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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. WEINER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 1, 2007.

I hereby appoint the Honorable ANTHONY D. WEINER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Around Your seat of judgment, Lord God, stand our former colleagues. They are brothers and sisters to us and the Founders of this Nation. God-fearing persons, they were called by You to this place and were called ''Honorable'' during life here because of their public commitment to uphold the Constitution and serve the people of this Nation.

They lay the foundation upon which we build. Their heritage defines our work today. We, and the whole Nation, are indebted to their contributions that have outlived them. Now they share in the resurrected life of Your glory.

We pray that all our former Members who have completed the course, kept the faith, now receive the reward of the just.

As they believed in You and placed their trust in You to help them solve the problems and concerns of the past, so we now ask You to help us fulfill all their hopes and dreams for this Nation today and in the future.

Blessed are You, Lord God, in Your angels and in Your saints now and forever. 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.

Mr. HULSHOF. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. HULSHOF. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan 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. 1808. An act to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

H.R. 2779. An act to recognize the Navy UDT–SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALs and their predecessors.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute requests on each side.

REAL SOLUTIONS FOR IRAN

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, 45 years ago, President Kennedy compelled the Soviet Union to remove offensive missiles from Cuba without a shot being fired. The Soviet missiles represented a true threat, but President Kennedy knew that the consequences of war were severe and that there was a viable option short of direct military confrontation.

The Iranian threat, while certainly a continuing and growing concern, cannot be compared to the danger of Soviet efforts during the Cold War. The President's perceived rush toward the possibility of military conflict with Iran highlights the executive's inability to find real solutions to preventing Iran from developing nuclear weapons or supplying weapons to our adversaries in Iraq. We must exhaust every economic and diplomatic opportunity before even considering a military response.

This administration has reduced our leverage around the world, but there is still time to build an international consensus around this issue. Congress has a constitutional responsibility in this debate. I hope Members will urge the President to take the moral high ground and deal with Iran through

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international pressure, not unilateral action.

KEEP OUR CAMPUSES SAFE

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

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, this week Education Secretary Spellings released guidelines to clarify the Family Educational Rights and Privacy Act, but the current law does not go far enough to keep our campuses safe. Schools need to be able to talk with parents when they think a student is at risk for violence without fear that they are going to be sued. That is why I introduced H.R. 2220, the Mental Health Security for Families and Education, or the Mental Health SAFE Act, to allow universities to notify parents if a student is at risk of suicide or homicide or assault, while holding schools harmless if they act in good faith. Schools should be focused on the safety of students, not fear of being sued if they do take action or sued if they don't take action. We need a law to protect students and parents.

It is too late for Virginia Tech; it is too late for the many students who commit suicide or homicidal acts each year. It is not too late for other campuses. I ask my colleagues to please cosponsor the Mental Health SAFE Act. Let's work together to save lives.

ACCOMPLISHMENTS IN THIS CONGRESS

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to set the record straight. This administration has accused Congress of being a ''failure,'' and that is simply not true. I think the President has this Congress confused with last year's ''Do-Nothing Congress.'' This Congress has successfully passed numerous pieces of legislation that have been supported by the majority of the American people and the President has signed into law.

We passed, for example, H.R. 1, to implement the 9/11 Commission recommendations and to provide greater protection for first responders and security for our country. We have raised the minimum wage, improved our economic competitiveness, and enacted the College Cost Reduction Act. I am particularly proud of this law, which increases funding for Federal Pell Grants by more than $11 billion and will make college more affordable for low-income students.

And then of course there is SCHIP. This Congress has bent over backwards to address concerns about the legislation, and yet this administration continues to oppose health care for our Nation's most vulnerable children. I am proud to go home this weekend and tell my constituents about what this Congress has done.

A SAFER WORKPLACE

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

Mr. WILSON of South Carolina. Mr. Speaker, Secretary of Labor Elaine Chao recently announced that the rate of workplace injuries and illnesses declined in 2006. This marked the fourth consecutive year America has seen a decrease in injuries.

The decline in injury and illness comes as we continue to see an increase in the number of American workers. Even with an increase in the number of opportunities for potential accidents, we have seen a decline.

I want to commend the Occupational Safety and Health Administration, in particular my long-time friend and fellow South Carolinian, OSHA Director Ed Foulke, for the great strides they have made in ensuring that American employers and employees can do their jobs safely.

We must remain vigilant to potential workplace dangers. A safe and healthy workplace not only protects America's hardworking men and women; it also supports our strong and growing economy by creating more efficient and productive industries.

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

COMMENDING DANIEL JACOB WOODHEAD

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

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to commend an outstanding student athlete, Daniel Jacob Woodhead, senior tailback for the Chadron State College Eagles, who shattered the NCAA all-division record for career rushing yards on October 6, 2007. On that day, Danny carried the ball 34 times for 208 yards, bringing his career rushing total to 7,441 yards, and has added 114 yards since.

He also holds the NCAA all-division record for most rushing yards in a season at 2,756 in 2006 and has 19 games in which he gained 200 yards rushing or more, a record in itself.

Danny is a First Team Academic All-American, a consensus All-American, and recipient of the Harlon Hill Trophy, awarded to the outstanding player of the year in NCAA Division II football.

I commend Daniel Jacob Woodhead who, through his outstanding achievements of distinction, has brought great honor to himself, his family, his coaches and teammates, Eagles fans, Chadron State College, and the State of Nebraska.

LOW WATER LEVELS IN THE GREAT LAKES

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute.)

Mrs. MILLER of Michigan. Mr. Speaker, I rise today to call the attention of the Congress to a very serious problem that is affecting our magnificent Great Lakes, and that is historic low lake levels.

Just as we are seeing low lake and water levels around other parts of the country, the Great Lakes, which, remember, comprise actually one-fifth or fully 20 percent of the fresh water supply of the entire world, are losing water at alarming rates. And these low lake levels are having a significantly negative impact on millions that live in the Great Lakes Basin who make their living on the lakes or simply use them to recreate on.

For example, millions of recreational boaters are running aground or they can't keep their boats in marinas. Lake freighters are not being able to load up the way that they need to because the low lake levels are causing untold millions of dollars of losses for the shipping industry, and the very fragile environmental habitats of many species of fish and waterfowl and other species have been negatively impacted as well.

Mr. Speaker, much of what is happening to the Great Lakes can be attributed certainly to weather changes. We have had some warmer winters. Therefore, you have less ice cover so evaporation is occurring all year long.

As this Congress considers funding for other national environmental treasures, let us remember our magnificent Great Lakes.

RETAIN FUNDING FOR THE COMMODITY SUPPLEMENTAL FOOD PROGRAM

(Mrs. MUSGRAVE asked and was given permission to address the House for 1 minute.)

Mrs. MUSGRAVE. Mr. Speaker, because it is taking longer than it should to complete the people's business and the Agriculture appropriations bill is getting further delayed by political wrangling, I am compelled to petition Speaker PELOSI to focus on a Federal food bank program that is very important to my Colorado district.

I have asked the Speaker to retain funding for the Commodity Supplemental Food Program. This program was established in the 1960s and effectively and efficiently provides low-income elderly individuals and pregnant women basic food assistance. However, in recent years, Presidents Clinton and Bush have proposed the elimination of this program, despite the objections of many, including me.

The importance of the Commodity Supplemental Food Program funding was made clear to me during the August work period when I visited the Weld County Food Bank. This food bank is one of seven in Colorado that utilizes this funding, and it serves nearly 20,000 residents in my district.

This food bank program and the Agriculture appropriations bill are vital to Colorado. Please retain funding for

this program, and do so without further delay.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 24, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 24, 2007, at 7:49 pm:

Appointments: United States Commission on International Religious Freedom and Advisory Committee on Student Financial Assistance.

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

□ 1015

PROVIDING FOR CONSIDERATION OF H.R. 2262, HARDROCK MINING AND RECLAMATION ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 780 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 780

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2262) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2262 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 gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 780.

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

There was no objection.

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

Mr. Speaker, House Resolution 780 provides for consideration of H.R. 2262, the Hardrock Mining and Reclamation Act, under a structured rule. The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. It also makes in order an amendment in the nature of a substitute reported by the Natural Resources Committee.

Mr. Speaker, I rise today in support of this rule and the underlying legislation. My home State of California is what it is today because of the business of mining. When James Marshall discovered gold in the American River in my area more than two centuries ago, California was not yet a State.

The economic boom that followed the discovery of gold helped to remake the West. It infused our young Nation with renewed energy and capital. It began one of the most well-known episodes in our country's history: the Gold Rush.

Without mining, the City of Sacramento, which I represent proudly, would probably not be the capital of the largest State in the Union. Without mining, States like Nevada and Utah would be without the economic basis upon which they are now growing. Without mining, the western half of the United States would be a different place.

But in the West, Mr. Speaker, we have more than hardrock minerals. We also have rivers, streams, mountain ranges, and millions upon millions of people. These are natural resources just like gold and silver, and they must be protected from environmental harm.

Unfortunately, the law that currently governs mining operations is extremely outdated. It was signed by President Ulysses S. Grant. This was during the time when miners used shovels and pickaxes. Now, huge machines and industrial equipment are the tools of the mining trade.

Times have changed, Mr. Speaker. In the year 2007, we recognize that the term ''natural resources'' includes more than what we extract from the Earth. Its definition now encompasses the whole environment in which we live, from the water we drink, to the land we farm, to the air we breathe.

All Americans have a stake in preserving this environment, Mr. Speaker, and mining companies should contribute their fair share. However, they currently enjoy access to Federal land that no other industry does, not natural gas, not oil shale, not coal.

Under the 1872 law, mining companies pay next to nothing to extract metal from publicly owned lands. American taxpayers foot the bill for the extensive environmental remediation that many abandoned mines require.

Other old mines simply never get cleaned up. They sit empty and vacant, leaching chemicals into groundwater, polluting watersheds, and posing safety hazards for the public. After 135 years' worth of this subsidy, it is long past time for mining companies to pay their fair share.

This bill received three subcommittee hearings and a full committee hearing that stretched over 2 days. The rule makes in order seven total amendments, five of which are Republican.

This legislation has been considered and debated in the best tradition of the U.S. Congress. It is good environmental policy in the very same tradition. It is also good social policy. The bill also takes into account industry concerns and provides economic assistance to mining communities. One-third of the revenue created by this bill will go to a community assistance fund to help mitigate the social and economic impacts of the legislation.

Mr. Speaker, my hometown of Sacramento grew up around a place called Sutter's Fort. It was originally built to be a base for agricultural trade. The discovery of gold in the foothills northeast of Sutter's Fort changed its history and the history of our Nation forever. Because of gold, what was once Mexican territory soon became our 31st and most prosperous State.

Mining has left a permanent imprint on this country. Yes, it has led to increased economic gain and the development of the western United States. At the same time, it has had negative impact on our public lands. As Members of Congress, we are stewards of this Federal land. We have the responsibility to update our laws so that the mining industry helps ensure that our public lands and natural resources are preserved for future Americans.

I urge my colleagues to support the rule and the underlying legislation.

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

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

Mr. Speaker, I rise today in opposition to this rule and to the underlying legislation which imposes an 8 percent gross tax on all new mining claims made on Federal lands and will cause a significant reduction in domestic mineral production and future mining investments in the United States of America.

I do appreciate the lip service that the Democrat majority regularly pays to making America the top-ranked nation in the world on a number of fronts. However, after managing over what will surely rank as the least effective Congress in recent memory, I am surprised that there isn't more disappointment on their side of the aisle with this legislation because this bill fails to set new global standards for the highest tax on mining on the planet; it merely matches Germany's, which already holds the world record for the highest mining tax at 8 percent of gross receipts. Once again we see the new Democrat majority trying to equal what is done in the United Kingdom and across Europe, including Germany.

In the Committee on Natural Resources hearing held on this matter on October 2, James Cress testified: ''I am only aware of a single royalty that is as high as the royalty proposed in this bill, just one in my 20 years of practice. An 8 percent royalty would really be ruinous.''

I suppose that neither Mr. Cress nor anyone watching this debate should be surprised, though. In what will surely go down as the least-productive Congress in recent history, this new Democrat majority has failed for the first time since 1987 to even send a single appropriations bill to the President for his approval by this point in the year.

This is the same Democrat majority that recently set another record of dubious distinction, a record for the most legislative ''busy work'' with the least amount to show for it. Since the beginning of this Congress, Members of this House have voted on over 1,000 roll call votes with just barely a tenth of those bills having been signed into law.

And of the 106 bills that have actually made it to the President's desk, 46 named post offices, courthouses or roads; 44 bills were noncontroversial measures sponsored by Republicans or passed with overwhelming GOP support; and 14 bills extended preexisting public laws or laws passed during the Republican-led Congress.

Mr. Speaker, I understand that with a track record as abysmal as this, the Democrat majority is eager to put just about anything on the floor in the hopes of claiming any kind of legislative victory. Unfortunately, the policies included in this legislation are quite simply wrong for America that will jeopardize the current and future domestic sourcing of minerals that are critical to our Nation's economic well-being and security.

In addition to imposing the world's highest royalty on mineral production, this legislation would also retroactively levy a 4 percent gross royalty on existing mines where business plans and investments have already been made without accounting for this after-the-fact cost. This provision, which is of doubtful legality but is doubtlessly unfair, is the legislative equivalent of one party changing the terms of a contract after it has already been signed. I believe that the Federal Government abusing its power to change the negotiated terms of these agreements is simply unfair, and I oppose it.

I also disagree with the inclusion of several provisions in this legislation that would empower political appointees to stop new mining projects even after these projects have met all applicable environmental and legal requirements.

No industry can or should be expected to operate with such regulatory uncertainty, and the net effect of all of these provisions will simply be to encourage companies to take their business overseas.

Mr. Speaker, I oppose this rule and the underlying legislation that harms the domestic American mining industry.

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

Ms. MATSUI. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. COSTA), the Energy and Mineral Resources Subcommittee chairman.

Mr. COSTA. I thank the gentlewoman from California (Ms. MATSUI) for yielding me the time.

Mr. Speaker, let me first thank the Rules Committee for their cooperation and assistance in bringing this bill to the floor today. Mr. Speaker, I think there are many reasons why we should support the rule proposed for H.R. 2262. Most important among them is what I believe is a sound, solid legislative process that has led to the amended version of H.R. 2262 that we have before us today.

Now, with deference to my colleague who just spoke, let me be clear that the process has worked. Proper order has been followed. We have worked on this issue for most of the last 10 months with the subcommittee that I chair, the Subcommittee on Energy and Minerals on Public Lands.

The Subcommittee on Energy and Minerals on Public Lands has the jurisdiction to provide a balance. This balance we talk about often in the subcommittee. It is a challenging balance because on the one hand we are to protect and preserve the natural heritage of our Nation's public lands for all of our citizens to enjoy in perpetuity, and to ensure that those public lands remain available for all generations of future Americans to benefit from.

□ 1030

There are many numerous ways in which we benefit from them. We know historically that those public lands have played a very meaningful role in our Nation's development, and it's that balance.

In this case, the subcommittee knows that the energy and the mineral developments that took place in the 19th and the 20th century were key and critical to the development, economically, of our Nation, and they also had obviously a very important role in the social development as well because if it were not for the discovery of gold in the 19th century in California and the opportunities that discovery brought forth, as in all the other minerals and energy that have been discovered on public lands in the 19th and 20th century, we would not have seen the opening of the West.

So, therefore, our subcommittee and the members on the subcommittee are very mindful of the fact that we have this dual role: balancing the resources that provide important energy and minerals to our Nation's wealth and at the same time preserving and protecting those same public lands to ensure that, in fact, they will be available for future generations of Americans to come.

And, yes, one other thing, when those public lands are being used in that dual role, since they belong to all Americans, that, in fact, all Americans are able to derive some benefit of the wealth that is derived from the utilization of those public lands for either mineral resource or for energy development because, remember, these lands belong to all Americans, unlike private holdings.

So when I took over the subcommittee chairmanship early this year, this issue clearly was going to be one of the issues that Chairman RAHALL wanted to address. Why? Well, for two decades, Chairman RAHALL has attempted to reform this law. This is not a new issue. Let's be clear about this. This is no rush to judgment of some issue for the sake of having an issue on the floor.

The mining law that was put together in 1872, signed by then-President Ulysses S. Grant, has not been changed, modified in shape or form since President Ulysses Grant signed it into law in 1872.

Back in the late 1970s and 1980s, Chairman RAHALL, Congressman RAHALL from West Virginia, a person who

has a great deal of mining that takes place in his own district, came to this issue and wanted to make necessary changes for all the right reasons. As I took over the subcommittee chairmanship early this year, we decided we would build on that record and that effort of Chairman RAHALL.

In response to complaints, the minority has raised about having more hearings on this measure, let me tell you about the good work that the subcommittee and the committee has done.

The Subcommittee on Energy and Minerals, we've held four hearings this year on H.R. 2262, the 1872 mining law. Two of them, one in Elko, Nevada, with Members of both parties well-represented and Senator REID, the other one in Tucson, Arizona, provided valuable opportunities for local input from community citizens. In total, we have heard from over 33 witnesses in two field hearings and a multitude of hearings here in our Nation's Capital. We have done what you're supposed to do in the process. We've listened. We've made changes.

Those hearings led to significant improvements in the bill, improvements supported by both the conservation community as well as the mining industry. That's not to say that everybody has gotten everything they want because, of course, that never happens in this process. No bill will ever be perfect on all sides, but this is a bill that has had thorough vetting and due, some would say past due, for all the attention this matter has gotten over two decades.

I would also note that there's a long history as it relates to the mining law reform, the history that really predates this legislation, as I noted.

So I think it's important to understand that we have taken into account over the last two decades hearings that have been held in the following States: Nevada, Colorado, Washington, Oregon, Idaho, and Alaska, all States in which mining is of critical importance.

In short, the need for mining law reform is not a new issue. It's one that has extensive legislative history. The flaws of the current law are well-debated and analyzed.

