken their toll as hard-working families struggle to keep pace with ballooning mortgage payments.

Under current law any debt forgiven by a lender is treated as phantom income and subject to taxation. At a time when so many families are already in crisis, it is fundamentally unfair to penalize them by taxing money they may recover through refinancing their mortgage or foreclosure of their homes.

The Mortgage Forgiveness Debt Relief Act will change the Tax Code to prevent forgiven mortgage debts from being assessed as gross income. This critical measure will help address the persistent problems in the housing market that have resulted from unfair lending practices. And I urge my colleagues to join me in supporting it.

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

Mr. BLUMENAUER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. SPACE).

Mr. SPACE. I thank the gentleman from Oregon.

Home foreclosures are, unfortunately, something that Ohioans face far too frequently. Ohio ranks near the top in the Nation in foreclosures. In this year alone, approximately 61,000 families will have their homes foreclosed upon. These are families who have fallen victim to unscrupulous subprime lending brokers, who have fallen victim to failing health, and who have fallen victim to a changing economy, one where we have seen our manufacturing base eroded, our cost of the living through gas and utilities increasing, and stagnant wages. The phantom tax on forgiven debt adds injury to insult, especially to working families who have undergone the trauma of a foreclosure.

I am very grateful for Chairman RANGEL's leadership on this issue and thankful that our leadership as the Democratic Party has taken up this cause as well. And, furthermore, I am gratified at the bipartisan support that this body has demonstrated in its commitment to tax relief for middle-class and working families.

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

Mr. BLUMENAUER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY. Mr. Speaker, I am proud, with my colleagues on both the Republican and Democratic sides, to support H.R. 3648, the Mortgage Forgiveness Debt Relief Act. This provides much-needed tax relief to American families facing foreclosure. As mortgage rates reset to levels that families are unable to afford, this crisis continues to grow.

In my home State of Indiana, one in every 219 Hoosier families now face foreclosure. We rank well above the national rate, with 3 percent of our loans in foreclosure. Subprime loans which have affected many of our Nation's families account for nearly half of our State's foreclosures.

This legislation permanently exempts individuals from being taxed on forgiven debt in the event of foreclosure. By passing this legislation, we are taking an important step in preventing homeowners already faced with the devastation of losing their home from also incurring an additional tax burden that they are unable to repay. We should not be imposing additional hardships on families by imposing an unfair tax bill on them at the worst possible moment.

Mr. Speaker, I appreciate the bipartisan nature of this legislation.

Mr. BLUMENAUER. Mr. Speaker, I yield 1 minute to the gentlewoman from Arizona (Ms. GIFFORDS).

□ 1430

Ms. GIFFORDS. Mr. Speaker, I rise today in support of the Mortgage Forgiveness Debt Relief Act, an important piece of legislation.

A few years ago, Arizona had been a national leader in home prices. With the growing subprime mortgage crisis, Arizona is now experiencing increasing record foreclosures. In May, new foreclosures in my State were 141 percent higher than they were just 2 years ago.

Some mortgage lenders are working responsibly with homeowners to adjust their mortgages to fairly reflect the decreased home values. They are adjusting their lending policies in response to the current housing market. Congress has to do the same. We should not penalize homeowners by taxing them their discharge debt.

This bill encourages market-based decision; it creates fundamental tax fairness. This bill responsibly helps Arizona families avoid foreclosures and to remain in their homes. Fewer foreclosures will help stabilize property values and protect our local and our regional economies.

I proudly cosponsored this bipartisan legislation that is endorsed by the National Association of Realtors, the National Association of Home Builders, and the Mortgage Bankers Association.

Mr. BLUMENAUER. Mr. Speaker, I would recognize the gentleman from California (Mr. MCNERNEY) for 1 minute.

Mr. MCNERNEY. Mr. Speaker, in my district, the city of Stockton, California and surrounding San Joaquin County are the very epicenter of the growing national home mortgage crisis. San Joaquin County has the second highest level of foreclosures in the country. Nearly one out of 50 homes is being repossessed. Stockton has the highest foreclosure rate of any United States city, and this is tearing our communities apart. To add insult to injury, former homeowners who lost money when their houses were sold, have to pay taxes on their losses. And

those able to negotiate for a reduction in the amount they owe are forced to pay taxes on this amount.

This doesn't make sense. Thankfully, the legislation we're voting on today will eliminate this phantom tax and provide some breathing room for people in financial crisis.

I strongly support this bill.

Mr. LEWIS of Kentucky. Mr. Speaker, I just want to say that this isn't a perfect bill, I don't guess there has ever been a perfect bill on this floor, but it's a good bill and it does provide a solution to a real problem for Americans. I am very happy that we have a good bipartisan bill that I encourage all of my colleagues to vote for and help out in this very tough time for a lot of homeowners in this country.

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

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

I would like to commend my colleague for the work that he has done on this measure, Mr. MCCRERY, and our leadership because at core there is bipartisan understanding and support for the elimination of what has been referred to as a phantom and unfair tax on the poor souls who lose their homes and who receive no net increase to them.

Where we have modest disagreement is in two specific areas: one, the bill that is before us recognizes that there is never a good time to tax American homeowners on this phantom benefit of having their loan forgiven on a foreclosed property. There no circumstances under which we could conceive that we wanted to penalize them for something that they didn't receive, so we made it permanent. Unlike the minority, unlike the Bush administration, we don't think there is ever a good reason to tax them on something that they don't receive.

Second, we're paying for the cost that is associated with it because, sadly, even a tax provision that makes no sense carries value, and under our rules, we need to pay for it. And what we did was not to implement any additional tax, but to clarify the benefit that is given to owners of principal residences that they have a $500,000 tax-free gain if they occupy that as their principal residence for 2 out of 5 years. That's something that we broadly agree upon.

Now, we've always agreed that that ought to occur to the homeowner. Now we're hearing that somehow our friends on the other side of the aisle think that an additional tax benefit, so that people could string this together over the course of 6 years and get $500,000 three times as a tax benefit, is somehow, some way a tax increase. It is not. The purpose of that tax provision was never to reward people who could game the system and string together tax increases two or three times over a relatively short period of time.

So we have clarified it: as long as it is their principal home, their principal residence, they can claim the exclusion. And to the extent that a second home, after they've gotten $500,000 tax free, the extent to which they occupy a second home for an additional period of time, they can claim the proportion that it is actually their principal residence. I would dare say that was the intent for the majority people of why that provision was implemented in the first place. It's reasonable, it's sound, and I would strongly suggest that that's why people in this industry, Realtors, mortgage bankers, homebuilders, support the bill that we brought forward.

I suggest that this bill is something that all of us ought to support. I strongly urge its passage.

Mr. BACA. Mr. Speaker, I rise in support of H.R. 3648, the Mortgage Forgiveness Debt Relief Act of 2007.

Among large metro areas my district in the Inland Empire has the fourth highest rate of foreclosure filings in the Nation and was the hardest hit area in California through the first half of 2007.

In San Bernardino County alone there were 19,185 foreclosure filings during the first half of 2007, representing a staggering 345 percent increase from the previous year. Overall, there is one foreclosure filing for every 33 households in the Inland Empire.

These numbers go to show that the subprime crisis we are experiencing today is not an abstract issue. These are real people who are going through painful struggles to stay in their home and keep their families together.

Regrettably, when banks and loan servicers decide to help these families by forgiving a part of a loan, that debt is then treated as a source of income which in turn makes the forgiven amount subject to tax.

Families who are already facing foreclosure should not have to face the additional burden of paying tax on phantom income.

This bill restores fairness for homeowners who are financially and economically distressed by eliminating that requirement. It will play a central role in helping American families avoid foreclosure and stay in their homes and I urge my colleagues to support it.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of the Mortgage Forgiveness Debt Relief Act of 2007 (H.R. 3648). This measure is a necessary and compassionate step in helping individuals and families recover from the problems caused by the continuing mortgage crisis.

Unscrupulous lending practices have taken their toll on hard-working families, who are increasingly unable to keep pace with their ballooning mortgage payments. We have all seen how the skyrocketing interest rates associated with nontraditional mortgages, such as adjustable-rate mortgages, have devastated families nationwide. These families are often left with few options. They may either try to renegotiate the terms of their mortgage for fixed interest rates, or be forced to foreclose on their homes. Both options can be emotionally difficult and are further complicated by the hefty taxes that may result.

Under current law, when a lender forgives all or part of a loan, it is required to report the amount of debt forgiven to the IRS and to the homeowner. That amount is subsequently treated as "phantom income" and is subject to taxation by the IRS. At a time when families are already in financial dire straits, it is fundamentally unfair to penalize them by taxing the money they recover through either refinancing their mortgage or foreclosure of their homes.

I am proud to support the Mortgage Forgiveness Debt Relief Act, which will change the Tax Code to prevent forgiven mortgage debts from being assessed as gross income. This improvement will limit the financial penalties families incur when refinancing their homes at fixed rates and could even keep some families on the brink of foreclosure from losing their homes. I am also pleased that, under this legislation, people would not be unfairly taxed when a lender voluntarily agrees to waive prepayment penalty fees.

The Mortgage Forgiveness Debt Relief Act is a critical measure that will help address the persistent problems in the housing market resulting from unfair lending practices. This legislation is another important step toward fixing the mortgage crisis nationwide, and will help stabilize families throughout the Nation and our economy as a whole.

Ms. LORETTA SANCHEZ. Mr. Speaker, the situation in the housing market is well documented.

Unscrupulous practices by mortgage brokers in search of fees and the unrealistic belief that housing prices would continue their meteoric rise is resulting in the most perilous situation for the housing sector, and the economy as a whole since the Great Depression.

The most urgent action for this Congress is to encourage actions that enable families to stay in their homes.

Today we will consider H.R. 3648, the Mortgage Forgiveness Debt Relief Act. This bill takes the crucial step to restore fundamental fairness for homeowners in financial distress by revising language in the tax code that includes discharged home mortgage debt as taxable income.

Homeownership, especially among minorities, is at an all time high. It has contributed greatly to our economy and our social fabric. Foreclosed, empty homes only impose costs that everyone must bear.

Now is the time to make sensible reforms to protect families and consumers who are on the verge of losing their home.

I commend the Committee on Ways and Means and the House Leadership for bringing this important bill to the floor.

Mr. UDALL of Colorado. Mr. Speaker I am a cosponsor of this important legislation and rise to support its passage

As we all know, the real estate market is troubled. In Colorado and across the country, some families are caught in a bind—as prices have declined, they are finding that the value of their homes are less than what they owe on their mortgages.

And many of these people are experiencing financial problems—including increased payments required as the interest rates on their mortgages are adjusted—that can lead to foreclosure or require them to work out other arrangements with lenders.

That is bad enough—but as things stand now, in many cases they find that there is more bad news, because today homeowners are taxed on debt that they are no longer required to pay, either because a mortgage has been foreclosed or restructured.

That is because the tax code today treats the value of cancelled mortgage debt as taxable Income.

This bill will provide relief to people in this situation. It will change the tax laws so as to permanently exclude debt forgiven under these circumstances from tax liability.

It also will help make home purchases more affordable by a long-term extension of the tax deduction for private mortgage insurance. Current law allows certain premiums paid or accrued for qualified mortgage insurance by a taxpayer in connection with financing of the taxpayer's residence to be treated as interest—that is, to be deductible. However, this is now scheduled to terminate for any amount paid or accrued after December 31, 2014.

This bill will extend the deduction through December 31,2014.

Mr. Speaker, this is a good measure. I strongly support it and urge its approval.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H.R. 3648, the Mortgage Forgiveness Debt Relief Act.

This bill will end the double-whammy of paying taxes on the lost value of their homes by providing a permanent exclusion from gross income of discharged home mortgage debt.

We are passing this legislation at a time when anxiety over the state of the economy remains high and concerns mount that the subprime mortgage meltdown will infect the rest of the economy.

Last month, RealtyTrac released the latest bad news that foreclosures reported in August increased 36 percent since July and 115 percent since this time last year.

Expectations are that the next 18 months will be even worse, as many subprime loans reset to higher rates. We have real concerns that this subprime crisis will cause 2.2 million people to lose their homes.

The credit crunch, the worsening housing slump, market volatility, and weak consumer confidence point to a gathering storm that could drag down the economy, possibly taking thousands of American jobs with it.

In the face of this gathering storm, Democrats in Congress are working to help families stay in their home and are working to prevent another crisis. The House has passed FHA and GSE reform bills. We are working on a predatory lending bill.

We are working with regulators to advocate forbearance and with servicers to engage in workouts for strapped borrowers.

We recognize this crisis in homeownership and we are doing everything we can to respond in a forceful and responsible way.

Again, I support this legislation.

Mr. BLUMENAUER. Mr. Speaker, it is estimated that, before this housing slump is over, 2 million homeowners will lose their homes due to skyrocketing interest rates on their mortgages.

Increased foreclosures have adverse effects on the values of neighboring properties. For example, research indicates that, for each foreclosed home in a given neighborhood, the prices of nearby homes could fall by 1 percent to 1.5 percent.

Nationally, housing prices have stopped rising. In fact, some measures of home prices have already declined, by more than 3 percent since the beginning of 2007. Some economists predict that real housing prices are likely to decline by more than 15 percent over the next 2 years.

We want to prevent thousands of Americans from getting hit by the double whammy of (1) losing their homes to foreclosure, and (2) getting slapped with a tax bill when the debt on their home is discharged by the lender.

Even taxpayers that restructure their mortgages to avert foreclosure face this risk of triggering large tax bills.

It doesn't seem right for individuals in this circumstance to face a tax bill when they really have no increase in their net worth.

As I see it, their house went down in value, and the individuals couldn't meet their mortgage requirements, resulting in foreclosure. The amount of the income that they would recognize without regard to this bill would be equal to or less than the decline in value of their home. So, absent this legislation, homeowners in this situation would be slapped with a tax liability for no net increase in wealth.

H.R. 3648 would correct that result so that if a person's principal residence lost value, that loss won't give rise to a tax liability.

Mr. BISHOP of New York. Mr. Speaker, I rise in strong support of H.R. 3648, the Mortgage Forgiveness Debt Relief Act. I am proud to be a cosponsor of similar legislation that also gives a much-deserved break to homeowners and their families facing enormous tax liability made more painful by the housing crisis.

Nearly 3,000 homeowners in Suffolk County, New York in my district are facing foreclosure. One out of every 180 families in my district will join 2.2 million families nationwide whose subprime loans have already failed or will end in foreclosure.

Adding insult to injury, most of them have to pay a tax when a lender forgives some part of their mortgage. The IRS treats that forgiven debt as income, and can even add interest and penalties.

To be relieved of debt at one moment, but then to be charged shortly thereafter with a huge tax bill is a tremendous shock and burden. We can all agree that middle class families who lose their homes should be spared any further penalty by the IRS.

Mr. Speaker, losing your home is bad enough. The last thing any family in today's housing market needs is for the IRS to make their struggle more of an uphill climb. I urge my colleagues to support H.R. 3648 and commend the leadership for expediting its consideration by the House today.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 3648, the Mortgage Forgiveness Debt Relief Act of 2007 because I believe that it is the least that the Congress can do to aid beleaguered homeowners, who in addition to facing foreclosure, are also facing taxation on phantom income.

It was not a long time ago that the housing market was being touted as the savior of the economy and that homeownership was looked to as a reliable, stabilizing force in communities across the country. Now that the pendulum has swung in the other direction, and the housing market is wobbling under the weight of the subprime crisis, it is incumbent upon the Congress to assist beleaguered homeowners.

H.R. 3648 would amend current law which would now tax a homeowner who received relief from financial institutions on their mortgages in order to save their homes. H.R. 3648 would provide a permanent exclusion for any discharge of indebtedness which is secured by a principal residence through acquisition, construction or substantial improvement of the principal residence.

Mr. Speaker, this bill also extends the deduction for private mortgage insurance for 7 years through 2014 and would relax the rules, making it easier for housing groups to qualify as a cooperative housing corporation. It would also modify the exclusion of gain on sale of a principal residence, all items that would make it easier for homeowners to survive the murky waters of the current housing market. As the housing crisis continues to run its course, I believe that this legislation is a step in the right direction. I believe that more has to be done in order to keep homeowners in their homes and help stabilize the part of our economy that has been the surest route to wealth in our country. I urge all of my colleagues to vote for its passage.

Mr. POMEROY. Mr. Speaker, 75 million American households own their home. About 68 percent of these homeowners have a mortgage, and about 26 percent of those also carry a second mortgage, a home equity line, or both. In total, Americans have about $10.4 trillion of mortgage debt outstanding.

The large majority of families are paying their mortgage payments on time, but many families are having a difficult time meeting their monthly mortgage payments as the interest rates on their loans are being reset to higher levels. Missed payments can mean high added fees also apply.

In this last year, more families have found that they just can not keep up and end up loosing their home in foreclosure. Both foreclosures and their precursor, delinquencies, shot upward. By August 2007, foreclosures were up 115 percent from last year, and up 36 percent from July. Since economic research shows that a single foreclosure within a city block lowers the value of homes in the area by 0.9 percent, many lenders want to help families stay in their homes. These families work out a new loan with their lender revising the home loans by forgiving some of the debt caused by the decline in housing prices.

The last thing these families need is a tax bill for the ''phantom income'' arising from the loss in the value of their home or the amount of debt forgiveness. Today, Congress rips up that tax bill for struggling families as we pass the Mortgage Forgiveness Debt Relief Act of 2007. This bill provides relief to those families by permanently excluding debt forgiven under these circumstances from tax liability.

Housing is an important job creator in our economy. We still need to keep home ownership a reachable part of the American Dream. With recent reports in the Wall Street Journal showing that demand for previously owned homes tumbled in August to the lowest level in 5 years, we know that the trouble in the mortgage market hurts sales. Home resales fell to a 5.5 million annual rate, a 4.3 percent decline from July, according to the National Association of Realtors. Help for new home buyers is in H.R. 3648.

Solid Midwest values helped keep folks in my state North Dakota out of the subprime mortgage fallout, by and large. Yet, we all know that it is hard for young families to scrape together the money to make a significant down payment on their first home. Many of them are not able to purchase their home with a 20 percent down payment. Mortgage insurance protects these buyers that the market

needs, while insuring against the loss in home value in the event of default.

H.R. 3648 would help our kids and other would-be homeowners secure their first homes through a long-term extension of the tax deduction for private mortgage insurance. Mortgage insurance keeps new homeowners from taking out second and riskier loans to buy their first home. Extending this tax deduction until 2015 treats mortgage insurance as a cost of homeowners hip in the same way as mortgage interest.

The bottom line is that foreclosures do not help the taxpayers. It does not help the economy and it does not help our communities. H.R. 3648 is another step that this Congress is taking to restore strength to the Nation's floundering housing market. Providing help to keep families in their homes and to improve the ability of young families to buy their first home from those houses on the market would help ease the crisis we face.

Mr. KAGEN. Mr. Speaker, my constituents in Northeast Wisconsin and countless others across this Nation are hurting because of the current mortgage crisis.

The fact is many homeowners are increasingly unable to make monthly payments or sell their homes in the middle of a national housing slump.

The number of national foreclosure filings reported last month more than doubled from a year ago.

For these reasons, I rise in support of H.R. 3648.

We need to provide tax relief to homeowners who face foreclosures on their homes.

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

The SPEAKER pro tempore (Mr. WEINER). All time for debate has expired.

Pursuant to House Resolution 703, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CANTOR

Mr. CANTOR. Mr. Speaker, I offer a motion to recommit.

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

Mr. CANTOR. Yes, in its current form.

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

The Clerk read as follows:

Mr. Cantor of Virginia moves to recommit the bill H.R. 3648 to the Committee on Ways and Means with instructions to report the same back to the House promptly with the following amendment:

Strike sections 5 and 6.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia is recognized for 5 minutes.

Mr. CANTOR. Mr. Speaker, this motion to recommit is very simple. It strikes the tax hike from the bill. A vote for this motion to recommit gives us all an opportunity to vote for the underlying bill whose purpose is to provide relief to homeowners impacted by the subprime crisis without raising taxes on America's families. I, for one, don't believe we should raise taxes on one family to cut taxes for another.

Contrary to the remarks made by my friend from Oregon who alleges that some are gaming the system, which could or could not be true, there is an instance, and plenty of which occur, that will impact real families. If we don't pass this motion to recommit, there will be a real cost to real people and real families who are relying on the equity built up in their greatest asset, their home.

Take, for example, a family that moves to a new area in search of a job. If that family currently lives in an area with a depressed housing market and the family intends to return in the future, they may make the reasonable decision to rent their home instead of selling it. They would do so in hopes of recovering some of the home's value in the next few years.

Under existing law, if they later move back to their home and, having lived at least 2 years in the home for the last 5, any gains realized from the eventual sale of the home would be excluded from the tax up to $500,000. The underlying bill, however, will change that. Families that move back into their old house after several years and then intend to sell it could be facing tens of thousands of dollars in additional tax bills when they later sell that home. This is nothing more than a tax increase on those American families, an additional burden on families that are trying to put their children through school, provide health care and live the American Dream.

This provision adds another level of complexity to an already complicated Tax Code. Bottom line, Mr. Speaker, the net effect is to take away from some American families a tax benefit that they are currently enjoying.

We, in this House, should be making it easier for the American people to comply with the Tax Code, and we should strive to make it easier for them to provide for their families.

Now, Mr. Speaker, the opponents of this motion will argue that because the motion directs the committee to report back promptly that somehow this kills the bill; that simply is not true. Instead, it directs the committee to reconsider the bill.

Now, Mr. Speaker, the Senate is in recess next week and the House schedule is extremely light. If this motion passes, we will have plenty of time next week to improve the bill. And I, for one, pledge to work with the chairman, as I'm sure our leadership will and our ranking member, so that we can have a good bill waiting for the Senate when they return from their week-long recess.

So, Mr. Speaker, the underlying bill has a tax increase in it. I urge support of this motion to recommit.

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

Mr. BLUMENAUER. Mr. Speaker, I rise to oppose the motion to recommit.

The SPEAKER pro tempore. The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. First of all, as the gentleman mentions, using the term ''promptly'' means that it is kicked back to the committee to an uncertain future.

This has been before the committee for some time. There is broad bipartisan support that we need to solve this problem. And I have listened to my friends, they haven't come forward with any reasonable suggestion about an alternative pay-for. They had an opportunity in the Rules Committee; they had an opportunity before the committee. If we follow their course, we're going to be in limbo, I don't know how long, but unnecessarily.

The minority has been interested in the past in making it temporary. That was the Bush administration's position; that's what Republicans argued before the Rules Committee. We don't want to put it back to an uncertain future.

The one proposal that has come forward today for a pay-for was itself a long-term revenue loser. Using a Roth-style approach to government employee accounts, I think they're 457s, is a long-term revenue drain which uses an accounting gimmick in the short term to have people pay a little tax so they save a whole lot of tax in the future. That will add to the deficit over time.

Now, contrary to what my distinguished friend from Virginia says, it does not disadvantage people. The exclusion for residential property for a prime residence was just that, it was to give people a $500,000 exclusion from capital gain on the sale of the property. It doesn't foreclose other people from stringing it forward to get more than $500,000. It just means the extent to which it's not your primary residence, you don't get a percentage increase above that. If it's your primary residence for one-third of that time, you get one-third of the benefit, in addition to $500,000 that you get with your first bite of the apple. It means you don't get two it means you don't get three in 6 years; you get one full bite, and then you get a percentage on top of that. It's reasonable; it's fiscally responsible.

I strongly urge the rejection of this proposal that puts this legislation in limbo. There is broad bipartisan support for the concept. The permanent support of a permanent nature of it is sound, the pay-for is reasonable. I urge rejection of the motion to recommit.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 201, nays 212, answered ''present'' 1, not voting 18, as follows:

[Roll No. 947]

YEAS—201

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

NAYS—212

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

ANSWERED ''PRESENT''—1

Capuano

NOT VOTING—18

Barrett (SC)
Carson
Costello
Cubin
Davis, Jo Ann
Delahunt
Dingell
Jindal
Johnson, E. B.
Lee
McNulty
Perlmutter
Pickering
Pryce (OH)
Schakowsky
Sullivan
Visclosky
Weller

□ 1508

Ms. HERSETH SANDLIN and Ms. McCOLLUM of Minnesota and Messrs. EDWARDS, SPRATT, JOHNSON of Georgia, NEAL of Massachusetts, RUSH and BUTTERFIELD changed their vote from ''yea'' to ''nay.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WELLER. Mr. Speaker, on rollcall Nos. 946 and 947 on the motion to recommit H.R. 3648 and final passage of H.R. 3648, I was unable to vote due to a prior family commitment. Had I been present, I would have voted "yea" for both votes.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. ETHERIDGE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 386, noes 27, not voting 19, as follows:

[Roll No. 948]

AYES—386

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George

Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—27

Akin
Bachmann
Blunt
Boehner
Brady (TX)
Broun (GA)
Camp (MI)
Culberson
Deal (GA)
Duncan
Foxx
Franks (AZ)
Gingrey
Herger
Issa
Kingston
Linder
Mack
Marchant
Paul
Price (GA)
Sali
Sessions
Souder
Stearns
Tancredo
Westmoreland

NOT VOTING—19

Barrett (SC)
Carson
Costello
Cubin
Davis, Jo Ann
Delahunt
Dingell
Doggett
Jindal
Johnson, E. B.
Lee
McNulty
Pence
Perlmutter
Pickering
Pryce (OH)
Sullivan
Visclosky
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1516

Mr. FERGUSON and Mr. INGLIS of South Carolina changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PENCE. Mr. Speaker, on rollcall No. 948, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. PERLMUTTER. Mr. Speaker, due to a family emergency I missed the following votes on Thursday, October 4, 2007. I would have voted as follows:

Motion to recommit on H.R. 2740—"yea."

Final Passage of H.R. 2740, MEJA Expansion and Enforcement Act of 2007—"aye."

Democratic Motion on Ordering the Previous Question on the Rule for H.R. 3246—Regional Economic and Infrastructure Development Act of 2007 (H. Res. 704)—"yea."

Rule to provide for consideration of H.R. 3246—Regional Economic and Infrastructure Development Act of 2007 (H. Res. 704)—"yea."

Democratic Motion on Ordering the Previous Question on the Rule for H.R. 3648—Mortgage Forgiveness Debt Relief Act of 2007 (H. Res. 703)—"yea."

Motion to Recommit H.R. 3246—"nay."

Final Passage of H.R. 3246—Regional Economic and Infrastructure Development Act of 2007—"yea."

Motion to Recommit H.R. 3648—"nay."

Final Passage of H.R. 3648—Mortgage Forgiveness Debt Relief Act of 2007—"yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H. Res. 106.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland, the majority leader, for the purpose of inquiring about the schedule for next week.

Mr. HOYER. I thank my friend for yielding.

It is Thursday, 3:15 p.m., and we have finished our business. A lot of people have talked to me about that, and I just thought I would note it.

On Monday next, the House will not be in session in observance of the Columbus Day holiday. On Tuesday, the House will meet at 12:30 p.m. for morning-hour business and 2 p.m. for legislative business, with votes rolled until 6:30 p.m. next Tuesday. We will consider several bills under suspension of the rules. A list of those bills will be announced by the close of business tomorrow.

On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. We expect to consider H.R. 2895, the National Affordable Housing Trust Fund Act; H.R. 2095, the Federal Railroad Safety Improvement Act; and H.R. 3056, Tax Collection Responsibility Act.

On Friday, there will be no votes in the House.

That is a change in the schedule so everybody will want to note that. That means we expect to have no votes on any Friday for the balance of the month.

Mr. BLUNT. I am sure that will be well received. While we are on that topic, I wonder if my good friend has any sense of the anticipated November schedule, if we are working in November.

Mr. HOYER. If the gentleman will continue to yield, I thank my friend for asking that question.

The expectation for November is that we will be in until November 16. I don't mean straight through, but we will come in usually Monday nights and we will see about the Fridays because we don't know what the Senate is doing. Obviously we need to do the appropriations process and fund government. The CR runs through the 16th of November.

I want to tell all Members and the distinguished whip, my friend, that the Speaker and I would both like to conclude the business of the first session of this Congress by November 16. I don't want to represent that I think that is probable at this point in time, but that would be our desire and that is what over the next 5 weeks we are going to try to work towards.

We will not be in session either of the last 2 weeks of November, which would mean that Thanksgiving week, which is the week following the 16th, the week of the 19th, and the week following that, we would not be in session. Obviously, it would be my hope we would have concluded our business and would not, therefore, need to come back in December. I don't want to make that representation, however. The gentleman is well familiar with the fact it is too far out and the appropriations process is still not as sure as I would like it to be at this point in time. But the last 2 weeks of November we will not be here.