I appreciate the leadership's interest in H.R. 2262 and Chairman RAHALL's leadership and look forward to the debate on the amendments before us.

Mr. SESSIONS. Mr. Speaker, at this time I yield 6 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I come from northern Illinois, an area that has over 2,500 factories. I've spent about three-fourths of my time in Congress dealing with manufacturing issues and traveled the world working on different projects that have different processes, and this bill is really, really bad for people who are interested in keeping manufacturing jobs in the United States. Therefore, I rise in opposition to the rule governing the Hardrock Mining and Reclamation Act of 2007.

Twenty-six amendments from both Democrats and Republicans were submitted, but only seven were approved for the House for debate for 10 minutes apiece. The bill proposes to make huge changes to an important sector of our economy, and the bill, therefore, deserves more than a little over 2 hours of debate.

If the underlying bill is enacted as currently drafted, it poses an unacceptable threat to the health of our manufacturing and defense industrial base. Without agriculture, mining and manufacturing, we become a Third World Nation.

U.S. mining operations provide approximately 50 percent of the metals needed by American manufacturers. Everybody in Congress, Mr. Speaker, interested in manufacturing needs to listen to this, because if this bill passes, this makes us more dependent upon China to get our minerals for manufacturing.

Many of these minerals, gold, silver, copper, platinum, molybdenum, beryllium, titanium, zinc, magnesium and nickel are used in manufacturing applications from industrial motors to satellites. Thus, the core of our industrial minerals is what we're discussing today. Over the past few years, the cost of these raw materials has gone through the roof. We're putting the viability of our manufacturers in America at stake.

When I chaired the Small Business Committee, I held two historic hearings on the spike in metal prices and what it means for manufacturers, both large and small. No one recommended at those hearings that we should make it more difficult, and thus more expensive, to mine in the United States.

Many of the alternative sources of these minerals are also located in countries that are not close allies of us. Many of these minerals are also critical for the production of defense equipment. I'm concerned that we may find that just as America's energy security is largely dependent on the goodwill of OPEC, our national security will be largely dependent on China's goodwill as we compete for the metals and rare Earth minerals that feed our defense industrial base.

Over half of the high-end magnet production that contains aluminum, nickel, and cobalt comes from China, and 100 percent of the rare Earth minerals used in magnets is found in China. The magnets are used in advanced missile guidance systems such as JDAM.

I'm not aware of anybody that has claimed that the increased regulatory burden, an 8 percent gross income royalty interest in new production and a 4 percent increase on retroactive production, will help to improve the domestic supply of minerals or help lower their costs.

Our manufacturing workers are the best and most productive workers in the world. They have been beset by cheap labor overseas, rising energy costs, unfair trade practices. And now this Congress, this Congress, Mr. Speaker, will make it more difficult for the American worker to keep his job in manufacturing because this Congress will make the raw materials so expensive that what will happen, the U.S. mining companies may go out of business, and then we will be totally dependent on foreign countries to keep up the mineral supply for our manufacturing base.

This is an issue that if you vote ''yes'' on this rule, if you vote ''yes'' on the bill, it will destroy America's manufacturing jobs. Maybe I get too passionate when it comes to protecting America's manufacturing jobs. I've visited hundreds and hundreds of factories throughout the world to make sure that the United States is way out front in technology and innovation, and in fact, when I hear so much talk going on on the other side of the aisle about innovation, about competitiveness, then you come right back and the very feedstock for American manufacturing you want to tax out of business.

Mr. Speaker, this is a bad bill for American workers. This is a bad bill for American workers. This is a bad bill for American workers because it says let's just tax the minerals you need to make things that go out the door out of business. You might as well put another tax on natural gas. In fact, the Democrats did the same thing by taking away the tax break for exploration of natural gas, which is 80 percent of the feedstocks for plastics.

And so here we are again, this Congress destroying American manufacturing jobs. Vote ''no'' on the rule and ''no'' on the bill.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Speaker, I rise today in strong support of the Hardrock Mining Reclamation Act. Long overdue, the time for mining law reform has finally arrived.

The 1872 mining law was enacted 40 years before Arizona was even a State. At that time, it encouraged the development and the expansion of the American West. My district of southern Arizona had a town of Bisbee that during the turn of the century actually had its own stock exchange and was the largest community from St. Louis to San Francisco. The copper star on the State of Arizona's flag symbolized the importance when we achieved statehood of the copper industry.

However, times have changed. Today's West now depends on the health, as well as the conservation, of our fragile environment as much as it relies on mining.

H.R. 2262 is a solid first step. It provides impact assistance to mining communities and establishes a practical and a modern approach to reclaiming and restoring the land as well as water resources.

As this legislation progresses, I further encourage Members to look specifically at the royalty provisions. We

do not want to undermine the financial viability of U.S. mining. Our modern, high-tech economy continues to depend on minerals, and this is the importance of making sure that we have a hardrock mining industry that is strong and able to supply all of these minerals.

I commend Chairman RAHALL for his work. I commend Chairman COSTA for crafting a new mining law that reflects modern values, as well as goals that benefit taxpayers, the public lands, as well as the mining industry.

This is an important piece of legislation, long overdue; and I encourage Members on both sides of the aisle to support it.

Mr. SESSIONS. Mr. Speaker, you know, we hear it here again, every single member of the new Democrat majority talking about their desire to tax, a new tax of 8 percent on this industry which has been described as the final death nail which will disseminate the remnants of an already sadly diminished domestic mining industry, and here we go, tax them at 8 percent, put the death nail in.

Mr. Speaker, I yield 5 minutes to the gentleman from Nevada (Mr. HELLER).

□ 1045

Mr. HELLER of Nevada. Mr. Speaker, I rise today in opposition to the rule for H.R. 2262.

The State of Nevada is the fourth largest gold producer in the world, ranking behind South Africa, Australia and China.

But this bill is bad for Nevada, bad for this important industry, and bad for the families that I represent. Who here doesn't think that China wouldn't love to immediately see these jobs moved overseas? Who doesn't think that South Africa would like to see these foreign investments moved to their country, and who here in these Chambers doesn't think that Australia would love to see mineral exploration move from the United States to their country?

This legislation hurts, perhaps even kills, the domestic mining industry and, with it, the towns and communities in northern Nevada and western rural America.

The proposed royalty structure, this new tax, would levy a new 8 percent gross royalty payment to this industry, all this despite the fact that not one witness testified before the House Natural Resources Committee in favor of it. Let me repeat that. Not one witness came before the committee to testify in favor of it.

This untried, untested, new tax would hardly bring funds to the Federal Treasury, because when mining communities are decimated, there will be no royalties to collect. Everybody knows that 8 percent of nothing is still nothing.

I offered an amendment at the Rules Committee that was ruled out of order because of fuzzy math that my colleagues used to enforce PAYGO. That amendment replaced the 8 percent gross royalty tax with a more modest 5 percent net proceeds of royalty. This amendment is good for three reasons.

First, the net proceeds system is modeled after Nevada's proven and successful program. Why reinvent the wheel and ignore a model that encourages production rather than jeopardizes it?

Second, a net proceeds system provides flexibility for the mining operation when commodity prices are down. This protects the good jobs in rural communities like Elko, Eureka, Lander, Humboldt, White Pine and other counties in Nevada.

Third, my amendment would help prevent significant revenue and job losses for States. Their proposed 8 percent gross royalty, this new tax, will cripple States like California, Nevada, Arizona, Colorado, New Mexico, in addition to exporting our jobs overseas.

But somehow, CBO scoring my amendment at zero somehow runs afoul of PAYGO rules. The majority party seems to want to waive this in every other circumstance.

This bill, this rule, is simply bad policy, unless you want the mining industry to suffer. If passed into law, the effect will be to hurt the mining industry in the same way we have hurt the automobile industry, the same way we have hurt the steel industry, the same way we have hurt the seafood industry in coastal regions or, perhaps, the textile operations in the Southeast.

I urge my colleagues to oppose destroying State budgets, oppose job loss in rural communities, and oppose the decimation of our domestic mining industries.

Oppose the rule on H.R. 2262.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, having, as I said, held extensive hearings on this issue over the last 10 months, I think it's important that we respond to the comments that were made from my good friend, the gentleman from Nevada.

We did have witnesses who testified on the issue of royalty. We had several witnesses that indicated that an 8 percent royalty would not be unreasonable, some even said perhaps too low.

Taxpayers for Common Sense actually urged a higher rate. James Otto, a royalty consultant to governments around the world, stated that he would normally counsel a country to impose a gross royalty of between 2 and 5 percent. However, he did say that a proposed 8 percent might not necessarily be too high. Why? Because a depletion allowance, depletion allowance, which is a tax break, enjoyed by the hardrock mining industry in the United States is significant.

Mr. Otto pointed out that the depletion allowance works like a negative royalty. Perhaps only four countries in the world offer such a lucrative tax break, in this case, to our mining industry. This would be offset by a potential 8 percent.

A Congressional Research Service witness indicated that royalties for oil and gas and coal operators in the United States, and we want to keep these oil and gas and coal operators doing their good work, is 8 percent and more in some cases. Therefore, the fact that no royalty is charged, I think, needs to be taken into account. After all, these are public lands. No one wants to put the hardrock mining industry out of business. Nevada does a wonderful job, and we want to keep all those operations that are good stewards of the land in business.

This is fair, it's equitable, and it's what's taking place in other countries. I think it's important that we note that.

Mr. SESSIONS. Mr. Speaker, day after day we come down to the floor and we hear about all the new taxes, all the new rules and regulations, all the things that have to take place by this new Democrat majority, but I think we fail to recognize that what happens is that when you tax something, you get less of it. When you put more rules and regulations on something, less good things happen.

In this case, we are going to have an 8 percent tax on the industry; 4 percent tax on the new operations, 4 percent tax on the existing operations. The overwhelming indication that we have is that it will make us look more like Europe, and we are told that's a good thing, I guess.

The bottom line is that we spend a lot of time gnashing our teeth together trying to talk about jobs in country. Just yesterday, the Rules Committee, after we had done this bill, we had a trade adjustment assistance bill. We tried to bend over backwards, which some of it I do support, trying to make sure that those workers who have lost their jobs as a result of world competition in trade and manufacturing, that we do all we can do to help these employees who lost their job.

Yet the very next bill is this bill that literally will decimate workers' jobs in the West. I am sure what we will do is in a few years we will come back and say, oh, my gosh, we just can't compete. Let's now give them what we just did yesterday, trade adjustment assistance. It just keeps going on and on and on.

I suggested yesterday, will suggest today, let's not tax this. Let's not tax this industry for the benefit of the government. Let's let the industry be healthy. Let's let the industry compete globally. Let's let this industry provide those necessary and needed resources, precious metals and precious resources to the development and the benefit of the United States of America, including our United States military.

Let's not tax this at 8 percent so that we allow manufacturing not to have to go overseas to get those precious, hard metal products that they need to ensure that manufacturing is taken care

of in this country. Let's not tax this industry to where it decimates it, to where there are no jobs in this country, to where America has to seek these precious metals and hard metals overseas.

We believe that what you have got today is a circumstance where the new Democrat majority can't wait to tax this industry at 8 percent, which will see the industry go into demise. We think that is an obvious plan that they have had. They didn't just pull this out. This is something that they have had, been working on a long time.

The Republican Party opposes this new tax. We oppose the diminishment of the industry. We oppose what will eventually happen as a result of American manufacturers having to go overseas to seek new markets, many times countries which are not close friends and allies of the United States. We see a day when we will not only lose jobs but will be held hostage for the precious minerals that we need, which will provide not only our country the things it needs but perhaps the military and our industrial complex with the things that will keep America strong.

We oppose this bill. I believe that what you have heard today is not only Members state that equivocally, but we will continue to say to the Members who are listening to this argument, please vote ''no'' on the rule, and please vote ''no'' on the bill.

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

Ms. MATSUI. Mr. Speaker, I yield 6 minutes to the gentleman from West Virginia, chairman of the Committee on Natural Resources, Mr. RAHALL.

Mr. RAHALL. I first thank the gentlelady from California (Ms. MATSUI) and the Rules Committee for fashioning a rule today which provides for a free and open debate on a historic measure, refining the Mining Law of 1872.

I thank the gentleman from California (Mr. COSTA) who has so ably taken the reins of leadership on the Subcommittee on Mines and Minerals, a subcommittee I once chaired over 20 years ago. We had extensive hearings at that time across the country, including in Alaska. And the gentleman from California has conducted himself in the same fashion and with the same knowledge of this bill. I certainly thank him for his help.

This legislation, it should be noted, is sponsored by, or, rather, enjoys the support of a number of Members from both sides of the aisle and from all political persuasions. It should be noted that Members from mining States affected by this legislation support this bill, including the gentlelady from Arizona (Ms. GIFFORDS), who just spoke.

The rule does make a number of amendments sponsored by Members from the other side of the aisle in order that touch upon key features of the legislation. Indeed, the Rules Committee was very generous, extremely generous to the other side.

We are going to have a vote on the amendment today that will continue the 19th century practice, for example, of giving away mineral-rich public lands, the deed of which lies with all American citizens, for $2.50 an acre. That is an amendment that we will debate at the proper time. I say to my colleagues that this is not a Democrat or a Republican issue. It is a nonpartisan issue. It is bipartisan. Indeed, similar legislation has passed this body, not this Congress, but previous Congresses, by large, overwhelming margins.

We are dealing with a law that has been relatively unchanged that was enacted when Ulysses S. Grant resided in the White House. Union troops still occupied the South. The invention of the telephone and Custer's stand at Little Bighorn were still 4 years away.

In 1872, Congress passed a law that allowed people to go on to public lands in the West, stake mining claims, and if any gold or silver were found, mine it for free or to purchase those claim mine lands for as little as $2.50 an acre.

Let me speak for a moment on the process leading up to our consideration of this matter; a fair process, I might add. The genesis of H.R. 2262 dates back to 1879, 7 years after the enactment of the mining law of 1872. At that time, Congress created the first major public land commission to investigate land policy in the West. One of its major recommendations included a thorough rewrite of the 1872 law, which, even then, was believed by many to undermine efficient mineral development.

Several decades later, in 1908, President Roosevelt created the National Conservation Commission to study Federal land policy in the West, and it, too, made a number of recommendations for reforming the mining law.

Again, in 1921, a committee appointed by the Director of the Bureau of Mines recommended a series of reforms developed in concert with mining industry representatives interested in improving the mechanics of the law. Following this effort, the next call for reform came at the onset of World War II, when then Secretary of the Interior, Harold Ickes, endorsed a leasing system for hardrock mining.

In 1949, the Hoover Commission recommended a series of changes to the mining law. This effort was succeeded by the President's Materials Policy Commission in 1952, which also recommended revisions, including placing hardrock minerals under a leasing system.

Once again, the criticism centered on inefficiencies in mineral development caused by the law. Beginning in 1964 and 1977, Congress went through another period of debate on the mining law reform until 1977, when efforts collapsed.

In 1985, this gentleman from West Virginia became Chair of the Subcommittee on Mining and Natural Resources, and delved into the matter. I conducted a large number of hearings, including in four western States. It was not until 1992 that I brought a bill to the House floor for consideration.

Following that effort, on November 18, 1993, the House passed my bill by a vote of 316–108. Unfortunately, during that 103rd Congress, a House-Senate conference committee on mining law reform was unable to reach a final agreement.

We were then shut out, locked down on the consideration of any meaningful mining law reform during the 12 years of a Republican majority in this body. This Congress, the gentleman from California (Mr. COSTA) became the chairman of the subcommittee that I once chaired and took up the reform banner. He held a number of hearings, took testimony from 33 witnesses, and subsequently, the Committee on Natural Resources marked up H.R. 2262.

□ 1100

Subsequently the Committee on Natural Resources marked up H.R. 2262 over one 2-day period and considered countless Republican amendments. Nobody was denied their ability to offer amendments. I repeat: nobody was denied their ability to offer amendments.

The legislation considered at the time was offered to Members and their staffs well ahead of time for ample dissection. I will stack this record up to anyone's with respect to the consideration of the bill by this body. Again, I defend our process as fair, as accountable and as transparent as a process can be in the House of Representatives, just as this legislation is worked and drafted in the same manner.

I urge adoption of this rule and the underlying bill.

Mr. SESSIONS. Mr. Speaker, we understand this meaningful reform that's going on, a new 8 percent tax on the industry. We get that. The Republican Party understands that there will be a loss of jobs, loss of manufacturing base in the United States of America. And we know that that's part of the meaningful reform that the new Democrat majority wants and expects. This is not a new subject: taxation, spending at record levels that are taking place by this new Congress, combined with an incredibly poor record on efficiency for the bills that will be signed into law.

That's why the President of the United States has issued his administrative policy from OMB that says they're not going to sign this bill; they're not going to sign this into law because of the loss of industry jobs, the lack of competitiveness that the United States of America will have with hard metals, and the high taxation that would be imposed that will kill the industry.

We get it. Perhaps that's meaningful reform to the Democrat Party. That's loss of jobs, lack of ability for America to be competitive with the world and high taxation. And that's not our idea of good reform.

Mr. Speaker, at this time I would like to notify the gentlewoman from

California that I have no additional speakers at this time, and so I will reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Speaker, I rise today in support of the rule for H.R. 2262 and the underlying legislation in hopes of reforming the 1872 Mining Law.

Chairman RAHALL has been working toward this goal for many years, and I have tremendous respect for the expertise and dedication he has brought to this effort. I offer this support, though, with some reservations about the bill.

I favor cleaning up abandoned old mines, and we have more than our fair share in Colorado. And we need funding to achieve this worthwhile goal.

But I am concerned that generating this revenue by an 8 percent royalty may defeat the purpose of the bill. If mining moves offshore, which some economists tell us could happen, we won't have any mining from which to collect the royalties.

And I'm also concerned about the thousands of jobs, of high-paying manufacturing jobs, that are generated by mining.