Mr. BLUNT. I thank the gentleman for that information. That is incredibly helpful, as is the notice on the Fridays this month. With that kind of notice, our Members have the kind of time they need and, I know, appreciate on both sides of the aisle to take advantage of that time. Like you, I hope we can find a way to be done by November 16, but I am very appreciative of knowing the schedule for the next two weeks in November if we aren't done.

In the process of getting done, I asked last week when you couldn't be on the floor, and I will just ask again, is there any anticipation with four Senate appropriation bills completed, and in fact the Senate having named conferees on those four bills, is there any anticipation we can go to conference on one or all of those bills in the near future?

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

Mr. OBEY and the leadership have met. It is our hope we will be able to go to conference on a number of these bills, and there has even been some discussion on some of the bills that have not yet passed. We passed all 12 of our bills, of course. It is our desire to go to conference on these. I can't say when exactly that will be, but I can tell you that I am in the process of discussing

this with the chairman of the committee to see how quickly we can get that accomplished.

Mr. BLUNT. That would be helpful, and I appreciate the information on that.

On the Military Quality of Life bill, I think we have had that the second longest, the Homeland bill, and then the Military Quality of Life has been here about a month, and that bill has contained substantial increases for veterans and for military personnel and their families for a long time. This year I think those increases amount to $18.5 million a day, and I just advance the thought that the sooner we can get that bill finalized, a bill that all Republicans in the House voted for, a bill that all Democrats in the House voted for, they can begin to benefit from those new changes and new benefits. All four of the bills are important, but that bill, I think, particularly is a bill that has an easy path to a moment when veterans and people currently in the military would benefit from the changes in that bill. So whether it is Homeland or Military Quality of Life or the other two bills sent over, I would be eager to see us move forward on those, but particularly on the Military Quality of Life bill.

Mr. HOYER. Would the gentleman yield?

Mr. BLUNT. I yield.

Mr. HOYER. I thank the gentleman for yielding.

We obviously want to have all 12 of the appropriation bills signed. They all passed with an average of 285 votes in this House. There has not been less than 81 votes for any one of the Senate-passed appropriation bills to date. These bills have enjoyed broad bipartisan support.

Very frankly, the MILCON Quality of Life bill is $4 billion over what the President requested. We believe, and obviously the vote reflected, that it is at an appropriate level to ensure that our veterans and our active-duty military have the medical care that was promised to them. So we were pleased that that passed overwhelmingly, notwithstanding the fact that is over what the President has asked for, and he indicated he was going to veto bills if it was over what he asked for. What he really meant, apparently, was if they were over what he wanted.

These bills passed very substantially in both Houses. We would hope the President would come to the table. Mr. OBEY and Mr. Nussle have had some discussions. I will tell you, those discussions have not indicated any movement at this point in time. They hope that will not be the case.

We want to see the MILCON bill signed. Frankly, we want to see the Labor-Health bill signed, which provides for a billion dollars more in basic biomedical health research on cancer, heart, lung, blood, diabetes and other diseases that inflict our citizens, and Pell Grant increases.

I appreciate the gentleman's observation regarding the MILCON bill, and I share his view. But I hope he also shares our view. Not all of the bills have passed with as big a margin, but an average of 285, indicating pretty good bipartisan support on all of these bills. And the case has been in the Senate, the ones that they have passed, that the President would discuss with us how we can get this process completed at levels that we can agree on and not be told to do.

Mr. BLUNT. I appreciate that. And I also appreciate the sentiment that the process works better if we agree on a process rather than being told about a process.

On MILCON for several years now, whether it was health care to retirees, starting a formula that ended the post-Civil War concurrent receipt problem, we have come together and passed good legislation, as I think we did this year, and this is a bill that had virtual unanimity. I am not sure that anybody voted against this bill. I would hope to get it done. I would hope to get all of our work done, and get it done in a way that we talk to each other, that gets a product on the President's desk that he can sign that we are all able to work together on and get done.

I would also like to see that happen on the Child Health Insurance Program bill. We believe that there is room for us in that discussion, and hope to be able to get there. I would tell my good friend as the whip on this side, I believe whether it would have been yesterday or Monday or 2 weeks from yesterday, we will sustain that veto, but we want to do that in a way that either now or later gets us in that discussion so that we continue this important program so that it works best for kids who don't have access to health care.

Mr. HOYER. I appreciate the observation and I appreciate the gentleman's assertion that the veto will be sustained in this House. In the other body, as you know, they have more than sufficient votes to override the veto. There are senior leaders in the Senate, very senior leaders in the Senate in the gentleman's party who believe that the President has based his veto on incorrect information and incorrect premises. Senator HATCH and Senator GRASSLEY, both of whom are conservative Republicans, leaders in your party, who believe this bill does, in fact, accomplish what the President said that he wanted to do, at your convention in 2004, that he wanted to add millions of children.

We are hopeful that we can convince some of your ranks not to vote as Republicans or Democrats but to vote in a way that does reflect, I think, what all of our priorities are on the health care of our children. So we understand what your representation is and your confidence level is, but in this case, we hope you are in error.

Mr. BLUNT. I appreciate the sentiment. If I am not in error, I hope we don't just waste the 2 weeks, and instead begin the discussions that we need to get to a bill that puts the health care of kids who don't have access to insurance first.

On one more appropriations topic, two comments made this week by Chairman OBEY, and I was interested in more information from the gentleman. One was that we won't do any supplemental funding for our troops in Afghanistan and Iraq this year, and I believe he may have said ''and potentially not next year,'' and then the other was the question raised by him of having an income tax surcharge placed on people who pay the income tax to the tune of about $150 billion.

I believe you and others have said that surcharge will not be coming to the floor, and I wonder if you can verify that. And also any information you have about the likelihood of how we sustain our troops in the field between now and the end of the year.

I yield to my friend.

□ 1530

Mr. HOYER. I thank the gentleman for yielding.

With respect to your latter question, sustaining our troops in the field, under the continuing resolution, we think that the authority to do that exists, and we've been advised that.

With respect to if we pass the Defense appropriations bill, it's our advice as we understand it from the Pentagon that they will have sufficient funds through the beginning of next year to fund their needs. Mr. OBEY, I'm sure, will be discussing with us and others on the status of the supplemental.

I note that he's left now, but the chairman of the Appropriations Committee was on the floor. He has indicated he thinks that they will have sufficient funds if the Defense appropriations bill passes and is signed by the President. That passed, as you know, in an overwhelming vote here as well. We hope to see that bill get to the President. I don't know exactly what's going to happen to it in the Senate, we'll have to see that, but I hope that will pass.

With respect to the first question, there's no intention of bringing a surcharge to this floor. What Mr. OBEY was saying is that this war was projected to cost $60 billion by the White House when it started. We're going to be at $1 trillion before too long. That bill is going to be paid by somebody. We talked about our children and grandchildren will be paying this bill. And what Mr. OBEY's point was is that the people who are being asked to sacrifice are those going into Iraq, those families who send people to Iraq, and that the rest of us really aren't paying much of a price, but our grandchildren and children will pay that price. I think that was his point.

But in answer to the gentleman's question, we have no intention of bringing such a bill to the floor.

Mr. BLUNT. I thank the gentleman and I yield back my time.

HOUR OF MEETING TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 3 p.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, October 9, for morning-hour debate.

The SPEAKER pro tempore (Mr. CLAY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

COMMEMORATING THE 50TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH IN MT. ZION, ILLINOIS

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

Mr. HARE. Mr. Speaker, I rise today to commemorate the 50th anniversary of the First Baptist Church in Mt. Zion, Illinois.

In 1957, the original 45 members of the Mt. Zion faith community gathered in front of a storefront on Main Street. They chose the name of First Baptist Church and organized a mission. The following year, that small congregation began construction on a new place of worship. As the congregation grew, so did its need for a larger building. The church moved to its present location in 1962.

Throughout the past 50 years, Mt. Zion Baptist Church has played an important role in the surrounding community through its education center, auditorium and mission. I'm happy to celebrate the church's 50th year of service, and I look forward to its continued growth and good works of its congregation.

WORD ''GOD'' CENSORED HERE

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

Mr. POE. Mr. Speaker, ''I will do my duty to God and my country.'' This is part of the Boy Scout oath. When a Boy Scout becomes an Eagle Scout, some Members of Congress have an official flag flown over the Capitol and these words are requested to be in the official certificate which is given to the Scout, along with the flag.

But the Architect of the Capitol, who is in charge of such matters, censors the word ''God'' in these certificates and only puts the word ''country'' in them.

The word ''God,'' according to the Architect, violates his rules against religious references. The Architect is the caretaker of the Capitol. We have numerous references to God in these hallowed Halls. Our history is based upon a belief in God, whether the Architect likes it or not.

Maybe the Architect hasn't even seen the phrase ''In God We Trust'' above the flag here in the House of Representatives.

What's next? Is he going to sneak over here in the darkness of the night and chisel off the word ''God'' because he doesn't want that word ''God'' in the Capitol?

The first amendment right to express religious freedoms is being violated by the censor of the Capitol.

And that's just the way it is.

RECOGNIZING THE LIFE OF MOHEGAN INDIAN CHIEF RALPH W. STURGES

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

Mr. COURTNEY. Mr. Speaker, I rise today to recognize the life of Mohegan Indian Chief, Ralph W. Sturges. Chief Sturges died on September 30, 2007, in New London, Connecticut, at the age of 88.

A lifelong resident of Connecticut, Chief Sturges was a renaissance man whose commitment to community and Nation knew no bounds. During his early life, he worked for the Civilian Conservation Corps and joined the U.S. Army's intelligence division during World War II, where he subsequently earned a Bronze Star for his outstanding service.

After the war, Chief Sturges worked tirelessly for Federal recognition of the Mohegan tribe, which finally occurred in 1992. Because of his efforts, he was elected ''Chief for Life,'' which he faithfully worked as an ambassador of goodwill during the extraordinary growth of Mohegan Sun Resort and Casino as a world-class destination.

While his passing brings sadness to the Connecticut community, his legacy and contributions will be remembered for generations to come. I ask my colleagues to join with me and my constituents to honor his life and offer condolences to his family.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ISSUE OF GOD AND FLAGS FLOWN OVER THE CAPITOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, Mr. POE talked about this just a few minutes ago, and I'd like to carry on his thinking regarding the Architect of the Capitol or the Acting Architect of the Capitol.

There was a 17-year-old boy who was about to become an Eagle Scout. His name was Andrew Larochelle, and he wanted to give a flag that's flown over the Capitol to his grandfather, who was one of his heroes, and he asked that his Congressman be able to put this language into the certificate that goes along with the flag. And he said, ''This flag was flown in honor of Marcel Larochelle, my grandfather, for his dedication and love of God, country and family.''

The Acting Architect of the Capitol, if you can believe this, Stephen Ayers, took ''God'' out of that and sent the certificate back. And he said there can't be a reference to God in any kind of certification like that that comes out of the Capitol.

I'd just like to say to my colleagues, right here we have ''In God We Trust'' over the Speaker's rostrum. We have ''In God We Trust'' on our currency. We have ''In God We Trust'' on our coinage. We have ''In God We Trust'' in the Pledge of Allegiance to the flag.

And I can't imagine anybody wanting to take God out of a certificate for a Boy Scout or an Explorer Scout or anybody else in scouting because they wanted to honor their grandfather.

I'd like to just tell my colleagues that a few of our Founding Fathers had something to say about having God in our activities and in our government. Patrick Henry said, ''It is when people forget God that tyrants forge their chains.'' Thomas Jefferson said, ''God who gave us life gave us liberty.''

And John Adams, I want to read you this because it's a little longer but it's very important. He says, ''It is the duty of all men in society, publicly, and at stated seasons to worship the Supreme Being, the Creator and Preserver of the universe. And so no subject shall be hurt, molested, or restrained in his person, liberty, or estate, for worshipping God in the manner most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.''

The Acting Architect of the Capitol should be removed from office posthaste for doing this, and anybody who

tries to infringe upon the rights of American citizens to express themselves regarding God and country should be taken to task.

This country was founded upon the principles of believing in God and a supreme being, and we're now trying to take that apart one step at a time.

The Architect of the Capitol, who represents the Congress of the United States and this Capitol, has no right to tell a Scout that he can't honor his grandfather by giving him a flag and a certificate that says, ''This flag was flown in honor of Marcel Larochelle, my grandfather, for his dedication and love of God, country and family.''

And so the President, as I understand it, appoints the Architect of the Capitol. Mr. President, if he happens to be listening, I hope he will remove this man and replace him with somebody who really loves God, country, and his fellow man.

A CRISIS FOR IRAQ'S CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, every parent, every parent, whether living in the United States or in Iraq, wants only the best for their children. They want their kids to feel safe and to have the very best of everything. And every parent wants their child to get a quality education.

Worldwide over 100 million children do not attend school. Unfortunately, the trends of school attendance in Iraq are very discouraging. According to recent UNICEF reports, high levels of street violence and lawlessness are keeping school attendance levels, particularly of girls, to low levels.

Often because families can no longer afford to keep their children in school, girls are pulled out to assist their families with household work and to look after younger siblings while their brothers finish school.

The large refugee crisis is another impediment to education. UNHCR estimates that 500,000 school-age Iraqi children now live in neighboring countries. This could put a severe strain on neighboring countries' schools and their school systems, that is, if children are even allowed to attend school while living as a refugee. Additionally, refugee families often do not have money for tuition, and refugee children may not speak the local language.

This summer, the United Nations launched a global appeal for $129 million to get more Iraqi refugee children into schools. This is just a Band-Aid, Mr. Speaker, on the situation.

Until Iraq is stabilized and families can return to their homes, we're going to have a generation of children who have lived their lives on the run, without feeling safe and without an education.

In a nation with a rich legacy of education, a nation that has produced some of the world's leading doctors, architects and artists, parents are watching their children denied an education? This is not the future we want for American children, and it is not the future we want for Iraqi children.

Iraqis of all ages deserve a safe and secure future and one that is enriched by education.

We know how to provide that future, and it's by ending the occupation and returning sovereignty to Iraq. If this administration would only listen to the Congress, or even to the Iraqi people themselves, they would see that there is overwhelming support to bring our troops home.

This does not mean that we would end our commitment to the Iraqi people. In fact, the American people have a long history of generosity and great humanitarian works. Our dedication to the children of Iraq would not end with our military presence. Iraq is only made less stable with an endless American occupation, and our very presence appears to be inspiring even more insurgents.

Let's do what is in the best interests of the United States and of Iraq. Let's renew our humanitarian commitment to the Iraqi people. Let's end this misguided occupation. Let's bring our troops and military contractors home.

□ 1545

SPUTNIK 50TH ANNIVERSARY

The SPEAKER pro tempore (Mr. CLAY). Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise today to take the opportunity to recognize the importance to our Nation of what happened 50 years ago today.

On October 4, 1957, Russia launched Sputnik I, the first artificial satellite to successfully be placed in orbit around the Earth. On that day, Americans were shocked, and many believed that we were no longer the technological leader of the world.

On that day Americans realized that, like never before, our homeland was threatened. This was significant, because the leader of the Nation that launched Sputnik, Nikita Khrushchev, less than a year earlier had aggressively delivered to America the now-famous threat, ''We will bury you.''

To many Americans, Sputnik was a major step showing how the Russians were starting to make good on their promise, and it was a promise that America had to counter and nullify before it was too late. The reverberations of Sputnik and its launch were felt many years thereafter.

Thankfully, our Nation got busy after October 4, 1957, to ensure that our space program became second to none. We began an aggressive effort to educate and train a new generation of engineers and technicians, and we began the Mercury, Gemini and Apollo programs and ultimately, of course, putting Neil Armstrong and Buzz Aldrin successfully on the Moon and bringing them home safely.

Since then, of course, we have built the most versatile and complex machine ever made by man, the space shuttle. We have constructed the International Space Station.

I am proud of what we have accomplished with our space program, and now we are moving forward with the next step in human space flight, the Constellation program, which will, again, carry us back to the Moon and, with international cooperation, on to Mars. But we are, today, facing another watershed moment in the history of our space program.

By 2010, the space shuttle is scheduled to end its over quarter century of operations. While this is a sad time for many, it will also allow us to continue on into the future with the Constellation program. Unfortunately, Constellation is not set to begin space flight until 2015.

What will America's manned space flight program be doing to put men and women into space between 2010 and 2015? Quite puzzlingly, we will be asking the Russians, the country that agreed to bury us 50 years ago, to launch our astronauts into orbit.

Now, I supported President Bush's announced plan in 2004 to someday retire the space shuttle and replace it with a new, safer and less expensive system to operate that could go back to the Moon and on to Mars, but I was critical of the President at the time, with his notion that we retire the shuttle in 2010 and not launch the new system until 2015, and that we rely, of all places, on Russia to launch our astronauts into orbit. Yet, today, that is what we are planning on doing.

What is very troubling about our relationship with Russia, while we have had good cooperation with them in recent years, there have been problems, problems with proliferating weapons of mass destruction to rogue nations such as Iran. Indeed, this body passed the Iran Nonproliferation Act, and then we had to go back and amend it to allow our current cooperation with the Russians.

Then, of course, more recently, the Russians have engaged in a number of behaviors that I consider to be very ominous for our future relationship with them, placing a Russian flag on the bottom of Arctic Circle and claiming the Arctic bottoms resources for Russia.

The Russians have bitterly opposed our deployment of missile defense systems to protect us against Iran in Europe. The Russian leader, President Putin, has claimed that it will lead to a new missile race, and he has, indeed, threatened to specifically target European capitals. Is Russia trying to bring back the Cold War? It has reinitiated its bomber patrols, patrolling our NATO allies.

I think if you add up all of these things and their recent abrogation of the Treaty on Conventional Armed Forces in Europe, which placed restrictions on conventional forces, I think this does not bode well to our continued reliance on the Russians in the years ahead, and we need a new plan to deal with our manned space flight program in the years ahead.

THE COST OF CAMPAIGNING FOR PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, what must our children think when they hear news reports about the upcoming Presidential race of 2008, and when they hear over and over and over again how much money all the candidates are raising, $27 million, $20 million, $18 million, and the ante is being raised every week.

In just 6 months of campaigning, the 2008 Presidential candidates have already amassed more than $265 million. According to the Center for Responsive Politics, some analysts predict that the eventual nominees will need to raise a half a billion dollars apiece in order to compete, a half a billion dollars apiece.

In the last 2004 Presidential election, the candidates, together, raised $880,500,000. The 2008 Presidential election will see the first billion-dollar race in American history. That's more than the gross domestic product of 25 nations.

What must our children think about this out-of-control arms race? Don't they conclude only the rich have a chance, that the rich control, that to get ahead, you have to court the rich? What must our children think of our Nation, once founded with the high ideals of patriotism, sacrifice and rebellion against the entrenched view that has now fallen so sick, so sick. A majority of its candidates in both parties run to Wall Street and hedge funds and mega-buck donors and bundlers whose real motives often come to light as scandals.

Former Member Shirley Chisholm described herself as unbought and unbossed. Those of us who knew her knew she wasn't kidding when she said that.

It's hard to imagine a Presidential candidate staying unbought under such immense pressure to raise money. Inevitably, those candidates have to turn to the superrich or to bundlers, to special interests and unsavory characters who care only about themselves and their special interests and very little about our country.

When we start looking under the rocks, it's hard to say what we will find: foreign influence in unregulated hedge funds, foreign contributions laundered through third parties, cronyism taken to the nth degree.

Almost 100 years ago, a native son of Ohio, Warren Harding, won the White House. He ushered in a level of corruption that was unrivaled at that time. The dollar amounts being tossed around in the 2000 Presidential race make it only a matter of time before another giant scandal rocks our government and further undermines the confidence of our body politic and our very system of government. We all know what's going on is wrong, wrong, wrong.

When I am asked who I am supporting for President, I say the one who has raised the least money.

We should be asking ourselves what must our children think, before it's too late. We can act now to curb this out-of-control arms race. I have introduced a bill, H. Con. Res. 6, that reaffirms that the presence of unlimited amounts of money corrupts the political process in a fundamental manner.

If money equals free speech, then lack of money equals lack of free speech. The bill expresses the need to preserve, through our Constitution, the integrity of a republican form of government, restore public confidence in election campaigns, and ensure all citizens an equal opportunity to participate in our political process.

I encourage my colleagues to join me in cosponsoring this legislation and for Americans to pay attention and call this important issue to the attention of their Representatives.

America needs a new revolution to take our politics back from the money handlers and telemarketers. Let's return our Republic to the American people and, importantly, a free Republic to our children.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

□ 1600

NO CHILD LEFT BEHIND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I have stood on this floor several times now speaking about the negative impact that NCLB, No Child Left Behind, has had on our children's education and, consequently, on our children's future as well.

Tonight I will speak continuously about that as well and the problems until NCLB are fixed. I will continue to speak out against NCLB until parents and educators are empowered to make the changes that will ensure an environment in which schools can teach and children can learn.

More and more information is coming to light attracting more and more supporters to the belief that not only should No Child Left Behind not be reauthorized at this time, but, actually, it should be completely scrapped.

Yesterday, in the New York Times, Diane Ravitch, a professor of education at NYU and a former assistant secretary of the U.S. Department of Education, wrote, and I quote, ''the No Child Left Behind Act of 2002 is fundamentally flawed,'' and that it should be ''overhauled, not just tweaked.''

She continued, ''The latest national tests, released last week, show that academic gains since 2003 have been modest, less even than those posted in the years before the law was put in place. In eighth-grade reading, there have been no gains at all since 1998. The main goal of the law—that all children in the United States will be proficient in reading and mathematics by 2014—is simply unattainable. The primary strategy—to test all children in those subjects in grades three through eight every year—has unleashed an unhealthy obsession with standardized testing that has reduced the time available for teaching other important subjects. Furthermore, the law completely fractures the traditional limits on federal interference in the operation of local schools.''

Let me repeat that last point, because I believe that it is a missing piece of the jigsaw puzzle. NCLB ''completely fractures the traditional limits on Federal interference in the operation of local schools.''

Many times I have referenced the work of Neil McCluskey of Cato Institute, a scholar who shares my concerns about educational policy. He did a study in 2007 entitled, ''End It, Don't Mend It,'' and he concluded that ''NCLB has been ineffective in achieving its intended goals, has had negative, unintended consequences, is incompatible with policies that do work, is at the mercy of a political process that can only worsen its prospects, and is based on the premises that are fundamentally flawed.''

Using several shocking statistics, McCluskey points out how States are lowering, not raising, their educational standards. They are creating a race to the bottom to ensure that their schools will not be denied Federal funding.

Let me give you just a couple. In 2003, the State of Texas decreased the number of questions on their test in order for it to be approved, from 24 to 20. In Michigan, when 1,500 schools were placed on the NCLB need improvement list, the State lowered the percentage of students required to pass the test in English from 75 down to 42 percent.

The State of Ohio backloaded its adequate yearly progress goals, aiming to increase proficiency by a mere 3 percent, 3.3 percent for the first 6 years, but then said they're going to do a 40

percent increase in the last 6 years. They did this of course in hopes of meeting NCLB's unrealistic goal of having 100 percent proficiency in math and reading in all schools. And there are other studies as well with similar conclusions.

In 2005 the Fordham Foundation compared the State proficiency scores to NAEP scores, with striking results. The NAEP tests have generally been maintained at standards over the year, and so it's a good barometer.

In the Fordham study, of the 20 States that have reported gains on their tests in 8th grade reading proficiency, mark this, only three showed any progress at even the basic level for NAEP. That means 20 States are saying that since No Child Left Behind things are going better. But if you compare it to NAEP, really not. Only three.

Furthermore, in a new study released today by the foundation, researchers note that in at least two grades, twice as many States in the U.S. have seen their tests become easier, not harder, since NCLB was put into effect. And that's my point here. All the studies are showing that since NCLB went on the books, States are racing to the bottom when it comes to trying to establish their tests, the exact opposite of what this administration tried to do.

I think all of us should be startled, at the very least, by this. Appropriately, we should be outraged. You know, if Washington is forcing our schools to basically lower their standards, putting our children's education at risk, we must act now in this House to reverse the trend. And with NCLB reauthorization coming up now, now's the time to do it.

To that end I've submitted a bill, the LEARN Act, Local Education Authority Returns Now. It's H.R. 3177. And what it will do is very simply, it would allow States to opt out of the Federal NCLB system completely, and, at the same time, allow the States to retain their funding.

I think, to me, it's very obvious that States have grown tired of Washington dangling money over their heads and holding them accountable. And I thank the Speaker for allowing us to address the issue of the reform that is needed in the area of NCLB and talking about the LEARN Act.

HONORING RICK DIEGEL

The SPEAKER pro tempore (Mr. HODES). Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, tonight I rise to honor a colleague, ally and a dear friend, Rick Diegel.

On October 1 of this year, the International Brotherhood of Electrical Workers, the union to which I proudly belong, said goodbye to long-time political legislative department director Rick Diegel.

Rick Diegel, who has been one of the most influential labor voices on Capitol Hill, is a true champion for American workers, not just organized workers, but all workers and their families. I have known and relied on his good counsel for more than 10 years.

Under Brother Diegel, the IBEW has become a respected leader on policies that affect American working men and women as they try to provide for their families.

Brother Diegel represents the true spirit of public service. A Vietnam veteran, he served in the U.S. Air Force from 1964 to 1968.

Before he came to Washington, Brother Diegel was active in politics in his native Texas. And for the record, I don't hold against him the fact that he is from Texas. In the 1970s, he served three terms as mayor pro-tem of the City of Ingleside.

As a member of Corpus Christie IBEW Local 278 in 1969, he worked for several contractors in Texas as a journeyman wireman and foreman. So, yes, he has worked with the tools.

He was elected business manager in 1977, a post he held until his appointment in 1983 to COPE director at the international office here in D.C. He became director of IBEW's political legislative department in 1998.

One of Brother Diegel's greatest achievements has been his success in helping IBEW brothers and sisters get elected to public office, where they work to advance policies that work for working families. And his success has been amazing.

More IBEW members have been elected to office than any other organization, labor or otherwise. And he has worked to create an office within the AFL–CIO to promote the election of working-class brothers and sisters to local, State, and Federal office throughout the Nation.

I hope that effort continues to bear fruit. The more that we can bring the issues of average working Americans to the forefront, the more we can take back the machinery of government from those who would use it to benefit the narrow interests of the wealthy few.

It is through the leadership of Rick Diegel and the efforts of likeminded brothers and sisters across the Nation that we can ensure that the American Government is working for the people, all people.

It is with great sadness that I say goodbye to Rick and his wife, Theresa. But I will remember Rick's kindness, his compassion, and his dedication and strive to live up to those ideals in my work on the Hill.

Congratulations on your retirement, Rick, and good luck. And as the Mexican saying goes, may you have love, success and now the time to enjoy them.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PROTECTING THE BILL OF RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are certain principles that do not divide us by whether we've Republican or Democrat or an independent and that is, of course, the precious Bill of Rights, and the idea that we live in a country that is so unique and so different and so many people aspire to find just a simple taste of the democracy that we enjoy.

And yet, after 9/11, all of us gathered together realizing that if we allowed the terrorists to terrorize us, change our way of life, they had won.

Unfortunately, we have seen a number of legislative initiatives and as a member of the Homeland Security Committee, I take no back step to securing America. But I understand that our values of democracy and the protection of the Bill of Rights should be the anchor of this society. And if we terrorize ourselves by taking away our rights, the terrorists have won.

And so I stand here to emphasize certain basic principles as we look to revise the FISA law, and that is, of course, the law that clearly intercepts, undermines the fourth amendment; the right to be in your home and to be protected against unreasonable search and seizure.

I'm delighted that you will be hearing, over the next couple of days, along with a markup coming up, the principles enunciated that emphasize the protection of the values of America. And so we simply believe, as I believe, in joining with a number of colleagues to emphasize that we believe that we live in a dangerous world, but we also should be guided by principles. Those principles should ensure that Americans do not have to be surveilled in their homes when they are communicating with fellow Americans. We should not be suspect of our telecommunications companies to think that they are in cahoots, collaborating with our government to spy on us.

We realize that there is a difference when we talk about foreign-to-foreign communications, that there is a need for surveillance. And I'm here today to emphasize that we should stand and fight for the protection of the fourth amendment, to protect you in your homes and, at the same time, you can be protected against terrorists, because terrorism depends upon making sure that you have the information.

And when you have a court that is made available under the existing FISA law that was established in 1978 that understands the necessity and the urgency of the law enforcement officers that come to them, then you should support the idea of court intervention whenever someone determines

from the Federal Government to intervene and to listen to your communications between one American and another.

So I stand here today to emphasize that the court system, the FISA system, the Foreign Intelligence Surveillance Court, is an imperative to protect you as Americans when your government wants to spy on you.