We need to reform this old law. It's way overdue. I reiterate my support for this legislation, which has many, many positive attributes and is a good step towards reforming the law. But let's be sure we don't create one problem while we are solving another.

I urge my colleagues to support this bill.

Mr. SESSIONS. Mr. Speaker, we will continue to reserve our time.

Ms. MATSUI. Mr. Speaker, I'm the last speaker on this side, so if the gentleman would like to close.

Mr. SESSIONS. Mr. Speaker, I appreciate not only the debate that's taken place today, but also your demeanor in this wise consideration. I appreciate the gentleman from New York very much.

Mr. Speaker, what we're debating here today is yet another opportunity for the new Democrat majority to raise taxes in this country, to put consumers at a disadvantage, and to raise more money for their Big Government plans and programs that they have.

New taxation is not something that is new to the Democrat Party. That's their mission: grow the size of government, to tax people.

What's interesting today is the debate that has taken place about the words ''meaningful reform'' that were necessary to justify the taxation that will take place.

The Republican Party opposes this bill. The Republican Party opposes new taxation. The Republican Party recognizes again today that we know that market forces will come into play yet again today, not only to further diminish this industry, which, by and large, is located in the west of our country, which means a loss of jobs in the west, which means that it will diminish, not only the few jobs that remain, but will make America in a less competitive circumstance as related to the marketplace of the world.

But what we've heard today that has been just very interesting were remarks by the gentleman from Illinois (Mr. MANZULLO) where he talked about his knowledge of what the manufacturing base of this country needs, and that is, many times, the hard minerals that are directly affected by what this bill will do.

Raising taxes means that there will be less opportunity for people to go and mine these operations because the cost efficiency as it relates to the world marketplace will not be available to those companies. So what will happen is there will be a new taxation, this 8 percent tax. There will be a diminishment of the mining industry in America, and then there will be those people who utilize those raw materials, they still have a need to produce the products which they need, which many times are not only in the best interest of the United States of America, but also to produce products that will help the United States military and our infrastructure who now will have to go overseas to do business with countries that are not exactly our closest of friends and buy their products.

So once again, what we see is a philosophy that is followed by the Democrat Party, not just the new majority of the Democratic Party, but an old philosophy that, let's go and find a way to reform an industry and to tax them out of existence, to lose jobs in this country to where we have to come down to the floor and beg for further government assistance to take care of people, and then we whine and moan about the jobs that have been lost overseas and how this had something to do with trade.

Well, Mr. Speaker, yesterday in the Rules Committee, we had an opportunity, the gentleman, Mr. DREIER from California; the gentleman, Mr. DIAZ-BALART from Florida; the gentleman, Mr. HASTINGS from Washington; and myself and we said, why don't we do something that would be proactive to keep jobs in this country. Like, let's not do things that would put us at a disadvantage. Like, let's do things like lower taxation, for instance, with depreciation policies, tax policies that would allow us to be on an even footing with other countries who we compete with.

That fell on deaf ears, Mr. Speaker. It fell on deaf ears because, really, what this is about is getting more money to run this Big Government policy that the new Democratic majority wants to put in place.

We recognize that what's happening is that at this time we have a log jam of all these bills as they try and get to the President's desk.

Mr. Speaker, I will be asking Members to oppose the previous question so that I may amend the rule to have Speaker PELOSI, in consultation with Republican Leader BOEHNER, immediately appoint conferees and move forward on H.R. 2642, the Military Construction and Veterans Affairs appropriations bill for 2008.

This week, a number of news publications, including the National Journal, reported that the Democrat leadership intends to play political games and to send a three-bill pile-up consisting of Labor-HHS, Defense and Veterans funding bills to President Bush so that they can try and leverage strong Republican support for the military and veterans funding to sneak a bloated Labor-HHS bill that proposes an 8 percent increase in spending over current funding past President Bush and this Congress. Once again, not just more taxation, more spending.

While the House Democrat leadership plays politics, however, our Nation's veterans are paying the price. The Senate has already done its work and appointed conferees for the Veterans appropriations bill. And for every day that House Democrats allow the veterans funding to languish without conferees for their own political advantage, our Nation's veterans lose $18.5 million that could be put to bear to help them for the intended reason why we're spending the money. That would be used for veterans housing, veterans health care, and other important veterans support activities.

The American Legion and the VFW have already made multiple requests, along with Republican Members from this House, urged Speaker PELOSI and Democrat Senate Majority Leader REID to end their PR campaign and begin work on this conference report for veterans funding. Unfortunately, it appears as though all these commonsense requests have fallen on deaf ears and our Nation's veterans are being forced to pay the price for continued Democrat partisanship and lack of leadership on this issue.

I ask all of my colleagues to support this motion to defeat the previous question so that we can put partisanship aside and move this important legislation forward without any further games or gimmicks. I know that this is a bold idea that hasn't yet been focused directly by Democrat pollsters or agreed to by moveon.org, but I think our veterans deserve nothing less.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material appear in the RECORD just prior to the vote on the previous question.

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

There was no objection.

Mr. SESSIONS. I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, first of all, I'd like to say that we are discussing H.R. 2262, and it's about more than protecting water quality and preserving the environment, which it does. It also takes into account industry concerns and provides economic assistance from mining communities. One-

third of the revenue created by this bill will go to a community assistance fund to help mitigate the social and economic impacts of this legislation.

Both the Rules and Natural Resources Committees held hearings on this bill, during which time Republicans and Democrats were given the opportunity to offer amendments to the bill. In fact, the Natural Resources Committee held four hearings on this bill that stretched over five different days. During this time, they adopted a bipartisan set of amendments.

After the bill made its way through the legislative process and maintained bipartisan support, the Rules Committee allowed for seven amendments to be considered on the floor. These seven amendments address major issues in the bill. This will give opponents the opportunity to debate on the floor the merits of key issues of the bill. Of the seven amendments allowed under this rule, more than half, five, are Republican amendments.

Mr. Speaker, we all know that this bill is long overdue. It should have been passed decades ago. But it's never too late to strengthen current law so that it preserves the environment, protects communities, and addresses public safety. This legislation does all three.

I commend Chairman COSTA and Chairman RAHALL on crafting a balanced and bipartisan bill. This legislation is proof that we can reap the benefits of our Nation's abundant natural resources while also preserving them for future generations.

Metals like gold, silver and copper help make this country what it is, Mr. Speaker. How we manage these resources going forward will make us what we are in the future.

With that in mind, I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 780 OFFERED BY MR. SESSIONS

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(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.

Ms. MATSUI. I yield back the balance of my time and 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. SESSIONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 780, if ordered; and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 194, not voting 17, as follows:

[Roll No. 1027]

YEAS—221

Abercrombie
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
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
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
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)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
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
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
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)
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
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hill
Hobson
Hoekstra
Hulshof
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
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Ackerman
Alexander
Berry
Butterfield
Buyer
Carnahan
Carson
Cubin
Gohmert
Hensarling
Hunter
Jindal
Moran (VA)
Paul
Skelton
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1140

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

Mr. GUTIERREZ and Mr. OBERSTAR changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. SESSIONS. 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 224, noes 195, not voting 13, as follows:

[Roll No. 1028]

AYES—224

Abercrombie
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
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
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
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)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
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
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—195

Aderholt
Akin
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
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
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Hill
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
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Ackerman
Alexander
Butterfield
Carnahan
Carson
Cubin
Gohmert
Hensarling
Jindal
Paul
Pence
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1149

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.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

RECORDED VOTE

Mr. SMITH of Nebreska. 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 227, noes 187, answered ''present'' 1, not voting 17, as follows:

[Roll No. 1029]

AYES—227

Abercrombie
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Capps
Capuano
Cardoza
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Frank (MA)
Gerlach
Gillibrand
Gonzalez
Goodlatte
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
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
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
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
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
Shuster
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Woolsey
Wu
Wynn
Yarmuth

NOES—187

Aderholt
Akin
Altmire
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gingrey
Goode
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
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
Mica
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—17

Ackerman
Alexander
Bachus
Butterfield
Carnahan
Carson
Castor
Cubin
Farr
Gohmert
Hensarling
Jindal
Paul
Pence
Pickering
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1156

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3547

Mr. COHEN. Mr. Speaker, I would like to seek unanimous consent to withdraw as a sponsor on H.R. 3547.

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

There was no objection.

ELECTING A MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. RAHALL. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 788) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 788

Resolved, That the following named Member be, and is hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Ms. Tsongas (to rank immediately after Ms. Giffords).

(2) COMMITTEE ON THE BUDGET.—Ms. Tsongas (to rank immediately after Mr. McGovern).

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER PROCEEDINGS TODAY

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that, during further proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

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

There was no objection.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2262.

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

There was no objection.

HARDROCK MINING AND RECLAMATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 780 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2262.

□ 1158

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 consideration of the bill (H.R. 2262) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, with Mr. SERRANO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from New Mexico (Mr. PEARCE) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

□ 1200

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, over 135 years after President Ulysses S. Grant signed the Mining Law of 1872 into law, I bring before this body legislation to drag it into the 21st century. This legislation at long last provides badly needed fiscal and environmental reforms of mining for valuable minerals in the 11 western States and Alaska.

In bringing this measure before the House, I am pleased to have the strong support of our colleague from California (Mr. COSTA), who chairs the Subcommittee on Energy and Mineral Resources of the Natural Resources Committee. JIM chairs the subcommittee that I chaired 20 years ago when I first began this effort to reform the Mining Law of 1872. I am honored that he has taken up the mantle as well.

The Mining Law of 1872 is the last of the frontier-era legislation to remain on the books, with the Homestead Act having long been repealed, not to mention laws regarding carrying your six-gun into a saloon or allowing a posse to hang horse thieves. The basic goal of this law, almost free land and free minerals to help settle the West, has long been achieved. While the minerals produced under this law remain in demand, mining under an archaic 19th century regime is not compatible with modern land use philosophies or social values. This threatens mining, and mining jobs, and is one reason this law must be brought into the 21st century.

Today, as in the 1800s, the Mining Law allows claims to be staked on Federal lands in the West for valuable hardrock minerals such as gold, silver, and copper. No royalty is paid to the true owners of these lands, the American people, from the production of their minerals. Except by dint of an annual appropriations rider, the claims can be sold to multinational mining conglomerates for $2.50 or $5 an acre.

Now, some listening to what I just said may think I am making this up. Free gold and land for $2.50 an acre? That sounds like a fairy tale. My friends, ladies and gentlemen, I am not making it up. This is no fairy tale. This is a pirate story, with the public lands profiteers robbing the American public blind.

Mr. Chairman, billions of dollars' worth of gold, silver, and copper have been produced from American soil without a royalty paid to the true owners of the land, the American people. Those that will recall history will know that the largest bank heists in the world have been the $900 million stolen from the Central Bank of Iraq in 2003; the $72 million stolen from Knightsbridge Security Deposit in England in 1987; and the $65 million stolen from the Banco Central in Brazil in 2005. But, my colleagues, those figures are chump change, chump change compared to the estimated $300 billion in valuable minerals given away for free from America's public lands under the Mining Law of 1872. Incredible. Simply incredible. But, it gets worse.

Being a 19th-century law, it contains no mining and reclamation standards. The result is a legacy of toxic streams, scarred landscapes, and health and safety threats to our citizens from abandoned mined lands. The mayor of Boise, Idaho, and let me restate that State, Idaho, wrote a letter to me recently to state that the city is powerless to protect the integrity of its source of drinking water, which is threatened by a cyanide heap-leach gold mining facility proposed by a Canadian, and I repeat that, a Canadian-based company.

This last September, a 13-year-old girl tragically plunged to her death in an Arizona mine shaft. In reference to an area pocketed with abandoned mine sites, an Arizona mine inspector was quoted as saying: ''It's just a death trap out there.''

The Mining Law of 1872 is the Jurassic Park of all Federal laws. It requires an extreme makeover. Environmental safeguards must be supersized. Federal lands must stop being given away for fast-food hamburger prices. The robbery of America's gold and silver must stop.

Mr. Chairman, the bill I am bringing before the House today would make commonsense reforms by imposing a royalty on the production of these hardrock minerals. Bear in mine that coal, oil, and gas produced from Federal lands have long paid these royalties. The legislation would also put a permanent end to what is known as patenting, the sale of mining claims for the price of a snack at Taco Bell.

Further, it would provide for statutory mining and reclamation standards that are performance-based rather than prescriptive. As well, this would establish a special fund to reclaim abandoned hardrock mines, address the health and human safety they propose, and provide for community impact assistance.

This is a historic debate, a debate that is long overdue. Those who support this legislation, the countless locally elected public officials across the West, concerned citizens across the West, sportsmen and -women across the West, taxpayer advocates across America, bring with them the new-century conviction that corporate interests can no longer have an unfettered ability to reap America's mineral wealth with no payment in return. There must be parameters set and rules to which industry must comply.

I am here to suggest that if we continue under the current regime, that if we do not make corrections, the ability of the mining industry to continue to operate on public domain lands in the future is questionable. The other side will bring up jobs, they will bring up the health of the industry that might be decimated by this legislation. I say we are here to protect mining jobs and to protect the health of the industry and to provide some certainty in the making of financial decisions by the mining industry.

While the Mining Law of 1872 over the years has helped develop the West and cause needed minerals to be extracted from the Earth, we have long passed the time when this 19th-century law can be depended upon to serve the country's 21st-century mineral needs, and do so in a manner accepted by society. Reform of the Mining Law of 1872, I tell my colleagues, is a matter of the public interest, the interest of the American taxpayer, the interest of all Americans who are true owners of these public lands. The name of every American is on the deed of these lands. I urge approval of this legislation.

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

Mr. PEARCE. Mr. Chairman, I yield myself such time as I may consume.

I thank the chairman for his work on this bill and rise in opposition against that bill. There are no Third World countries. There are simply overregulated countries; there are overregulated economies. The debate that Members of this House are about to engage in will be passionate because the positions that we are fighting over are polarizing.

Mr. Chairman, it did not have to be this way. We all agree on the same principles, hardrock mining on Federal land should pay a royalty, should continue to operate in the most environmentally responsible manner in the world, and protect the health and financial security of the miners who bring the world's minerals to the surface.

As I mentioned earlier, if given a fair hearing, we would have agreed on these goals. Instead, right now at this moment the stock market is plunging in this country because of the rising energy prices. Oil hit $94. Our stock market is reacting. The price of our dollar has fallen. We are doing things in this body that will punish domestic jobs and domestic industries. They will not touch the mining industry outside of this country. Outside countries will have better access to our markets because of the things that are occurring in this legislation.

So, yes, we are passionate about our position, and, no, we do not listen to the arguments, no matter how well-conceived from the other side, because they are simply arguments; they are not truths. We are here to fight against a bill brought forth by the chairman which will send some of the highest paying jobs in the West overseas by making mining in the U.S. uneconomic.

Members from western States, like mine, will fight fiercely to keep these jobs because the West cannot survive off tourism alone.

I have a chart here that shows the relative wages in the mining industry. We have had hearings about the evolving West and what they hope the West looks like, but we in the West want these good, high-paying union jobs that exist now in the mines. The jobs in tourism do not pay nearly as much. That is what we are fighting for today.

By making mining in the U.S. uneconomic, the chairman's bill will give competitive advantage to countries like China and India. We Members who like the U.S. being number one and who don't like the current value of the dollar are fighting against that. I favor American exceptionalism.

By making mining in the U.S. uneconomic, the chairman's bill will compromise the readiness of our military because the military will have to further import the strategic minerals and materials it needs from hostile nations. It would be a sick twist of fate if the U.S. had to start importing uranium from Iran.

In order to defend the bill against job loss, the economic security and military security, you are going to hear some rhetoric that simply amounts to whoppers, the whoppers about the 1872 mining law on the House floor today, and I think it is important to set the record straight.

First, you will hear the law was passed in 1872, and at 135 years old it needs modernizing. I wonder where the chairman is when it comes time to modernize Yellowstone National Park, which was also created in that same year. But I will tell you that the chairman would be the first to argue against any changes in the acts that created our national parks, and Yellowstone in particular. Maybe the leaders back then believed that we needed to protect areas, but we also needed to use some of our lands to supply the materials for a growing Nation, because they understood we needed those materials. Maybe our politicians of today do not care if America's economy grows or not.

Secondly, you will hear that the law allows public lands to be purchased for $2.50 an acre, the ''price of a snack,'' I think were the words that were used. And yet I do not see any of our people in this Chamber or across the Nation standing up to say let me have some of that land for $2.50 an acre. Because the truth is that you have to mine that land to get it for $2.50 an acre. Maybe it is just not that easy to prove up on the mineral assets, on the mineral claims, as the chairman caused us to believe here.

Third, you will hear that energy companies pay 12 percent or more in royalties for coal, oil and gas on Federal lands; mineral mining companies don't.

Now, that seems fair, doesn't it? But you have to understand that many of our energy companies also tried to buy mining claims and tried to do mining, and they gave up on it because they simply could not do it. They did not have the economics right. They didn't understand how to do it. And no more than you and I can buy a claim for $2.50 and make a mining claim work, even our biggest oil companies could not do it. And these are the kinds of misinformation points that we are asked to believe today on the floor of the House of Representatives.

I tell you, please, my friends, do not believe it, because we are about to export these jobs, these good high-paying jobs. We are going to export jobs.

Fourth, you are going to hear that the Mining Law needs modern environmental laws. The mining industry today is well regulated. The mining industry itself, the BLM, the regulatory agencies used to have mines that looked like this top chart; and this mine under current law, under current environmental regulations, has now looked like this. We had testimony to this in our committee, but the majority just decided that they didn't need to listen to what is going on already. They wanted to create new overlapping legislation.

Currently, the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, and all other Federal regulations apply to the mining industry. But you would believe, if you heard our friends on the other side of the aisle, that we are simply out here digging holes in the ground and we are polluting the streams with no oversight. It is just not true.

So, my friends, as we engage in this argument, listen to the passion from the West, because you will know that our jobs are at stake, our livelihoods are at stake. There are people who want to make the West simply the vacation ground for the rest of the country. And I am saying from the West, we just want jobs, good jobs. We want not only jobs, but careers for our families. We want careers for our kids. And the legislation today here is designed to take away the careers from the West.

Look at it very carefully, because today the stock market is plunging amid fears of high energy prices and unavailable access, no access to drilling lands to increase the supply; and our dollar is falling because the world believes that we are going to give away our economy.

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

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I want to congratulate my friend, the gentleman from West Virginia, on his legislation that substantially reforms the governance of hardrock mining on public lands.

Abandoned mine sites pose serious environmental and safety hazards. Currently, there are more than 80 hardrock abandoned mines or mine-related sites on the EPA's Superfund National Priorities List. Polluters should pay to clean up the pollution they leave behind.

I would like to have a colloquy with the gentleman from West Virginia to clarify the use of federally appropriated funds from the Hardrock Reclamation Account under sections 411, 412 and 413 of the bill.

Does the gentleman from West Virginia agree that moneys in the Hardrock Reclamation Account shall not be provided in a manner that reduces the financial responsibilities of any party that is responsible or potentially responsible for contamination on any real property?

Mr. RAHALL. Yes.

Mr. WEINER. Does the gentleman also agree that the provision of assistance pursuant to this act or section shall not in any way relieve any part of liability with respect to such contamination, including liability for removal and remediation costs?

Mr. RAHALL. Yes.

Mr. WEINER. I thank the chairman. I urge passage of this bill.

Mr. RAHALL. Mr. Chairman, I include for the RECORD at this point a letter to me from Chairman JOHN DINGELL of the Energy and Commerce Committee, and a letter in response from myself to Chairman DINGELL of the Energy and Commerce Committee.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 29, 2007.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: I write with regard to H.R. 2262, the ''Hardrock Mining and Reclamation Act of 2007''. I know it is your wish for the bill to be considered on the House floor as soon as possible.

Some of the provisions in the bill establish requirements for the Environmental Protection Agency and concern the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Those provisions are within the jurisdiction of the Committee on Energy and Commerce. I am not, however, raising the issue with the Speaker because it is my understanding that you have agreed that the referral and consideration of the bill do not in any way serve as a jurisdictional precedent as to our two committees.

Further, as to any conference on the bill, the Committee on Energy and Commerce reserves the right to seek the appointment of conferees for consideration of any portions of the bill that are within the Committee's jurisdiction. It is my understanding that you have agreed to support a request by the Committee with respect to serving as conferees on the bill (or similar legislation).

I request that you send to me a letter confirming our agreements and that our exchange of letters be inserted in the Congressional Record as part of the consideration of the bill.

Please do not hesitate to contact me if you wish to discuss this matter further.

Sincerely,

JOHN D. DINGELL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, October 30, 2007.

Hon. JOHN DINGELL,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the jurisdictional interest of the Committee on Energy and Commerce over H.R. 2262, the Hardrock Mining and Reclamation Act. As you know, some sections of H.R. 2262 as reported by the Committee on Natural Resources relate to the application of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), and others establish requirements for the Environmental Protection Agency, both of which fall under the jurisdiction of the Committee on Energy and Commerce.

It is my understanding that you will not seek a sequential referral of H.R. 2262 based on the inclusion of these provisions in the bill. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these sections or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Energy and Commerce if a conference is held on this matter.

Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees. At your request, I will include this exchange of letters in the Congressional Record as part of consideration of the bill.

With warm regards, I am

Sincerely,

NICK RAHALL,
Chairman.

□ 1215

Mr. PEARCE. Mr. Chairman, I yield 9 minutes to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong opposition to what could have been responsible bipartisan legislation. I have a great deal of respect for the chairman of the committee; he is a good friend of mine. But this is a bad bill.

As the gentleman on our side, the ranking member, Mr. PEARCE, has done an outstanding job, he mentioned in his statement to listen to the chairman of the committee and those who are promoting this bill that the mining industry has no regulations, no laws, they just run rampant, which is pure nonsense. We are not really addressing an 1872 mining law here. It is not about the royalty. They offered the chairman if he would strike title III, we might be able to work a bill, and he turned it down.

This is about driving our industry, our mining industry overseas and away from our shores. This bill will do it. Just as I have heard in the past about legislation from that side of the aisle when you were in power that we are not trying to stop the logging industry in Alaska, we are just trying to make sure that we get our fair share. We went from 15,000 jobs down to less than 300 jobs. That was from the previous chairman.

I also heard all the time about how when they were in power, how we were going to be energy independent. And now we are paying $93 a barrel for oil, $93 a barrel, because you have not acted and we didn't do also. But we didn't try to stop the mining industry in this country as this bill will do.

This is not just about mining; this is about national security. Where do you think the metals come from to build our airplanes? Right now we are probably importing most of it. And I guarantee you, we will import all of it under this bill. We know, Mr. RAHALL, this doesn't affect West Virginia. It doesn't affect his coal mines or any of the east coast States. But it does affect public lands in the West where our minerals are derived from.

I say wake up, Mr. and Mrs. America and my colleagues. Wake up. China has gone into Chile now, and they control the copper that we must have for our hybrid cars.

Yes, all of you, as I watch my good friend there working his BlackBerry, where do you think the metals and minerals came from for this? As we vote electronically today, the metals and minerals make that electronic system work.

We are not talking about the royalty, here; although, I do think it is unconstitutional as the bill came out of committee because you rewrote the contract under the bill. It will be taken to court and that part of the bill will be struck. It will be struck. I tried to say that. But no, again this is not a bipartisan bill. This is a bill that was written primarily by the leadership of this House that in reality takes away the ability for the western States to produce the minerals that are needed. That is what this bill does.

It does affect my State probably more than any other bill that has come out other than the Alaskan National Lands Act that put 147 million acres of land off limits. What remaining BLM land we have where we are trying to develop a mining industry will be precluded, taking away the benefit of the mining industry in the State of Alaska as it does in the western States. But it affects my State more, probably.

Yes, we probably could have written a bill that would have recovered the dollars necessary to straighten out hardrock mining. But no, we have a bill that stops the ability of this Nation to be self-sufficient in minerals. Later on you will see a display about just how dependent we have become.

I am hoping that this bill will be killed in the Senate, as most bills will be killed from the House side because no one wants to work with the Republicans at all. That is why you have an 11 percent rating of favorability. No ability to work across the aisle and say what will work and what are we trying to achieve. What are we trying to achieve?

If you were looking for money from royalties, we could have talked about that; prospective, not retroactive, because that will go to court. But that didn't happen, and you left title III in, which requires so much impossibility of achieving a mining claim that they will go abroad. They will go abroad, and that's not right for this country.

I have said all along, and I am going to be around here a lot longer than most people expect, and most of you probably don't like that, but I will be here just to say ''I told you so'' like I have done with the logging, what you did in my State and the logging industry and the west coast and on public lands. There is no timber industry. We are now importing our timber with no regulations. We have private timber in the eastern States, but not in the western States.

I listen to you. We just voted on a bill yesterday to help out people who are going to be displaced because of losing jobs overseas, and you voted for that. And that is what this bill does. It will drive the industry out of the United States of America and we will be dependent upon China and Russia and all of the other countries for the metals and minerals we must have in our Nation to make sure we are economically strong, and then we cannot become strong.

So as much as I love you, Mr. Chairman, this is a bad piece of legislation. I have been told don't worry about it, we will take care of it later on down the line. Well, I have been down that road before, too.

So I am asking my colleagues on my side of the aisle and anybody that is thinking on that side of the aisle to vote against this legislation if you believe in this Nation. If you believe in this Nation being strong, if you believe in jobs in our country and not abroad, then you will vote ''no'' for this bill.

If you don't believe that, then vote ''yes'' for the bill. And then go home and say, ''I repealed the 1872 mining law. Look what I did for you, Mr. Backpacker.'' But think of our country and our Nation. Think of our future. Vote ''no'' on this bill.

Mr. RAHALL. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the subcommittee, Mr. COSTA from California.

Mr. COSTA. Thank you very much, Mr. Chairman, for all your hard work on this issue, not just this year, but for the last two decades. I also want to thank the ranking Republican member, the gentleman from Alaska (Mr. YOUNG), and the ranking member of our subcommittee, the gentleman from New Mexico (Mr. PEARCE), for all of their hard work over the last 10 months.

Mr. Chairman, this is an important piece of legislation and it provides a balanced approach to public lands. It recognizes that hardrock minerals to our lives are important, but they are also important as a public trust that belong to all Americans.

During this process over the last 10 months, we held numerous hearings at which over 33 witnesses testified. For example, in Pima County, Arizona, earlier this year, we had local government

and citizens talk about the important values, as well as the impacts to water, wildlife and recreational opportunities. We also listened to State and local government and tribes and gave them the option to close sensitive lands which are critical to their communities, or to have restraint. Lands that provide, in fact, drinking water supplies.

In Elko, Nevada, the subcommittee received additional testimony from people to understand how important the mining is to those communities in those towns. Let's make it clear. We do not want to put those mining operations out of business. They provide a viable industry to this Nation which has already been substantiated. We gained a better understanding on the ways that industry strives, and they are doing a marvelous job for the most part in being responsible and following regulations which they must comply with.

Many States have already taken initiatives. The committee listened. We have taken amendments which make mineral exploration provisions to benefit an important part of the industry to keep the momentum and the motivation there. We also took changes in title III to set forth strong national standards for mining but make sure that we are not duplicating existing State law and regulations. The subcommittee hearings in Washington also focused on the issue of royalties, which has been much talked about.

Let me address some of those criticisms at this time about it decimating the mining industry. Some of us are old enough to remember Sergeant Friday from Dragnet. Remember what he used to say: ''Just the facts, ma'am.'' Well, the facts are this: These are multinational companies that mine in areas throughout the world, and they pay royalties in those countries. They pay royalties in those countries, and they are existing and doing fine, as they are doing fine in this country.

The Congressional Budget Office estimated that the total income subject to the proposed royalty, which I would submit is a work in progress, would average roughly $1 billion a year. These are public lands. We require the same for oil and gas production. It is a relatively small number when you take into account that the total U.S. mining industry produces $23 billion each year.

The Congressional Budget Office also estimates that the cost of this legislation, should it become law, would approximately be, with this royalty, $200 million over a period of 5 years. That is $200 million over a period of 5 years, a $23 billion a year industry in this country. We think that is a fair shake for these lands that are owned by all Americans, and it makes a serious opportunity to resolve something that has been contentious for two decades.

The industry will tell you that they want certainty. They don't want the vagaries from administration to administration. They know this is a work in process. They know the issue of royalties are subject to negotiation between us and the Senate as this measure moves on.

So let's be clear about it. This measure, in short, I think reflects a thoughtful and informed process. Did everybody get everything they wanted? No. Is the process still moving along? Yes. We will continue to work with our colleagues of the loyal opposition as we try to endeavor to create a bill that reflects the best interests of America.

Let me quickly respond to the issue of the precious metals. This chart explains it very clearly. The U.S. Geologic Survey ranks the import reliance for nonfuel mineral materials. According to the USGS, there are 30 nonfuel minerals on which we are 80 to 100 percent reliant on imports. Simply put, we almost completely import these minerals, as has been stated, rather than produce them domestically.

Now, that sounds worrisome, and the Republicans have noted that. But it is important that we realize that 19 of these 30 minerals, two-thirds of them, are not ''locatable'' and therefore are not subject to the 1872 mining law. So the reform of this law will have no effect on the production or the imports of those minerals. They will not be subject to the royalty we propose or the environmental standards.

Of the other 11, all but one are simply not available in terms of commercially marketable quantities in the United States. We depend on imports of these minerals. Ones like graphite and rare earths do not exist in deposits where it is economical to produce them or they don't exist on public lands, so they are not subject to the legislation.

So if it ain't here, you can't mine it.

The only mineral among those 30 that are 100 percent import reliant into this country and impacts both the 1872 mining law and that are ''locatable'' minerals, the only one that is actually located in deposits large enough to be economically produced is fluorspar. Fluorspar. We are dependent upon fluorspar. Now let me tell you what we use fluorspar for: Toothpaste. We get fluorspar from China, Mexico, South Africa and Mongolia. We don't need to worry that the cleanliness of our teeth is in jeopardy because of this mining law.

□ 1230

The last time I checked, tooth decay, while distasteful, is not a national security issue. I ask that we support this measure.

The CHAIRMAN. The Chair will note that the gentleman from New Mexico has 16 minutes remaining and the gentleman from West Virginia has 15½ minutes remaining.

Mr. PEARCE. Mr. Chairman, my good friend from California said we want to get the facts right; and if I heard him correctly, he said this bill is a work in progress. Now, we've had 135 years, according to him, to work on this bill, and we're going to rush it while it is still in progress. I really don't understand why we're going to take such a serious step as risking all the jobs in mines with work in progress. I think those were the words used and the facts used.

The truth is we have a severe difference of opinion. I will quote from the chairman of the committee: No reason, no reason whatsoever why good public land law should be linked to the gross national product. That was in our markup hearing, and yet I would submit that energy production, timber production, water production, mineral production, they all affect the gross domestic product, and they are public land law.

So I really just believe that we have a complete disconnect in the committee between the majority and minority.

Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Chairman, I have great respect and admiration for my neighbor, the chairman from West Virginia, for work that we've done in our river industries and supporting local industries; but I have to rise in objection to this bill. I think in some ways we might entitle it the Exporting America's Jobs Overseas Act.

I grew up around the American mining industry at the working-class end and got to see it from that side, one of the great transformations that took place during the 1960s, 1970s and 1980s; and I think there are three core issues.

The law needs to be reformed, I agree, to adapt it to a 21st-century economy within which we live. However, the issue of competitiveness, the issue of American jobs and the issue of fundamental social justice all militate against this bill.

First of all, for the Democratic Caucus, from my friends on the other side who are committed to protecting jobs, I think it's amazing that we want to raise taxes on a core industry that's important to our supply chain, for our technology industry, to drive jobs overseas. It's going to increase material costs, increase our dependency on foreign hardrock minerals which has doubled over the last 10 years according to the U.S. Geological Survey.

Secondly, there is a significant impact on jobs. Mining jobs and the mining support and supply chain jobs and industries that support that cannot be replaced by hospitality jobs. That is a flawed logic, in my mind; and it's very critical that we maintain the robustness of this industry as a strategic asset and a strategic resource.

For our future in energy, our future in manufacturing, we have to use the resources that we have in an environmentally friendly way to not only protect our jobs but to grow their jobs.

Finally, I think the one thing I found in trade agreements through the years here in the House, there's always the discussion about a social justice component in establishing trade agreements with countries that may have

sweatshops, may abuse men, women and especially children. In this case, I would point out that areas where we get strategic materials now that will increase their industry are abusive of children. Specifically, you can see a picture here of a child who's a Peruvian miner, children who are Colombian miners, and a Ugandan miner, all of whom are young children, all of whom are having their futures closed down because of this.

I oppose this bill. I ask that we yield back to the principles expounded by the gentleman from New Mexico and the gentleman from Alaska.

Mr. RAHALL. Mr. Chairman, I yield myself 1½ minutes.

I say to my colleague from across the river from me in Kentucky that, as he knows, jobs in both our hardrock mining industry and our coal industry are on the decline already. Those jobs have been declining; and as the gentleman so well knows, as well as my colleagues on the minority side, these jobs are declining today because of the technologies that are coming in place.

Look at our coal industry. We're mining more coal as we're producing more hardrock minerals, but with less man and woman power because of the technologies that are replacing man and woman power. It's that simple.

So while the jobs may be on the decline, the production is on the upswing.

I would say as well to my colleagues who raise the specter of here the Democrats go raising taxes again, note this week in the Wall Street Journal, this week the administration, the administration, not the Congress, announced that it's raising the royalty rates for oil and gas from the Gulf of Mexico to 18.75 percent from 16.67 percent for offshore leases to be offered next year. Even with this increase, the gulf will remain one of the lowest tax oil basins in the world.

So let's put this proposed 8 percent royalty on hardrock mining in perspective, please. It's less than half. Let's also keep in mind that hardrock mining is the only industry that pays no royalty on public lands, and all other countries and all States, for that matter, charge a royalty. Companies impose royalties and private agreements on hardrock mines. Let's keep in perspective what we're doing here; and, remember, it was the administration this week that raised royalties on Gulf of Mexico leases.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. I thank the gentleman for yielding.

I rise in support of H.R. 2262 so we can, after 135 years, update the 1872 Mining Law. Since Ulysses S. Grant's administration in 1872, the Mining Law has governed hardrock mining on our public lands, public lands. Those are lands which you, the taxpayers, own.

For nearly 100 years, those lands have been debated in Congress about changing policies that give away public resources and leave each new generation with a larger legacy of unreclaimed lands and degraded streams.

Debate has continued. It's continued while northern California's Iron Mountain spewed nearly a quarter of the copper and zinc discharged by industries to the Nation's surface waters; during the decades of efforts to control acidic, metal-laden discharges from old sulfur mines southeast of Lake Tahoe; as historic lands of the Indian Pass in the area of Southern California in the desert area faced destruction from the proposed Glamis mine; and as California cities spend millions of dollars to treat hazardous mine discharges and fight giant mining corporations in court.

Like the pollution problems it creates, the 1872 Mining Law persists, but that will now change with passage of this bill, and we owe that hard work to Chairman RAHALL and to my colleague JIM COSTA from California.

While this congressional debate has continued after all these years, we've allowed mining companies to take billions of dollars' worth of gold, silver, and other minerals from our public lands for free. However, we will no longer treat that as we have not treated oil, coal, natural gas. So they will all now have to pay.

While countless hearings have been held, nearly 3.5 million acres of public lands have been deeded to mining claim holders for as little as $2.50 an acre. We've had to buy back some of this land to protect the unique ecological, recreational and cultural values, paying prices much higher than those set in the Mining Law.