Will we be safe from terrorists? Absolutely. Because part of the terrorism is to ensure that information is shared with law enforcement so that we can be in front of this issue.

I am looking forward to the markup. I'm looking forward to an opportunity to devise legislation that preserves the preciousness of the Bill of Rights and the fourth amendment. We cannot step back and be subjected to our own terror, and that is to be frightened so much that we take the Bill of Rights and extinguish it.

I may not agree with the interpretation of the second amendment, but it does exist and it is part of the Bill of Rights. You may have a different interpretation of the first amendment, but it is part of the Bill of Rights. You may have a suspect interpretation of the fourth amendment, but the language is clear: you are to be protected against unreasonable search and seizure. It is unreasonable to not go into a court established to do that, to protect you, to have a court objectively look at what the urgency is and to provide that intervention to protect your rights.

I look forward to working with a number of colleagues on language that I have joined and written to establish the parameters of protecting us from the violation of the fourth amendment.

Keep the FISA law as it is. Modernize it. Ensure that the FISA court that intervenes protects our rights and keeps our values, the values that so many have strived so hard to seek a place in the sun in this Nation because they truly believe that the democracy and the liberties that we have are worth protecting, worth protecting with their lives. And I believe here in the United States Congress, we must stand in that tradition.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

PRESIDENTIAL ELECTION FINANCING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY. Mr. Speaker, I thank you, and I'm proud to be on the floor this afternoon to talk about some issues that are very important to me and I think very important to most Members of this body and certainly to the American public.

Just a few minutes ago, the gentlewoman from Ohio (Ms. KAPTUR), a very well, well respected, fine Member of this body, did a 5-minute talking about the problem with Presidential election financing. And I think her comments, Mr. Speaker, were so compelling that indeed people, our guests in the gallery, when she completed her remarks, broke out in spontaneous applause. Maybe they knew that they shouldn't, or maybe they didn't know, but, you know, they were responding to something that they heard that they liked. And certainly, I can understand that. Folks do that every now and then. I almost felt like applauding Ms. KAPTUR as well because she was speaking the truth and bringing our attention to a real problem.

I used to enjoy so much going around the district, Mr. Speaker, and talking to school children, whether they were at the elementary, middle or high school level, and saying to them, of course, they'd always ask, Well, Congressman GINGREY, what's your favorite issue or what is your favorite thing that you do as a Member of Congress? And I would say to them, what I'm doing right now; what I'm doing right now, speaking to young people to try to inspire them. And heretofore I would say to them, the great, one of the great things about our country is anybody in America can grow up to be President. It doesn't matter who you are or what your background. Anybody in this great country of the United States of America can grow up to be President.

Sadly, today, that's probably not true, and I think that's what Ms. KAPTUR was trying to point out. There's just something wrong in River City with all these hundreds of millions of dollars that have to be raised for a candidate of either party, the two major political parties, to have a chance to, yes, be grown up now and have an opportunity to become President. There are many people that are very qualified, I think, that would make a great President, man or woman, white or black, it doesn't matter where you come from, your meager beginnings possibly. But you don't have that chance because of what she was pointing out.

And by the way, Mr. Speaker, I want to digress just for a moment. Speaking of young people, I don't think we take enough time to thank our young men and women, our young students, our pages that work in this body and in the other body, in the House and the Senate, on behalf of Members of Congress. And usually the pages are here at the request of a Member. And this young man that's here on the floor tonight put these posters up for me and made sure that I've got a cup of water in case my mouth gets a little dry, as we continue to speak over these next 30 to 45 minutes. I think we just owe them a lot of thanks. What they do is much more, of course, than these tasks. And this young man, Edward White, Mr. Speaker, is from Atlanta, Georgia. I'm from the metropolitan Atlanta, Georgia area. I represent northwest Georgia. He's here through Congressman JOHN LEWIS, the dean of the Georgia delegation, his office. And I just want to take an opportunity to thank him and all the young men and women that help us so much and don't get as much credit as they should.

□ 1615

But my purpose of this hour was to bring to my colleagues, Mr. Speaker, another issue which has gotten completely out of control. And, yes, it has to do with spending, kind of on the theme that Ms. KAPTUR brought to us in regard to Presidential elections, and that is the issue of earmarks.

Now, the general public, I think, is fed up with so-called earmark abuse. Sometimes we euphemistically will refer to those as ''Member initiatives.'' Some people, of course, don't like that term and they will call it ''pork.'' But the situation is getting completely out of hand, and that's what I want to talk about primarily in the next 30 minutes or so, Mr. Speaker.

We can solve this problem. We have got a problem, and it is not unique to the Republican Party. It is not unique to the Democratic Party. I know some of my colleagues, hopefully, who are watching us during this time and maybe the general public is aware of an article just this past week. And I hold up the magazine, Mr. Speaker, it is known as ''CQ Weekly.'' This magazine comes out every week. I know that it's difficult for Members in the back rows of the Chamber to see the magazine that I'm holding up. Maybe the cameras can focus in on that. But basically the title of this article, and there are several articles written about the problem, is ''Playing the Earmark Game.'' ''Playing the Earmark Game.''

Let me reference here in just a second my first slide, this poster to my left, to show you what I'm talking about.

Now, what is an earmark? Well, an earmark is when a Member of a congressional district sees a need among those 670,000 people that he or she represents. Possibly a school system or a county commissioner or just an individual, or maybe it's a Head Start program, has brought an issue to that Member, Mr. Speaker, and says, We have a great need, Congressman or Congresswoman, in our district. You represent us. We voted for you. We have great confidence in you. But our community has a desperate need, and I want you to ask the Federal Government to try to help us in the funding process.

Well, when the Member looks at that and decides that that is a very worthwhile project and then sort of applies

to the appropriators, that's called an earmark. And it could be a very, very good, worthy project. It could be a sewer project, to help a community to redevelop to get themselves back on their feet, and that is an earmark, but that's not bad. And that is when I would say this is a Member initiative and it is an appropriate thing to do.

But, unfortunately, as this magazine so clearly points out, this process is ripe with the potential for abuse. Just like Ms. KAPTUR was talking about in regard to the financing of Presidential elections and that money chase. It is absolutely ripe, this earmarking opportunity or Member initiative, it is so ripe for abuse.

And let me ask my colleagues to reflect on this first chart, this first slide, for just a minute. And this is from the Citizens Against Government Waste, a watchdog group. Thank God for watchdog groups. Citizens Against Government Waste calls this slide pork barrel spending. Pork barrel spending or earmarks or Member initiatives, if you like. Pork barrel spending, 1995 to 2007, this year.

My colleagues and Mr. Speaker, this is the total amount for the House and the Senate, 535 Members. The total amount in 1995 was $10 billion. You can say that that is a very small percentage of the overall world of discretionary spending or the total budget, which includes, of course, Social Security and Medicare and Medicaid and all the entitlement spending, mandatory spending. But $10 billion out of the discretionary amount. Well, over these 12 years, Mr. Speaker, that amount has grown until the year 2006 to $29 billion. In 2007 it drops down a little bit, but that was an anomaly because we only passed four of the 12 spending bills, and the rest of them had no earmarks in them when they bundled. But this trend is a steep slope upward, and it is getting worse and worse, both in total amount and in the percentage of all the discretionary spending that Members of Congress have an opportunity to control.

So, Mr. Speaker, this chart points it out very clearly that this spending for earmarks is becoming what I would call runaway spending, totally out of control. And, again, the CQ Weekly does such a wonderful job of explaining why this process can be so bad. It can be good, and I think, and I will talk about that a little later in the hour, with meaningful legislation that, hopefully, Members on both sides of the aisle, Mr. Speaker, the majority party and the minority party, can look at this and say, you know, Congressman GINGREY, you are absolutely right. We're getting sick and tired of picking up the newspaper almost weekly and seeing yet another Member of this august body who has this tremendous privilege, Mr. Speaker, to represent 670,000 for the House Members and an entire State for the Senators. What a privilege. What an honor. But you pick up that newspaper, and the names are people where you say, That's one of our best Members. That is a guy or that is a lady that I have known for the last 5 or 6 years, and whether she be a Republican or a Democrat, and you think, I just can't believe this. I can't believe that that Member would be doing anything that potentially is dishonest.

Now, sometimes these newspaper articles are not a court of law and you have to take some of that with a grain of salt. But I am telling you, when you look into that, Mr. Speaker, and you read and you kind of connect the dots, and they are fairly easy to connect, you start thinking if it looks like a duck and it walks like a duck and it quacks like a duck, it may well be a duck. So we have got a problem. We have a problem that we can correct, and I think I have got a solution.

Now, Mr. Speaker, one of the solutions that Members have talked about, and the gentleman from Arizona in particular, Representative JEFF FLAKE, one of my colleagues, has talked about this, about why don't we just absolutely eliminate, totally eliminate, all earmarks? In fact, I have got another slide, and I think I will reference that in just a second because this is certainly the appropriate time. Another Member on the majority side of the aisle has virtually said the same thing. Let me show you a quote, as we put up that second slide.

Colleagues, I want you to look at this poster, this second slide, if you will. I referenced Mr. FLAKE of Arizona, but here is another Member. And I will read it for you because it is very difficult to see in the back of the Chamber, and I understand that. The printing is small. And here is what it says, and this was a quote from last year in the Wall Street Journal, in fact:

''If she were to become Speaker in the next Congress, Pelosi said she would press to severely reduce earmarks.''

And then here's the quote:

''Personally, myself, I'd get rid of all of them.'' Then the quote begins again. She says, ''None of them is worth the skepticism, the cynicism the public has, and the fiscal responsibility of it.''

Now, I want to repeat this. Mr. Speaker, bear with me because I think this definitely needs repeating because it is really what Ms. KAPTUR said just a few minutes ago in regard to the Presidential fundraising activities, and she got, I guess, what you would call a standing ovation for her remarks.

''Pelosi said she would press to severely reduce earmarks. 'Personally, myself, I'd get rid of all of them. None of them is worth the skepticism, the cynicism the public has, and the fiscal irresponsibility of it.'''' Virtually the same thing that my colleague from Arizona (Mr. FLAKE) has said in this body, Mr. Speaker, on numerous occasions.

And yet, Speaker PELOSI is on track this year to take home $100 million, more than 1 percent of all the House earmarks. And I am not standing here, Mr. Speaker, suggesting that those Member initiatives on behalf of the Speaker or anybody else, any other Member of this body, is for anything but the most worthy projects in her district, and I'm sure that that is the case. I am sure that every one of those Member requests on behalf of Speaker PELOSI would pass anybody's smell test and would survive any kind of challenge to strike them if a Member wanted to do that on this floor, and a Member can do that and then we have a fair and open vote on it. No, I am not suggesting any such thing, and I have great respect for the Speaker.

But as this article points out so clearly, everybody in this process of being able to get earmarks for their district, all Members are not treated equally. I can't remember the exact quote from ''Animal Farm,'' but you know what I am referring to. All Members definitely are not treated equally. That $29 billion worth of earmarks, it's not divided equally. If you look at it and you look at it very carefully, as CQ Weekly has done, and nobody in this Chamber, I think, Mr. Speaker, can deny this, you will see that members of the Appropriations Committee, that is about 65, it is a very selective committee. Most Members want to get on that very powerful committee. They do a lot of great work and it is a nice position to be in. But when you look at each Member, as they have done in CQ Weekly, and you see the discrepancy where some Members may get an opportunity to bring home $6 or $7 million to their district and other Members get an opportunity to bring home $180 million to their district or $100 million to their district, and as you look at it very carefully, it would seem that the members of the Appropriations Committee certainly get favored treatment. The members of the leadership certainly get favored treatment. Members that have been here for a long time who maybe are committee chairmen or chairwomen get favored treatment. And the last favored group, Mr. Speaker, are those Members who are representing districts where it is very competitive and they won by a very narrow margin, maybe literally by the skin of their teeth, and they are up for another re-election where it is going to be really tough.

□ 1630

So no matter which party is in control, Republicans do this, the Democrats do this, you let that Member get more opportunities, a bigger bite of the apple, if you will, to give the impression to the folks back home that they've elected the right person; we've got a Member who really can deliver this pork back home. They might rail against everybody else's pork, but that which is brought home by their Member, Mr. Speaker, is welcomed. So this is the way this process goes.

On the other hand, a rank-and-file Member, let's say a Member of what we might refer to pejoratively as the ''obscure caucus,'' who represents a district where they are absolutely having

no challenge, no difficulty getting re-elected, maybe their district is inner city and it's been gerrymandered and drawn for them so that no Member of the other party has any opportunity to win that congressional seat. So they're in what we call, and we all know this, my colleagues, they're in what we call a ''safe district.'' They don't have to worry about re-election. Hopefully, they're doing constituent services and they're representing their people well in the way they vote, but they really don't have to worry about a political challenge.

So when you look in this magazine, and you look at this article in regard to the fairness issue, you find that they are the ones that get the least amount. And yet in many instances, Mr. Speaker, they are representing districts, maybe an inner-city district, a poor district, a district that has a very poor tax base, it has a decaying infrastructure, it doesn't have a good water and sewage system in a certain part of the district, and they are the ones that need help more than anybody. And yet the way this game is played up here, they're at the back of the line in regard to what they can bring home to their district. I think many times Members don't complain about that because they're afraid if they complain, they'll get nothing. You know, it's a little dangerous to complain.

So, Mr. Speaker, I come here this hour and talk about this, yeah, with a little bit of trepidation. Have I, as Congressman GINGREY, who represents the 11th Congressional District of northwest Georgia, have I ever asked for a Member initiative? Absolutely. And I've been able to deliver on occasion, not always; most of these requests are turned back. But if it really has merit, yes, I have. And I hope, as I spend this time on the floor talking about this issue that's so problematic, that there won't be any reprisals or repercussions because of that. Because I'm trying to do it, Mr. Speaker, in a bipartisan way with a spirit of cooperation and wanting to do as Ms. KAPTUR was wanting to do in regard to Presidential election financing, do what's right for this Congress, do what's right for this body.

So here is my proposal: we have introduced legislation, and it's called the Earmark Reform Act of 2007, H.R. 3738. We just introduced it today; we had a press conference on it today. I was very, very pleased to be joined with two of my colleagues at the press conference, the chairman of the Republican Study Committee, Mr. HENSARLING of Texas, and my good friend and classmate, the gentleman from New Jersey, Representative SCOTT GARRETT.

And here is what I would do, Mr. Speaker: I would immediately say to the American public, we are going to slash these so-called ''earmarks'' in half for the next fiscal year. We're going to drop the number down from $29 billion to $14.5 billion. And then we're going to simply divide that number by the total membership of the Congress, the House and the Senate, and that's 535 Members, 435 here, 100 in the Senate. And when you do that division, you come up with a number of $27 million.

And you would say to each Member, Mr. Speaker, in this bill, you would say, you have an opportunity to look in your district, and if you want to ask for and receive money from the John Q. Public hardworking taxpayer to fund this project in your district, you're going to be limited to this amount in the first year of this legislation to $27 million. That means the most powerful Member of this body, the most powerful Member of leadership, the most senior Member of this body is not going to be able to get $180 million worth of earmarks while the Members who represent districts that are most in need end up with maybe 3 or $4 million. Each Member has an opportunity, then, to ask for and receive the exact same amount. Because, after all, Mr. Speaker, think about it, we represent 670,000 people, approximately, each Member. You know, they have the same need. And if we're going to do Member initiatives, it ought to be fair and evenly balanced, and that's basically what this bill does.

You know, if a Member like Mr. FLAKE or like Ms. PELOSI, as she was quoted in the Wall Street Journal last year, decides, you know, I don't like this process, I think it's inherently wrong, and it has the potential for massive abuse, and as she says, None of them is worth the skepticism, the cynicism the public has for them, and the fiscal irresponsibility, then if Mr. FLAKE or Ms. PELOSI said, you know, I don't want any earmarks for my district, let them apply for grants through the normal process, I will help them, my office will help them, Mr. Speaker, and try to show them how to write a grant if they don't know how to do it, but I'm not going to specifically ask for any earmarks, then that amount, if it's one Member, $27 million, Mr. Speaker, what we would do is subtract that amount from the 302 Allocation of Discretionary Spending.

So you would spend $27 million less during that fiscal year because that Member said, you know what, I agree with Ms. PELOSI and I agree with Mr. FLAKE and several other Members of this body that it's wrong; it has too much potential for corruption. And if we have enough Members, let's say you had 10 Members say that, then you're talking about $270 million. People could say, well, Congressman GINGREY, you know that's a very small portion of the budget; it's just a drop in the ocean. Well, $270 million in my district is much more, Mr. Speaker, than a little drop in the bucket. It's real money.

And so, this idea, then, of, first of all, in my bill, immediately cutting this number, that number of $29 million in half, and then just say let's give every Member the same opportunity, the fairness issue, and also let each Member who is philosophically opposed to earmarks, give them back to the taxpayer, what a breath of fresh air, I think. And then in subsequent years what we would do on this bill, Mr. Speaker, is we would say that you can only earmark 1 percent of total discretionary spending.

So that would drop that number $14.5 billion down to $10 billion. And when you make that division, you're not talking about $27 million per Member, maybe you're only talking about $20 million. And eventually, it may be that the Members of this body, Mr. Speaker, will come to the conclusion, as Ms. PELOSI did and as Mr. FLAKE has done consistently, and he has, indeed, put his money where his mouth is, that maybe more and more Members, my colleagues, will say, you know, we don't really need this earmarking business. We let people apply for grants and let projects get funded on their merit, and Members then don't get tempted to have someone come to them and say, you know, I know you're a powerful Member, and we've got this little project back home, wherever it is, in whomever's district in whatever State, and, oh, by the way Congressman, what can we do for you? Can we have a little fund-raiser for you? I've got some people back in the district that would love to help you, know you're doing a great job for us, and you just get back to us and let us know what you want us to do for you; but keep this project in mind, it really means a lot to us. And that project may be $2 million, it may be $5 million, it may be a $25 million project. So that's how this happens, Mr. Speaker. I think Members just sort of fall into the trap of all of that.

What I am trying to do is two things. I'm trying to save money for the taxpayer of this great country and stop this runaway spending and cut down these budget deficits and reduce this national debt, which is approaching $9 trillion; but I'm also trying to keep my colleagues on both sides of the aisle from becoming corrupted because of a corrupt system.

And that's really what it's all about. That's why I wanted to not rush out of here on the last vote and catch the first plane back to good ole Georgia, which I'm looking forward to doing maybe tomorrow; but I felt like it was important enough to come to the floor and to say to all of my colleagues on both sides of the aisle that I see a better way. And I think we can do this in a bipartisan fashion.

And I will say this, Mr. Speaker, if we can't do it in a bipartisan fashion, this Member, this Republican Member, and hopefully his colleagues on this side of the aisle, would make a pledge to the American people that, you know, we got your message loud and clear in November of 2006. We understand why we're no longer in the majority, because we lost our fiscal discipline; but we're going to get it back, and we're going to start with this.

And this is not a baby step; this is a giant step. If you feel like maybe the

better approach would be to totally eliminate earmarks, well, maybe we will get there. Maybe Members will see that this can work and it will work.

And so, Mr. Speaker, again, the opportunity to be here on the floor to talk to my colleagues, I'm sure I would have some other speakers if it were not for the fact that we had our last vote an hour and a half ago and Members needed to get home to their district, and work hard, and I understand that. But there are a lot of Members that feel very strongly about this.

We have, I think, 25 cosponsors of the legislation, again, H.R. 3738, the Earmark Reform Act of 2007. It's an issue, Mr. Speaker, that's not going away. And I wouldn't be a bit surprised if next week and the next week and the next week we don't hear about more and more Members whose action in regard to earmarks is a little questionable. And, you know, when you start connecting the dots, in some cases it can become very, very questionable.

So let's try to do the right thing. I'm going to appeal to Members on both sides of the aisle to be a cosponsor of H.R. 3738, which immediately cuts the total amount of earmark spending in half, and it makes sure that no one Member, no matter what party, majority or minority, no matter what committee, committee chairman or ranking member, no matter how threatened a Member might be politically that you want to shore up with these little trinkets of goodies, that's not right, that's not the right way. And if we can't do it the right way, then I would join Mr. FLAKE in saying, Let's get rid of all earmarks.

In the meantime, I think this is not a baby step, as I pointed out, indeed, a giant step in the right direction. And if we can't do it right with that, then the next step should be, I think, total elimination.

I thank the Speaker and I thank my leadership for giving me this opportunity to do this hour. I thank my colleagues for listening, for being here, and to try to understand that this is a Member who is not overly partisan, who has friends on both sides of the aisle, that wants to help all of the Members, but ultimately to get back to helping the American taxpayer and to restore fiscal responsibility in this place.

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

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Thank you very much, Mr. Speaker. It's an honor to address the House one more time.

As you know, the 30-something Working Group, we come to share with the Members fact, not fiction. I'm so glad my good friend from Georgia (Mr. GINGREY), we came into the Congress together, Dr. GINGREY, good friend, I want to borrow that chart from him because it shows how earmarks were cut in half when the Democrats took over. But that's another story. But I'm glad that he has the accurate numbers there, and I'm glad that we're going to have an opportunity to talk about that a little bit more in the future.

□ 1645

Mr. Speaker, we came to the floor yesterday, or last night, and talked about the issue of the President's veto of the SCHIP bill. We, the 30-something Working Group, received a lot of e-mails on that, and we received a lot of phone calls. There were a number of Members that even had questions like, ''Is it true that 41 days of what we spend in Iraq could pay for a full year of health care for children? Is it true, 3½ months of what we spend in Iraq, which will come out to almost $35 billion, will pay for children's health care for 5 years?'' On both of those questions I would say, ''Yes. Absolutely. The numbers are there.'' I am going to have my charts here that I had last night hopefully join me here on the floor pretty soon.

It is very unfortunate, Mr. Speaker, that there are people that are focusing on the President. As far as I am concerned, the President said he was going to veto the SCHIP bill, the children's health care bill, and he did. Now it is up to Members of Congress. Yesterday we voted to set the date for the time that we are going to take up the SCHIP bill again to override the President's veto. I think between now and then, Members are going to have to reflect on if they are on the side of the President, of a bad decision that was a bipartisan bill, Mr. Speaker, that Democrats and Republicans voted in a bipartisan way to send that bill to the President, or are they with the uninsured children of this country.

Like I said last night, there are a number of provisions in the bill that some Members may not agree with. I have been in elected service now going on 14 years, Mr. Speaker. There has always been a provision in a bill that I didn't agree with. But for the greater good, especially when you are talking about health care for children, I saw past that one line or that one provision or that one piece that was not in there. I just want to say that this health care, and let me just share this because I want to make sure that the Members understand, that 10 million low-income children would have had health care in this country. Now, that is in every State. That is in my State of Florida. That is in Ohio. That is in California. That is in New York. That is in Texas. That is in Wyoming. All over. I think it is important that we shed light on that and we continue to talk about that in the face of wasteful spending in the past.

Another thing about this children's health care bill that wouldn't have been a reality in the 109th Congress, the Congress before this Congress, is the fact that it is paid for. Now, I am going to illustrate in a few minutes how things used to operate here on this House floor. The American people want to move in a new direction. At my house, if we are going to do something, we have to figure out how we are going to pay for it. We are not going to say, We will put it on a credit card and get it on some unforeseen date somewhere down in the future that is not necessarily lined out or identified yet, but we will figure it out somehow. We are going to end up in foreclosure or we are going to end up in a financial situation we can't get ourselves out of.

That is the position we find ourselves in now, Mr. Speaker. That is the reason why, in the majority, this House and the Senate agreed in the pay-as-you-go principles to make sure that if we say we are going to spend something, we are going to pay for it. So that is very, very important. When we look at some of the issues that the other side may bring up as it relates to fiscal responsibility, you have to look at, you just have to look at the irresponsibility, or the lack of responsibility, that the Republican side had when they were in control of this House.

When you look at $70 billion for the war in Iraq, $50 billion in subsidies to oil companies, $8 billion, these are billions, these are not millions, in loss, waste, fraud and abuse of no-bid contracts and billions for schools and roads and clinics in Iraq, but we cannot do the same for our children.

I am speaking in a very simple way here today, Mr. Speaker, because I want to make sure that Members totally understand what I am saying. I don't want to lose anyone with a whole bunch of acronyms in talking about things that are way out, pie in the sky, and some folks may not understand what is going on. The bottom line is, 10 million kids need health care for 5 years.

The other bottom line is the fact that we showed how we would pay for it, not building into an everlasting debt. Now, I am glad that this chart has made it to the floor. I think it is important. I pulled it out last night, and I have been using this chart almost for the last 3 years. We have been updating it, but I think it is important. We talk about foreign debt and we talk about the Bush administration and Republicans here in Congress what they were able to do, $1.19 trillion in get debt over the last 6 years, and that is between 2001 and 2006. These numbers are from the Treasury Department. These are not KENDRICK MEEK numbers. Forty-two Presidents, 224 years, $1.01 trillion. I say that to say that the days of just stacking on top of the $1.9 trillion are over.

Now, when we start going down the line of what is important here, and what is important is making sure that domestically we look at the needs of our children and also of our country.

This is just an example, just to show you the per month. Now this is talking about college costs, but when you look at the per-year costs, that is $120 billion. I said, four and, 3½ months. I pulled this chart just to prove a point. 3½ months, $10 billion a month pays for the children's health care program. That is every State block grant, and the States get to apply it the way they want to. Many of them use private health insurance companies to provide that level of insurance that those kids need.

So when the President and some other folk in this Chamber in the minority, our Republican friends, they start to talk about socialized medicine, I don't know where they are getting these numbers from. I don't know where they are getting the logic from. But I can tell you what will be historic is making sure that we are able to enforce this piece of legislation.

I think it is important for Americans to weigh the kind of enthusiasm that the President has and our Republican colleagues may have or they do have on behalf of the Iraqi children. I'm sorry. I am a United States Congressman federalized by the people of the 17th Congressional District to come up and give representation to them and all Americans. I care about other kids in other parts of the world. I have been to Iraq. I have held Iraqi children in my arms. But guess what? I have held American children in my arms. It is not about my kids. I have two kids. We have health care. I thank God we have health care here in Congress. The people elected me to come up here and represent them not for me to have coverage and not for my kids to have coverage that they are not allowed to have, especially those that are financially challenged.

So I want the Members who are not thinking about overriding or who are thinking about joining in with the President and not allowing the Congress, this great democracy, the House and Senate, to override the President on this very bad decision. I also think it is important to highlight the fact that we have had a number, a number of editorials throughout the country, of papers, either it be rural America or urban America, either it be the East Coast or the West Coast or the Midwest or the Deep South or the North by the Canadian border, all throughout the country, they have called the decision that the President made a very, not only unpopular, but wrong decision.

The President is not running for reelection, but we Members of Congress have to run for election every 2 years. The reason why we have elections is to bring about accountability and to make sure that people back home in their given districts have the right people up here.

I think it is important for people to pay very close attention. Mr. Speaker, if this were about politics, I wouldn't spend the time to come down to the floor. I could be doing something else on this Thursday evening after we took our last votes of the week. I could be somewhere on the telephone talking to constituents, or I could be in my house here in Washington enjoying some time with the kids and the family. But I decided to be here because representation is very, very important in this 2-week span. One day has already passed. We have 9 days left. I want to make sure that American people and every Member of Congress know that in another 9 days, there will be an action to override the President.

What side are they going to be on? Are they going to be on the side of the children and on behalf of the people of the United States? Or are they going to be on the side of the President and the bad decision? I am not saying the President is not for the folks, for the good people of the United States of America. All I'm saying is that 10 million children that are poor and families would have had a guaranteed health care opportunity in their State, at least 10 million of them. That is a big number.

So when I hear the President talk about our obligations to Iraq, I can't help but think about our obligations here to the kids here in the United States and families here in the United States. I am just as passionate as anyone else may be about it. I share that today because I want my Republican colleagues who did not vote, those that voted for the SCHIP bill, congratulations. Thank you on behalf of all Americans and the 10 million children that are seeking health care. But for those who did not vote for the SCHIP bill, for the children's health care bill, I am asking you to rethink your decision for two reasons; one, you have another chance to do the right thing if you missed the opportunity to do the right thing when we pass the children's health care bill here on this floor. You have an opportunity to do the right thing. The second thing, I think more Americans are focused, 72 percent of Americans in a bipartisan poll said that they agree with the version of the children's health care bill that we passed throughout this floor. So that means they could be on the right side of the issue, and they can provide health care for 10 million children that many of them reside in their own congressional districts. I said I would give you two. I gave you three. And I can go on and on and on.