And during our long deliberation, the price tag for mining cleanup has risen astronomically. Since the House last acted on reform legislation, more than 20 mines and mills have been added to the infamous Superfund National Priority List, and the EPA Inspector General has warned that nearly $24 billion in cleanup costs from mine sites now exists, some of which will require treatment in perpetuity.

However, this is about to change. For today, the Hardrock Mining Reclamation Act of 2007 will do what it should have done years ago. I urge the passage of this important legislation.

Mr. PEARCE. Mr. Chairman again, the gentleman from California said let's talk about the facts. He said we do not have rare Earth. We do have rare Earth minerals; we don't have rare Earth mines. Those were shut down by the EPA due to lawsuits. U.S. companies developed the uses for rare Earths, and now we import them.

Mr. Chairman, I yield 3½ minutes to the gentleman from Idaho (Mr. SALI) who has done great work on this bill.

Mr. SALI. Mr. Chairman, I rise in strong opposition to the bill before us.

Plain and simple, this bill is bad for America because it is bad policy. My concern centers around the long-lasting impacts that this bill will have on the First District of Idaho and on America's future.

The bill imposes a royalty that will threaten the existence of domestic mineral production. Please note that mining is already one of the most regulated industries in the United States. Everyone believes that we need safe, productive, and environmentally responsible mineral development and that there needs to be a logical and efficient way to deal with abandoned mines. We all agree on those goals. But this bill takes an environmental cause, like abandoned mines, and uses it as a cover for a tax hike that will accomplish nothing less than outsourcing our domestic mining industry. That is bad policy.

Hardrock mining is dangerous. It takes a lot of grit to engage in it. Today, hardworking professionals do it here in the United States. This bill, however, will send American production overseas, where there are limited or no environmental standards and where child labor is used.

As the gentleman from Kentucky before me mentioned, H.R. 2262 makes America more dependent on child miners from around the world for our minerals and metal needs. The International Labor Organization estimates there are over 1 million children that are working in mines and quarries around the world. This bill will not only ship our mining industry jobs overseas; it will ensure that American mineral needs are satisfied by child labor. That is just plain wrong; it is bad policy.

My colleagues across the aisle have made a commitment to the American people to combat global warming. This bill will ensure that they cannot meet that commitment. How are they going to combat global warming if they do not have the very minerals that they need to do it? Alternative energy is dependent on minerals that we mine here in the U.S. For instance, copper is used for wind, solar power, and fuel cells, just to name a few items. Currently, domestic production cannot meet domestic demand. This is kind of like having the Democrats promise us sand castles but banning domestic sand. They're cutting off the domestic supply of minerals that they need to deliver on their commitment to fight global warming. Once again, H.R. 2262 is bad policy.

Mining industry jobs are important in the First District in Idaho. H.R. 2262 will outsource these good-paying jobs that America and Idaho needs. H.R. 2262 will take these jobs away from hardworking American professionals and force them on child laborers. Once again, H.R. 2262 is bad policy.

My final point is this: our national defense depends on minerals mined in America. This bill will result in an importation of the very minerals we need to keep America safe from every unfriendly country from which we are protecting ourselves. Yes, that is right, we'll be asking our enemies to supply

us with the minerals used for the very weapons we will be using to defend ourselves from them. Once again, H.R. 2262 is bad policy.

I urge my colleagues to vote ''no.''

Mr. RAHALL. Mr. Chairman, I yield 3½ minutes to the distinguished chairman of our Subcommittee on National Parks, Forests and Public Lands, my good friend, the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Chairman, I rise today in strong support of H.R. 2262.

It is an understatement to say that the West has changed dramatically since 1872, but this law that we are reforming today has not kept pace. Those of us from the West need this legislation to pass to protect the health of our communities, our scarce water supplies and our public lands, which are under continuing threat from an outdated mining law.

In my home State of Arizona, hardrock mining has left behind a legacy of contaminated lands and rivers, abandoned mines leaching poisonous metals into groundwater and other hazards to the public, with hundreds upon hundreds of millions of dollars to reclaim and cleanup the mess left behind.

Only a few months ago, a young girl was killed when she and her sister drove their vehicle into a mine shaft that had been left exposed after the site was abandoned. The mine shaft was hidden by brush, had no signs or barriers to warn anyone about the danger. The younger sister was trapped overnight with her sister's body before rescuers found them the next morning.

This is just one heartbreaking example of the impacts of a law left over from another era, an era when the West was not populated and when our value system was far different from what it is now.

□ 1245

The law simply must be updated to today's modern-day values and environmental standards. The issue of employment has been raised over and over again, exporting our jobs and importing our vital metals. I agree, mining jobs are good jobs, but I would suggest they are not the only jobs in the West. We need to have a diversified workforce, and that workforce needs what the population needs, diversified opportunities.

Chairman RAHALL's bill puts standards in place, requiring cleanup and reclamation of mining sites. This bill makes certain that lands are off limits to mining, as they should be, but it also ends the free-for-all that this law has created over the years, where companies have used a patenting process to purchase inholdings within national forests and other public lands for a few dollars per acre, only to have the Federal Government later buy them out for millions of dollars when they threaten to develop the land.

The Federal Government has spent billions of dollars over the years rebuying patented mining lands, and taxpayers' are served much better for their money. They deserve a fairness and an equitable return for their tax dollars.

I strongly support the balanced approach that the chairman has taken with this bill. I am also pleased that the committee approved amendments I offered to allow Native American tribes to petition the Secretary to withdraw from mining lands of cultural, historic or religious importance to them. Tribes have been just as impacted as other communities by the impacts of mining and should be able to weigh in on these important matters.

There is an urgency here that cannot be understated. I hope my colleagues on both sides of the aisle will vote for this bill.

Mr. PEARCE. Mr. Chairman, I would recognize the comments by the gentleman from West Virginia earlier about the administration, and I appreciate his praise.

Although I don't always agree with the administration, I would say that the same administration he was praising has issued a veto threat because there is a constitutional abridgement that's possible in this bill, a takings violation, from the royalty structure. That would be a violation of the fifth amendment of the Constitution.

I believe that this work in progress should be sent back to the committee.

Mr. Chairman, I yield 5 minutes to the gentleman from Nevada (Mr. HELLER) who has done great work on the bill.

Mr. HELLER of Nevada. I want to thank the ranking member for his hard work the last 10 months.

I also want to thank the chairman of the committee, Mr. RAHALL, for his efforts on the bill. He was very patient, very respectful. I appreciate his time and energy. We may disagree, but I certainly do appreciate him listening to my concerns and oppositions to this particular bill, so thank you so much.

Also, I thank the subcommittee chairman for a field hearing in Elko, Nevada. I certainly do appreciate that also, giving them a chance to be heard. I know that was appreciated.

Mr. Chairman, mining is the second largest industry in the State of Nevada, which employs approximately 32,000 Nevadans, supporting, obviously, countless numbers of families. These high-paying jobs and their related services are the backbone of the rural community in our State and other rural economies.

I would take, for example, a couple, Larry and Vickie Childs of Spring Creek, Nevada. Larry retired from the mining industry approximately 25 years ago and subsequently went to work for a company in Elko, Nevada, providing miners the tools and equipment that they need. Vickie works at a health clinic for miners and their families provided by the two largest mining companies in the area.

Vickie's clinic employs two pharmacists, four doctors, physician's assistants, nurses, lab technicians, maintenance and clerical people. Larry and Vickie raised four children in Elko, Nevada, one of whom currently today works in the mining industry.

When this bill closes down the local mining operations, the equipment suppliers and the health care clinics will have layoffs, and, obviously, close their doors. The Childs family will begin to lose their homes. The mining industry will join other domestic industry crushed by foreign competition and overregulation.

Despite opposition to this bill in Elko, one of the most affected communities by this bill, the new excessive taxes and burdensome regulations of this bill will kill this industry, and with that industry will go the towns and families that depend upon it.

Clearly, this was not the result of the field hearing that the community had hoped for. All of these measures, many of the supporters will say, are in the name of fairness.

The question is, fairness to whom? Fairness to Nevada? Fairness to New Mexico? Arizona? I know that China thinks it's fair. I would guess that South Africa thinks that this is a fair bill. I would probably even guess that Australia thinks it is a fair bill.

But do you think it's a fair bill to the Childs family in Spring Creek and the many thousands like them? I don't think so.

But just like this bill ignores the futures of the families in Nevada, H.R. 2262 also fails to embrace the realities of the future of our Nation. India and China, with their State-funded purchases of global mineral commodities, should make us consider the long-term ramifications of the health of the domestic mining industry. Also, the technological advances we all want in our future, such as alternative energy, rely heavily on minerals and metals. A hybrid car, for example, requires twice as much copper as a traditional SUV today.

Our national defense will rely on foreign sources of minerals to build our military equipment. Frankly, I don't want to rely on China when we are in a war-time situation.

I urge my colleagues to support rural communities, urge them to support our domestic mining industry for the sake of our families, our economy, and our national security by voting against H.R. 2262.

Mr. RAHALL. Mr. Chairman, I yield 1½ minutes to our distinguished subcommittee Chair on Insular Affairs, the gentlelady from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I rise in strong support of H.R. 2262, the Hardrock Mining and Reclamation Act of 2007.

In doing so, I want to congratulate its lead sponsor, the chairman of the Committee on Natural Resources, NICK RAHALL. For 20 years now, NICK has led

the effort to reform mining laws which have been unchanged since 1872.

It is high time that the 19th century mining law be updated to reflect our 21st century needs and goals. The current law was enacted before the invention of the telephone and was designed to promote mineral development in the age of the pick-and-shovel prospector.

Unlike virtually any other use of public lands, the 1872 mining law allows mining on public lands for hardrock minerals such as gold and copper without any compensation or royalty. It is time that this law be changed to reflect modern mining technologies and newer social values that question whether mineral extraction is always the best or highest use of the land.

As a long-term member of the Natural Resources Committee, I want to once again commend Chairman RAHALL for his commitment to mining reform, and he and Mr. COSTA for producing a balanced bill which benefits American taxpayers who own the land, the environment and the mining industry.

I urge my colleagues to support H.R. 2262.

Mr. PEARCE. Mr. Chairman, in order to, again, stick with facts that I think one of my colleagues mentioned we should, I would note that when we just heard the comment that no fees or dollars were taken from the mining industry, actually, $55 million was paid in claim maintenance fees.

But if we are to have this discussion about what effect this royalty is going to have, I think we should look at other circumstances. Again, these facts were presented in committee, in the committee hearings, but, somehow they did not get integrated into the bill, the knowledge, and again, it's the reason that we are passionate here on the floor about our points of view.

We had testimony from British Columbia that instituted a 2.5 percent royalty. Now we are looking at an 8 percent, almost three times as much.

Now, if, as our opponents claim, there is no effect, that we can expect nothing, then you would think nothing happened in British Columbia. Yet, after they instituted, in 1 year, 1 year, revenues from the mines didn't increase because of this royalty; it decreased from 28 to 15, almost a 50 percent decrease.

Exploration, likewise, fell dramatically from 38 to 15, far more than a 50 percent drop. That was in 1 year. The tax was repealed the next year because they found out exactly what we are claiming, that jobs were lost, 6,000 jobs were lost in 1 year. In 1972, the number of claims fell by 85 percent.

So when our opponents say there is not going to be any effect here, it's only right, we are asking them to pay the same amount that you pay for a snack at the grocery store. British Columbia did one-third of the tax that we are proposing. British Columbia found that they had to undo the tax because it was so destructive to the industry.

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

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a valued member of our Committee on Natural Resources.

Mr. HOLT. I thank the chairman and commend my colleague from West Virginia for bringing this legislation to the floor.

Mr. Chairman, we are doing a good thing here. The Mining Act of 1872 is as archaic and as deserving of updating as the name suggests. It was written at a time of manifest destiny, the belief of our predecessors, who held that we should expand from coast to coast and that mining was recognized as one of the best uses of public lands when the country seemed so vast that no one could imagine that human actions would affect the world.

Many things have changed over 135 years. Our Nation is settled. We have come to realize the worth of our natural environment. We have come to comprehend the effects of human actions on the resources that we will pass down to future generations.

This legislation is governing hardrock mining, an industry that's remained exempt from environmental regulations despite the fact that the U.S. EPA's toxic release inventory has determined that hardrock mining is a primary source of toxic pollution in the United States.

I am pleased that in committee we have included language, important language, I would say, to restrict permits for activities that would harm national parks and national monuments. There are thousands of claims and could be thousands more in the close environment of national parks and national monuments, some of our most treasured lands. This legislation will provide vital protection for those lands.

We all know well the costs to American taxpayers of refusing to look after the environment. This language about national parks, I think, will also save the taxpayer money, because we will have to spend hundreds of millions of dollars to clean up damage to water supplies and so forth.

I commend the chairman for bringing such a good bill forward and urge its passage.

Mr. PEARCE. Mr. Chairman, might I inquire how much time is remaining?

The CHAIRMAN. The gentleman from New Mexico has 3 minutes left. The gentleman from West Virginia has 4 minutes remaining.

Mr. PEARCE. Mr. Chairman, again, just sticking with the facts, we had one of my colleagues talk about fluorspar, that's what's used to make toothpaste, as if there were no strategic minerals; yet when I look at the list of imported minerals, I see that we import 72 percent of titanium, which is used in jet aircraft, fighter jet aircraft, 72 percent.

I think when we are discussing these facts, we should be talking about the critical facts, as I am sure that the gentleman was correct that we do import fluorspar, and it probably is used on toothpaste, but we probably should be talking about the domestic security, about the security of our Nation, about the willingness of our industry and the capability of our industry to provide the instruments to defend this country.

We are at a time when terrorists are trying to overcome us, al Qaeda, radical jihad. The terrorists are trying every way they can, and we are going to put the source of critical minerals that are necessary for our Nation's offense outside the Nation's borders. It simply doesn't make sense. It actually does feel like a work in progress. It feels like we should have done more.

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

□ 1300

Mr. RAHALL. Mr. Chairman, I would ask the gentleman from New Mexico if he has any additional speakers, because I am prepared to close, as I have the right to close.

Mr. PEARCE. I have no additional speakers. I will close if the gentleman is ready to close.

Mr. Speaker, when I look on the walls of this Chamber, I see the quote by Daniel Webster up above the Speaker's chair, and it says: ''Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered.''

Worthy to be remembered. I think our Founding Fathers had it right. They visualized a nation of tremendous promise, where the wealth of the Nation and the protection of the Nation would come together in the production of its resources and in the taking care of its land.

I don't find it unusual at all that the same generation protected Yellowstone and yet gave us the capability to create these mines, which take billions of dollars to promote and to produce. I don't find that unusual at all.

But what I do find unusual is that our friends on the other side of the aisle are not listening to their own testimony coming in their own hearings. We heard testimony from both Democrat and Republican witnesses alike saying 8 percent royalties are unprecedented. They are damaging, destructive, they will hurt. Those are the things that we heard in the committee.

I would suggest that we send this work in progress back to the committee and finish our work before we try to change 135-year-old policy.

Mr. Chairman, I include a letter for the RECORD from Governor Palin of Alaska, the U.S. Chamber of Commerce, the National Mining Association, and others, all in opposition to the legislation proposed here.

DEPARTMENT OF NATURAL RESOURCES,
Anchorage, AK, September 28, 2007.

Hon. NICK RAHALL,
Chairman, Committee on Natural Resources, Washington, DC.

DEAR CHAIRMAN RAHALL: The State of Alaska has completed a review of H.R. 2262,

the Hardrock Mining and Reclamation Act of 2007. I attach the resulting position paper for your consideration.

While we acknowledge the need to revise some of the same federal laws that H.R. 2262 modifies, we believe the legislation would unjustifiably harm the domestic mining industry, and the Alaska mining industry in particular.

Our state produced almost $3 billion of minerals last year, four percent of the nation's total. We can continue and even expand this contribution indefinitely, but not without predictable access, on reasonable fiscal terms, to the federal domain in Alaska.

Your legislation, H.R. 2262, would create several obstacles to such access and terms. Specifically:

Prohibiting mining exploration and development on lands identified in the 2001 Forest Service ''roadless rule'' and in other ''special areas'' would place millions of acres off limits. These prohibitions are far too broad, particularly in Alaska where the federal government owns so much land, yet already offers so little of it to mineral exploration.

A flat royalty on gross revenues will cause unnecessary mine shutdowns and job losses during periods of low prices. The government should adopt a flexible royalty that adjusts for high and low returns.

The proposed new permitting system would unnecessarily duplicate existing laws while also creating great uncertainty and thus great risk for mineral exploration and development. We believe it could end exploration and mining on federal lands.

Thank you for considering these views and the attached position paper as Congress works to reform the nation's mining laws.

Sincerely,

TOM IRWIN,
Commissioner.

NATIONAL MINING ASSOCIATION,
Washington, DC, October 29, 2007.

Hon. NEIL ABERCROMBIE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ABERCROMBIE: The National Mining Association (NMA) supports updating the Mining Law in a manner that produces a fair and predictable public policy capable of sustaining a healthy domestic hard rock mining industry and providing a fair return to the taxpayer for the use of federal lands. House members will soon be asked to vote on the ''Hardrock Mining and Reclamation Act of 2007'' (H.R. 2262). NMA opposes H.R. 2262 because it jeopardizes current and future sources of domestic minerals that are critical to our nation's economic well-being and security.

NMA believes that the Mining Law can be responsibly updated in way that does not sacrifice American jobs or endanger the nation's security. Our domestic mineral and mining industry supports 169,500 direct and indirect jobs, produces metals valued at more than $16 billion and pays direct personal and payroll taxes totaling $830 million.

NMA finds the following features of H.R. 2262 particularly objectionable.