I think it is also important for the staff here in Congress. I have a chart that my former chief of staff left with me. It is actually a picture, Mr. Speaker. It is an iceberg. It has a little tip of the iceberg up there, a little triangle just kind of showing the top, then underwater you can see a majority of the iceberg which is almost 80 or 90 percent of the iceberg. At the top it says, Member of Congress. Right under the iceberg it says, Staff, Congressional staff. I think it is important for those members of the staff that are paying attention to this debate and paying attention to what is happening right now in the country to talk to your Member or to talk to your ranking member and say that maybe you need to reconsider your vote.

Now, I am talking inside politics here under the dome. Because I don't think that this is an us-against-them kind of philosophy because we have to all be on the side of children. Like some folks say out in the neighborhood, it is what it is. And the bottom line is, 10 million children need health care and we need every person on the ground making that happen.

Also, I think that it is important, Mr. Speaker, and I just want to point out what happened recently. This is a picture of one of the first actions that we took here in this House. You remember. We all voted on it, to put benchmarks in and also timelines as relates to giving responsibility or mandating responsibility of the Iraqi Government to rise to the occasion to patrol the streets of Baghdad so we don't have to continue to watch our troops having to do door-to-door neighborhood-to-neighborhood checks. Put the Iraqi folks up front and allow them to do it, or make them do it, so that we don't have to continue to click off $10 billion a month, some $3,316 a second in Iraq, because every time we stay there another day, another month in a combat mode, we continue to lose out.

After that, the vote was so overwhelming to do that, or, as the majority, until that, the Speaker and Leader REID decided, let's override the President because the people wanted a new direction here in the United States. Not just Democrats, not just Republicans, but the people of the United States want it.

□ 1700

Well, here are some of my good friends that are here with the President, my Republican colleagues, not one Democrat in this crowd, outside of the White House standing with the President. Mr. President, we are going to be with you and we are not going to allow the Congress to override your veto.

Now, what happened after this event? Well, the approval rating of Congress overall went straight down. The American people wanted action, and they got more of the same.

I don't want another picture like this, Mr. Speaker, because in nine days, if we find that our Republican colleagues run back down to the White House and stand on the steps with the President and say we stand with the President and we will not allow the Congress to override his veto, I think it will be a very sad day in the United States of America when we provide health care for children abroad, and we are spending $120 billion a year, and counting, in Iraq, and we have Members of Congress and we have a President who doesn't want to provide health care for 10 million children here in the United States.

I feel we are up here to represent especially those that are most vulnerable. I guess because the kids that will be eligible for the SCHIP program, they can't vote, they are under 18, maybe that is the reason.

But I ask, Mr. Speaker, that those of us that are adults, if you are a grandparent or granddad or you are a senior, or you are a mother or father or an aunt or an uncle, or if your kids have health care, and we talked about that last night, because my kids go to school with other kids, and if someone is in that classroom that has not received health care insurance and they have a cold or they have some sort of ailment, my kids are going to end up falling victim to that.

With that, Mr. Speaker, I have two of my good colleagues from Ohio, they are about an hour-and-a-half away from each other I guess by car, the Chair of the Ethics Committee and a member of the Ways and Means Committee, who I am happy to serve with on that committee, Mrs. STEPHANIE TUBBS JONES, and also Mr. TIM RYAN from the great town of Youngstown, Ohio.

With that, I would like to yield to Mrs. STEPHANIE TUBBS JONES.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman from Florida for yielding.

Mr. Speaker, this is like deja vu. We were right here last night talking about many of these same issues. But these issues are so very important to the people of America, to the children of America, that it just makes sense that we are back here again trying to make sure that people across America understand the importance of providing health care for children across America.

I was sitting and smiling as you were talking about your children, or someone having a child and they go to day care and they come back home and the next day they are ill. The germs just keep floating around and around. If you have children that don't have access to health care, you present a real problem for other children in day care, and for yourself as well.

It is a problem that not only will greet those who vote against this legislation in 2007 and 2008, but they will look back on these young people who are now 4, 5, 6, 10 years old, in 10 years these children will say, well, where were you when I needed some health care? Now that I am old enough to vote, I remember back in 2007 when you voted not to support children's health care across America. I remember. I might have been a better athlete. I might have been a better student. I might have been able to go to medical school. Instead, because I wasn't able to have the appropriate health care, I wasn't able to pay attention to what is going on in class, I wasn't able to have the appropriate dental care, I am doing X.

So it will not only resound throughout America in 2007 on October 18 when we vote to override the President's veto; it will resound for years and years to come.

You know what the wonderful thing I have to say to Mr. RYAN and Mr. MEEK is? That today I have been going around the floor of the House talking to some of my colleagues who voted to support the SCHIP bill several weeks ago and asking them are they going to hold up their vote; are they going to vote with us when the time comes up on October 18. And I haven't run into anybody yet, except for one who has got an issue about something else, that said they won't be with us again on October 18 when it is time to override the President's veto of the State Children's Health Insurance Program.

This program has been so valuable. It has been so useful. It has been a hallmark for children, 6 million children in the United States of America; and it is time for us to extend it to another 4 million and to every child in these United States who needs to have great health care, some of the greatest health care that is given to all the rest of the people.

The funny thing is, I happened to be over in the United Arab Emirates, and I was seated at the table of one of the higher-ups of this country, and he said, you know, my father just came back from Cleveland getting health care services. I said, he did? And I got the information.

I am not mad at him. He can come here, we have the greatest health care in the world, and he can get it. But how is it that children right here in America can't get that same health care? That is the problem, and we got to fix it.

Mr. MEEK of Florida. Real quick, reclaiming my time, that is a perfect example of what we were talking about. I mean, you weren't drinking any ''Haterade'' or anything like that. You were just like, wow, I have constituents that would love to get the same health care.

Mr. Speaker, that is what I was talking about just 10 minutes ago, kids abroad having opportunities that American kids don't have, and then we have a President to speak passionately about our responsibilities in Iraq and Iraqi children. But, better yet, we have children here in the United States, Mr. Speaker.

I can tell you, it is so wrong, the veto that the President carried out. I mean, it is so wrong. I don't know how, Mr. Speaker, to be honest with you, I don't know how Members cannot vote to override the President. Because, Mr. RYAN, you know, and we said several times on this floor, that you have Members now, and you served with them too, Madam Chairman, that are watching us now and reading about the Congress, that was once upon a time, Mr. Speaker, a Member of Congress. They make bad decisions. Republicans, Democrats and independents said, guess what, we are going to send somebody up there that can make good decisions.

I am going to share with you, and if this was about politics, I wouldn't say this, and thank you for yielding, some of the new Republican Members that are on the other side can very well be reading the paper and watching Congress on television after next November if they vote against a chance for 10 million children to receive health care.

Mr. Speaker, I don't care who you are, I don't care where you came from, if you're a stone-cold conservative, Republican, what have you, we are talking about something that is paid for. It's not going into the debt. We are talking about something that provides health care for the most vulnerable children in the United States of America, and we are talking about doing the right thing as it relates to good government. The same individuals vote for subsidies for oil companies but they don't want to vote on behalf of the kids.

Mr. RYAN of Ohio. This is about making our country more competitive, period. This is a moral issue. This is an issue that needs to be handled, and needs to be addressed. But as our friend from Cleveland was saying, this is about those kids in Cleveland and Youngstown and Miami becoming more competitive because they are healthier, they go to school healthier, they are not getting all the other kids sick, and therefore everyone in the classroom is at a better starting point to learn.

When you talk about competing with China, you talk about competing with India, 1.3 billion people in each country, and we only have 300 million, we need to get everybody on a level playing field. That is what this Children's Health Care Program does.

Mr. Speaker, look at what the President would do by not signing this bill. Our bill will cover all of these kids. It is a bipartisan bill, the congressional bill that passed; 3.8 million additional kids. Now if the President gets his way, in his budget 840,000 children will lose their SCHIP coverage, because health care costs are going up, more kids are going into the system, the poverty rate is going up. So this is about making us more competitive by making sure that the poor kids, middle-class kids in our country, have an opportunity to get a little bit of health care.

Mrs. JONES of Ohio. Yesterday, again, we had an opportunity to have this discussion. The interesting thing is that we are not alone in the position that we have taken about SCHIP. We are not alone, because newspapers across this country, across the country the newspapers have said that this President is wrong.

The Washington Post: ''Children's Health Check.''

The Austin American Statesman: ''For many kids, the doctor is not in.''

The Atlanta Journal-Constitution: ''Kids lose out to politics.''

The Chicago Tribune: ''A sound children's health bill,'' talking about SCHIP.

The New York Times: ''Overcoming a veto and helping children.''

The Daily News: ''Presidential malpractice,'' the veto on SCHIP is ''Presidential malpractice.''

The Sacramento Bee: ''The SCHIPs are down.''

The Akron Beacon Journal: ''SCHIP at the brink.''

The USA Today: ''Plan to protect kids' health spawns needless veto fight.''

The Charlotte Observer: ''Vote for healthy kids.''

The Des Moines Register: ''Don't abandon kids needing health care.''

Charleston Gazette: ''Child health—override the President.''

The Houston Chronicle: ''Wrong priorities—Presidential veto of SCHIP expansion would place ideology over children's health.''

The Republican: ''Bush abandons kids on health insurance.''

And the Connecticut Post: ''Insurance change to help children.''

Do you know what I heard the President say today? ''I am willing to negotiate.''

Mr. President, don't negotiate with our children. Give them health care. Forget the negotiation, forget the political stuff you're trying to do on SCHIP, and all your Republican and Democratic colleagues in the House. Override the veto.

Mr. RYAN of Ohio. Mr. Speaker, the President said the other day, these kids can go to the emergency room.

Mrs. JONES of Ohio. Have you ever been to the emergency room?

Mr. RYAN of Ohio. Yes.

Mrs. JONES of Ohio. What's it like?

Mr. RYAN of Ohio. If you can get in. For many of the kids, you sit there and wait for hours and hours and hours, if you can even get in; and the cost, and this is the point that we are trying to make, we are trying to save the taxpayers money. There is a reimbursement that goes back to these emergency rooms when they cover charity care when people go in without health insurance.

Mr. Speaker, now, many of us can go, and you talk to the CEO who runs a hospital, and I have one in mind in my district that I talk to all the time, where he tells me at every meeting we are at, whether we are talking about giving money to build another hospital or expand their facilities, or anything else, he always brings this up. I would rather give these kids a prescription for $20 or $30 than to see them two or three weeks later come into the emergency room with pneumonia, and it costs $20,000 or $30,000.

This is what this bill does. This saves us money, not to mention the fact that the kid will miss school, the kid will go to school and get other kids sick. But to have a President of the United States in 2007 lack the sensitivity of what these families go through who do not have health care, to say, well, you can go to the emergency room.

Mr. Speaker, the President doesn't have to go to the emergency room when he goes to a fancy Navy hospital. Many of us, we don't have to go to the emergency room. Many families who have health insurance, they don't have to go. But there is a segment of our population that is forced as a last resort to end up in an emergency room because they have nowhere else to go.

Mrs. JONES of Ohio. Then the President says, if the gentleman will yield, that everybody in America can get health care because they can go to the emergency room. Could you imagine if the 4 million children who don't have any health care coverage lined up in emergency rooms all across America, what a dilemma we would be in. It's just outrageous.

Mr. Speaker, the other important thing we have to think about is the fact that when families have children who are sick in them, that means parents have to stay off work, that means they aren't able to function or pay attention on the job, that means they are dysfunctional at their job if they go there because they are going to have to leave and pick up their children. I mean, it goes on and on and on.

Health care for children is good for America, it's good for American business, it's good for American families. George Bush needs a wake-up call.

Mr. RYAN of Ohio. How about the fact, before I go to my friend, my good friend, how about the fact that we want to help these kids before it's an emergency. You're saying to go to the emergency room. Mr. President, we don't want to wait. Mr. Speaker, we don't want to wait for it to be an emergency, for God's sake.

□ 1715

Now, we understand that the way things have been run by this executive branch over the past 6 years, everything does seem to turn into an emergency. There is always a crisis going on with these guys. But this is about preventive care, saving the taxpayers money, and making very smart, prudent investments with the hard-earned money that people send here.

Mr. MEEK of Florida. Before I say something here as it relates what you just said, Mr. RYAN, I think it is important for us to at least look at the argument that the President has not been able to make. He hasn't been able to make that Democrats on Capitol Hill are trying to do something that the American people should not do. We can't say that because 18 Republicans in the Senate supported the bill along with the Democrats. It is bipartisan. And 43 Governors, including 16 Republicans, are in support of the SCHIP bill and children's health care, and 270 organizations representing millions of Americans are in support. And a strong majority of the American people are in support. I have the quotes here, and I hope to put it on the 30-something Web site about what Republicans have said about the veto and even prior to the veto.

I think it is also important to point out, Mr. RYAN and Mrs. TUBBS JONES, I think it is important for us not just to focus on the action of the President. We do have the opportunity to override. The President, like I said last night, he can't run for reelection again because he is term limited out. So the only way the American people can stand in judgment of him is when someone calls their home and asks how they feel about how the President is running the country, and those numbers are very, very low as to whether the President is doing a good job.

But when you look at this issue of health care, I think there this is a gut check for many Members of Congress. There are some numbers, and I heard Congresswoman STEPHANIE TUBBS JONES asking Members on the floor today that voted in the affirmative for the bill: Are you going to vote with us to override the President? Out of two conversations I heard, it was ''yes.'' But I think it is important that each Member of Congress start to use their relationships with other Members of Congress, especially with the other side of the aisle. My conversation with some of my colleagues today have been, Please, I kind of like you. I think you are a nice guy. I don't know if you want to make a career decision to be with the President because that is what is going to happen. The President is talking about negotiating on children's health care when, and I am looking at a quote here, and quotes and past statements by the President, I don't think they hold any great value as to what he is going to do if it has nothing to do with Iraq.

He said at the Republican National Convention in 2004: ''In a new term, we will lead in an aggressive effort to enroll millions of children who are eligible but not yet signed up for government health care insurance programs. We will not allow the lack of attention or information to stand between these children and health care that they need.''

Well, I can tell you, based on his veto, he is standing in the schoolhouse door as it relates to children receiving health care. I have been talking to my colleagues in the halls and saying, Listen you need to be on the side of the children. Not with the Democrats, not with some group, either liberal or conservative, moderate, you have to be on the side of the children.

Mrs. JONES of Ohio. Lest you think it is only Democrats saying SCHIP is a good bill, let me read the statements of some of my Republican colleagues. Senator PAT ROBERTS of Kansas said: ''The administration is threatening to veto this bill because of 'excessive spending' and their belief that this bill is a step towards federalization of health care. I am not for excessive spending and strongly oppose the federalization of health care, and if the administration's concerns with this bill were accurate, I would support a veto. But bluntly put, they are not.'' That is Senator PAT ROBERTS of Kansas.

JIM RAMSTAD of Minnesota said: ''We have a moral obligation to cover all our children so every child in America can grow up healthy. It is the right thing to do. It is also the cost-effective thing to do, and that is why I strongly support extending and expanding SCHIP. I also hope we can work together to provide greater access to private insurance coverage for America's children and other uninsured Americans. There is no better investment than to invest in the health and well-being of America's children.'' That is JIM RAMSTAD.

Mr. REGULA, one of the senior Members in the House of Representatives said: ''I voted today with the majority of my colleagues in the House of Representatives to extend SCHIP to expand health care access to the children of working parents whose income is too high to qualify for Medicaid but who, for one reason or another, do not have any health insurance coverage through their employers. The program has proven to be extremely successful in covering many children who have fallen through the cracks and providing them with quality preventive and acute health care. This bill provides States with new tools to enroll more eligible low-income children with health care coverage.'' That's RALPH REGULA of Ohio.

VERNON EHLERS of Michigan: ''I grew up with acute asthma, and I know personally how important it is for kids to have access to affordable health care. This bill will continue to provide health care coverage to millions of children who otherwise would be uninsured.''

Finally, from STEVE LATOURETTE, Republican from Ohio, ''The children's insurance program is too important to not support.'' STEVE LATOURETTE.

Mr. RYAN of Ohio. One of the arguments we get from what is a shrinking minority of Members of the House that aren't helping the override proceedings is that this is socialized medicine. And Bush is saying that this is somehow socialized medicine.

When this bill passed in 1997, there was a Republican House and a Republican Senate and a Democratic President. So what you are saying is Newt Gingrich and friends during the 1990s were for socialized medicine because they started it. It is an inaccurate argument.

The government is not taking over anything. You are still going to go to your doctor and find out where you want to go, kind of like Medicare. But this is about providing children that are poor with health care. The President is trying to say that he wants to clean it up and he is trying to say that he wants to negotiate. This is different than the House bill that passed. This is the Senate version. The Senate has enough votes to override the veto. As the gentlewoman from Ohio said, there are all these Republican Senators. We have a bunch of Republican House Members. And the other day when we were debating it, there were very few Republican House Members that even wanted to come down here and make the argument about what is going on here.

We continue today, and we will next week and the following week continue to urge the President. But we need the American people to stand up and say can't Congress at least agree on health care for children. And the only roadblock is the President's veto pen and a group of Republicans in the House.

Before I yield, I want to be sure to say that the socialized medicine argument is a red herring because the Republicans created this bill in the 1990s, signed by President Clinton, but in a Republican-controlled House.

Mrs. JONES of Ohio. Mr. Speaker, the other interesting thing is when you have 270 organizations from all over this country signed onto a letter to the President urging him to support SCHIP, and I am going to just read the last paragraph which says, ''We know you agree that our children are our Nation's most precious resource, and that investments in health care for kids reap benefits that last a lifetime. We urge you to stand with our children and to put their interests ahead of the partisan rhetoric that is threatening a timely SCHIP reauthorization. We welcome the opportunity to discuss these issues with you and to work with you on this and other initiatives to be sure that all of our Nation's children have access to the health care coverage that they need.''

Mr. MEEK of Florida. These are the organizations that would like, that want children to have health care. Am I correct?

Mrs. JONES of Ohio. That's correct.

First Focus of Alexandria; National Association of Community Health Centers; AARP; Action for Children of North Carolina; African American Health Alliance; AIDS Alliance for Children; AIDS Institute; Alliance for Children, Youth & Families; Alliance for Children and Families; Alliance for Excellent Education; Alliance for Retired Americans; Aloha United Way; Ambulatory Pediatric Association; American Academy of Child and Adolescent Psychiatry; American Academy of Family Physicians; American Academy of Nursing; American Academy of Pediatrics; American Academy of Pediatrics of Colorado; American Academy of Pediatrics of Iowa; American Academy of Pediatrics of Pennsylvania; American Academy of Pediatrics of Rhode Island; American Association of People with Disabilities of Washington, D.C.; the American Association of University Women of Utah; American Association on Intellectual and Developmental Disabilities; American Cancer Society; American College of Obstetricians and Gynecologists; American Counseling Association; American Dental Association; American Dental Hygienists Association; American Diabetes; American Health Quality; American Heart Association; American Humane Association; American Mental Health; American Music Therapy; American Network of Community Options and Resources. All of these organizations want SCHIP to be reauthorized. American Nurses; American Psychiatric Association; American Speech-Language-Hearing Association; AMERIGROUP Corporation; Anchor House.

All of these organizations want SCHIP, and the list goes on. Centene Corporation; Center for Civil Justice; Center for Community Solutions of Cleveland, Ohio; Center for Law and Social Policy; Center for Medicare Advocacy; Center for Public Policy Priorities; Central County United Way; Chicago Foundation for Women; Child and Adolescent Health Measurement Initiative; Child and Family Policy Center; Child Care; Child Welfare; Children First for Oregon; Children Now; Children's Action Alliance; Children's Defense Fund, and the list goes on. How can this President stand up to all 270 organizations?

Mr. RYAN of Ohio. Those groups want it.

Mr. MEEK of Florida. They do want it. And the thing about it, they should want it and Members of Congress should want it. These are children. They don't wear $800 suits and $200 silk ties and all of the things that big-time folk wear here in Washington, D.C.

But I think it is important that letter that was sent to the President should be sent to Members of Congress to remind them the reason why they are up here.

Some Members say KENDRICK is not talking about me. He can't be talking about me.

□ 1730

Someone who might have read the CONGRESSIONAL RECORD, said, well, he's not talking about me; yes, you too. Your children, too. Your grandchild, too. So if you're within the sound of my voice and you hear what I'm saying, your neighbor's child, too. Your child will be affected by 10 million children not having health care, will be affected by the lack of health care that that child will not have if the President and the Republican minority have their way.

Now, I commend Democrats that voted for the bill, I commend Republicans that voted for the bill, but we should make sure that we point out the fact that there are a number of Republicans in this House that will stand or say they will stand with the President. They're saying they stand with the President. They're not saying they're going to stand with the American people.

I think you're 110 percent right for sharing that with Members of Congress and letting them know, and these associations should approach their Member if they voted for it or not, just to remind them that this is very, very important.

Mr. RYAN of Ohio. I think the debate, too, has gotten a little bit off

track, and I quite frankly, Mr. Speaker, find this shameful.

One of the statements made by the President: Democratic Members of Congress are putting health coverage for poor children at risk so they can score political points in Washington.

Now, that's a shame that that kind of rhetoric's coming out of the White House at this point. When you look, as Mrs. JONES has stated earlier, all of the Republicans that are supporting this bill, this is a bipartisan bill. But there is a small fringe group in this House and the White House that will not allow this bill to pass.

Score political points? We're trying to provide health care for kids. This is not where we have a debate and everyone gets little debating points as we go along, and there are a lot of Republicans in this House and in the Senate that want to support children's health care, and for the executive branch to make these kinds of statements I think totally poisons the debate.

Here's another thing that some of our friends are saying on the other side, that SCHIP is incremental steps to a government-run health care program. That's just not true. These are children who are now eligible for the program but there's not enough money in it to actually cover them, we're trying to put the money in to cover them. They will go to private doctors and they will get private health care. They're not going to go to the VA, the government-run veterans hospitals. They're going to go to private docs. They're going to be involved in private health care plans.

Mrs. JONES of Ohio. And the crazy thing about that statement is that if you talk to senior Americans across this country and you ask them about Medicare, they will say that Medicare is one of the finest systems of delivery of health care in this country, and they are so happy that we have Medicare and that the cost of running Medicare is equal to the cost that people pay, that it is a well-run program. So, even if we were talking about government-run health care, which we are not, let's talk about how great a program Medicare and Medicaid have been.

So I just want to close out, as I leave the two of you with the last few minutes of this, I'm calling upon everybody who can hear what I'm saying, and if you can't hear me and you're reading my lips or there's a script going under your TV, call your congressperson. Ask them, are you supporting SCHIP? If they are not, ask them why. Call your neighbor; ask your neighbor to call your congressperson.

This is down to a battle, and the battle is either for the children or against the children, and we're for the children.

Mr. MEEK of Florida. TIM and I have a good friend by the name of Charles, and Charles was saying how excited that he was about the fact that we pointed out the folks that wanted children to be covered by health insurance. And I think it's important that even if we continue to say everything that we're saying and we say it 10 times, it's not going to hurt. It's not going to hurt the debate here.

Let me just back up. What the White House is doing now, Mr. Speaker, and I just want to kind of bring this out into the light, let's drag it out from out of the dark halls of Congress. What's happening right now, they're getting invitations to the White House: come sit down with the Vice President or the President or some major policy person, saying, you know, a little tea, a little coffee, some cookies.

Mrs. JONES of Ohio. Little pressure.

Mr. MEEK of Florida. Little pressure in the Roosevelt Room, somewhere around there. You are with us on this stopping the overside of the President's veto; please tell me that you're with us.

Mrs. JONES of Ohio. You want a bridge to nowhere?

Mr. MEEK of Florida. Some of them are saying, well, yeah, I'm with you, you know, I'm all impressed, and they go in and take a picture with the President in the Oval Office and they go back home or they come back over here to the Capitol. That's what's happening very quietly. I just want to put that out because that's the way the White House has been successful in getting this kind of picture.

Now, I know every last Member here in this picture, and I know the conversations I've had with them one-on-one about the war in Iraq, but better yet, they're down there with the President. All I'm saying is that all of the groups, some, was it 270 and counting, are saying that we want health care for children.

And all of the Members, I want to the make sure I say it right, a number of Republicans in the Senate that voted for this measure, and over here in the House?

Mrs. JONES of Ohio. Forty-five Republicans voted in the House.

Mr. MEEK of Florida. Forty-five Republicans voted with Democrats on this bill.

Mrs. JONES of Ohio. Sixty-eight Senators, including 18 Republicans.

Mr. MEEK of Florida. I think somewhere like 18 or 20 that we would need to override. I think that number now is somewhere maybe, you know, around 15 or 16 we have to convince them to do it. I want to drag this out and put it out into the light.

Mr. RYAN of Ohio. I want to say that the most important point that I'd like to highlight before we leave, because I know time is running out, all of the waste over the past 6 years under this administration, with the nonsense with FEMA and trailers sitting in Arkansas somewhere that have rotted, the billions of dollars wasted in Iraq where unbid contracts, Halliburton wasting money, losing hundreds of millions of dollars in cash, the tax cuts that went primarily to the top 1 percent, corporate welfare that goes to the oil companies, $14 or $15 billion, we are starting to rein all that in and the President picks children's health care to draw the line in the sand and say we're spending way too much money?

That is unacceptable, Mr. Speaker. That is unacceptable. All of these opportunities wasted, and now you pick these people? You don't take on the oil companies. You don't take on the top 1 percent billionaires who got tax cuts. You're going to take on little kids? That's the message? That's your legacy? God bless you.

Mr. MEEK of Florida. We have I guess somewhere about a minute 30 left. I yield to Ms. WASSERMAN SCHULTZ, chair of the House administration in appropriations. She's an appropriator.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank you very much, and just really briefly, I want to thank you and congratulate my colleagues for holding down the fort for the last hour and standing up for our Nation's children because it's just absolutely preposterous that the President vetoed an opportunity to expand access to health care for millions of children.

And we are going to continue to fight to our last breath in the Democratic Caucus and try to override this veto so we can make sure that we do the right thing by our children. We will be here regularly week after week to make sure we stand up for people who need the most help.

Mr. MEEK of Florida. I was just told that we have four additional minutes. I was given some information that was incorrect, so if you wanted to continue.

Ms. WASSERMAN SCHULTZ. I mean, what we have tried to do in the 30 Something Working Group is to highlight, particularly when it comes to the domestic agenda of this caucus, what the other side, our good friends on the other side of the aisle's, decisions and the ramifications of those decisions and the impact that they will have.

And we had 45 Republicans do the right thing on this SCHIP vote on this children's health insurance bill, and what we need them to do is cast the right decision again, vote to override the President's veto, and we need about 17 Republicans to come with us to realize that they made the wrong decision in voting against it so that we can make sure that we give access to children, not those who are already covered by private health insurance.

The President has tried to spread the misperception that this program and this expansion is about taking kids off of private health insurance and putting them on government health insurance. That is totally false.

What is actually happening is we are going to expand access to health insurance for children that don't currently have it, for children whose families fall in the gap between Medicaid and private health care. That's what the children's health insurance program has

been all about, and we need to make sure that the members of this institution, of the United States House of Representatives, be the representative body that they were elected to be and do the right thing by our kids.

Mr. RYAN of Ohio. I totally agree and that's the point. Every argument that has been put in front of this piece of legislation is a phony argument that doesn't stand the scrutiny of any kind of debate.

Ms. WASSERMAN SCHULTZ. It's just because when the facts don't meet their views, they make them up.

Mr. RYAN of Wisconsin. It's socialized medicine and then people are going to private health care. You say that it's a Democratic ploy and we have all this Republican support. The President says he's for the program, but 840,000 kids would get knocked off of it. It just doesn't work.

So I'm glad we're here to clean it up and come do our job. So good seeing everybody.

Did I announce last night, I wanted to announce before we close that Kelly Pavlik from Youngstown won the middleweight title on Saturday and what a great kid he is.

Mr. MEEK of Florida. We're all happy for him.

Mr. RYAN of Wisconsin. So Youngstown, Ohio, is now the home of the WBO/WBC middleweight champion of the world.

Mr. MEEK of Florida. I'm pretty sure there's some tourism dollars in there somewhere.

Mrs. JONES of Ohio. I just want to say, on behalf of other Members of the House of Representatives, I am so proud of this 30 Something Working Group. I'm proud to have been able to participate in this time with Mr. MEEK, under his great leadership; and Mr. RYAN, under his great leadership; and Ms. WASSERMAN SCHULTZ, under her great leadership. You're continuing to fight on behalf of the people of America, and I'm thankful to be considered 30 something.

Mr. MEEK of Florida. I just want to say that you have increased our stock. To have a chair of a full committee with us two days in a row and to have a cardinal to join us at the last minute, even though a member of the 30 Something Working Group here on the floor with Mr. RYAN and myself, I mean, in the light of other Members, they really may feel we have moved up in the world to have these two gentle ladies here with us but yet powerful.

Mr. RYAN of Wisconsin. We just hang out in the glow.

Mr. MEEK of Florida. Mr. Speaker, with that we would like to thank the Speaker and the Democratic leadership for allowing us to have this hour. We would like for the Members, if they want to get a copy of the letter that Chairwoman TUBBS JONES read into the RECORD, they can go on www.speaker.gov and also all of the groups that support and the folks, the Republican Senators, of why SCHIP should be overridden or passed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today after 2:30 p.m.

Mr. MCNULTY (at the request of Mr. HOYER) for today after 2:30 p.m. on account of personal reasons.

Mr. VISCLOSKY (at the request of Mr. HOYER) for today on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, October 11.

Mr. JONES of North Carolina, for 5 minutes, October 11.

Mr. WOLF, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE BILLS REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001; to the Committee on the Judiciary.

S. Con. Res. 45. Concurrent resolution commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month; to the Committee on Oversight and Government Reform.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 5, 2007, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3606. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-100, DHC-8-200, and DHC-8-300 Series Airplanes [Docket No. FAA-2007-27713; Directorate Identifier 2006-NM-240-AD; Amendment 39-15079; AD 2007-12-01] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3607. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 50 Airplanes [Docket No. FAA-2007-27806; Directorate Identifier 2006-NM-287-AD; Amendment 39-15090; AD 2007-12-12] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3608. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2006-26354; Directorate Identifier 2006-NM-196-AD; Amendment 39-15095; AD 2007-12-17] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3609. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF34-10E Series Turbofan Engines [Docket No. FAA-2006-25896; Directorate Identifier 2006-NE-33-AD; Amendment 39-15093; AD 2007-12-15] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3610. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) GE90 Series Turbofan Engines [Docket No. FAA-2007-27283; Directorate Identifier 2007-NE-05-AD; Amendment 39-15046; AD 2007-10-15] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3611. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2B Series Turboshaft Engines [Docket No. FAA-2005-23809; Directorate Identifier 2005-NE-52-AD; Amendment 39-15048; AD 2007-10-07] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3612. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2B1 Turboshaft Engines [Docket No. FAA-2007-28009; Directorate Identifier 2007-NE-16-AD; Amendment 39-15047; AD 2007-10-06] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3613. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Limited Model 750XL Airplanes [Docket No. FAA-2007-27859; Directorate Identifier 2007-CE-033-AD; Amendment 39-15049; AD 2007-12-08] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3614. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; APEX Aircraft (Type Certificate No. A36EU formerly held by AVIONS MUDRY et CIE) Model CAP 10 B Airplanes [Docket No. FAA-2007-27531 Directorate Identifier 2007-CE-020-AD; Amendment 39-15054; AD 2007-10-13] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3615. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited (Type Certificate No. A-806 previously held by deHavilland Inc.) Models DHC-2 Mk. I, DHC-2 Mk. II, and DHC-2 Mk. III Airplanes [Docket No. FAA-2007-27193; Directorate Identifier 2007-CE-009-AD; Amendment 39-15091; AD 2007-12-13] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3616. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials; Transportation of Lithium Batteries [Docket Nos. PHMSA-02-11989 (HM-224C) and PHMSA-04-19886 (HM-224E)] (RIN: 2137-AD48 and RIN: 2137-AE05) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3617. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R series airplanes, and Model C4-605R Variant F airplanes (Collectively Called A300-600 series airplanes) [Docket No. FAA-2007-26856; Directorate Identifier 2006-NM-125-AD; Amendment 39-15082; AD 2007-12-04] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3618. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2007-27755; Directorate Identifier 2006-NM-289-AD; Amendment 39-15081; AD 2007-12-03] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3619. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30559; Amdt. No. 3226] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3620. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-33, -42, and -43 Airplanes; Model DC-8-50 Series Airplanes; Model DC-8F-54 and -55 Airplanes; mmodel DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-72 Airplanes; and Model DC-8-70F Series Airplanes [Docket No. FAA-2007-27334; Directorate Identifier 2006-NM-279-AD; Amendment 39-15080; AD 2007-12-02] (RIN: 2120-AA64) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3621. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30558 Amdt. No. 3225] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3622. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30561; Amdt. No. 3228] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3623. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30550; Amdt. No. 3218] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3624. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; St. Johns, AZ [Docket No. FAA-2007-27072 Airspace Docket No. 07-AWP-1] (RIN: 2120-AA66) received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3625. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision to Class E Airspace; Laramie, WY [Docket No. FAA-2005-23270; Airspace Docket No. 05-ANM-16] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3626. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace; Aguadilla, PR. [Docket No. FAA-2007-27594; Airspace Docket No. 07-ASO-3] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3627. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30557; Amdt. No. 3224] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3628. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30556 Amdt. 3223] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3629. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30555 ; Amdt. No. 468] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3630. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30553 Amdt. No. 3221] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3631. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30554; Amdt. No. 3222] received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KNOLLENBERG:

H.R. 3745. A bill to improve Mandarin language education by authorizing grants to support the creation of Mandarin language classes for elementary and secondary school and adult education program students; to the Committee on Education and Labor.

By Mr. MCKEON (for himself, Mr. KELLER, Mr. BOUSTANY, Mr. KLINE of Minnesota, Mr. FORTUÑO, Mr. WILSON of South Carolina, Mr. DAVID DAVIS of Tennessee, Mr. SOUDER, and Mr. BISHOP of Utah):

H.R. 3746. A bill to amend and extend the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. MCKEON (for himself, Mr. KELLER, Mr. BOUSTANY, Mr. KLINE of Minnesota, Mr. DAVID DAVIS of Tennessee, and Mr. SOUDER):

H.R. 3747. A bill to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment and training, integrating existing employment and training programs to avoid duplication and overlap, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes; to the Committee on Education and Labor.

By Mrs. DAVIS of California (for herself, Mr. DAVIS of Illinois, and Ms. HIRONO):

H.R. 3748. A bill to amend the Federal Direct Loan Program to provide that interest shall not accrue on Federal Direct Loans for active duty service members; to the Committee on Education and Labor.

By Ms. HOOLEY:

H.R. 3749. A bill to amend the Public Health Service Act to provide for the establishment of a Drug-Free Workplace Information Clearinghouse, to authorize programs to prevent and improve treatment of methamphetamine addiction, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas (for himself, Ms. ROS-LEHTINEN, Mr. PRICE of North Carolina, Mr. TIBERI, Mr. BOUCHER, Mr. BISHOP of Georgia, Mr. BOOZMAN, and Mr. ENGEL):

H.R. 3750. A bill to provide for the expansion of Federal programs to prevent and manage vision loss, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOSWELL:

H.R. 3751. A bill to amend the Consolidated Farm and Rural Development Act to establish and provide for the administration of the Farm and Ranch Stress Assistance Network; to the Committee on Agriculture.

By Mr. CAMPBELL of California:

H.R. 3752. A bill to provide that the Indian Gaming Regulatory Act shall not apply to an Indian tribe or to Indian lands of an Indian tribe until that Indian tribe has been federally recognized for a period of not less than 25 continuous years; to the Committee on Natural Resources.

By Mr. CONYERS (for himself, Mr. DANIEL E. LUNGREN of California, Mr. HOYER, Mr. BOEHNER, Mr. BERMAN, Mr. PENCE, Mr. WATT, Mr. BACHUS, Mr. SCHIFF, Mrs. BIGGERT, Ms. WASSERMAN SCHULTZ, and Mr. GOHMERT):

H.R. 3753. A bill to increase the pay of Federal judges, and for other purposes; to the Committee on the Judiciary.

By Mr. COSTA (for himself, Mr. CARDOZA, Mr. MCNERNEY, and Mr. NUNES):

H.R. 3754. 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 Energy and Commerce.

By Mr. DEAL of Georgia:

H.R. 3755. A bill to amend section 1308 of title 40, United States Code, to provide immunity for Federal Government agencies from claims resulting from the donation of unfit horses and mules and to allow certain agents of United States Customs and Border Protection to adopt such horses and mules; to the Committee on Oversight and Government Reform.

By Ms. DEGETTE:

H.R. 3756. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Natural Resources.

By Ms. DELAURO (for herself, Mr. BERMAN, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CLEAVER, Mrs. DAVIS of California, Mr. FRANK of Massachusetts, Mr. HARE, Mr. HINCHEY, Ms. HIRONO, Mr. HONDA, Mr. INSLEE, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Ms. ZOE LOFGREN of California, Mrs. MALONEY of New York, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SIRES, Mr. STARK, Ms. SUTTON, Mr. TOWNS, Mr. WAXMAN, Mr. WEXLER, Mr. LEWIS of Georgia, and Mr. NADLER):

H.R. 3757. A bill to provide additional protections for National Forest System lands in the Tongass National Forest in Alaska through the designation of additional wilderness areas, Land Use Designation II management areas, restoration areas, special management areas, and components of the national wild and scenic rivers system; to the Committee on Natural Resources.

By Mr. HALL of New York:

H.R. 3758. A bill to amend the Internal Revenue Code of 1986 to reduce the alternative minimum tax by increasing the exemption amounts and adjusting them for inflation and by making permanent law the allowance of the dependent care credit, the child credit, and the adoption credit against such tax; to the Committee on Ways and Means.

By Ms. KILPATRICK (for herself and Ms. WATSON):

H.R. 3759. A bill to amend the Elementary and Secondary Education Act of 1965 to enable local educational agencies to use amounts received from the Fund for the Improvement of Education for innovative programs to increase learning in financial literacy; to the Committee on Education and Labor.

By Ms. KILPATRICK (for herself, Ms. WATSON, and Mr. KAGEN):

H.R. 3760. A bill to amend the Elementary and Secondary Education Act of 1965 to enable local educational agencies to use amounts received from the Fund for the Improvement of Education for innovative programs to increase learning in nutrition and exercise; to the Committee on Education and Labor.

By Mr. KING of New York (for himself and Mr. PASCRELL):

H.R. 3761. A bill to provide for certain tunnel life safety and rehabilitation projects for Amtrak; to the Committee on Transportation and Infrastructure.

By Mr. LOEBSACK (for himself, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. COHEN, Mr. DAVIS of Illinois, and Mr. HARE):

H.R. 3762. A bill to amend the Elementary and Secondary Education Act of 1965 to foster community involvement, and for other purposes; to the Committee on Education and Labor.

By Mr. LOEBSACK (for himself, Mr. PAYNE, Mr. HARE, and Ms. MATSUI):

H.R. 3763. A bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce; to the Committee on Education and Labor.

By Mr. MCDERMOTT (for himself and Mr. VAN HOLLEN):

H.R. 3764. A bill to amend the Internal Revenue Code of 1986 to suspend the 5-year period relating to the exclusion of gain on the sale of a principal residence during a period of service with the Peace Corps; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself and Mr. LARSON of Connecticut):

H.R. 3765. A bill to amend the Internal Revenue Code of 1986 to provide transparency with respect to fees and expenses charged to participant-directed defined contribution plans; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 3766. A bill to assist local governments in conducting gun buyback programs; to the Committee on the Judiciary.

By Mr. NUNES (for himself and Mr. COSTA):

H.R. 3767. A bill to provide the Secretary with the authority to increase the number of Customs and Border Protection personnel at Fresno Yosemite International Airport; to the Committee on Homeland Security.

By Mr. NUNES (for himself, Mr. MCCARTHY of California, Mr. COSTA, Mr. CARDOZA, and Mr. RADANOVICH):

H.R. 3768. A bill to require the Secretary of the Interior to study and construct all projects and programs that are included in the Friant Water Users Authority document titled ''San Joaquin River Restoration Program: Water Management Goal-Recirculation, Recapture of Restoration Flows and Mitigation of Water Supply Reductions'', and for other purposes; to the Committee on Natural Resources.

By Mr. SALAZAR (for himself, Mr. PATRICK MURPHY of Pennsylvania, Mr. UDALL of Colorado, Mrs. GILLIBRAND, Mr. CUMMINGS, Mrs. BOYDA of Kansas, Mr. MURTHA, Mr. BURTON of Indiana, Mr. BOSWELL, Mr. BLUMENAUER, Mr. BOYD of Florida, Mr. GORDON, Mr. TANNER, Mr. BRADY of Pennsylvania, Mr. DONNELLY, Mr. KLINE of Minnesota, Mr. YOUNG of Florida, Mr. HARE, Mr. SHIMKUS, Mr. CRAMER, Mr. MAHONEY of Florida, Mr. BACA, Mr. COSTA, and Mr. WOLF):

H.R. 3769. A bill to amend title 10, United States Code, to require the establishment of a searchable database containing the names and citations of members of the Armed Forces, members of the United States merchant marine, and civilians affiliated with the Armed Forces who have been awarded the medal of honor or any other medal authorized by Congress for the Armed Forces, the United States merchant marine, or affiliated civilians; to the Committee on Armed Services.

By Ms. SCHWARTZ (for herself, Mr. MCDERMOTT, Mr. RAMSTAD, and Mr. PORTER):

H.R. 3770. A bill to amend the Internal Revenue Code of 1986 to clarify that qualified personal service corporations may continue to use the cash method of accounting, and for other purposes; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself and Mr. PETRI):

H.R. 3771. A bill to amend the Internal Revenue Code of 1986 to provide that the graduated income tax rates that apply to principal campaign committees of candidates for Congress shall apply to all comparable committees of candidates for State and local offices; to the Committee on Ways and Means.

By Mr. BAIRD (for himself and Mr. ROHRABACHER):

H.J. Res. 56. A joint resolution proposing an amendment to the Constitution of the United States to temporarily fill mass vacancies in the House of Representatives and the Senate and to preserve the right of the people to elect their Representatives and Senators in Congress; to the Committee on the Judiciary.

By Mr. ROHRABACHER (for himself and Mr. BAIRD):

H.J. Res. 57. A joint resolution proposing an amendment to the Constitution of the United States relating to Congressional succession; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois:

H. Con. Res. 226. Concurrent resolution calling on the United States Postal Service to create a special exterior light display on March 4, 2008, to reignite public awareness and appreciation of the accomplishments of the New Deal and the legacy of those programs for our Nation today, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. ZOE LOFGREN of California:

H. Con. Res. 227. Concurrent resolution expressing the sense of Congress that secondary schools should consider starting school after 9:00 in the morning; to the Committee on Education and Labor.

By Mr. SCHIFF (for himself and Mr. SHAYS):

H. Con. Res. 228. Concurrent resolution expressing the sense of Congress with respect to countries that withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons; to the Committee on Foreign Affairs.

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, and Mr. FORTENBERRY):

H. Res. 711. A resolution expressing the sense of the House of Representatives concerning the United States-India nuclear cooperation agreement; to the Committee on Foreign Affairs.

By Mr. FALEOMAVAEGA:

H. Res. 712. A resolution expressing support for the Declaration on the Rights of Indigenous Peoples and commending the United Nations General Assembly for its adoption of the Declaration on September 13, 2007; to the Committee on Foreign Affairs, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mr. HOYER, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. BUTTERFIELD, Mr. ADERHOLT, Ms. KAPTUR, Ms. MATSUI, Ms. MOORE of Wisconsin, Ms. KILPATRICK, Mr. PAYNE, and Mr. PITTS):

H. Res. 713. A resolution congratulating the Ukrainian people for the holding of free, fair, open and transparent parliamentary elections on September 30, 2007, in a peaceful manner consistent with Ukraine's democratic values and national interest, in keeping with its commitments as a participating State of the Organization for Security and

Cooperation in Europe; to the Committee on Foreign Affairs.

By Mr. PASCRELL (for himself, Mr. THOMPSON of Mississippi, Mr. DENT, Mr. KING of New York, Mr. REICHERT, and Mr. CUELLAR):

H. Res. 714. A resolution supporting the work of firefighters to educate and protect the Nation's communities, and the goals and ideals of Fire Prevention Week, October 7-13, 2007, as designated by the National Fire Protection Association; to the Committee on Oversight and Government Reform.

By Mr. SOUDER (for himself, Mr. CUMMINGS, Mr. BOOZMAN, Mr. BOSWELL, Mr. BURTON of Indiana, Mr. CONYERS, Mr. HUNTER, Mr. MCHUGH, Mr. LEVIN, Mr. PAYNE, Mr. PEARCE, Mr. PETERSON of Pennsylvania, Mr. RAMSTAD, Mr. REYES, Mr. SMITH of New Jersey, Mr. WALDEN of Oregon, and Mr. DONNELLY):

H. Res. 715. A resolution supporting the goals and ideals of Red Ribbon Week; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

206. The SPEAKER presented a memorial of the General Court of the State of New Hampshire, relative to Senate Concurrent Resolution No. 4 calling on the President of the United States and the Congress of the United States to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Act; to the Committee on Education and Labor.

207. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 165 memorializing the Congress of the United States to enact H.R. 2927, which responsibly balances achievable fuel economy increases with important economic and social concerns, including consumer demands; to the Committee on Transportation and Infrastructure.

208. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 172 urging the Congress of the United States and the United States Environmental Protection Agency to address the recent approval of increases pollution by British Petroleum into the Great Lakes; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GENE GREEN of Texas introduced a bill (H.R. 3772) for the relief of Enrique Soriano and Areli Soriano; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 138: Mr. POE.

H.R. 281: Ms. LORETTA SANCHEZ of California and Mr. BERRY.

H.R. 371: Mr. PRICE of North Carolina.

H.R. 468: Mr. GUTIERREZ, Mrs. CHRISTENSEN, Mr. AL GREEN of Texas, Mr. MCGOVERN, Mr. BACA, Mr. PASTOR, Ms. HARMAN, and Mr. FILNER.

H.R. 503: Mr. LIPINSKI, Mrs. BIGGERT, Mr. REICHERT, and Mr. ANDREWS.

H.R. 578: Mr. CUELLAR and Mr. HODES.

H.R. 581: Mr. LAMBORN.

H.R. 589: Mr. ISRAEL.

H.R. 618: Mr. SULLIVAN.

H.R. 662: Mr. MARKEY.

H.R. 697: Mr. WALBERG.

H.R. 715: Mr. ETHERIDGE.

H.R. 750: Ms. KILPATRICK.

H.R. 871: Mr. HASTINGS of Florida.

H.R. 997: Mr. REHBERG.

H.R. 1004: Ms. BERKLEY.

H.R. 1014: Mr. NADLER and Mr. SIRES.

H.R. 1023: Mrs. MALONEY of New York, Mr. CONAWAY, Mr. TIAHRT, Mr. PRICE of Georgia, Mr. ALEXANDER, Mr. KING of Iowa, Mr. BRADY of Pennsylvania, and Mr. TANCREDO.

H.R. 1070: Mr. TOWNS.

H.R. 1077: Mr. BOEHNER.

H.R. 1110: Mr. KIND, Mr. SERRANO, Ms. FOXX, Ms. HARMAN, and Mr. NEUGEBAUER.

H.R. 1192: Mr. DONNELLY.

H.R. 1222: Mr. COSTELLO.

H.R. 1223: Mr. COSTELLO.

H.R. 1248: Mr. TIERNEY.

H.R. 1280: Mr. ALLEN.

H.R. 1283: Mr. MURPHY of Connecticut, Mr. MURTHA, and Mr. WEINER.

H.R. 1295: Mr. COLE of Oklahoma, Mr. DAVID DAVIS of Tennessee, Mr. HALL of Texas, Mr. MCCOTTER, and Mr. SESSIONS.

H.R. 1312: Mr. HODES.

H.R. 1314: Mr. LAMBORN.

H.R. 1386: Mrs. MALONEY of New York, Mr. MARSHALL, Mr. PLATTS, Ms. SCHAKOWSKY, Mr. NADLER, and Mr. LANGEVIN.

H.R. 1399: Mr. ROGERS of Kentucky.

H.R. 1419: Mr. GERLACH and Mr. KUHL of New York.

H.R. 1459: Mrs. JO ANN DAVIS of Virginia, Mr. SPRATT, and Mr. BISHOP of Georgia.

H.R. 1537: Ms. WATERS.

H.R. 1567: Mr. HINCHEY and Mr. OLVER.

H.R. 1584: Mr. DONNELLY, Mr. GOHMERT, Mr. KELLER, Mr. VISCLOSKY, and Mr. SMITH of Washington.

H.R. 1610: Ms. WOOLSEY and Mr. ETHERIDGE.

H.R. 1616: Mr. DAVIS of Alabama.

H.R. 1619: Mr. RYAN of Ohio and Mr. OBERSTAR.

H.R. 1644: Mr. NADLER, Mr. WEINER, Mr. RODRIGUEZ, Mr. BOUCHER, and Ms. KAPTUR.

H.R. 1667: Ms. ZOE LOFGREN of California and Ms. LORETTA SANCHEZ of California.

H.R. 1693: Mr. MARKEY.

H.R. 1721: Mr. BUCHANAN.

H.R. 1747: Mr. DEFAZIO.

H.R. 1748: Mr. CAPUANO and Mr. DELAHUNT.

H.R. 1772: Mr. MANZULLO, Mr. DELAHUNT, and Mr. LATHAM.

H.R. 1813: Mr. BRADY of Texas.

H.R. 1820: Ms. SCHWARTZ and Mr. MEEK of Florida.

H.R. 1823: Mr. TIM MURPHY of Pennsylvania and Mr. STEARNS.

H.R. 1843: Mr. FRANK of Massachusetts.

H.R. 1845: Ms. KAPTUR.

H.R. 1888: Mr. WYNN

H.R. 1946: Mr. CRAMER.

H.R. 1974: Mr. SCHIFF.

H.R. 2045: Mr. HINCHEY and Mr. ALLEN.

H.R. 2063: Mr. WEINER, Mr. MATHESON, Mr. ALTMIRE, and Mr. PRICE of North Carolina.

H.R. 2070: Mr. FERGUSON.

H.R. 2074: Mr. CASTLE.

H.R. 2092: Mr. RYAN of Ohio, Mr. DAVIS of Alabama, Mr. TIERNEY, Mr. FATTAH, and Ms. GRANGER.

H.R. 2116: Mr. MARIO DIAZ-BALART of Florida, Mr. MARSHALL, Mr. MILLER of Florida, and Mr. ALEXANDER.

H.R. 2123: Mr. STUPAK, Mrs. MALONEY of New York, Mr. WYNN, Ms. WASSERMAN SCHULTZ, Ms. HIRONO, and Mr. HARE.

H.R. 2138: Mr. ALLEN and Mr. HODES.

H.R. 2169: Ms. CORRINE BROWN of Florida and Mrs. JONES of Ohio.

H.R. 2183: Mr. CRAMER.

H.R. 2234: Mr. WALBERG, Mr. CONYERS, and Mr. UDALL of Colorado.

H.R. 2253: Mr. FOSSELLA.

H.R. 2267: Ms. GRANGER.

H.R. 2280: Mr. KAGEN.

H.R. 2364: Mr. HARE.

H.R. 2421: Ms. WATSON.

H.R. 2452: Mr. LEVIN and Ms. WASSERMAN SCHULTZ.

H.R. 2490: Mr. POE.

H.R. 2508: Mr. POE.

H.R. 2548: Ms. ROYBAL-ALLARD and Ms. MATSUI.

H.R. 2606: Mr. ORTIZ and Mr. ALLEN.

H.R. 2695: Mr. THOMPSON of Mississippi, Mr. WYNN, and Mr. HASTINGS of Florida.

H.R. 2711: Mrs. BONO, Mr. BROWN of South Carolina, Mr. FERGUSON, and Mr. DEFAZIO.

H.R. 2796: Mr. BAKER.

H.R. 2814: Mr. TERRY.

H.R. 2852: Mr. RANGEL, Mr. COBLE, and Mr. MARCHANT.

H.R. 2882: Mrs. LOWEY, Mr. HASTINGS of Florida, and Ms. SUTTON.

H.R. 2933: Mr. WAMP and Mr. SCOTT of Georgia.

H.R. 2965: Ms. WATSON, Mr. DAVIS of Alabama, and Ms. GRANGER.

H.R. 2994: Mr. KENNEDY and Mr. WALBERG.

H.R. 3014: Mr. BERMAN and Mr. DOGGETT.

H.R. 3026: Mr. JINDAL.

H.R. 3042: Mr. DOGGETT, Mr. UPTON, and Ms. BERKLEY.

H.R. 3045: Ms. DEGETTE, Mr. YARMUTH, Mr. ABERCROMBIE, Ms. WATSON, Mr. CAPUANO, and Mr. KILDEE.

H.R. 3057: Mr. WALBERG.

H.R. 3098: Mr. CARNEY.

H.R. 3114: Mr. COHEN, Ms. SCHAKOWSKY, and Ms. MATSUI.

H.R. 3115: Mr. MCGOVERN.

H.R. 3132: Mr. WELCH of Vermont and Mr. ALLEN.

H.R. 3140: Mr. BURTON of Indiana, Mr. THORNBERRY, Mr. KINGSTON, and Mr. PICKERING.

H.R. 3191: Mr. LEWIS of Georgia, Ms. NORTON, and Ms. HOOLEY.

H.R. 3195: Mr. THOMPSON of California, Mr. WEINER, Mr. PALLONE, Mr. LARSEN of Washington, and Ms. JACKSON-LEE of Texas.

H.R. 3197: Mr. LIPINSKI.

H.R. 3219: Mr. LATOURETTE and Mr. COURTNEY.

H.R. 3223: Mr. KLEIN of Florida.

H.R. 3257: Mrs. MALONEY of New York.

H.R. 3298: Mr. CUMMINGS.

H.R. 3327: Mr. CLAY, Mr. LATOURETTE, and Mr. FRELINGHUYSEN.

H.R. 3348: Mr. BURTON of Indiana.

H.R. 3363: Mr. MORAN of Virginia.

H.R. 3366: Mr. GRIJALVA, Mr. STARK, and Mr. BRADY of Pennsylvania.

H.R. 3372: Mrs. TAUSCHER, Ms. NORTON, Mr. CONYERS, and Mr. MILLER of North Carolina.

H.R. 3385: Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, and Mr. SPACE.

H.R. 3414: Mr. GINGREY, Mr. WELDON of Florida, Mr. BARTLETT of Maryland, Mr. WESTMORELAND, Mr. FEENEY, Mr. FRANKS of Arizona, Mrs. MYRICK, Mr. CAMPBELL of California, Mr. SHADEGG, Mr. GOODE, Mr. KUHL of New York, Ms. FALLIN, Mr. PITTS, Mr. FORTUÑO, Mr. BROWN of South Carolina, Mrs. BLACKBURN, and Mr. LAMBORN.

H.R. 3418: Mrs. MALONEY of New York, Ms. SHEA-PORTER, and Mr. MILLER of North Carolina.

H.R. 3438: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3439: Ms. GINNY BROWN-WAITE of Florida, Mr. MARSHALL, Mrs. CAPPS, and Ms. SHEA-PORTER.

H.R. 3452: Mr. HASTINGS of Florida.

H.R. 3459: Mr. HINCHEY.

H.R. 3461: Mr. ALTMIRE, Mr. SHIMKUS, Mrs. BONO, and Mr. RUSH.