Excessive Royalty (Tax): The bill would impose the world's highest royalty on mineral production—a new tax on America's minerals that are critical to our economic vitality and national security. The tax would take the form of an 8 percent gross royalty, which would cause a significant reduction in mineral and mining investments. NMA supports a fair return to the public in the form of a net income production payment for minerals produced from new mining claims on federal lands.

Retroactive Levy on Existing Mines: The bill would retroactively levy a 4 percent gross royalty on existing mines where business plans and investments were implemented without this significant cost in mind. Apart from the doubtful legality of such a levy, it virtually guarantees the closure of some mines and the export of high-paying mining-related jobs.

Confiscation of Investments: Several provisions of H.R. 2262 would empower political appointees to stop new mining projects even when such projects have met all applicable environmental and legal requirements. No business can attract the necessary capital or operate with such regulatory uncertainty and, as you would expect, those investments and projects will move overseas.

Our country is becoming increasingly dependent on foreign sources of minerals critical to virtually every sector of our economy. Our national minerals policy should support, not destroy, the investments, jobs and infrastructure necessary to supply our domestic mineral needs. We urge you to oppose H.R. 2262 so a more balanced measure can be developed.

Sincerely yours,

KRAIG R. NAASZ,
President & CEO.

NATIONAL ASSOCIATION OF MANUFACTURERS,
October 30, 2007.

DEAR REPRESENTATIVES: On behalf of the National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, I urge vou to oppose H.R. 2262, the Hardrock Mining and Reclamation Act of 2007.

The U.S. mining industry currently provides about 50 percent of the metals American manufacturers need to operate, including iron ore, copper, gold, phosphate, zinc, silver and molybdenum. The U.S. has become increasingly dependent upon foreign sources of minerals for products that are strategically important to both our national and economic security.

Rather than encouraging environmentally safe mineral development, H.R. 2262 would impose new taxes on the mining industry, including an eight percent royalty on new mining and a retroactive four percent royalty on existing mining operations. The bill would also establish new prohibitions on future mining on certain public lands and set highly prescriptive environmental standards that sometimes conflict with existing state and federal regulations.

Not only would the bill seriously impact the U.S. mining industry, it would increase the cost of raw materials for U.S. manufacturers, make our products less competitive in global markets and adversely affect thousands of high-paying manufacturing jobs. Moreover, we remain concerned that this sets an unwise precedent in targeting specific industries with new and burdensome tax increases.

The NAM's Key Vote Advisory Committee has indicated that votes on H.R. 2262 will be considered for designation as Key Manufacturing Votes in the 110th Congress.

Thank you for your consideration.

Sincerely,

JAY TIMMONS,
Senior Vice President for Policy and Government Relations.

CHEVRON MINING INC.,
Englewood, CO, October 30, 2007.

DEAR CONGRESSMEN: as an operator of two domestic metal mines with over 500 employees, I would like to urge you to vote ''NO'' on the ''Hardrock Mining and Reclamation Act of 2007'' (H.R. 2262). As longstanding members of the mining community in the United States, we are concerned that H.R. 2262 as it currently stands will negatively affect domestic supply of the metals and minerals needed to ensure our future economic prosperity. The new taxes imposed, and more importantly, the retroactive taxes proposed, will have a chilling effect on our industry. The uncertainty of mining rights will make domestic investment in new mines difficult, undoubtedly increasing our dependence on foreign minerals and eliminating countless jobs in the US.

Today, American hard rock miners are the highest paid in the world earning excellent salaries and receiving unmatched benefits. Congress will drive these jobs overseas if it approves H.R. 2262, which impose the highest minerals tax in the world!

We are dedicated to reforming Mining Law to ensure a fair return to taxpayers and allow businesses to stay open, preserve high-wage American jobs and prevent further increases in our dependence on foreign minerals.

On behalf of our 500 employees, I urge you to vote ''NO'' on the Hardrock Mining and Reclamation Act of 2007.

Very truly yours,

MARK A. SMITH,
President and CEO.

AMERICAN COPPER POLICY COUNCIL,
Washington, DC, October 30, 2007.

Hon. NEIL ABERCROMBIE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ABERCROMBIE: I am writing on behalf of the members of the American Copper Policy Council (ACPC) to indicate our opposition to H.R. 2262, the Hardrock Mining and Reclamation Act of 2007. Reform of the mining law is long overdue, but this legislation in its present form would impose new costs and regulatory burdens that would make the U.S. mining industry uncompetitive in the world marketplace. In addition to stifling new mining investment, H.R. 2262 would increase our domestic manufacturing sectors dependence on imported raw materials, particularly from manufacturing economies such as China. In the case of copper, this could discourage the use of a valuable material that positively contributes to green construction and improved energy efficiency.

ACPC members are involved in all facets of copper mining, production, fabrication and distribution and as such play a critical role in nearly all domestic manufacturing, which is vital to the national economy and defense. Mining law amendments must recognize the need to strike a balance between providing a fair return to the public for minerals extracted on federal lands and ensuring that our U.S. mining industry can continue to compete and provide our industrial base with a reliable supply of domestic minerals.

H.R. 2262 would impose a royalty that is higher than any other mining country in the world. A royalty is imposed on new mines and also retroactively on existing mines on federal lands. The bill fails to provide assurances that significant investments on public lands will not be placed at risk by arbitrary and capricious restrictions by regulators, and it imposes redundant and conflicting environmental standards on mining contrary to a finding by the National Research Council that current laws protect the environment.

We support reform but let's make sure it is good reform. At a time when our manufacturing base is struggling to compete in a world marketplace that is not always level, we need to consider the ramifications of legislation on our industrial base.

Thank you for your consideration of our concerns.

Sincerely,

LINDA D. FINDLAY,
Chair, American Copper Policy Council.

The American Copper Policy Council's members include the Copper Development Association, the Copper and Brass Fabricators Council, the Copper and Brass Servicenter Association, the International Copper Association, the National Electrical Manufacturers Association, Rio Tinto, and Freeport McMoRan Copper & Gold, Inc.

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

Mr. RAHALL. Mr. Chairman, on January 28, 1872, Representative Sergeant brought to the House floor from the Committee on Mines and Mining H.R. 1016, the bill that was to be enacted as the Mining Law of 1872. He noted that debate had taken place whether it was worthwhile for the government to sell the mineral lands of the United States, some thought, on some idea of a royalty belonging to the government.

Instead, the Members debating that measure decided to allow for the patenting of mining claims for $2.50 or $5 an acre, depending on whether it was allowed to place their claim because, in the words of Representative Sergeant, ''We are inducing miners to purchase their claims so that large amounts of money are thereby brought into the Treasury of the United States.''

Well, now, perhaps back then $2.50 an acre represented a large amount of money. But I submit it does not today. And the royalty debated back when this law was passed is what, ironically, we are debating today.

Now, the gentleman from New Mexico has said that in order to pay that $2.50 an acre you have to mine the land. I would say that that is an inaccurate description of current law. You do not necessarily have to mine the land. You have to show that there's a valuable mineral that exists therein, which is not a very hard proposition to show these days.

With that noted, let me state that I've engaged in the effort to reform the Mining Law of 1872 these past many years, not just for the apparent reasons, valuable minerals mined for free, the threats to health and human safety from abandoned mine lands, but also because I am pro-mining, I come from a coal mining State, because I no longer believe that we can expect a viable hardrock mining industry to exist on public domain lands in the future if we do not make corrections to the law today.

I do so because there are provisions of the existing law which impede efficient and serious mineral exploration and development. And I do so because of the unsettled political climate governing this activity. With reform, if not coming in a comprehensive fashion, certainly it will continue to come on a piecemeal basis.

As my colleagues come to the floor to vote on this issue, I hope they will ask their staffs just how many letters from how many mining groups have they received in opposition to the pending bill. I hope they'll bring those letters to the floor with them, because I submit there will not be many. And I submit the reason may be, using my intuition, could the responsible segments of the hardrock mining industry, which is the majority, could the responsible segment of that hardrock mining industry want to end the uncertainty that exists over this industry? Could it be that they want a finality to the arguments surrounding their industry? Could it be that they want a basis upon which to make business and future investment decisions?

And hardly today are they screaming pauper. Look at this week's Wall Street Journal headline: ''Gold Rush of 2007. Mining Mergers.''

The price is pretty well up there these days. I think these companies are doing quite well, and they would like to have some finality on this issue. I believe that, with enough courage, as we've seen from elected officials, hunters, sportsmen, fishermen from across the West, we can continue to address the problems facing mining and dovetail our need for minerals with the necessity of protecting our environment.

For at stake here in this debate over the Mining Law of 1872 is the health, welfare, and environmental integrity of our people and on our Federal lands. At stake is the public interest of all Americans. And at stake is the ability of the hardrock mining industry to continue to operate on public domain lands in the future to produce those minerals that are necessary to maintain our standard of living.

I urge the adoption of this legislation.

Mr. GEORGE MILLER of California. I rise in very strong support of H.R. 2262, and I congratulate its sponsor, Chairman NICK RAHALL.

The Hardrock Mining and Reclamation Act of 2007 will finally end the give-away of our public lands and minerals. The bill secures a fair return for taxpayers on minerals taken from public lands, and it will provide for environmental standards and cleanup for hardrock mining.

For 135 years, American hardrock mining policy has given away public resources, and it has left each new generation a larger legacy of unreclaimed lands and degraded streams.

The 1872 mining law is long overdue for comprehensive reform.

The American taxpayers deserve an updated mining policy, and so does our natural environment.

Chairman RAHALL and I have been striving to update this antiquated law for decades, and thanks to his leadership, we are closer today to success than we have ever been.

The Natural Resources Committee's effort to reform mining law began in the early 1990s, when I chaired the committee, but we were derailed by the Republican rule.

Chairman RAHALL has spent 20 years introducing bills in this House to get to this point. He has persevered against indifference, opposition, and intensive lobbying.

Today, he has brought a bill to the floor of the House that takes a major step towards reform after many long years of struggle.

The 1872 mining law allows mining companies to take billions of dollars worth of gold, silver and other minerals from public lands for free.

We no longer treat any other resource that way—not coal, oil, or gas—yet under the archaic mining law, we still give away gold with no compensation to the taxpayers who own it.

And over the years, the price tag for mining cleanup has risen astronomically. Since the House last acted on reform legislation, more than 20 mines and mills have been added to the Superfund National Priority List.

The EPA Inspector General has warned of nearly $24 billion in cleanup costs for mine sites, some of which will require treatment ''in perpetuity.''

The 1872 law's failings have had a serious impact on California and the West. The mining law has remained in effect while Northern California's Iron Mountain mine spewed out nearly a quarter of the copper and zinc discharged by industries to the Nation's surface waters; as historic lands of the Indian Pass area in the southern California desert faced destruction from the proposed Glamis mine; during decades of efforts to control acidic, metal-laden discharges from an old sulfur mine southeast of Tahoe; and as the city of Grass Valley spends millions to treat hazardous mine discharges and fight a giant mining corporation in court.

The bill that is before us today, the Hardrock Mining and Reclamation Act of 2007, will: put certain irreplaceable public lands off limits to mining, secure a fair return for taxpayers with a royalty on minerals taken from public lands, halt the sale of public lands to mining claimholders, adopt modern environmental standards for hardrock mining; and establish a program to clean up abandoned mines.

I congratulate the chairman of the Natural Resources Committee, NICK RAHALL, and Energy Subcommittee Chairman JIM COSTA, our California colleague, for their leadership on this issue.

I also want to commend the staff of the Natural Resources committee for their years of hard work to get us to this point.

I urge all of my colleagues to support this major legislative accomplishment, which will be celebrated by future generations of Americans.

Mr. UDALL of Colorado. Mr. Chairman, I rise in strong support of this important legislation.

As a proud cosponsor of the bill, I want to begin by congratulating Chairman RAHALL, the lead sponsor of H.R. 2262 and our leader on the Natural Resources Committee, for all he has done to make it possible for the House to consider the bill today.

For many years, he has worked to replace the ancient mining law of 1872 with a statute more attuned to this era than to the days of the Grant administration—a worthy task that remains unfinished through no fault of his.

For him, it is personal. And it is personal for me as well.

My uncle, Stewart Udall, had the honor of serving as Secretary of the Interior during the administrations of Presidents Kennedy and Johnson. During his tenure, he accomplished a great deal, but he wanted to do more. He has often said that reform of the mining law of 1872 was the biggest unfinished business on the Nation's natural resources agenda, and

has never let me forget that one of his final actions as Secretary was to send to Congress proposed legislation to accomplish that goal.

And, as Chairman RAHALL has reminded us all, my father, Representative Morris K. Udall, recognized the need for legislation such as the bill before us today. As chairman of what was then the Committee on Interior and Insular Affairs, he also accomplished a great deal, but he did not live to see that need fulfilled through its enactment.

So, I consider myself very fortunate to have the opportunity to join in supporting this bill and, by so doing, helping to accomplish what both my father and uncle recognized as a long-overdue step to provide the American people—owners of the Federal lands—with a fair return for development of "hardrock" minerals and to establish a better balance between the development of those minerals and the other uses of those lands.

Those are the purposes of this bill, and I think it is well designed to accomplish them.

Its enactment will replace the mining law of 1872 with a new statutory framework for the development of hardrock minerals on Federal lands.

Perhaps most notably, it will impose a royalty on gross income from hardrock mining on Federal land. Under current law, those who mine gold, silver, platinum, or other hardrock minerals from those lands pay no royalties at all—unlike those who extract oil, natural gas, or other minerals covered by the Mineral Leasing Act.

The royalty rate would be 8 percent of "net smelter return" for new mines and mine expansions, and a 4 percent net smelter rerun for production from existing mines. Those royalties, to the extent they exceed the costs of administering the new law, would go into a special fund in the Treasury and, along with certain administrative fees, would be available, subject to appropriation, to support reclamation programs and to provide assistance to State, local, and tribal governments.

I consider the establishment of this "abandoned hardrock mine reclamation fund" one of the most important features of the bill.

It is very important for Colorado because while mining brought many benefits to our State, it has also left us with too many worked-out and abandoned mines. Some of them are mere open pits or shafts that endanger hunters, hikers, or other visitors. And too many are the source of pollution that contaminates the nearby land and nearby streams or other bodies of water, and so are threats to public health as well as to the ranchers and farmers who depend on water to make a living and the fish and wildlife for whom it is life itself.

In fact, I have seen credible estimates indicating that the Western States have as many as 500,000 abandoned hardrock mines, and that just in Colorado there are over 20,000 old mines, shafts, and exploration holes.

In short, Mr. Chairman, there is an urgent need to clean up and reclaim these abandoned mines. But there are two major obstacles to progress toward that goal.

One is a lack of funds for cleaning up sites for which no private person or entity can be held liable. The reclamation fund established by this bill will be a major step toward remedying that problem.

The other obstacle is the fact that while many people would like to undertake the work of cleaning up abandoned mines, these would-be "good Samaritans" are deterred because they fear that under the Clean Water Act or other current law someone undertaking to clean up an abandoned or inactive mine will be exposed to the same liability that would apply to a party responsible for creating the site's problems in the first place.

Because that obstacle is not addressed by this bill, I have introduced a separate measure—H.R. 4011—that does address it. That bill, similar to ones I introduced in the 107th, 108th and 109th Congresses, reflects valuable input from representatives of the Western Governors' Association and other interested parties, including staff of the Transportation and Infrastructure Committee and the Environmental Protection Agency. It represents years of effort to reach agreement on establishing a program to advance the cleanup of polluted water from abandoned mines. It is cosponsored by our colleague from New Mexico, Representative PEARCE, whose help I greatly appreciate, and I will be seeking to have it considered as soon as practicable.

Another important aspect of the bill before us is the way it would modify the administrative and judicial procedures related to mining activities, including establishing a means for local governments to petition for withdrawal of Federal land from the staking of new mining claims.

That will enable local governments all over Colorado to have a much greater voice regarding activities that could have the potential to cause problems for their residents and for them to seek protection for such resources and values as watersheds and drinking water supplies, wildlife habitats, cultural or historic resources, scenic areas. In addition, Indian tribes will be able to seek protections for religious and cultural values.

I recognize that not everyone supports the bill as it stands. The Colorado Mining Association has informed me that while its members support reforming the 1872 mining law, they think the royalty rate that the bill would apply to new production is too high, and that they consider application of even a lower rate to existing production is unfair. I respect their views—although I don't think it is accurate to describe the royalty on existing production as "retroactive," because it will not apply to any production occurring prior to the bill's enactment—and I am ready to consider supporting changes in the royalty rates as the legislative process continues.

In conclusion, Mr. Chairman, this is a good bill, one that deserves our support. In the words of a recent editorial in the Daily Sentinel newspaper of Grand Junction, CO, it is "long-overdue and much-needed legislation." I urge its passage, and for the benefit of all our colleagues I attach the complete text of the Daily Sentinel's editorial.

[From the (Grand Junction, CO) Daily Sentinel, Oct. 18, 2007]

ARCHAIC MINING LAW NEEDS 21ST-CENTURY UPDATE

The mining industry that transformed huge swaths of western Colorado's landscape in the latter part of the 19th century was given a considerable boost by the 1872 Mining Law. And that legal antique continues to transform public lands in the state today.

However, long-overdue and much-needed legislation to finally reform the 135-year-old law is to be marked up in the House Natural Resources Committee today.

The mining legislation signed into law by President Ulysses S. Grant was adopted when most Americans enthusiastically supported both the development of the largely unpopulated West by white settlers and full exploitation of its natural resources. Along with laws such as the Homestead Act and the Timber and Stone Act, the 1872 Mining Law helped drive that effort.

Over time, however, public-lands laws passed in the late 19th century have been eliminated or superseded. Only the 1872 Mining Law remains in largely its original form, allowing companies and individuals to stake mining claims on federal lands and eventually purchase those lands for as little as $5 an acre.

In Colorado since 1980, 17 companies and 40 individuals have obtained mineral rights and deeds to more than 84,000 acres of once-public land under the 1872 law, according to a study by the Environmental Working Group. Four more applications are pending to acquire deeds to mining claims in Colorado.