H.R. 3465: Mr. SALAZAR.
H.R. 3498: Mr. RYAN of Ohio.
H.R. 3499: Mr. GONZALEZ and Mr. MATHESON.
H.R. 3512: Mr. MCNERNEY and Mr. RYAN of Ohio.
H.R. 3531: Mr. EVERETT.
H.R. 3533: Mr. WEINER, Mr. DAVIS of Illinois, Mr. GEORGE MILLER of California, Ms. LEE, Mr. ARCURI, Mr. PRICE of North Carolina, Mr. CUMMINGS, and Mr. CULBERSON.
H.R. 3545: Mrs. EMERSON.
H.R. 3547: Ms. WASSERMAN SCHULTZ.
H.R. 3563: Mr. DAVIS of Illinois and Mr. BISHOP of Georgia.
H.R. 3577: Mrs. LOWEY, Mr. HARE, and Ms. BERKLEY.
H.R. 3609: Ms. ZOE LOFGREN of California.
H.R. 3616: Ms. KAPTUR.
H.R. 3622: Mr. LATOURETTE, Mr. EVERETT, Mr. BOREN, Mr. TIAHRT, Mr. PICKERING, Mr. SMITH of Nebraska, Mr. AKIN, Mr. WALBERG, Mr. CLAY, Mr. DAVID DAVIS of Tennessee, Mr. DOOLITTLE, and Mr. SPACE.
H.R. 3646: Mr. BRADY of Pennsylvania and Mr. FORTENBERRY.
H.R. 3654: Mr. KUHL of New York, Mr. SHAYS, Mr. DUNCAN, Mr. FORBES, Mr. DAVIS of Illinois, Mr. MILLER of Florida, Mrs. EMERSON, Mr. GORDON, and Mr. WAMP.
H.R. 3660: Mr. SPACE.
H.R. 3689: Mr. NADLER.
H.R. 3691: Mr. ELLISON.
H.R. 3695: Mr. MORAN of Virginia.
H.R. 3700: Mr. MCNULTY.
H.R. 3726: Mrs. LOWEY and Mr. MAHONEY of Florida.
H.R. 3729: Mr. HONDA, Mr. LANTOS, Mr. MCKEON, and Mr. ROHRABACHER.
H.J. Res. 3: Mr. BACA.
H.J. Res. 6: Mr. ROGERS of Kentucky.
H.J. Res. 12: Mr. TIBERI.
H.J. Res. 54: Mr. SESSIONS, Mr. TOWNS, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. BISHOP of Georgia, and Mr. WALBERG.
H.J. Res. 55: Mrs. CUBIN and Mr. POMEROY.
H. Con. Res. 22: Mr. CRAMER.
H. Con. Res. 40: Mr. MORAN of Kansas.
H. Con. Res. 122: Mr. ELLSWORTH.
H. Con. Res. 176: Mrs. EMERSON.
H. Con. Res. 182: Mr. DANIEL E. LUNGREN of California, Mr. GOODE, and Mr. PRICE of North Carolina.
H. Con. Res. 204: Mrs. DRAKE.
H. Con. Res. 215: Mr. GOODE, Mr. MARSHALL, Mr. WHITFIELD, Mr. SHAYS, Mr. PLATTS, Mr. MCNULTY, Mr. SHIMKUS, Mr. SESSIONS, Mr. KIND, Mr. ORTIZ, Mr. CLYBURN, Mr. ETHERIDGE, Mr. HINCHEY, Mr. KELLER, Mr. ARCURI, and Mr. MARCHANT.
H. Con. Res. 216: Mr. EDWARDS.
H. Con. Res. 224: Mr. FATTAH and Mr. KENNEDY.
H. Res. 37: Mr. SALAZAR and Ms. SUTTON.
H. Res. 106: Ms. RICHARDSON and Mr. FORTUÑO.
H. Res. 111: Mr. LIPINSKI, Mr. HIGGINS, Mr. MURPHY of Connecticut, and Mr. POE.
H. Res. 231: Mr. BILBRAY, Mr. RADANOVICH, Mr. PORTER, Mr. THORNBERRY, Mr. CAMP of Michigan, Mr. PETRI, Mr. BISHOP of Utah, Mr. POE, Mr. MARCHANT, Mr. PETERSON of Pennsylvania, Mr. HOBSON, and Mrs. BIGGERT.
H. Res. 237: Mr. FALEOMAVAEGA.
H. Res. 245: Mr. MCNULTY and Mr. HASTINGS of Florida.
H. Res. 259: Mr. PRICE of North Carolina.
H. Res. 282: Mr. YOUNG of Florida and Mr. TERRY.
H. Res. 310: Mr. MILLER of North Carolina.
H. Res. 335: Mr. FALEOMAVAEGA, Ms. SCHAKOWSKY, Mr. FORTUÑO, Mr. MACK, Mr. MCGOVERN, Mr. UPTON, Mr. COBLE, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, and Mr. THOMPSON of California.
H. Res. 407: Mr. WEINER.
H. Res. 433: Mr. LEWIS of Georgia.
H. Res. 542: Mr. BARRETT of South Carolina.
H. Res. 573: Mr. REICHERT, Mr. KENNEDY, Mrs. CHRISTENSEN, Ms. WATSON, and Mr. MEEKS of New York.
H. Res. 587: Ms. SHEA-PORTER.
H. Res. 618: Mr. DOGGETT, Mr. FATTAH, and Mr. LANGEVIN.
H. Res. 619: Mr. BROUN of Georgia.
H. Res. 620: Mr. PALLONE, Mr. MCGOVERN, Mr. LANGEVIN, Mr. HINCHEY, Mr. PAYNE, Mr. JACKSON of Illinois, Ms. NORTON, Mr. GRIJALVA, and Mr. SHERMAN.
H. Res. 671: Mr. THOMPSON of California.
H. Res. 674: Ms. BERKLEY and Mr. WEINER.
H. Res. 693: Mr. COHEN, Mr. TOM DAVIS of Virginia, Mr. LEWIS of Georgia, Mr. ENGEL, Mr. THOMPSON of Mississippi, Ms. KILPATRICK, Mr. JEFFERSON, Mr. STARK, Mr. RUSH, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. WYNN, Mr. WAXMAN, and Mr. GUTIERREZ.
H. Res. 700: Mr. NUNES, Mr. COHEN, Mr. COLE of Oklahoma, Mr. FRELINGHUYSEN, and Mr. FEENEY.
H. Res. 709: Mr. MCKEON.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Mr. OBERSTAR or his designee to H.R. 2095, the ''Federal Railroad Safety Improvement Act of 2007'', does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolution as follows:

H.R. 3554: Mr. Salazar.
H. Res. 106: Mr. Shimkus.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

172. The SPEAKER presented a petition of the Board of Commissioners of the County of Armstrong, Pennsylvania, relative to a Resolution supporting legislative changes proposed in the 2007 Farm Bill that would provide agricultural producers, farm-related businesses, and rural homeowners with broader access to financing by the cooperative Farm Credit System; to the Committee on Agriculture.

173. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 497 requesting that the Congress of the United States ensure that health insurance for children through the State Child Health Insurance Program (SCHIP) is continued and expanded; to the Committee on Energy and Commerce.

174. Also, a petition of the City Council of the City of Edina, Minnesota, relative to a Resolution endorsing the United Nations priciple of the responsibility to protect; to the Committee on Foreign Affairs.

175. Also, a petition of the National Council Junior Order United American Mechanics, relative to Resolution No. 3 supporting the proposal of an amendment to the Constitution of the United States establishing English as the official language of the United States; to the Committee on the Judiciary.

176. Also, a petition of the City Council of the City of West Hollywood, California, relative to a Resolution petitioning for the impeachment of President George W. Bush and Vice President Richard Cheney; to the Committee on the Judiciary.

177. Also, a petition of the Arizona Democratic Party, relative to a Resolution calling for the full investigation into the abuse of power by President George W. Bush, Vice President Richard B. Cheney, and Attorney General Alberto Gonzales; to the Committee on the Judiciary.

178. Also, a petition of the Town of Ashfield, Massachusetts, relative to a Resolution calling for an investigation and a vote to impeach President George W. Bush and Vice President Richard B. Cheney as provided in the Constitution of the United States of America; to the Committee on the Judiciary.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 2, by Mr. BOEHNER on House Resolution 559: John M. McHugh, Jerry Moran, and Spencer Bachus.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, THURSDAY, OCTOBER 4, 2007 No. 150

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.

EXTENSIONS OF REMARKS

RECOGNIZING KATHARINE PHILLIPS SINGER, OF MOBILE, ALABAMA, FOR HER CONTRIBUTIONS DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. BONNER. Madam Speaker, it is my distinct pleasure to rise today to recognize a true Southern lady who, over the course of the past few weeks, has become a familiar face and distinctive voice throughout America, Mrs. Katharine Phillips Singer of Mobile, AL.

Her story, which is told in the Ken Burns' highly-acclaimed documentary, ''The War,'' represents the significant sacrifices—and obvious concerns—of millions of American families whose loved ones were fighting the forces of evil during the Second World War.

Whether it was rationing food by cooking without essential ingredients, saving tin cans or purchasing war bonds, World War II was a time when all Americans were called upon to do their part to contribute to America's success.

Young Katharine was just a sophomore at Auburn University when the Japanese attacked Pearl Harbor and her 17-year-old brother, Sidney Phillips, signed up for the Marines. Upon graduating in 1944, she returned to Mobile and began working in a day care center for shipyard workers' children. She volunteered at the Red Cross canteen at the railroad station and served coffee and donuts to the troops aboard trains as they passed through town. She also volunteered with the Red Cross motor pool and regularly drove officers around town.

At the end of the war, Katharine began working as a stewardess for Waterman Airlines. In 1947, she married Harvey Singer, a Waterman pilot and former WWII naval pilot. They lived in Ohio for many years and returned to Mobile in 1970. The mother of two daughters and the grandmother of four, Mrs. Singer runs her own antique linen business in Mobile.

Madam Speaker, the recognition of Mrs. Katharine Phillips Singer in ''The War'' provides us all with an appropriate time to pause and thank her and all of the concerned families who shared their loved ones with the world during this trying time.

Not only did she provide an intimate story of what it was like here at home during the war, but along the way she became a prominent storyteller for a documentary that I believe should be required watching in every school in America. I urge my colleagues to take a moment to pay tribute to Mrs. Katharine Phillips Singer for her love of family and love of country.

CORPORAL STEPHEN R. BIXLER POST OFFICE

SPEECH OF

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 2007

Mr. COURTNEY. Madam Speaker, from June 29 to August 1, 2007 I asked members of the Suffield, CT, community to share their opinion on changing the name of the local post office to honor Cpl Stephen R. Bixler. During that period, my office received over 170 letters, calls and e-mails in overwhelming support of the idea. The comments I received described a thoughtful and compassionate man who wanted nothing more than to serve his Nation and make a difference for his community, and I wanted to take a moment and share some excerpts with my colleagues.

''Being the very proud and saddened grandmother of Cpl Stephen R. Bixler, renaming the Suffield Post Office in his honor would be a special tribute, keeping his memory alive for all who knew, loved, and respected him. He gave his life to secure our freedom.''—Cpl Bixler's grandmother.

''Stephen Bixler was a close friend of mine, in which I served with during Operation Iraqi Freedom with 3rd Battalion 8th Marines. During this period, Stephen showed what it meant to be a Marine through his hard work and dedication to the Marine Corps and in making the quality of living for the Iraqi people better. From when he was a Boy Scout, Stephen went out of his way to provide service to others. Being part of the Boy Scouts, Stephen was able to excel in all that he did leading him to earn Eagle Scout. Stephen decided to serve his country and protect others by joining the United States Marine Corps. In the Marine Corps, Stephen utilized his outstanding qualities of selflessness, determination, and dedication to the job at hand. Stephen strived to be the best at everything that he did. When 3rd Battalion 8th Marines returned state-side, Stephen volunteered to return with 2nd Reconnaissance Battalion for a second tour of duty in Iraq. He successfully completed his first of many schools when 2nd Recon Battalion asked for volunteers to leave to go back to Iraq. Stephen jumped at the opportunity and did it courageously. Before Stephen left, he told me that he did not think that he would make it back this time. Stephen went to many schools in Suffield, CT, when he was home and loved to talk to the students about his experiences. Stephen went on the deployment and lost his life in Fallujah, Iraq doing what he loved.

During the time I knew Stephen, I saw that he was a courageous and selfless individual by his actions. He changed the life of everyone whom he came in contact with. His service in the Marine Corps and in Boy Scouts made a lasting impression on Suffield, Connecticut residents, and on to all those who knew him. Stephen's loss has deeply impacted his family and those who had the pleasure of voting for him.''—A fellow marine who served with Cpl Bixler.

Stephen gave his life selflessly while serving his second tour of duty in Fallujah, Iraq on May 4, 2006. Stephen served our country proudly knowing that the risk to himself was of the highest level and yet he went straight for the front lines. It is important to note that Stephen was given the Medal of Valor for his final act which saved the lives of his fellow marines traveling through a desperate area of the Al Anbar providence. It was Stephen who noticed the danger along the route and who stopped his caravan to investigate and mitigate the danger.

Stephen was a valuable member of our community as a young person who was always willing to give of himself as a Boy Scout (Eagle Scout rank), a member of the St. Joseph's Church, and as a friend who was filling to volunteer to help whenever the opportunity arose.

Stephen's willingness to help his community was not limited to Suffield, CT. His devotion to the Marines was Stephen's way to serve our country on behalf of us all.

Just before he returned to Iraq for his second tour of duty, I asked Stephen why he felt he needed to return. His response was simple. He said that the Iraqi people needed his help. He told me that after a few days of the Marine presence in the small towns of the Anbar Province that children returned to play and that people were back at work in the shadow of security provided by Steve and his fellow marines. Steve was humble in his view of his profound work.''—Friend of Cpl Bixler.

Stephen Bixler was a close friend to both my husband and I, whom my husband served with during Operation Iraqi III 04–06. I had the privilege of knowing Stephen outside the United States Marine Corps. Stephen was a hardworking, dedicated and thoughtful individual. He always thought of others before throwing himself into the mix. His family and friends always came first. He exemplified what it meant to be a great friend, a great Marine, and a great leader. I only know the stories from Iraq either from my husband or his brother. They talked nothing of greatness and leadership. Stephen knew what he was doing, loved what he was doing and was passionate about being a Marine. Stephen became like a brother to me. Staying at our house and helping my husband out when something needed to be fixed. He was never afraid to get his hands dirty. He always came with a smile and left with one. His attitude was always positive even on those tough days at work.

Knowing Stephen made me a better person today. There is not a day that goes by that I do not walk past the pictures we have hanging in his memory or a night that I fall asleep that I am not thinking of him. He was a loved individual with so much to offer. His loss will always leave a lasting impression not only in Suffield but everyone that he reached out to.''—Friend of Cpl Bixler.

Stephen Bixler was a close friend of both my brother and I, whom my brother served with during Operation Iraqi Freedom III 04–06. I also had the privilege of serving with Stephen Bixler in Camp Fallujah during this deployment. During this period, Stephen exemplified what it meant to be a Marine and a citizen soldier through his hard work and dedication to helping to improve the standard of living for numerous Iraqi families.'' ''During the short time that I knew Stephen,

I learned that he was a caring and selfless individual by his actions. His life impacted those he came in contact with, extending beyond his friends and family. His service to others made a lasting impression not only on Suffield, Connecticut residents, but it extended to the citizens of Iraq and fellow service members within the armed forces. Stephen's loss has deeply impacted those that knew him and his family.''—Friend of Cpl. Bixler.

''We knew him as a wonderful friend, student, track teammate, and overall outstanding citizen. Please help facilitate this honor to his memory.''—Friends of the Bixler Family.

''A unique way of remembering our own and the tremendous price families pay for something others may take so lightly.''

''Steve was an exceptional young man that my wife and I knew well. He attended our church and was an altar boy. His dream was always to be a Marine and he gave his life in the service of his country doing what he wanted to do. We have shared many moments with his mom and dad, Linda and Richard, grieving over the loss of someone so young.''—Friend of Cpl. Bixler.

''In my opinion, there would be no better way to honor both Stephen and his family than by renaming the Post Office. Stephen is a hero, and I believe this is the very least he deserves for the sacrifice that he has made for his country. It is now our turn to repay our respect and honor by renaming the Suffield Post Office in Cpl. Bixler's name.''—Friend of Cpl. Bixler.

''My senior year I attained a car for the first time and I would drive Steve to practice and home at the end of the day. We got along great, we could always make each other laugh at the littlest things and others on the tram would laugh with us. We used to hang out so much the athletic director didn't realize I was two years older than Steve. I had a great time with him and I will truly miss him. Steve was a great student and enjoyed by everyone, he was a talented young man.''—Friend of Cpl. Bixler.

''Stephen Bixler was one of my older brother's closest friends. They ran cross-country and track together in high school and I remember always going to the meets and watching them compete. Steve was quite possibly one of the nicest guys on the team, if not the entire high school. Stephen entering the Marines and defending his country was something he felt passionately about. I support your idea to rename the Post Office in memory and honor of Stephen Bixler. What he did for our country may not be known to many people throughout the country, but it is widely known throughout our town and I believe that this renaming would be an honor in his family's eyes.''—Friend of Cpl. Bixler.

''Stephen graduated from Suffield High School in 2003, 2 years after our son and one year before our daughter. He and our son Jon were good friends, having competed together in Cross Country and Track & Field at Suffield High. During the years that Jon had his license, and Steve was still too young, Steve was the one exclusive passenger who was picked up each morning on the way to school and returned home each evening after a meet or practice. The two of them, and the old truck they rode in back and forth to school, were men on a mission who could only be deterred by the chance to do 'donuts' in an empty high school parking lot with a fresh covering of snow!

''During the summer, they were part of a small group on the Cross Country team who attended running camp in Vermont. They always enjoyed entertaining us with the stories they brought home about the camp antics and the occasional practical jokes.''

''Steve was a model student, with a warm personality and a great sense of humor. He was also quiet and serious with a great respect for his family and country. All during high school, Steve's friends knew his first dream was to be a U.S. Marine. When many of his friends left for the 'footloose' life of being new college students, Steve left for the most difficult job—Marine training. As a marine, Steve's assignments throughout the world had one cause and that was to assist people in need. Steve was a young man that any parent would be honored to have as a son.''—Parents of one of Bixler's close friends.

''The Iraq war is not a subject that comes and goes—it is always on the air. Its everlasting presence reminds me of Stephen Bixler—in my studies, watching the news, even conducting research at work.

''Naming the post office after Steve would not just be an honor to Steve but also a gift to the people of Suffield. Though we can never bring Steve back, and no building can compensate for his death, feeling like we have paid tribute to Steve is a necessary part of the community's healing.''

''I graduated High School with Stephen Bixler and considered him a friend. I remember going to Stephen's house to play when I was very young and I remember riding the bus with him for as long as I can remember. For all of my years as a student in Suffield, I can remember Stephen's house was always extensively decorated by his mother. When these decorations went from hoping for his return, to mourning his loss, the effect was well felt throughout the community in the deepest, most heartfelt way. Stephen was well liked and greatly respected, and will forever be appreciated. As long as Stephen's family supports the honor then I believe nothing should stand in the way of this.''—Classmate and friend of Cpl. Bixler.

''Stephen was my cousin. He lost his life fighting for us in Iraq. Stephen loved what he did, being a Marine. He lost his life doing what he loved. Growing up, Stephen emulated the ''All American Kid''. An athlete, a scholar and Eagle Scout. He defined what all Marines should strive to be. Aside from all these things, Stephen was a son, a brother, and a friend to many. He has made our family proud, and anyone who knew him. Anyone who didn't know him missed out on a wonderful person.''—Cousin of Cpl. Bixler.

''As a former classmate and teammate of Corporal Stephen R. Bixler, I can attest to his deserving the honor of the Suffield Post Office name. Steve was a valued member of every team, class, and organization that he participated in. He was always there to encourage creativity, determination, and strength in the people around him. Steve lived his dream by joining the Marines. He seemed to have found a home in his service. As a Marine, he was able to stand out from the crowd, just as he did as an athlete and intellectual. Steve deserves this honor because he gave his life for his country. Steve deserves this honor because he was one of America's finest soldiers. However, Steve mostly deserves this honor because of who he was as a person. He was kind and sought out the best in those around him. He was an inspiration to everyone and that is why the Suffield Post Office should be named the Corporal Stephen R. Bixler Post Office.''—Classmate of Cpl. Bixler.

CONGRATULATING MRS. JANE EVENS

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. AKIN. Madam Speaker, I rise today to recognize and honor one of my constituents, Mrs. Jane Bridges Ferrenbach Evens. Jane has been selected as the 2007–2008 Freedoms Foundation—Missouri (St. Louis) Chapter ''Spirit of '76—Patriot.'' The Freedoms Foundation is a nonprofit organization dedicated to teaching young people the principles upon which our Nation was founded. They work to convey the close link between the rights and the responsibilities of citizens in society.

Jane has been an active member of the Freedoms Foundation at Valley Forge since 1972, organizing and promoting the chapter with enthusiasm. She served as the National Chair of Development for the National Society Daughters of the American Revolution for the last 6 years and is currently acting Senior Advisor to the Development Department. Jane has also volunteered her time and energy to numerous other organizations, including the St. Louis Repertory Theatre, Youth Emergency Service, Hosea House, Girls Club of St. Louis, Kirkwood Rotary Club, to name just a few.

A native of Webster Groves, Missouri, Jane is married to Robert D. Evens. She has two successful daughters, both working in the medical field, and two grandchildren.

As one who has a deep and abiding love for American history and the Patriots, who have gone before us, I want to thank Jane for her commitment to preserving our history and congratulate her for being selected 2007–2008 ''Spirit of '76—Patriot.''

TRIBUTE TO KEVIN HENKES

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. RYAN of Wisconsin. Madam Speaker, Racine, Wisconsin, native and author Kevin Henkes is to be commended for his numerous literary achievements. Recognized as an outstanding children's author, Henkes has contributed to the national landscape of children's literature and delighted children with his thoughtful mixture of words and art. Born in Racine, Henkes attended the University of Wisconsin-Madison. He currently lives in Madison with his wife, Laura, and their children. Several of Henkes' books have garnered awards, including the prestigious Caldecott for Kitten's First Full Moon in 2005. He also received the Elizabeth Burr/Worzalla Award for a Wisconsin author/illustrator for Kitten's First Full Moon (2005), Sun and Spoon (1997), Protecting Marie (1995), and Words of Stone (1993). On October 14, 2007, the Racine Public Library will honor Henkes when one of his works, Julius, the Baby of the World, is performed as a musical for over 4,600 first- and second-grade students and the general public. The Downtown Rotary Club, Friends of the Library, Hughes House, Johnson Foundation,

Junior League of Racine, Kiwanis Club of West Racine, Over Our Head Players, the Racine Community Foundation, and the Racine Public Library Endowment Fund have all contributed to this celebration.

IN MEMORY OF SERGEANT FIRST CLASS JAMES DOSTER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. ROSS. Madam Speaker, I rise today to honor SFC James Doster of White Hall, AR, who died on September 29, 2007, fighting for our country in Iraq while supporting Operation Iraqi Freedom. He was 38 years old when he selflessly gave his life for his country during combat operations in Iraq.

Sergeant First Class Doster graduated from White Hall High School before attending Hendrix College. While in college, his deep sense of unity and teamwork led him to join the United States Army and honorably serve his country. Although he was a quiet man, everyone who had the privilege to meet and know him was immediately made aware that he had a big heart and could see how much he cared for all those around him. He was a dedicated family man who was always there for his family—especially his two daughters, whom he adored.

Sergeant First Class Doster joined the Army in 1990, and his proud service will continue to live on and serve as an inspiration to the many soldiers who knew him and fought alongside him in combat. He served in the 2nd Battalion, 16th Infantry Regiment, 4th Infantry Brigade Combat Team, 1st Infantry Division, based at Fort Riley, Kansas. His bravery, courage and dedication to the Army are exemplified by his 17 years of service. He believed so deeply in the Army that he also served as a recruiter helping others gain the passion and sense of camaraderie, service and love of his country that he possessed.

SFC James Doster will forever be remembered as a hero, a son, a father and a husband. My deepest condolences go out to his wife, Amanda Doster; his two daughters, Kathryn and Grace; his mother, Billie Doster; and his brother, Rob Doster. He will be missed by his family, his community, his country and all those who knew him. I honor Sergeant First Class Doster for his bravery, his patriotism and his service and I will continue to keep his family in my deepest thoughts and prayers.

HONORING THE MEMORY OF JAMES JERRY BOYINGTON, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. BONNER. Madam Speaker, Baldwin County and indeed the state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to the memory of James Jerry Boyington, Sr.

Jerry Boyington, former State senator and Baldwin County commissioner, was a devoted family man and dedicated community leader throughout his life.

A native of Bay Minette and a longtime resident of Fairhope, Jerry was a decorated major in the U.S. Army and veteran of the Vietnam War, and he served his country with honor and distinction.

Jerry's legacy in Baldwin County and the State of Alabama will certainly be his hard work and dedication to the people of southwest Alabama. In addition to serving in the Alabama Senate and as chairman of the Baldwin County Commission, he also served as Baldwin County administrator and chief corrections officer for the Baldwin County sheriff's office.

Jerry's political savvy, combined with his many friendships in the legislature, helped county officials pass zoning legislation, which has proven critical to the county's growth.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout southwest Alabama. James Jerry Boyington Sr., will be deeply missed by his family—his wife, Linda Boyington; their daughter, Shanna Boyington; their sons, Chris Boyington and Clay Boyington; his brother, Curtis Boyington, his sisters, Lucille Adams, Foy Kusion, and Jewell Boyington, and two grandchildren, James J. Boyington, III, and Anna Boyington—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

THE COAST GUARD ACADEMY

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. COURTNEY. Madam Speaker, I rise today to discuss a very serious issue facing the Coast Guard Academy in New London, Connecticut.

On July 15, 2007 aboard the United States Coast Guard barque *Eagle* training vessel, a Third Class male minority cadet returned from watch to his stateroom to find a small noose in his bag. The next morning at an all-hands muster, the cadet stepped forward to show the entire crew the noose and make clear that he was offended by it. Although the person responsible could not be identified, the commander of the *Eagle* held an ''all hands'' meeting to outline the clear standards of conduct and expectations for Coast Guard cadets. The Academy followed up by conducting race-relations training for all cadets. Alarmingly, the officer conducting the training later found a noose in her office as well.

I recently had the opportunity to speak to the Commandant of the United States Coast Guard, Admiral Thad Allen, to express my concern over these incidents. Racism and hate have no place at our military academies, on our academic campuses or in our society. Our discussion made it clear to me that the Coast Guard takes this matter seriously, and is working to get to the root of the problem and identify the perpetrators. The Coast Guard Investigative Service is currently reviewing this matter and I am confident that they will do all they can to ensure that those responsible for these hateful acts are held accountable for their actions.

We must make clear that actions like this have no place at the Coast Guard Academy—a facility that is shaping future officers responsible for the protection of our nation. The image of the noose is an enduring symbol of the brutal lynching that occurred in the south during the civil rights era and its powerful effect should not be taken lightly nor its evocation tolerated. It is important that the Coast Guard, and our society, sends a strong message to these misinformed individuals that there is zero tolerance for racism and hate.

The Coast Guard Academy has always held the highest standard of academic excellence and world-class training for those who protect our shores. The Coast Guard's core values of honor, respect and devotion to duty are more than simple words—they are a way of life that the Academy strives to en grain in every cadet.

A vast majority of the cadets represent the best the Coast Guard and our nation have to offer: bright, dedicated young men and women who demonstrate tolerance and respect for each other, regardless of race or background. Those who do not meet the Coast Guard's core values simply have no place at its Academy.

CONGRATULATING MR. DENNIS HAHN

HON. W. TODD AKIN

OF ST. LOUIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. AKIN. Madam Speaker, I rise today to recognize and honor one of my constituents, Mr. Dennis Hahn. Dennis has been selected to receive the 2007 Freedoms Foundation at Valley Forge's George Washington Honor Medal. The Freedoms Foundation is a nonprofit organization dedicated to teaching young people the principles upon which our Nation was founded. They work to convey the close link between the rights and the responsibilities of citizens in society.

Dennis is a charter member of the St. Charles, Missouri chapter of the Fernando de Leyba, the Sons of the American Revolution, founded in 1997. He is a charter member and Vice President of the Missouri Postal History Society since 2001. Dennis is an active member and Treasurer at the First Baptist Church of St. Charles, Missouri, as well as Sunday school teacher, Chairman and member of numerous committees, current President of the school board, and member of the St. Charles City Economic Development Commission.

Dennis is married to Shirley Hahn, a public school teacher for the St. Charles school district. He is also the father of the three children and grandfather of five.

As one who has a deep and abiding love for American history and the patriots who have gone before us, I want to thank Dennis Hahn for his commitment to preserving our history and congratulate him for being selected for the 2007 George Washington Honor Medal.

RACINE PUBLIC LIBRARY

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. RYAN of Wisconsin. Madam Speaker, The Racine Public Library is to be commended for its years of service to the people of Racine, WI. On October 14, 2007, the library will celebrate 75 years of preschool storytime. The Junior League of Racine, which has sponsored the storytime since it began in 1932, and the Choral Arts Society of Southeastern Wisconsin have partnered to bring to the stage a musical version of the beloved children's classic, ''Julius, the Baby of the World.'' It will be performed for over 4,600 first- and second-grade students, and the event will celebrate both the Racine Public Library's commitment to children and Racine native and children's author Kevin Henkes. Participants in this great celebration include the Downtown Rotary Club, Friends of the Library, Hughes House, the Johnson Foundation, the Junior League of Racine, the Kiwanis Club of West Racine, Over Our Head Players, the Racine Community Foundation, and the Racine Public Library Endowment Fund. The Racine Public Library has the distinction of being the first in the Nation to present preschool storytime in 1932. Since then, the library has continued to pursue innovation and remains dedicated to children's programming.

INTRODUCTION OF FIRE PREVENTION WEEK RESOLUTION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. PASCRELL. Madam Speaker, I rise today to introduce a resolution to recognize October 7–13, 2007, as Fire Prevention Week and to highlight the commitment of the Congress and the American public to honoring the courageous service of firefighters, and to underscore the importance of public awareness of fire prevention and planning.

I am glad to be joined today in introducing this bipartisan resolution by Homeland Security Committee Chairman BENNIE THOMPSON, as well as Congressmen HENRY CUELLAR, PETER KING, CHARLIE DENT, and DAVE REICHERT.

America's firefighters have never wavered in their selfless commitment to preventing the loss of lives and property, and we must maintain our commitment to recognizing the service that they perform on our behalf.

I recognize that America's firefighters demonstrate heroism and fortitude not only through their responses to fire emergencies, of which there are over 1,600,000 per year, but also through their selfless support to communities affected by emergencies of all kinds.

Firefighters come to the aid of the communities they serve during fire emergencies, at the onset of natural disasters, in response to acts of terrorism, and in the wake of any events that threatens the lives and safety of the American public.

As we reflect each year on the bravery of firefighters who risk their lives in the line of duty, we also recognize the significant role of these individuals in providing medical care, responding to emergency rescue situations, and encouraging our communities to take measures to protect themselves from harm.

We traditionally have paired our appreciation for the honorable service of firefighters with our focus on educating the American public on fire safety methods, since the first Fire Prevention Week in 1922.

In closing, I urge the Congress to honor the sacrifices made by these courageous men and women by supporting this resolution.

HONORING LEE SENTELL AND THE ALABAMA BUREAU OF TOURISM AND TRAVEL FOR BEING NAMED THE BEST IN THE SOUTH

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. BONNER. Madam Speaker, today I rise to pay tribute to Mr. Lee Sentell and the Alabama Bureau of Tourism and Travel for being named the best in the South by the Southeast Tourism Society.

This is the third time in four years that Lee and his outstanding team of professionals have received this prestigious award. The department was nominated for its ''Year of Alabama'' Arts campaign.

The award winning food campaign of 2005 featured a brochure of ''100 Dishes to Eat in Alabama before You Die,'' which was selected as the best promotion in the country by the National Council of State Tourism Directors. In 2004, the agency was recognized for its garden campaign.

Alabama's tourism industry has continued to thrive under Lee Sentell's strong leadership. The industry's economic impact on the State's economy is expected to reach an all-time high of $9 billion in 2007. Last year, over 22.3 million people visited the State of Alabama, with my home area of Mobile and Baldwin counties among the 5 most visited counties.

Madam Speaker, I ask my colleagues to join with me in congratulating Mr. Sentell and all of those at the Alabama Bureau of Tourism and Travel for being named the best in the South by the Southeast Tourism Society. For these and all their accomplishments, I extend my heartfelt thanks for their continued service to the First Congressional District and the entire State of Alabama.

RECOGNIZING RALPH W. STURGES, MOHEGAN INDIAN CHIEF

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. COURTNEY. Madam Speaker, I rise today to recognize the life of Mohegan Indian Chief, Ralph W. Sturges. Chief Sturges died on September 30, 2007.

Chief Sturges was a renaissance man whose commitment to community and Nation knew no bounds. In 1938, following the devastation of the New England Hurricane, Chief Sturges contributed to cleanup and relief efforts in eastern Connecticut under the Civilian Conservation Corps (CCC). After his work in the CCC, Chief Sturges joined the Army's intelligence division, serving in World War II in New Guinea and the Philippines, ultimately earning a bronze star for his service. In subsequent years, he became the Director of Public Relations for New England divisions of the Salvation Army and a board member for the Directors for Connecticut Hospice.

In 1992, prior to federal recognition of the Mohegan Nation, he was elected ''Chief for Life'', which he dutifully filled until his passing on September 30, 2007. In 1994, his legacy was solidified with the federal recognition of the Mohegan Nation, a cause that he inherited from his mother and tirelessly saw through to fruition. In 1996, Chief Sturges secured development plans for the Mohegan Sun, which is now one of the world's largest and most successful casinos. At every step of the way, Chief Sturges was careful to reach out to his community and neighbors making the success of Mohegan Sun a harmonious addition to southeastern Connecticut.

In addition to his military accolades, philanthropy work, business endeavors, and leadership roles, Chief Sturges was a notable artist. His sculptures have graced the halls of the Connecticut State Capitol, Montville High School, and the Mohegan Sun.

While his passing brings sadness to the Connecticut community, his legacy and contributions will be remembered for generations to come. I ask my colleagues to join with me and my constituents to honor his life and offer condolences to his family.

CONGRATULATING MRS. JUNE LANZ

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. AKIN. Madam Speaker, I rise today to recognize and honor one of my constituents, Mrs. June C. Jablonsky Lanz. June has been selected as the 2006–2007 Freedoms Foundation ''Spirit of '76—American Patriot'' regional award. The Freedoms Foundation is a nonprofit organization dedicated to teaching young people the principles upon which our Nation was founded. They work to convey the close links between the rights and the responsibilities of citizens in society.

June is a thirty-nine-year member of the National Society of Daughters of the Revolution, DAR. As State Regent of the Missouri State Society of DAR, June successfully placed the 1809 Cold Water Cemetery on the U.S. Department of the Interior's Register of Historical Places and restored and rededicated the Madonna of the Trail Statue in Lexington, Missouri.

June is a member of the Missouri Historical Society, the Freedoms Foundation of Valley Forge and a Friend of the St. Louis Art Museum. She has published a history of Missouri State Society Daughters of the Revolution, which includes American Revolutionary Patriots reported buried in Missouri. She has provided this to the National Society DAR and other research facilities.

Married for 55 years, June and her husband, George Lanz, have four daughters and seven grandchildren.

As one who has a deep and abiding love for American history and the patriots who have gone on before us, I want to thank June Lanz for her commitment to preserving our history and congratulate her for being selected 2006–2007 Regional "Spirit of '76—Patriot".

TRIBUTE TO THE KNIGHTS OF COLUMBUS FATHER CAREY COUNCIL 1280

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. SIRES. Madam Spaker, I rise today in honor of the Knights of Columbus Father Carey Council 1280 of Carteret, New Jersey, which is celebrating its 100th anniversary on October 24, 2007. This fraternal organization has assisted thousands of Carteret residents with its volunteer work and served as vital support for members in need.

The Knights of Columbus, initially formed to help sick, disabled and needy members and their families, extended their work to assist others in their communities. In this spirit, in 1907, a group of 57 Catholic gentlemen established a council in the Borough of Carteret, New Jersey. The Father Carey Council 1280 was founded on November 24, and today, its 500 members continue to serve true to its principles of charity, unity, fraternity and patriotism.

The Father Carey Fourth Degree Assembly #0677 was later formed in 1947 to foster the spirit of patriotism in members and the community at large, as well as encourage active Catholic citizenship. To promote these ideals, the Father Carey Fourth Degree Color Corps was created, and actively participates in Carteret's parades and ceremonies, in addition to the borough's church communions, confirmations, and anniversary celebrations.

Today, the Father Carey Council continues to be active in the Carteret community by volunteering and assisting its sick, disabled, and needy, emulating its founding members. The Council hosts semi-annual blood drives, a youth free throw contest, and assists at veteran's hospitals. The Council also sponsors the Youth Squires Program, which gives Catholic young men the opportunity to learn the skills and attitudes of Catholic leadership. The Council's Buddy Group, created to engage the borough's mentally disabled community, hosts several yearly gatherings that include movie nights, dinner dances and holiday parties.

Please join me in congratulating the Knights of Columbus Father Carey Council 1280 of Carteret, New Jersey on their 100th anniversary. I also want to express my gratitude for their service to the residents of the Borough of Carteret.

TRIBUTE TO EDWARD KELLY ANSCHUTZ

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. GEORGE MILLER of California. Madam Speaker, I rise today with my colleagues Mrs. ELLEN O. TAUSCHER and Mr. JERRY MCNERNEY to pay tribute to the life of Mr. Edward Kelly Anschutz.

A third generation plumber, Kelly joined the United Association of Plumbers and Steamfitters Union Local 159 in 1967. After serving his apprenticeship and becoming a journeyman plumber, he was elected to serve as the Assistant Business Manager and eventually the Business Manager for the local for 13 years. He was so well respected; in his last term as Business Manager, he was elected without any opposition.

Kelly was courageous in his efforts to support his union brothers and sisters and their interests at every level. Whether working with a member or an employer, he was well respected and liked by all. Kelly was also a great personality; he had a wonderful sense of humor and truly enjoyed people.

While we realize words may do little to lessen the impact of this loss, we trust that the memories shared will help Kelly's family, friends, and union brothers and sisters realize the scope his influence had on working people and their families.

Madam Speaker, because of Mr. Anschutz's contributions to his community, it is proper for us, and it is my honor, to pay tribute to his life today.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. KLEIN of Florida. Madam Speaker, I would have voted on Wednesday, October 3, however I was unavoidably detained, and I would have voted "yes" on rollcall No. 934 and "yes" on rollcall No. 935.

TRIBUTE TO MRS. DORIS LOCKEY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. BRADY of Texas. I rise today to recognize an important milestone in the life of one of my constituents. Mrs. Doris Lockey has served as the manager of the Social Security Administration District Office in Conroe, Texas since 1986. This alone is noteworthy.

But October 22, 2007 will mark her 40th anniversary as an employee of the Social Security Administration. Starting out as an account number clerk in 1967, I doubt Mrs. Lockey thought she would still be serving her Nation today. Whenever the residents of Texas' 8th Congressional District need help with their social security benefits, Mrs. Lockey is the person they turn to. No matter how big or small the problem, Mrs. Lockey always makes herself personally available to help. This was most evident in the wake of Hurricanes Katrina and Rita when, along with her team, she helped numerous individuals and families with their benefits and so much more.

While after 40 years most people would be celebrating retirement and the chance to collect the benefits she has spent a lifetime overseeing, Mrs. Lockey shows no signs of slowing down. I know that the people she works with on a daily basis have learned from the dedication she has demonstrated over the years. And today I hope that all of our public servants and Americans appreciate the dedication she demonstrates on a daily basis.

Mrs. Lockey is not just defined by the work she does for the Federal Government but the impact she has on our community. She volunteers with numerous local organizations that make life in Montgomery County, Texas better. She just finished a term as the President of the Rotary Club of Conroe and has served on the boards of the local United Way and The Friendship Center's Committee on Aging. Still today, she serves on the United Way's Success by Six Leadership Committee and is a very active member of Longmire Road Church of Christ.

In knowing Mrs. Lockey, what I find impressive is the fact that she takes the time to mentor a local child at Runyan Elementary School every week. The stories she is able to tell, the life lessons she is able to impart to young children provide our youth with a tremendous opportunity.

Today, I join with her family and friends, Southeast Texas, her colleagues at Social Security Administration offices in Conroe, Houston, Pasadena and Galveston, the American people and my colleagues in Congress to mark Mrs. Doris Lockey's 40th anniversary as an employee of the Social Security Administration. I am honored to recognize her amazing contributions and offer my best wishes and encouragement as she continues a life of public service with the Federal Government and her numerous volunteer activities.

EXPRESSING SENSE OF CONGRESS REGARDING THE IMMEDIATE AND UNCONDITIONAL RELEASE OF DAW AUNG SAN SUU KYI

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2007

Mr. KENNEDY. Madam Speaker, the horrific violations of human rights in Burma have alarmed leaders in the United States and around the world. When repressed people across the globe cry out for help, America has an obligation to lead the calls for justice and equality. In Burma, a nation with a long history of egregious human rights violations, a repressive regime has cracked down on civil liberties and peaceful protests. The State Peace and Development Council, a military junta and illegitimate ruling party, has brutally cracked down on dissidents using rape and murder as their tools of terror. Now, leaders of the legitimately elected opposition, lead by Daw Aung San Suu Kyi, face increased violence and incarcerations. This bipartisan resolution expresses Congress's support for the immediate release of Daw Aung San Suu Kyi and restoration of democracy in Burma. I believe the United Nations should swiftly act in response to this dangerous and growing threat in Southeast Asia. As the world watches the events in Burma, the United States must take a firm leadership role to speak for the voices that have been silenced by repression and make perfectly clear that this brutality will not be tolerated.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on September 25. If I were present for rollcall votes, I would have voted ''yea'' on each of the following bills:

Roll 895, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H.R. 1400, To enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran, and for other purposes.

Roll 896, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H. Res. 584: Supporting the goals and ideals of ''National Life Insurance Awareness Month.''

Roll 897, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H. Con. Res. 210: Supporting the goals and ideals of Sickle Cell Disease Awareness Month.

Roll 898, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H. Res. 663: Supporting the goals and ideals of Veterans of Foreign Wars Day.

Roll 899, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H. Res. 548: Expressing the ongoing concern of the House of Representatives for Lebanon's democratic institutions and unwavering support for the administration of justice upon those responsible for the assassination of Lebanese public figures opposing Syrian control of Lebanon.

Roll 900, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H. Res. 642: Expressing sympathy to and support for the people and governments of the countries of Central America, the Caribbean, and Mexico which have suffered from Hurricanes Felix, Dean, and Henriette and whose complete economic and fatality toll are still unknown.

Roll 901, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H. Res. 557: Strongly condemning the United Nations Human Rights Council for ignoring severe human rights abuses in various countries, while choosing to unfairly target Israel by including it as the only country permanently placed on the Council's agenda.

Roll 902, September 25, 2007: On Motion to Table the Motion to Appeal the Ruling of the Chair.

Roll 903, September 25, 2007: On Ordering the Previous Question. H. Res. 675—Rule providing for consideration of the SCHIP bill.

Roll 904, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H. Res. 675—Rule providing for consideration of the SCHIP bill.

Roll 905, September 25, 2007: On Motion to Suspend the Rules and Agree to the Resolution. H. Res. 95—Expressing the sense of the House of Representatives supporting the goals and ideals of Campus Fire Safety Month, and for other purposes.

TRIBUTE TO STAFF SERGEANT ROBERT J. FLOOD

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. SHUSTER. Madam Speaker, I rise today to honor Staff Sergeant Robert J. Flood, a fallen WWII veteran whose remains have finally been returned home to Chambersburg, PA. Robert Flood was killed in Germany in July 1944, when his plane was lost during a bombing raid on an aircraft factory in Bernburg. For 63 years, Robert Flood and his crew were unaccounted for.

Flood was only 22 years old at the time of his death. Prior to his service in WWII as a member of the U.S. Army Air Corps, Sgt. Flood was employed at the Letterkenny Army Depot in Chambersburg, Franklin County PA; a facility that remains active today in support of our current war against Al-Qaeda.

Sgt. Flood was injured in England in 1944 when his plane crash landed after running out of fuel. After recovering from his injuries he was assigned to another bomber, which was lost during the air raid in Germany. The fate and final resting place of Sgt. Flood and his crew remained unknown until 4 years ago when pieces of his plane and the remains of its crew were discovered in a field in Germany. Thankfully, through DNA testing, the identities of the crew were finally revealed, allowing Sgt. Flood to return home.

Robert Flood's name is engraved on the Wall of the Missing at the American Cemetery in Belgium. He was posthumously awarded the Purple Heart with a Presidential Accolade in 1945. Sgt. Robert Flood is survived by one brother and several nieces and nephews. His return home brings comfort and relief to his family, who went years without information about his death. Madam Speaker, Robert Flood dedicated his life to serving his country. His homecoming is a solemn reminder of the sacrifices our soldiers make in service to our Nation. Our thoughts are with his family, his fellow WWII veterans, and members of his community. Another soldier has been brought home.

HONORING BRANDON THORSEN OF TRENTON, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an American soldier who gave his life in service to our Nation.

Army PFC Brandon T. Thorsen of Trenton, Florida, was killed by a gunshot while serving on guard duty in Baghdad, Iraq. Private First Class Thorsen is survived by his mother Susan Hostutler of New York, father Donald Thorsen of Trenton, Florida, sisters Sharony Sheldon of Spring Hill, Florida, and Amber Gay of Trenton, Florida, brother Dereck Hardyman of Gainesville, Florida, and his fiancée, Chana Gilbert of Newberry, Florida.

Growing up in Levy County, Brandon attended Chiefland High School, where he was remembered as an outgoing and charming young man with a great sense of humor. A defensive lineman and left tackle on the football team, Brandon played an important role in the team's success during the 2003 season. A lover of the outdoors, hunting and fishing, Brandon had plans to join the Florida Fish and Wildlife Conservation Commission as a game warden following his 4-year commitment to the Army.

Graduating Chiefland High School in 2005, Brandon fulfilled his ambition to serve the United States military when he was assigned to the 1st Cavalry 2nd Battalion following his enlistment. Inspired by the events of September 11, Brandon completed basic training at Ft. Benning in Georgia, and then went to Ft. Bliss in Texas for his combat infantry training prior to his service in Baghdad that began in November 2006.

Madam Speaker, it is soldiers like PFC Brandon Thorsen who have volunteered to protect the freedoms that all Americans hold dear. While brave men and women like Brandon have perished in the name of freedom and liberty, his family, friends and loved ones should know that this Congress will never forget his sacrifice and commitment.

TRIBUTE TO THE 50TH ANNIVERSARY OF AQUINAS HIGH SCHOOL

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. GINGREY. Madam Speaker, I rise today in recognition of the 50th Anniversary of Aquinas High School in Augusta, Georgia. For the last 50 years Aquinas High School has taught moral and ethical standards, skills for living and self esteem, and a Christian integration of spirit, mind, and body in each of its students. As a proud graduate of Aquinas I would like to I take this opportunity to congratulate the school on its 50th Anniversary and mention how this great institution has affected my life.

After graduating, I thought it would be Aquinas' strong academic curriculum that would be most beneficial towards my future aspirations. However, I must admit that I was wrong, While the strenuous academics at Aquinas laid the foundation that prepared me for success at Georgia Tech and The Medical College of Georgia, it was the faith and ethical standards taught at Aquinas that truly prepared me for life's struggles.

While opening and running my medical practice the respect for life taught at Aquinas led me to value and care for life at all stages, from conception on. Now that I have left my medcal career to serve as a Member of Congress I find my lessons from Aquinas more valuble than ever. On a daily basis I am confronted by difficult questions that affect millions of lives. If it were not for the moral standards and faith in God taught at Aquinas, I do not believe that I could fully represent the people of Georgia's 11th District.

Knowing the positive impact that Aquinas High School has had on my life as well as thousands of others, I stand today to thank Aquinas for its work over the last 50 years and wish it continued success in the next 50 years.

TRIBUTE TO THE NATIONAL HISPANIC UNIVERSITY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, I rise to honor the ''National Hispanic University on the occasion of its 25th anniversary.

I have the pleasure of representing one of the most diverse cities in America and in California—San Jose. Along with the rich diversity of the people, culture and traditions in San Jose is a firm commitment to higher education. This commitment stems not only from our mantle of being the ''Capital of Silicon Valley,'' but also from a strong tradition of excellence in collegiate education, as demonstrated through our world renowned University of California and California State University systems.

The National Hispanic University was established in 1981 to serve the needs of Hispanics, women, other minorities and other learners. Although programs through the UC and CSU systems attempted to address the burgeoning numbers of minorities who needed higher education, and many Latinos benefited from these initiatives in the 1970s and 1980s, the gap between Hispanics and others continued to widen.

The National Hispanic University, NHU, was founded after extensive research about the success rate and high quality of education provided by historically black colleges and universities that graduated (and still do today) almost half of the African American professionals in American society. NHU believed that a small private independent college could make a difference in the graduation of Hispanic professionals in education, technology, and business.

Dr. B. Roberto Cruz, the founding President of NHU and its academic visionary for 22 years, paved the pathway of success for NHU. Although he is no longer with us, his spirit and firm commitment is the driving force behind the establishment of the University and his spirit remains today in the halls and classrooms of NHU.

NHU's current president, Dr. David P. Lopez, along with the Board of Trustees and Advisors, are continuing in Dr. Cruz's spirit to ensure that the University remains committed to its standards of excellence and the core values of its foundation that made it the fine institution of higher education it is today.

It is my distinct pleasure to congratulate the National Hispanic University on its 25th anniversary and wish it many more years of continued success.

CELEBRATING THE MCA'S 40TH ANNIVERSARY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. EMANUEL. Madam Speaker, I rise today to commemorate the 40th anniversary of the Museum of Contemporary Art, MCA, in Chicago. Since opening its doors in October 1967, the MCA has served as a home and artistic outlet for modern day artists.

Through photography, performance, painting, sculptures, and video and film, the Museum houses modern visionaries' ideas and passions. Visitors to the museum are able to witness artistic interpretations of the cultural, social, and historical highlights of our time. As one of the largest modern art museums in the country, the MCA is a place where the public can be informed, educated, and stimulated by the creative process.

Its opening in 1967 gave Chicago and its visitors access to artwork from modern day artists. Dan Flavin, an American minimalist, and Mexican artist Frida Kahlo displayed their first solo exhibitions at the MCA. The MCA was also the first American museum to exhibit the work of Spanish artist Antoni Tapies. The museum also houses the works of American artist Jeff Koons and American photographer Robert Mapplethorp and many others. Recently, the MCA has exhibited the works of photographer Wolfgang Thilmans, American minimalist Richard Tuttle, and Chicago-based cartoonist Chris Ware.

In 2006 the MCA received the Arts Presenters/MetLife Foundation Award for Excellence in Arts Access. The MCA's commitment to providing access to art for people with disabilities has established the MCA as an institution which embraces artistic talent from all people.

Madam Speaker, I am thrilled to celebrate the 40th anniversary of this institution. I would like to thank the Museum of Contemporary Art for their contributions to Chicago's outstanding cultural tradition, and I congratulate every one of the artists and employees that has made their 40 years possible. I look forward to more decades of outstanding exhibits at the Museum of Contemporary Art in Chicago.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. BECERRA. Madam Speaker, on Thursday, September 18, 2007 and Wednesday, October 3, 2007, I was unable to cast my floor vote on rollcall votes 873 and 935.

Had I been present for the votes, I would have voted ''aye'' for rollcall vote 935, and ''nay'' on rollcall vote 873.

RECOGNIZING THE IMPORTANCE OF BREAST CANCER AWARENESS MONTH

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 2007

Mr. HINOJOSA. Madam Speaker, I rise today to comment on Breast Cancer Awareness Month. Thousands of women everyday face a daunting fight against this disease. This is a time to recognize this modem-day medical challenge affecting so many women and their families.

The medical professionals who assist women through early detection or treatment should be highly commended this month. This is why it is important to congratulate medical partners such as Knapp Medical Center in Weslaco, TX in my Congressional District.

This Thursday, October 4, Knapp will conduct a Women's Health Fair as part of Breast Cancer Awareness Month. It is through community awareness of prevention, screening, treatment, and support that women are beating breast cancer every year. Every woman is at risk and this Health Fair is particularly valuable in the existing health care climate when projections estimate that over 40,000 women will die from breast cancer this year. Events such as this during Breast Cancer Awareness Month are essential.

The increasing success stories of 2 million women survivors every year show that these events empower women to find out how to care for themselves and, by extension, their families and communities through utilizing cancer screening methods effectively. Knapp Medical Center is helping the predominantly Hispanic community in my South Texas region with this Health Fair since late detection among Hispanic women is a serious concern. Breast cancer is the leading cause of cancer death among Hispanic women and the second most commonly diagnosed among this group of women.

I commend Knapp Medical Center and the American Cancer Society and their exceptional doctors, nurses, and staff for hosting this free public educational event. I urge every American to learn about breast cancer and encourage their mothers, daughters, and wives to get checked and become informed about the best preventive practices. Finally, during this important month I applaud all the efforts of America's doctors and researchers who greatly contribute to the success stories of our courageous women who live with and beat breast cancer.

Daily Digest

HIGHLIGHTS

Senate agreed to S. Con. Res. 49, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S12695–S12828

Measures Introduced: Twenty bills and two resolutions were introduced, as follows: S. 2137–2156, S. Res. 344, and S. Con. Res. 49. **Pages S12774–75**

Measures Reported:

S. 221, to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts. (S. Rept. No. 110–190)

S. 453, to prohibit deceptive practices in Federal elections, with an amendment in the nature of a substitute. (S. Rept. No. 110–191)

H. Con. Res. 193, recognizing all hunters across the United States for their continued commitment to safety.

S. Res. 326, supporting the goals and ideals of a National Day of Remembrance for Murder Victims.

S. 1640, 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.

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.

S. Con. Res. 39, supporting the goals and ideals of a world day of remembrance for road crash victims. **Page S12774**

Measures Passed:

Adjournment Resolution: Senate agreed to S. Con. Res. 49, providing for a conditional adjournment or recess of the Senate. **Page S12702**

Ban Asbestos in America Act: Senate passed 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, after agreeing to the committee amendment in the nature of a substitute, and the following amendments proposed thereto: **Pages S12728–37**

Murray Amendment No. 3257, of a perfecting nature. **Page S12731**

Murray Amendment No. 3258, to amend the title. **Page S12731**

Vessel Hull Design Protection Amendments: Senate passed S. 1640, 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. **Page S12826**

Commending the Government of Germany: Senate agreed to 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. **Page S12826**

Arctic Ocean Migratory and Transboundary Fish Stocks: Senate agreed to 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. **Pages S12826–27**

Road Crash Victims Remembrance Day: Senate agreed to S. Con. Res. 39, supporting the goals and ideals of a world day of remembrance for road crash victims. **Pages S12826–27**

Measures Considered:

Commerce and Justice, and Science Appropriations Act—Agreement: Senate began consideration of 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, taking action on the following amendments proposed thereto: **Pages S12702–28, S12737–53**

Adopted:

Mikulski/Shelby Amendment No. 3211, in the nature of a substitute. (By unanimous consent, the

amendment will be considered as original text for the purpose of further amendment.) **Page S12702**

Mikulski Amendment No. 3216, 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. **Pages S12707–08**

Mikulski Amendment No. 3215, to require reporting regarding the costs of conferences held by the Department of Justice. **Pages S12706–07, S12717**

Shelby/Mikulski Amendment No. 3231, to improve the working conditions for the United States Marshal's Service. **Page S12711**

Mikulski (for Menendez) Amendment No. 3220, to provide additional funding for juvenile mentoring programs. **Pages S12711–12**

Mikulski (for Dorgan) Amendment No. 3227, to provide adequate funding for the Drug Courts program. **Page S12712**

Mikulski Amendment No. 3233, to provide additional funding for the Office on Violence Against Women. (Subsequent to its adoption, a unanimous-consent agreement was reached providing that the amendment be modified). **Pages S12713, S12748–49**

Mikulski (for Coburn) Amendment No. 3230 (to Amendment No. 3215), to ensure Department of Justice conference spending does not fund excessive junkets, lavish meals, or organizations linked to terrorism. **Page S12717**

Mikulski (for Domenici) Modified Amendment No. 3213, to increase the number of Deputy United States Marshals assigned to work on immigration-related matters. **Pages S12720–21**

Mikulski (for Landrieu) Amendment No. 3222, to provide for hiring additional conciliators for the regional offices of the Community Relations Service of the Department of Justice. **Page S12722**

Mikulski (for Bingaman) Modified Amendment No. 3210, to conduct a study regarding investments in intangible assets. **Pages S12722–23**

Mikulski (for Murray) Modified Amendment No. 3219, to ensure FBI work force is properly allocated to meet the FBI's mission requirements and priorities. **Page S12723**

Landrieu Amendment No. 3223, 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. **Pages S12741–42**

Mikulski Amendment No. 3250, 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. **Pages S12723–28, S12739–41, S12748**

Mikulski (for Murray) Modified Amendment No. 3218, to provide funds for a Northern Border Prosecutor Initiative. **Pages S12749–50**

Mikulski (for Reid) Amendment No. 3225, 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. **Page S12750**

Mikulski Amendment No. 3268, to provide funds for science, engineering, technology, and mathematics-related activities. **Page S12750**

Rejected:

Coburn Amendment No. 3243, to provide $1,680,000 to investigate and prosecute unsolved civil rights crimes in a fiscally responsible manner by prioritizing spending. (By 61 yeas to 31 nays (Vote No. 363), Senate tabled the amendment). **Pages S12742–47**

Withdrawn:

Dorgan Amendment No. 3240, to increase funding for crime control and methamphetamine abuse projects for Indians, with an offset. **Pages S12747–48**

Pending:

Inouye Amendment No. 3214, 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. **Pages S12709–11**

Casey (for Biden) Amendment No. 3256, to appropriate an additional $110,000,000 for community-oriented policing services and to provide a full offset for such amount. **Page S12749**

Brown Amendment No. 3260, 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. **Pages S12750–53**

A unanimous-consent agreement was reached providing that all first-degree amendments to the bill be filed at the desk by 2:30 p.m., on Monday, October 15, 2007. **Pages S12827–28**

A unanimous-consent agreement was reached providing that Senate resume consideration of the bill at 3 p.m., on Monday, October 15, 2007. **Pages S12827–28**

Authority for Committees—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, all committees be authorized to file legislative and executive reports on Tuesday, October 9, 2007 from 12 noon until 3 p.m. **Page S12825**

Authorizing Leadership To Make Appointments—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate 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. **Page S12826**

Second Reading—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the pro forma session of the Senate on Friday, October 5, 2007, that 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 H.R. 2740, to require accountability for contractors and contract personnel under Federal contracts, be considered as having received a second reading, and placed on the Calendar. **Page S12827**

Nominations Confirmed: Senate confirmed the following nominations:

Roslynn Renee Mauskopf, of New York, to be United States District Judge for the Eastern District of New York.