Moreover, unlike companies that lease the rights to recover coal, oil and gas from public lands, those who obtain gold, silver and other precious metals under the 1872 law contribute nothing to the federal treasury through leasing or royalty payments. And because there were no environmental requirements in the law, U.S. taxpayers are footing the bill to clean up thousands of old mine sites around the West.

The legislation before the committee would end the practice of selling federal lands for hard-rock mining. People could lease lands for mining—as they do with coal, oil and gas—but they could not gain ownership of them, often for a tiny fraction of their current value.

Additionally, the bill to reform the 1872 Mining Law would establish an 8 percent royalty for new mines. It would improve environmental rules, create reclamation bonding requirements for mines and give federal land managers more authority to balance hard-rock mining with other public-lands activity. Not surprisingly, industry lobbyists are trying to water it down.

Western Colorado's two House members, Mark Udall and John Salazar, support the bill. Others should, too. It's long past time this 19th century relic was revamped to reflect the new realities of the 21st century.

Mr. DEFAZIO. Mr. Chairman, I rise today to speak in favor of H.R. 2262, the Hardrock Mining and Reclamation Act of 2007, introduced by my good friend, Chairman RAHALL. In 1991, I introduced the Mining Law Reform Act of 1991, which was very similar to the legislation that we are considering today. The following year, I introduced an amendment to another mining reform bill—also introduced by Chairman RAHALL—that would have put a 12.5 percent royalty on hardrock minerals mined on Federal public lands. It is beyond belief that for the past 135 years, the law has allowed these minerals to be extracted with no royalty paid to the American people, unlike the royalties paid by oil, gas, and coal developers.

So, I am very familiar with the issues involved in hardrock mining and the efforts to reform the antiquated 1872 mining law.

Unfortunately, none of these previous measures became law. Today, however, we have a real chance at mining reform. I am glad for that.

H.R. 2262 is a vast improvement over the 1872 mining law that currently guides mineral development on our public lands. Still, it could be improved further.

In the markup of this bill held by the Natural Resources Committee, I offered an amendment that would have clarified that the royalty

provisions of H.R. 2262 do not apply to small miners, many of whom reside in my district in Oregon. The Bureau of Land Management estimates that there are approximately 3,400 small miners in Oregon that hold 10 or fewer claims, who engage in casual use of the public lands for hand panning, nonmotorized sluicing, and other small, recreational mining activities. Unfortunately, my amendment was not approved by the committee, although Chairman RAHALL agreed to work with me to address my concerns.

I intended to offer the same amendment to H.R. 2262 here today on the floor, to do just that. The Rules Committee, however, did not make my amendment in order. Therefore, I rise today to speak on this issue.

I am told by Chairman RAHALL and his staff that the underlying bill does not apply to recreational miners, or those miners engaged in casual use of the public lands; i.e., those mining activities that do not ordinarily result in any disturbance of public lands and resources. Sections 302 and 304 of H.R. 2622 indicate that miners engaged in casual use do not have to get a permit to mine, and section 103 states that miners who hold less than 10 claims are exempt from paying the maintenance fee required under the act.

I am told that this language, combined with existing regulations, means that recreational miners are not subject to the royalty provisions of H.R. 2622. I remain unconvinced that this is the case, which is why I wanted to offer my amendment. If it is true that small miners are not covered by this legislation, then adding clarifying language should not have been a problem. If the bill is in fact unclear, my amendment would have clarified it. In addition, my amendment would have addressed concerns raised by Chairman RAHALL that exempting small miners from royalty payments was a slippery slope, and that the exemption would have reduced revenues to the Federal Government. Nevertheless, I was not permitted to offer my amendment.

Therefore, let me be clear now, it is not my intention that the royalty provisions of H.R. 2622—specifically, section 102 of the legislation—apply to small recreational miners engaged in casual use of the public lands for mining. Hand panning, the use of hand tools, and other similar activities that work public lands for enjoyment or to supplement one's income is a time-honored tradition in this country, and explicitly anticipated by a variety of Federal laws governing the multiple use of these lands. While a revamp of the 1872 mining law is more than overdue, including placing royalties on the minerals extracted from Federal lands, we must ensure that small, recreational mining opportunities are not lost. My amendment would have guaranteed protection for small miners. I am disappointed that I was unable to offer it today.

I have made my concerns known to my colleagues in the Senate, and have provided them with copies of my amendment. When this legislation reaches their Chamber, I will call on them to ensure that small miners are not subject to the royalty provisions of this bill. Until then, I will reserve my judgment on whether I will support a final conference report on mining reform.

Mr. PASTOR. Mr. Chairman, I rise today to applaud and congratulate my good friend, Chairman RAHALL for his efforts to bring this legislation to the House floor. He has worked over many years to reform the mining law and because of his persistence, we have a better chance of finally securing reform than we ever have. Reform is long overdue.

I am supporting this legislation, but I wish to continue to work with the chairman and follow the actions of the Senate to make sure final legislation does not inadvertently create a system that makes our domestic industry unable to compete in the world marketplace. Mining has a long and colorful history in the State of Arizona and it provides great benefit to the State's economy. I believe we can have reform and also preserve a healthy industry.

I know the chairman shares that objective, and again I applaud him and his staff for making this issue a priority.

Mr. KING of Iowa. Mr. Chairman, I rise today in opposition to H.R. 2262, the Hardrock Mining and Reclamation Act of 2007.

H.R. 2262 will put new royalty rates on production from hardrock mining. For the other side, of course, royalty rates is a fun, new catchword meaning taxes. But, unlike the coal and petroleum industry who are taxed on production of product, H.R. 2262 will place the tax on the amount of material extracted. For example, if "Joe Voter Mining" moves 1 cubic yard of rock weighing in the neighborhood of 800 pounds to retrieve 1/10th or 1 ounce of gold, Joe would not be taxed on the gold recovered, but on the amount of rock moved. By raising taxes like this, the bill will cripple American production.

Since the 110th Congress convened, the PELOSI-led majority has been talking about the need for "renewable" energy.

The energy bills, that were rammed through the House and put large tax increases on the oil and natural gas industries placed a large emphasis on renewable energy; wind and solar. So why would this bill punish renewable energy?

Now, western Iowa does not have a hardrock mining industry. Thankfully for our farmers, we don't have much hardrock in western Iowa. But what we do have is large-scale production of renewable energy. The Fifth District of Iowa is the leader in production of BTU's of renewable energy: ethanol, biodiesel, and wind. However, this bill will put a cramp on further production of renewable energy. I want to let my colleagues on the other side of the aisle in on a little secret, those ethanol and biodiesel plants require steel and copper. Those wind chargers that produce clean, renewable electricity from the air sit on large steel columns. The electricity that is produced by wind chargers and solar panels is transported via copper wires.

Mr. Chairman, steel and copper come from the ground. So I want to try and figure out the Democrat logic. They are going to tax the raw resources that are used by the renewable industry to make a product the Democrats want to see more of? That doesn't sound like sound logic to me. I would just hope that what my Democrat colleagues realize is that which you tax, you get less of. If they want less renewable energy, then taxing the resources used in its production is a sure way to make that happen.

Mr. Chairman, today, oil is over $90 a barrel and natural gas is over $8 per million cubic feet because of Democrat energy policies. And in an absurd response, the Democrats aim to crush the renewable industry by raising the rates on the materials the renewable energy industry is built on. I urge my colleagues to oppose H.R. 2262, the Hardrock Mining and Reclamation Act of 2007.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to mark the passage of H.R. 2262, the Hardrock Mining and Reclamation Act. H.R. 2262 takes long overdue action to reform the 1872 Mining Act. That law, the General Mining Act of 1872, was written to encourage westward expansion and to generate the supply of minerals needed in our Nation. Back in 1872, a charge of $5 an acre to mine hard rock minerals in remote areas of the undeveloped west was probably a pretty fair price. The fact that the price is still the same today is simply ludicrous.

As a result, private companies, both domestic and foreign, have been able to profit handsomely by mining on public lands without the need to pay the American people any royalties or to even clean up the messes they leave behind. By some estimates, the antiquated 1872 Mining Act has allowed over $245 billion worth of minerals to be extracted from more than 3.4 million acres of public lands without returning to the American people, the owners of those lands, a single cent in royalties. Today, we took a necessary step toward bringing this policy into the modern era.

H.R. 2262, introduced by Representative NICK RAHALL, the chairman of the Natural Resources Committee, requires mining companies to pay royalties to the American people for the minerals they mine from public lands and to properly reclaim lands damaged by mining. It also allows for the prohibition of mining on environmentally sensitive lands, and it creates a fund to begin the clean up of nearly a half million abandoned mine sites.

I sincerely hope that the Hardrock Mining and Reclamation Act sees swift passage in the other Chamber so we can send it to the President to be signed into law. Even though we have already waited 135 years to take action on this matter, time is truly of the essence. In 1872, hardrock mining mostly took place in the middle of vast undeveloped lands. Today, however, with over 375,000 mining claims spread throughout the rapidly developing West, some of our last pieces of unspoiled lands are threatened. According to the New York Times, many of those 375,000 claims are within 5 miles of 11 major national parks, including Death Valley and the Grand Canyon.

Over 89,000 of those claims were staked in 2006, largely due to the renewed interest in nuclear energy and the concomitant increase in the price of uranium. In New Mexico alone, almost 2,000 claims were staked in 2006. Many New Mexicans, most particularly members of the Navajo Nation, have already suffered devastating injuries from uranium mining in the past. H.R. 2262 will bring some much needed balance to the use of our public lands and, in so doing, help protect the health of our citizens. I am proud to support Chairman RAHALL's efforts and I encourage our colleagues in the other Chamber to do the same.

Mr. SHULER. Mr. Chairman, I rise today in support of H.R. 2262, the Hardrock Mining and Reclamation Act, which will reform the General Mining Law of 1872 and provide a fair return to the American taxpayer of publicly owned minerals on Federal lands.

By charging a royalty for publicly owned minerals, the American taxpayer will no longer have to bear the cost of reclaiming and restoring abandoned hardrock mines. H.R. 2262 will

assure that future mines operate in a manner that conserves the environment and our valuable natural resources, including fish and wildlife habitats.

H.R. 2262 addresses the financial needs of our Nation. By charging a royalty fee on existing and future mining operations, along with filing and maintenance fees, the Congressional Budget Office has determined this legislation would reduce our country's deficit, which has spiraled out of control under the current administration.

Mr. Chairman, I urge my colleagues today to update the 1872 Mining Law for the 21st century and vote for this important legislation.

Mr. STARK. Mr. Chairman, I rise today in support of reforming one of the most antiquated laws still on the books. The General Mining Law of 1872 has remained essentially unchanged since Ulysses S. Grant was President. Originally intended to spur westward expansion, the law has become an environmental and fiscal train wreck. Today we have a chance to reform this relic by passing the Hardrock Mining and Reclamation Act of 2007 (H.R. 2262).

Back in 1872 individual miners used hand tools to look for gold and silver; now multi-national corporations blast the tops off of mountains and produce chemicals such as cyanide, arsenic, and mercury that leach into streams and groundwater long after mining operations cease. Much has changed, but the law has not.

For 135 years, mining companies have been the beneficiaries of public largesse that would make even Haliburton blush: over $245 billion worth of minerals have been removed from public lands virtually free of charge. Taxpayers have then been expected to foot the bill for the massive cleanup of abandoned mines to the tune of at least $30 billion. Under the 1872 law, mining takes precedence over ever other concern—environmental protection, recreation, or safety. The mining industry, which is responsible for more Federal Superfund sites than any other industry, pays no royalties on extracted metals. In addition, through the ''patent'' process, companies can force the sale of public lands for as little as $2.50 per acre. Patenting has resulted in the sale of over 3 million acres of public property at far below market value.

In my home State of California, a recent study found over 21,000 existing mining claims within 10 miles of national parks, monuments, and wilderness areas. The 285 claims within 10 miles of Yosemite threaten one of the Nation's most visited and spectacular parks.

The bill before us protects sensitive lands in California and throughout the West by creating environmental safeguards, transparency, and public participation. Some lands, such as wilderness study areas, would be completely off-limits. In other areas, new mines would be permitted only after a showing that they are not environmentally destructive. Local governments can also challenge new projects. The bill restores fiscal sanity by ending the practice of ''patenting'' and requiring that new mines pay an 8 percent royalty and existing mines pay 4 percent, both reasonable rates and well below what the coal and oil industries pay. These royalties are then put into a fund to pay for the cleanup of old mines.

It is time to fix a law that deserves to disappear into the dustbin of history. I urge all of my colleagues to vote for reform.

Mr. KIND. Mr. Chairman, I rise today in strong support of H.R. 2262 because it will finally compensate American taxpayers for the minerals that are extracted from public federal lands and, at the same time, dedicate this revenue to restoring wildlife habitat, drinking water supplies, and other natural resources that have been ruined by mining operations. Mr. Chairman, these changes are long overdue, and I commend Chairman RAHALL for bringing this bill to the floor today.

The importance of mining to the settlement and development of the West and to western economies today cannot be overstated. Therefore, this bill does not seek to destroy the U.S. mining industry, but to bring it out of the 19th century and into the 21st. The Hardrock Mining and Reclamation Act at long last will force U.S. law to recognize that our public lands belong to all U.S. citizens, and any activities or industries that utilize those lands must do so for the benefit of all Americans. This bill will hold the mining industry responsible for the public minerals it extracts and for the environmental consequences of their operations.

For the past 135 years, the mining industry has had easy access to federal lands and was free to take what it wanted and then leave the lands in whatever condition they chose. The American taxpayer gave up their rights to these minerals and then took up the bill for cleaning up lands polluted with toxic chemicals. H.R. 2262 rightfully imposes a royalty fee on mining companies, similar to that paid by oil, coal, and natural gas companies who drill and mine on federal lands, which the Department of the Interior will use to fund environmental restoration and reclamation of abandoned mines. It is only fair that the mining industry pay to repair the damage it has done to natural resources, including drinking water supplies and prime habitat for wildlife and outdoor recreation.

This last point is very important to me. As an avid hunter and outdoorsman, it is critically important to me that we maintain our Nation's natural heritage for current and future generations. Federal lands harbor some of the most important fish and wildlife habitat and provide some of the finest hunting and angling opportunities in the country. For example, public lands contain more than 50 percent of the Nation's blue-ribbon trout streams and are strongholds for imperiled trout and salmon in the western United States. More than 80 percent of the most critical habitat for elk is found on lands managed by the Forest Service and the BLM, alone. Pronghorn antelope, sage grouse, mule deer, salmon and steelhead, and countless other fish and wildlife species are similarly dependent on public lands.

That is why sportsmen's organizations around the country support reform of the Mining Law of 1872. By passing this bill today, we will ensure the continued viability of wildlife habitat and the continued ability of hunters, anglers, and outdoor enthusiasts to pursue and pass on our sporting heritage.

Mr. Chairman, H.R. 2262 just makes good sense. By holding the mining industry accountable for its own actions and making it live up to certain basic environmental standards, this bill will protect the rights of all American citizens while ensuring that mining will continue in a balanced and responsible manner. I support H.R. 2262, and I urge my colleagues to vote for its passage today.

Mr. LEVIN. Mr. Chairman, I rise in strong support of H.R. 2262, the Hardrock Mining and Reclamation Act. Reform of this 135-year-old law is long overdue, and I am proud to be a cosponsor of this needed legislation.

In 1872, President Ulysses S. Grant signed the General Mining Law. The intention of the law was to promote the settlement of the American West. Under the 1872 law, mining companies do not pay any royalties for the publicly-owned ''hardrock'' minerals mined on federal lands. Over the years, mining companies have been able to extract hundreds of billions of dollars in gold, silver, platinum, copper, and uranium without paying royalties.

It is time to overhaul this archaic law. Let me be clear that this bill does not affect privately-owned land, but rather federal lands that belong to all Americans. The American people deserve a fair return for the minerals extracted from the lands they own. By comparison, the coal, oil, and gas companies already pay royalties for their operations on federal lands. Why should hardrock mining be any different? Virtually every other nation that allows mining on public lands imposes some form of royalty.

Opponents of this bill claim that charging an 8 percent royalty on new hardrock mines and setting some basic environmental standards will devastate the domestic mining industry and send mining jobs overseas. I read in the paper this morning that the price of gold hit just hit a 27-year high of $800 an ounce. Platinum is now selling for $1,447 an ounce. The worldwide demand for copper is so high that thieves have taken to stealing phone lines in some areas so they can sell the copper at recycling yards. Yet, in the face of these facts, opponents of the bill implausibly argue that the mining industry in this country will collapse if we don't continue to give away publicly-owned minerals for free.

I urge all my colleagues to join me in voting to bring this 19th century mining law into the 21st century.

Mr. SHAYS. Mr. Chairman, I urge my colleagues to support H.R. 2262, the Hardrock Mining and Reclamation Act, which requires hardrock mining companies to pay the government royalties for their operations on federal land.

Currently, the General Mining Law of 1872 allows mining companies to stake claims on public lands without paying royalties to the government. Claimholders are able to purchase public lands where their mines are located for as little as $2.50 an acre.

The bottom line is that there is no good reason that hardrock mining companies should be exempt from royalties for using land that belongs to all Americans. It is time we treat the hardrock mining industry just as we do coal, oil, and gas companies who operate on public lands.

For example, miners of coal on public lands pay 8 percent on underground deposits and 12.5 percent on surface deposits. Drillers of oil and natural gas pay 8 percent to 16.7 percent.

The Congressional Budget Office estimates that $1 billion in hardrock minerals are extracted annually from federal lands. Under this bill, future mine operations would pay an 8 percent royalty and existing mines would pay a 4 percent royalty. It would also end the ''patenting'' practice, allows claimholders to purchase public lands where their mines are located for as little as $2.50 an acre.