Patrick P. Shen, of Maryland, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

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.

Sharion Aycock, of Mississippi, to be United States District Judge for the Northern District of Mississippi.

Richard A. Jones, of Washington, to be United States District Judge for the Western District of Washington.

Jennifer Walker Elrod, of Texas, to be United States Circuit Judge for the Fifth Circuit.

James Russell Dedrick, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Robert Charles Tapella, of Virginia, to be Public Printer.

Paul J. Hutter, of Virginia, to be General Counsel, Department of Veterans Affairs.

Donald M. Kerr, of Virginia, to be Principal Deputy Director of National Intelligence.

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. **Pages S12753–62, S12825, H12828**

Messages from the House: **Page S12773**

Measures Referred: **Page S12773**

Measures Placed on the Calendar: **Pages S12695–96, S12773**

Measures Read the First Time: **Pages S12773, S12827**

Enrolled Bills Presented: **Page S12773**

Executive Communications: **Pages S12773–74**

Executive Reports of Committees: **Page S12774**

Additional Cosponsors: **Pages S12775–76**

Statements on Introduced Bills/Resolutions: **Pages S12776–87**

Additional Statements: **Pages S12771–73**

Amendments Submitted: **Pages S12787–S12811**

Notices of Hearings/Meetings: **Page S12811**

Authorities for Committees to Meet: **Pages S12811–12**

Privileges of the Floor: **Page S12812**

Text of H.R. 3222 as Previously Passed: **Pages S12812–25**

Record Votes: One record vote was taken today. (Total—363) **Page S12747**

Adjournment: Senate convened at 9 a.m. and adjourned at 7:32 p.m., until 9:30 a.m. on Friday, October 5, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S12827–28.)

Committee Meetings

(Committees not listed did not meet)

SUBPOENA ISSUANCE

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies approved authorizing a subpoena for the testimony of Robert E. Murray, Chairman, President and Chief Executive Officer of Murray Energy, Inc., related to the Crandall Canyon Mine Disaster in Utah.

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of Douglas A. Brook, of California, to be an Assistant Secretary of the Navy, John J. Young, Jr., of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics, who was introduced by Senators Stevens and Inouye, and Robert L. Smolen, of Pennsylvania, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration, after the nominees testified and answered questions in their own behalf.

INDUSTRIAL LOAN COMPANIES

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the regulation and supervision of industrial loan companies, financial institutions in the United States that lend money, and may be owned by non-financial institutions, after receiving testimony from Scott G. Alvarez, General Counsel, Board of Governors of the Federal Reserve System; John F. Bovenzi, Chief Operating Officer and Deputy to the Chairman, Federal Deposit Insurance Corporation; Scott M. Polakoff, Senior Deputy Director, Office of Thrift Supervision, Department of the Treasury; Erik Sirri, Director, Division of Market Regulation, U.S. Securities and Exchange Commission; G. Edward Leary, Utah Commissioner of Financial Institutions, Salt Lake City; Edward L. Yingling, American Bankers Association, Arthur E. Wilmarth, Jr., George Washington University Law School, and Peter J. Wallison, American Enterprise Institute, all of Washington, D.C.; Marc E. Lackritz, Securities Industry and Financial Markets Association, New York, New York; Brigid Kelly, United Food and Commercial Workers International Union, Monroe, Ohio; and Jagjit Singh, Transportation Alliance Bank, Ogden, Utah, on behalf of the Utah Association of Financial Services.

NATION'S SEAPORTS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the security of our nation's seaports, focusing on the SAFE Port Act (Public Law 109–347), after receiving testimony from Rear Admiral David Pekoske, Assistant Commandant for Operations, United States Coast Guard, Maurine Fanguy, Program Director, Transportation Security Administration, and Thomas S. Winkowski, Assistant Commissioner, Office of Field Operations, United States Customs and Border Protection (CBP), all of the Department of Homeland Security; Stephen L. Caldwell, Director, Homeland Security and Justice Issues, Government Accountability Office; and Anthony Coscia, Port Authority of New York and New Jersey, New York, New York.

CONSUMER PRODUCT SAFETY COMMISSION REFORM

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Affairs, Insurance, and Automotive Safety concluded a hearing to examine S. 2045, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, after receiving testimony from Senator Durbin; Nancy A. Nord, Acting Chairman, and Thomas H. Moore, Commissioner, both of the U.S. Consumer Product Safety Commission; Edmund Mierzwinski, U.S. Public Interest Research Group, Travis Plunkett, Consumer Federation of America, Alan Korn, Safe Kids USA, and Joseph M. McGuire, Association of Home Appliance Manufacturers, on behalf of the National Association of Manufacturers, all of Washington, D.C.; and Al Thompson, Retail Industry Leaders Association, Arlington, Virginia.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following:

An original bill entitled, "The Heartland, Habitat, Harvest, and Horticulture Act of 2007"; and

A bill to implement the United States-Peru Trade Promotion Agreement.

LAW OF THE SEA TREATY

Committee on Foreign Relations: Committee concluded a hearing to examine the United Nations Convention on the Law of the Sea, with Annexes, done at Montego Bay, December 10, 1982 (the "Convention"), and the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, with Annex, adopted at New York, July 28, 1994 (the Agreement"), and signed by the United States, subject to ratification, on July 29, 1994 (Treaty Doc. 103–39), after receiving testimony from Admiral Vernon

Clark, USN (Ret.), former Chief of Naval Operations, Phoenix, Arizona; Bernard H. Oxman, University of Miami School of Law, Miami, Florida; Frank J. Gaffney, Jr., Center for Security Policy, Fred Smith, Competitive Enterprise Institute, and Joseph J. Cox, Chamber of Shipping of America, all of Washington, D.C.; Paul L. Kelly, Rowan Companies, Inc., Houston, Texas, on behalf of sundry organizations; and Douglas R. Burnett, North American Submarine Cable Association (NASCA), New York, New York.

OVERSEAS INFECTIOUS DISEASE SURVEILLANCE

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine forestalling the coming pandemic, focusing on infectious disease surveillance overseas including the obligations, goals, and activities of these programs, and the United States agencies' monitoring of the programs' progress, after receiving testimony from David Gootnick, Director, International Affairs and Trade, Government Accountability Office; Ray Arthur, Director, Global Disease Detection Operations Center, Centers for Disease Control and Prevention, Department of Health and Human Services; Kimothy Smith, Acting Director, National Biosurveillance Integration Center, Chief Scientist, Office of Health Affairs, Department of Homeland Security; Colonel Ralph L. Erickson, USA, Director, Emerging Infectious Disease Surveillance and Response System, Department of Defense; Kent R. Hill, Assistant Administrator for Global Health, U.S. Agency for International Development; Nathan Flesness, International Species Information System, Apple Valley, Minnesota; Daniel A. Janies, The Ohio State University Department of Biomedical Informatics, Columbus; and James M. Wilson, Georgetown University Imaging Science and Information Systems Center, Washington, D.C.

DEPARTMENT OF THE INTERIOR BACKLOGS

Committee on Indian Affairs: Committee concluded an oversight hearing to examine the backlogs at the Department of the Interior, focusing on land into trust applications, environmental impact statements, probate, and appraisals and lease approvals, after receiving testimony from Carl J. Artman, Assistant Secretary of the Interior for Indian Affairs; Ron His Horse Is Thunder, Standing Rock Sioux Tribe, Fort Yates, North Dakota; William R. Rhodes, Gila River Indian Community, Sacaton, Arizona; Frank Bigelow, Madera County, Madera, California; Douglas Nash, Seattle University School of Law Institute for Indian Estate Planning and Probate, Seattle, Washington; and Robert Chicks, Stockbridge Munsee Band of Mohican Indians, Bowler, Wisconsin, on behalf of the National Congress of American Indians.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following:

S. 1640, 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;

S. 2035, to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, with amendments;

S. Res. 326, supporting the goals and ideals of a National Day of Remembrance for Murder Victims;

H. Con. Res. 193, recognizing all hunters across the United States for their continued commitment to safety; and

The nominations of Thomas P. O'Brien, to be United States Attorney for the Central District of California, Edward Meacham Yarbrough, to be United States Attorney for the Middle District of Tennessee, and Robert M. Dow, Jr., to be United States District Judge for the Northern District of Illinois.

HOMETOWN HEROES SURVIVORS BENEFITS ACT

Committee on the Judiciary: Committee concluded a hearing to examine the implementation of the Hometown Heroes Survivors Benefits Act, (Public Law 108–182) and S. 459, to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations, after receiving testimony from Domingo S. Herraiz, Director, Bureau of Justice Assistance, Office of Justice Programs, Department of Justice; Athena Schwantes, National Fallen Firefighter's Foundation, Fayetteville, Georgia; Jo Ann Tilton, Katy, Texas; and Susan Falkouski, Rensselaer, New York.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 26 public bills, H.R. 3745–3771; 1 private bill, H.R. 3772; and 10 resolutions, H.J. Res. 56–57; H. Con. Res. 226–228; and H. Res. 711–715 were introduced. **Pages H11314–16**

Additional Cosponsors: **Pages H11316–17**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative Ross to act as Speaker Pro Tempore for today. **Page H11253**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Dr. Clay Evans, Pastor Emeritus, Fellowship Missionary Baptist Church, Chicago, Illinois. **Page H11254**

MEJA Expansion and Enforcement Act of 2007: The House passed H.R. 2740, to require accountability for contractors and contract personnel under Federal contracts, by a recorded vote of 389 ayes to 30 noes, Roll No. 940. Consideration of the measure began on Wednesday, October 3rd. **Pages H11261–67**

Agreed to the Forbes motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 342 yeas to 75 nays, Roll No. 939. Subsequently, Representative Conyers reported the bill back to the House with the amendment and the amendment was agreed to. **Page H11266**

H. Res. 702, the rule providing for consideration of the bill, was agreed to on Wednesday, October 3rd.

Regional Economic and Infrastructure Development Act of 2007: The House passed H.R. 3246, 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, by a yea-and-nay vote of 264 yeas to 154 nays, Roll No. 946. **Pages H11259–61, H11267–68, H11270–87**

Rejected the Jordan motion to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the same back to the House promptly with an amendment, by a yea-and-nay vote of 201 yeas to 218 nays, Roll No. 945. **Page H11284**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment printed in H. Rept. 110–361, shall be considered as adopted. **Page H11275**

H. Res. 704, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 227 yeas to 188 nays, Roll No. 942, after agreeing to order the previous question by a yea-and-nay vote of 224 yeas to 194 nays, Roll No. 941. **Pages H11267–68**

Adjournment Resolution: The House agreed to S. Con. Res. 49, providing for a conditional adjournment or recess of the Senate. **Page H11287**

Mortgage Forgiveness Debt Relief Act of 2007: The House passed H.R. 3648, to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, by a recorded vote of 386 ayes to 27 noes, Roll No. 948. **Pages H11255–59, H11268–70, H11287–98**

Rejected the Cantor motion to recommit the bill to the Committee on Ways and Means with instructions to report the same back to the House promptly with an amendment, by a yea-and-nay vote of 201 yeas to 212 nays with 1 voting "present", Roll No. 947 **Pages H11296–97**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in H. Rept. 110–360, shall be considered as adopted. **Page H11288**

H. Res. 703, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 222 yeas to 193 nays, Roll No. 944, after agreeing to order the previous question by a yea-and-nay vote of 223 yeas to 194 nays, Roll No. 943. **Pages H11255–59, H11269–70**

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, October 10th. **Page H11300**

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 3 p.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, October 9th for morning hour debate. **Page H11300**

Senate Messages: Messages received from the Senate today appear on pages H11253–54 and H11287.

Senate Referrals: S. Con. Res. 45 was referred to the Committee on Oversight and Government Reform and S. 2106 was referred to the Committee on the Judiciary. **Page H11313**

Quorum Calls—Votes: Eight yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H11266, H11267, H11267–68, H11268, H11269, H11269–70, H11286, H11287, H11297 and H11297–98. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:43 p.m.

Committee Meetings

U.S. AGRICULTURE LABOR NEEDS

Committee on Agriculture: Held a hearing to review the labor needs of American agriculture. Testimony was heard from public witnesses.

ROLE OF DOD IN IRAQ/AFGHANISTAN RECONSTRUCTION

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on the role of the Department of Defense in Provincial Reconstruction Teams in Afghanistan and Iraq. Testimony was heard from the following officials of the Department of Defense: Mitchell Shivers, Deputy Assistant Secretary, Central Asia Affairs, Office of the Secretary (Policy); MG Bobby J. Wilkes, USAF, Deputy Director, Politico-Military Affairs (Asia), Strategic Plans and Policy, The Joint Staff; Mark Kimmit, Deputy Assistant Secretary, Near Eastern and South Asian Affairs, Office of the Secretary; and COL (Promotable) Ralph O. Baker, USA, Deputy Director, Politico-Military Affairs (Middle East), Strategic Plans and Policy, The Joint Staff.

FEDERAL TAB—COMMERCIAL NUCLEAR WASTE

Committee on the Budget: Held a hearing on Issues in Federal Government Financial Liabilities: Commercial Nuclear Waste. Testimony was heard from Kim P. Cawley, Unit Chief, Natural and Physical Resources Cost Estimates Unit, CBO; Edward F. Sproat, III, Director, Office of Civilian Radioactive Waste Management, Department of Energy; and Michael F. Hertz, Deputy Assistant Attorney General, Civil Division, Department of Justice.

401(k) FAIR DISCLOSURE FOR RETIREMENT SECURITY ACT OF 2007

Committee on Education and Labor: Held a hearing on H.R. 3185, 401 (k) Fair Disclosure for Retirement Security Act of 2007. Testimony was heard from Bradford P. Campbell, Assistant Secretary, Employee Benefits Security Administration, Department of Labor; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Environment and Hazardous Materials held a hearing on the following bills: H.R. 1055, Toxic Right-to-Know Protection Act; and H.R. 1103, Environmental Justice Act of 2007. Testimony was heard from the following officials of the EPA: Granta Y. Nakayama, Assistant Administrator, Office of Environment and Compliance Assurance; Wade Najjum, Assistant Inspector General for Program Evaluation; and Molly O'Neill, Assistant Administrator, Office of Environmental Information; Thomas M. Sullivan, Chief Counsel, Office of Advocacy, SBA; John B. Stephenson, Director, Natural Resources and Environment; Nancy Wittenberg, Assistant Commissioner, Department of Environmental Protection, State of New Jersey; and public witnesses.

U.S. BIO-LABORATORY SAFETY/SECURITY

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "Germs, Viruses, and Secrets: The Silent Proliferation of Bio-Laboratories in the United States." Testimony was heard from Keith Rhodes, Chief Technologist, Center for Technology and Engineering, GAO; from the following officials of the Department of Health and Human Services: Richard Besser, M.D., Director, Coordinating Office for Terrorism Preparedness and Emergency Response; Robbin S. Weyant, Director, Division of Select Agents and Toxins, and Casey Chosewood, M.D., Director, Office of Health and Safety, Office of the Director, all with the Centers for Disease Control and Prevention; and Hugh Auchincloss, M.D., Deputy Director, National Institute of Allergy and Infestious Diseases, NIH; and public witnesses.

REAUTHORIZATION—MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled "Reauthorization of the McKinney-Vento Homeless Assistance Act." Testimony was heard from Senators Reed and Allard; John McKinney, Senator, State of Connecticut; and public witnesses.

AFGHAN COUNTERNARCOTICS/POLICE TRAINING

Committee on Foreign Affairs: Subcommittee on Middle East and South Asia held a hearing on Counternarcotics Strategy and Police Training in Afghanistan. Testimony was heard from Thomas Schweich, Coordinator for Counternarcotics and Justice Reform in Afghanistan, Department of State; and a public witness.

OVERSEAS COUNTERTERRORISM COORDINATION

Committee on Homeland Security: Subcommittee on Border, Maritime and Global Counterterrorism held a hearing entitled ''Homeland Security Beyond Our Borders: Examining the Status of Counterterrorism Coordination Overseas.'' Testimony was heard from Michael E. Leiter, Principal Deputy Director, National Counterterrorism Center; the following officials of the Department of Homeland Security: Ambassador Marisa R. Lino, Assistant Secretary, International Affairs, and Gary L. Cote, Deputy Assistant Director, Immigration and Customs Enforcement; Edgar Moreno, Assistant Director, Domestic Operations, Bureau of Diplomatic Security, Department of State; and Thomas V. Fuentes, Assistant Director, Office of International Operations, Legal Attache Program, FBI, Department of Justice.

EMERGENCY HOME OWNERSHIP AND MORTGAGE EQUITY PROTECTION ACT OF 2007

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law approved for full Committee action H.R. 3609, Emergency Home Ownership and Mortgage Equity Protection Act of 2007.

ADA RESTORATION ACT OF 2007

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing on H.R. 3195, ADA Restoration Act of 2007. Testimony was heard from Representative Hoyer; and public witnesses.

IMMIGRATION DETAINEE MEDICAL CARE

Committee on the Judiciary: Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law held a hearing on Detention and Removal: Immigration Detainee Medical Care. Testimony was heard from Gary Mead, Assistant Director, Detention and Removal, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

SPECIES CONSERVATION MEASURES

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife and Oceans approved for full Committee action, as amended, the following bills: H.R. 1464, Great Cats and Rare Canids Act of 2007; and H.R. 1771, Crane Conservation Act of 2007.

MISCELLANEOUS MEASURES; IRAQI CORRUPTION ASSESSMENT

Committee on Oversight and Government Reform: Ordered reported the following measures: H.R. 3572, To designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the ''Wallace S. Hartfield Post Office Building;'' H. Con. Res. 205, Supporting the goal and ideals of National Women's Friendship Day; H. Res. 588, Recognizing Martha Coffin Wright on the 200th anniversary of her birth and her induction into the National Women's Hall of Fame; H. Res. 630, Congratulating the Warner Robins Little League Baseball Team from Warner Robins, Georgia, on winning the 2007 Little League World Series Championship; H. Res. 654, Congratulating the Phoenix Mercury for winning the 2007 Women's National Basketball Association (WNBA) Championship; H. Res. 697, Commending Green Bay Packers quarterback Brett Favre for establishing a National Football League record for the most career touchdown passes; and H. Res. 687, amended, Celebrating the 90th birthday of Reverend Theodore M. Hesburgh, C.S.C., president emeritus of the University of Notre Dame, and honoring his contributions to higher education, the Catholic Church, and the advancement of the humanitarian mission.

The Committee also held a hearing on assessing the state of Iraq corruption. Testimony was heard from David Walker, Comptroller General, GAO; Ambassador Larry Butler, Deputy Assistant Secretary, Near East Affairs, Department of State; Stuart Bowen, Special Inspector General for Iraq Reconstruction; Judge Radhi Hamza al-Radhi, Commissioner, Public Integrity in Iraq; and a public witness.

R&D GLOBALIZATION AND INNOVATION

Committee on Science and Technology: Subcommittee on Technology and Innovation continued hearings on The Globalization of R&D and Innovation, Part III: How Do Companies Choose Where To Build R&D Facilities. Testimony was heard from public witnesses.

SBA CONTRACTING PROGRAMS

Committee on Small Business: Held a hearing on SBA Contracting Programs. Testimony was heard from Steven C. Preston, Administrator, SBA; and public witnesses.

VA RESEARCH PROGRAMS

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on VA Research Programs. Testimony was heard from MAJ David Rozelle, USA, Administrative Officer, Military Advanced Training Center, Walter Reed Army Medical Center; Joel Kupersmith, M.D., Chief Research and Development Officer, Veterans Health Administration, Department of Veterans Affairs; and representatives of veterans organizations.

IMPORT SAFETY

Committee on Ways and Means: Subcommittee on Trade and the Subcommittee on Oversight held a joint hearing on import safety. Testimony was heard from Warren H. Maruyama, General Counsel, Office of the U.S. Trade Representative; Daniel Baldwin, Assistant Commissioner, Office of International Trade, U.S. Customs and Border Protect, Department of Homeland Security; William James, D.V.M., Deputy Assistant Administrator, Office of International Affairs, Food Safety and Inspection Service, USDA; Steven M. Solomon, D.V.D., Deputy Director, Office of Regional Operations, Office of Regulatory Affairs, FDA, Department of Health and Human Services; and Marc J. Schoem, Director, Recalls and Compliance, Consumer Product Safety Commission; and public witnesses.

COMMITTEE BUSINESS

Permanent Select Committee on Intelligence: Subcommittee on Oversight and Investigations met in executive session to consider pending business.

Joint Meetings

MASS INCARCERATION COSTS

Joint Economic Committee: Committee concluded a hearing to examine the costs of mass incarceration in the United States, after receiving testimony from Glenn C. Loury, Brown University Department of Economics, Providence, Rhode Island; Bruce Western, Harvard University Department of Sociology, Cambridge, Massachusetts; Alphonso Albert, Second Chances, Norfolk, Virginia; Michael P. Jacobson, Vera Institute of Justice, New York, New York; and Pat Nolan, Prison Fellowship, Reston, Virginia.

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 5, 2007

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of October 8 through October 13, 2007

Senate Committees

(Committee meetings are open unless otherwise indicated)

No meetings/hearings scheduled.

House Committees

Committee on Armed Services, October 10, hearing on security involving Pakistan and policy implications for the Department of Defense, 10 a.m., 2118 Rayburn.

Committee on the Budget, October 11, hearing on the Tax Code and Health Insurance Coverage, 10 a.m., 210 Cannon.

Committee on Education and Labor, October 10, hearing on Cases of Child Neglect and Abuse at Private Residential Treatment Facilities, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, October 11, Subcommittee on Oversight and Investigations, to continue hearings entitled ''Diminished Capacity: Can the FDA Assure the Safety and Security of the Nation's Food Supply?—Part III,'' 9:30 a.m., 2123 Rayburn.

Committee on Foreign Affairs, October 10, to mark up the following legislation: H. Res. 106, Affirmation of the United States Record on the Armenian Genocide Resolution; and a resolution Condemning the terrorist organization known as the PKK and supporting Turkey's struggle against such organization, 1:30 p.m., 2172 Rayburn.

October 11, full Committee, hearing on The Mexico City Policy/Global Gag Rule: Its Impact on Family Planning and Reproductive Health, 10 a.m., 2172 Rayburn.

Committee on Homeland Security, October 10, Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, hearing on H.R. 2631, Nuclear Forensics and Attribution Act, 2 p.m., 311 Cannon.

October 11, Subcommittee on Border, Maritime, and Global Counterterrorism, hearing entitled ''The SAFE Port Act: Status of Implementation One Year Later,'' 2 p.m., 311 Cannon.

Committee on the Judiciary, October 11, hearing on Jena 6 and the Role of Federal Intervention in Hate Crimes and Race-Related Violence in Public Schools, 1:30 p.m., 2141 Rayburn.

October 11, Subcommittee on Crime, Terrorism, and Homeland Security and the Subcommittee on Commercial and Administrative Law, joint hearing on Allegations of Selective Prosecution: The Erosion of Public Confidence in Our Federal Justice System, 9:30 a.m., 2141 Rayburn.

October 11, Subcommittee on Immigration, Citizenship, and Refugees, Border Security, and International Law, hearing on H.R. 750, Save America Comprehensive Immigration Act of 2007, 10 a.m., 2237 Rayburn.

Committee on Natural Resources, October 9, Subcommittee on Fisheries, Wildlife and Oceans, oversight hearing entitled ''Implementation of the National Wildlife Refuge Improvement Act: Has the Promise Been Fulfilled?'' 2 p.m., 1324 Longworth.

October 10, full Committee, to mark up the following bills: H.R. 53, Virgin Islands National Park School Lease Act; H.R. 767, Refuge Ecology Protection, Assistance, and Immediate Response Act; H.R. 830, Denali National Park and Alaska Railroad Land Exchange Act of 2007; H.R. 3111, Port Chicago Naval Magazine National Memorial Enhancement Act of 2007; H.R. 783, Mesa Verde National Park Boundary Expansion Act of 2007; H.R. 1528, New England National Scenic Trail Designation Act; H.R. 2094, To provide for certain administrative

and support for the Dwight D. Eisenhower Memorial Commission; H.R. 2197, Hopewell Culture National Historical Park Boundary Adjustment Act; H.R. 523, Douglas County, Washington, PUD Conveyance Act; H.R. 1462, Platte River Recovery Implementation Program and Pathfinder Modification Authorization Act; H.R. 29, To authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California; H.R. 135, Twenty-First Century Water Commission Act of 2007; and H.R. 664, Dana Point Desalination Project Authorization Act, 11 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, October 10, Subcommittee on Domestic Policy, hearing on Professional Sport Stadiums: Do They Divert Taxpayer Funds From Public Infrastructure? 2 p.m., 2154 Rayburn.

October 10, Subcommittee on National Security and Foreign Affairs, hearing on Six Years Later: Assessing Long-Term Threats, Risks and the U.S. Strategy for Security in a Post 9/11 World, 10 a.m., 2154 Rayburn.

October 11, full Committee, hearing on Medicare Part D: Assessing Private Insurers' Delivery of Medicare Drug Coverage, 10 a.m., 2154 Rayburn.

Committee on Rules, October 9, to consider the following bills: H.R. 2895, National Affordable Housing Trust Fund Act of 2007; and H.R. 3056, Tax Collection Responsibility Act of 2007, 5 p.m., H–313 Capitol.

Committee on Science and Technology, October 10, Subcommittee on Energy and Environment, to mark up pending business, 2 p.m., 2318 Rayburn.

October 10, Subcommittee on Research and Science Education, hearing on Assessment of the National Science Board's Action Plan for STEM Education, 10 a.m., 2318 Rayburn.

October 11, Subcommittee on Space and Aeronautics, hearing on Near-Earth Objects (NEOs)—Status of the Survey Program and Review of NASA's Report to Congress, 10 a.m., 2318 Rayburn.

Committee on Small Business, October 10, hearing on Small Business Priorities in upcoming energy legislation, 10 a.m., 2360 Rayburn.

October 11, full Committee, to mark up Funding and Contracting legislation, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, October 10, Subcommittee on Aviation, hearing on The Transition from FAA to Contractor-Operated Flight Service Stations: Lessons Learned, 10 a.m., 2167 Rayburn.

October 11 Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on Railroad-Owned Solid Waste Transload Facilities, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, October 10, hearing on the Findings of the Veterans' Disability Benefits Commission, 10 a.m., 334 Cannon.

October 11, Subcommittee on Economic Opportunity, oversight hearing on VETS DVOP/LVER Program, 2 p.m., 334 Cannon.

Committee on Ways and Means, October 11, Subcommittee on Health and Subcommittee on Oversight, joint hearing on Required Audits of Medicare Advantage Plan Bids, 10 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Friday, October 5

Senate Chamber

Program for Friday: Senate will meet in a pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES

3 p.m., Friday, October 5

House Chamber

Program for Friday: To be announced.

Extensions of Remarks, as inserted in this issue.

HOUSE

Akin, W. Todd, Mo., E2066, E2067, E2068
Becerra, Xavier, Calif., E2071
Bonner, Jo, Ala., E2065, E2067, E2068
Brady, Kevin, Tex., E2069
Brown-Waite, Ginny, Fla., E2070
Courtney, Joe, Conn., E2065, E2067, E2068
Davis, Danny K., Ill., E2070
Emanuel, Rahm, Ill., E2071
Gingrey, Phil, Ga., E2070
Hinojosa, Rubén, Tex., E2071
Kennedy, Patrick J., R.I., E2069
Klein, Ron, Fla., E2069
Lofgren, Zoe, Calif., E2071
Miller, George, Calif., E2069
Pascrell, Bill, Jr., N.J., E2068
Ross, Mike, Ark., E2067
Ryan, Paul, Wisc., E2066, E2068
Shuster, Bill, Pa., E2070
Sires, Albio, N.J., E2069

Congressional Record

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