The Environmental Protection Agency, EPA, has identified hardrock mining as a leading source of toxic pollution in the United States.

According to the EPA, it will cost approximately $50 billion to clean up abandoned hardrock mines, and 40 percent of the headwaters of western watersheds have been polluted by mining.

Mining practices have changed since 1872. Today, mining companies often dig holes over one mile in diameter and 1,000 feet deep, using cyanide and other chemicals to extract metals from tons of low-grade ore. These chemicals and the toxic metals they dissolve from the rocks can leach into water sources. Acid mine drainage filled with heavy metals is difficult and expensive to clean up. When spills occur, taxpayers bear the brunt of cleaning them up.

The royalties collected under this bill would be directed towards much needed environmental protection measures. Two-thirds of the royalties, fees, and penalties paid by hardrock mining companies would help to mitigate the harmful effects of past mining activities on water supplies and public health. The funds would be used to restore land, water, and wildlife harmed by mining, and to clean up the abandoned mines and toxic waste materials.

The remaining one-third would go to assist states and localities impacted by hardrock mining to provide public facilities and services.

H.R. 2662 also expands the types of land on which mining would be prohibited to include wilderness areas, wild and scenic rivers, and certain roadless areas in national forests, adding necessary protections to some of our national treasures.

H.R. 2262 brings much needed reforms to hardrock mining operations. The bill ends priority status for mining interests, and ensures that mining on public lands takes place in a manner that protects taxpayers and the environment, and I urge its support.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2262

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 ''Hardrock Mining and Reclamation Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions and references.
Sec. 3. Application rules.

TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

Sec. 101. Limitation on patents.
Sec. 102. Royalty.
Sec. 103. Hardrock mining claim maintenance fee.
Sec. 104. Effect of payments for use and occupancy of claims.

TITLE II—PROTECTION OF SPECIAL PLACES

Sec. 201. Lands open to location.
Sec. 202. Withdrawal petitions by States, political subdivisions, and Indian tribes.

TITLE III—ENVIRONMENTAL CONSIDERATIONS OF MINERAL EXPLORATION AND DEVELOPMENT

Sec. 301. General standard for hardrock mining on Federal land.
Sec. 302. Permits.
Sec. 303. Exploration permit.
Sec. 304. Operations permit.
Sec. 305. Persons ineligible for permits.
Sec. 306. Financial assurance.
Sec. 307. Operation and reclamation.
Sec. 308. State law and regulation.
Sec. 309. Limitation on the issuance of permits.

TITLE IV—MINING MITIGATION

Subtitle A—Locatable Minerals Fund

Sec. 401. Establishment of Fund.
Sec. 402. Contents of Fund.
Sec. 403. Subaccounts.

Subtitle B—Use of Hardrock Reclamation Account

Sec. 411. Use and objectives of the Account.
Sec. 412. Eligible lands and waters.
Sec. 413. Expenditures.
Sec. 414. Authorization of appropriations.

Subtitle C—Use of Hardrock Community Impact Assistance Account

Sec. 421. Use and objectives of the Account.
Sec. 422. Allocation of funds.

TITLE V—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Subtitle A—Administrative Provisions

Sec. 501. Policy functions.
Sec. 502. User fees.
Sec. 503. Inspection and monitoring.
Sec. 504. Citizens suits.
Sec. 505. Administrative and judicial review.
Sec. 506. Enforcement.
Sec. 507. Regulations.
Sec. 508. Effective date.

Subtitle B—Miscellaneous Provisions

Sec. 511. Oil shale claims subject to special rules.
Sec. 512. Purchasing power adjustment.
Sec. 513. Savings clause.
Sec. 514. Availability of public records.
Sec. 515. Miscellaneous powers.
Sec. 516. Multiple mineral development and surface resources.
Sec. 517. Mineral materials.

SEC. 2. DEFINITIONS AND REFERENCES.

(a) IN GENERAL.—As used in this Act:

(1) The term ''affiliate'' means with respect to any person, any of the following:

(A) Any person who controls, is controlled by, or is under common control with such person.

(B) Any partner of such person.

(C) Any person owning at least 10 percent of the voting shares of such person.

(2) The term ''applicant'' means any person applying for a permit under this Act or a modification to or a renewal of a permit under this Act.

(3) The term ''beneficiation'' means the crushing and grinding of locatable mineral ore and such processes as are employed to free the mineral from other constituents, including but not necessarily limited to, physical and chemical separation techniques.

(4) The term ''casual use''—

(A) subject to subparagraphs (B) and (C), means mineral activities that do not ordinarily result in any disturbance of public lands and resources;

(B) includes collection of geochemical, rock, soil, or mineral specimens using handtools, hand panning, or nonmotorized sluicing; and

(C) does not include—

(i) the use of mechanized earth-moving equipment, suction dredging, or explosives;

(ii) the use of motor vehicles in areas closed to off-road vehicles;

(iii) the construction of roads or drill pads; and

(iv) the use of toxic or hazardous materials.

(5) The term ''claim holder'' means a person holding a mining claim, millsite claim, or tunnel site claim located under the general mining laws and maintained in compliance with such laws and this Act. Such term may include an agent of a claim holder.

(6) The term ''control'' means having the ability, directly or indirectly, to determine (without regard to whether exercised through one or more corporate structures) the manner in which an entity conducts mineral activities, through any means, including without limitation, ownership interest, authority to commit the entity's real or financial assets, position as a director, officer, or partner of the entity, or contractual arrangement.

(7) The term ''exploration''—

(A) subject to subparagraphs (B) and (C), means creating surface disturbance other than casual use, to evaluate the type, extent, quantity, or quality of minerals present;

(B) includes mineral activities associated with sampling, drilling, and analyzing locatable mineral values; and

(C) does not include extraction of mineral material for commercial use or sale.

(8) The term ''Federal land'' means any land, and any interest in land, that is owned by the United States and open to location of mining claims under the general mining laws and title II of this Act.

(9) The term ''Indian lands'' means lands held in trust for the benefit of an Indian tribe or individual or held by an Indian tribe or individual subject to a restriction by the United States against alienation.

(10) The term ''Indian tribe'' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 and following), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(11) The term ''locatable mineral''—

(A) subject to subparagraph (B), means any mineral, the legal and beneficial title to which remains in the United States and that is not subject to disposition under any of—

(i) the Mineral Leasing Act (30 U.S.C. 181 and following);

(ii) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 and following);

(iii) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following); or

(iv) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 and following); and

(B) does not include any mineral that is subject to a restriction against alienation imposed by the United States and is—

(i) held in trust by the United States for any Indian or Indian tribe, as defined in section 2 of the Indian Mineral Development Act of 1982 (25 U.S.C. 2101); or

(ii) owned by any Indian or Indian tribe, as defined in that section.

(12) The term ''mineral activities'' means any activity on a mining claim, millsite claim, or tunnel site claim for, related to, or incidental to, mineral exploration, mining, beneficiation, processing, or reclamation activities for any locatable mineral.

(13) The term ''National Conservation System unit'' means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, or National Trails System, or a National Conservation Area, a National Recreation Area, a National Monument, or any unit of the National Wilderness Preservation System.

(14) The term ''operator'' means any person proposing or authorized by a permit issued under this Act to conduct mineral activities and any agent of such person.

(15) The term ''person'' means an individual, Indian tribe, partnership, association, society,

joint venture, joint stock company, firm, company, corporation, cooperative, or other organization and any instrumentality of State or local government including any publicly owned utility or publicly owned corporation of State or local government.

(16) The term ''processing'' means processes downstream of beneficiation employed to prepare locatable mineral ore into the final marketable product, including but not limited to smelting and electrolytic refining.

(17) The term ''Secretary'' means the Secretary of the Interior, unless otherwise specified.

(18) The term ''temporary cessation'' means a halt in mine-related production activities for a continuous period of no longer than 5 years.

(19) The term ''undue degradation'' means irreparable harm to significant scientific, cultural, or environmental resources on public lands that cannot be effectively mitigated.

(b) TITLE II.—

(1) VALID EXISTING RIGHTS.—As used in title II, the term ''valid existing rights'' means a mining claim or millsite claim located on lands described in section 201(b), that—

(A) was properly located and maintained under this Act prior to and on the applicable date; or

(B)(i) was properly located and maintained under the general mining laws prior to the applicable date;

(ii) was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the applicable date, or satisfied the limitations under existing law for millsite claims; and

(iii) continues to be valid under this Act.

(2) APPLICABLE DATE.—As used in paragraph (1), the term ''applicable date'' means one of the following:

(A) For lands described in paragraph (1) of section 201(b), the date of the recommendation referred to in paragraph (1) of that section if such recommendation is made on or after the date of the enactment of this Act.

(B) For lands described in paragraph (1) of section 201(b), if the recommendation referred to in paragraph (1) of that section is made before the date of the enactment of this Act, the earlier of—

(i) the date of the enactment of this Act; or

(ii) the date of any withdrawal of such lands from mineral activities.

(C) For lands described in paragraph (3)(B) of section 201(b), the date of the enactment of this Act.

(D) For lands described in paragraph (3)(A) or (3)(C) of section 201(b), the date of the enactment of the amendment to the Wild and Scenic Rivers Act (16 U.S.C. 1271 and following) listing the river segment for study.

(E) For lands described in paragraph (3)(B) of section 201(b), the date of the determination of eligibility of such lands for inclusion in the Wild and Scenic River System.

(F) For lands described in paragraph (4) of section 201(b), the date of the withdrawal under other law.

(c) REFERENCES TO OTHER LAWS.—(1) Any reference in this Act to the term general mining laws is a reference to those Acts that generally comprise chapters 2, 12A, and 16, and sections 161 and 162, of title 30, United States Code.

(2) Any reference in this Act to the Act of July 23, 1955, is a reference to the Act entitled ''An Act to amend the Act of July 31, 1947 (61 Stat. 681) and the mining laws to provide for multiple use of the surface of the same tracts of the public lands, and for other purposes'' (30 U.S.C. 601 and following).

SEC. 3. APPLICATION RULES.

(a) IN GENERAL.—This Act applies to any mining claim, millsite claim, or tunnel site claim located under the general mining laws, before, on, or after the date of enactment of this Act, except as provided in subsection (b).

(b) PREEXISTING CLAIMS.—(1) Any unpatented mining claim or millsite claim located under the general mining laws before the date of enactment of this Act for which a plan of operation has not been approved or a notice filed prior to the date of enactment shall, upon the effective date of this Act, be subject to the requirements of this Act, except as provided in paragraphs (2) and (3).

(2)(A) If a plan of operations is approved for mineral activities on any claim or site referred to in paragraph (1) prior to the date of enactment of this Act but such operations have not commenced prior to the date of enactment of this Act—

(i) during the 10-year period beginning on the date of enactment of this Act, mineral activities at such claim or site shall be subject to such plan of operations;

(ii) during such 10-year period, modifications of any such plan may be made in accordance with the provisions of law applicable prior to the enactment of this Act if such modifications are deemed minor by the Secretary concerned; and

(iii) the operator shall bring such mineral activities into compliance with this Act by the end of such 10-year period.

(B) Where an application for modification of a plan of operations referred to in subparagraph (A)(ii) has been timely submitted and an approved plan expires prior to Secretarial action on the application, mineral activities and reclamation may continue in accordance with the terms of the expired plan until the Secretary makes an administrative decision on the application.

(c) FEDERAL LANDS SUBJECT TO EXISTING PERMIT.—(1) Any Federal land shall not be subject to the requirements of section 102 if the land is—

(A) subject to an operations permit; and

(B) producing valuable locatable minerals in commercial quantities prior to the date of enactment of this Act.

(2) Any Federal land added through a plan modification to an operations permit on Federal land that is submitted after the date of enactment of this Act shall be subject to the terms of section 102.

(d) APPLICATION OF ACT TO BENEFICIATION AND PROCESSING OF NON-FEDERAL MINERALS ON FEDERAL LANDS.—The provisions of this Act (including the environmental protection requirements of title III) shall apply in the same manner and to the same extent to mining claims, millsite claims, and tunnel site claims used for beneficiation or processing activities for any mineral without regard to whether or not the legal and beneficial title to the mineral is held by the United States. This subsection applies only to minerals that are locatable minerals or minerals that would be locatable minerals if the legal and beneficial title to such minerals were held by the United States.

TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

SEC. 101. LIMITATION ON PATENTS.

(a) MINING CLAIMS.—

(1) DETERMINATIONS REQUIRED.—After the date of enactment of this Act, no patent shall be issued by the United States for any mining claim located under the general mining laws unless the Secretary determines that, for the claim concerned—

(A) a patent application was filed with the Secretary on or before September 30, 1994; and

(B) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims were fully complied with by that date.

(2) RIGHT TO PATENT.—If the Secretary makes the determinations referred to in subparagraphs (A) and (B) of paragraph (1) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(b) MILLSITE CLAIMS.—

(1) DETERMINATIONS REQUIRED.—After the date of enactment of this Act, no patent shall be issued by the United States for any millsite claim located under the general mining laws unless the Secretary determines that for the millsite concerned—

(A) a patent application for such land was filed with the Secretary on or before September 30, 1994; and

(B) all requirements applicable to such patent application were fully complied with by that date.

(2) RIGHT TO PATENT.—If the Secretary makes the determinations referred to in subparagraphs (A) and (B) of paragraph (1) for any millsite claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this Act, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

SEC. 102. ROYALTY.

(a) RESERVATION OF ROYALTY.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subject to paragraph (3), production of all locatable minerals from any mining claim located under the general mining laws and maintained in compliance with this Act, or mineral concentrates or products derived from locatable minerals from any such mining claim, as the case may be, shall be subject to a royalty of 8 percent of the gross income from mining. The claim holder or any operator to whom the claim holder has assigned the obligation to make royalty payments under the claim and any person who controls such claim holder or operator shall be liable for payment of such royalties.

(2) ROYALTY FOR FEDERAL LANDS SUBJECT TO EXISTING PERMIT.—The royalty under paragraph (1) shall be 4 percent in the case of any Federal land that—

(A) is subject to an operations permit on the date of the enactment of this Act; and

(B) produces valuable locatable minerals in commercial quantities on the date of enactment of this Act.

(3) FEDERAL LAND ADDED TO EXISTING OPERATIONS PERMIT.—Any Federal land added through a plan modification to an operations permit on Federal land that is submitted after the date of enactment of this Act shall be subject to the royalty that applies to other Federal land that is subject to the operations permit before that submission under paragraph (1) or (2), as applicable.

(4) OTHER APPLICATION PROVISION NOT EFFECTIVE.—Section 3(c) of this Act shall have no force or effect.

(5) DEPOSIT.—Amounts received by the United States as royalties under this subsection shall be deposited into the account established under section 401.

(b) DUTIES OF CLAIM HOLDERS, OPERATORS, AND TRANSPORTERS.—(1) A person—

(A) who is required to make any royalty payment under this section shall make such payments to the United States at such times and in such manner as the Secretary may by rule prescribe; and

(B) shall notify the Secretary, in the time and manner as may be specified by the Secretary, of any assignment that such person may have made of the obligation to make any royalty or other payment under a mining claim.

(2) Any person paying royalties under this section shall file a written instrument, together with the first royalty payment, affirming that such person is responsible for making proper payments for all amounts due for all time periods for which such person has a payment responsibility. Such responsibility for the periods referred to in the preceding sentence shall include any and all additional amounts billed by

the Secretary and determined to be due by final agency or judicial action. Any person liable for royalty payments under this section who assigns any payment obligation shall remain jointly and severally liable for all royalty payments due for the claim for the period.

(3) A person conducting mineral activities shall—

(A) develop and comply with the site security provisions in the operations permit designed to protect from theft the locatable minerals, concentrates or products derived therefrom which are produced or stored on a mining claim, and such provisions shall conform with such minimum standards as the Secretary may prescribe by rule, taking into account the variety of circumstances on mining claims; and

(B) not later than the 5th business day after production begins anywhere on a mining claim, or production resumes after more than 90 days after production was suspended, notify the Secretary, in the manner prescribed by the Secretary, of the date on which such production has begun or resumed.

(4) The Secretary may by rule require any person engaged in transporting a locatable mineral, concentrate, or product derived therefrom to carry on his or her person, in his or her vehicle, or in his or her immediate control, documentation showing, at a minimum, the amount, origin, and intended destination of the locatable mineral, concentrate, or product derived therefrom in such circumstances as the Secretary determines is appropriate.

(c) RECORDKEEPING AND REPORTING REQUIREMENTS.—(1) A claim holder, operator, or other person directly involved in developing, producing, processing, transporting, purchasing, or selling locatable minerals, concentrates, or products derived therefrom, subject to this Act, through the point of royalty computation shall establish and maintain any records, make any reports, and provide any information that the Secretary may reasonably require for the purposes of implementing this section or determining compliance with rules or orders under this section. Such records shall include, but not be limited to, periodic reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, composition volume, weight, and assay of all minerals extracted from the mining claim. Upon the request of any officer or employee duly designated by the Secretary conducting an audit or investigation pursuant to this section, the appropriate records, reports, or information that may be required by this section shall be made available for inspection and duplication by such officer or employee. Failure by a claim holder, operator, or other person referred to in the first sentence to cooperate with such an audit, provide data required by the Secretary, or grant access to information may, at the discretion of the Secretary, result in involuntary forfeiture of the claim.

(2) Records required by the Secretary under this section shall be maintained for 7 years after release of financial assurance under section 306 unless the Secretary notifies the operator that the Secretary has initiated an audit or investigation involving such records and that such records must be maintained for a longer period. In any case when an audit or investigation is underway, records shall be maintained until the Secretary releases the operator of the obligation to maintain such records.

(d) AUDITS.—The Secretary is authorized to conduct such audits of all claim holders, operators, transporters, purchasers, processors, or other persons directly or indirectly involved in the production or sales of minerals covered by this Act, as the Secretary deems necessary for the purposes of ensuring compliance with the requirements of this section. For purposes of performing such audits, the Secretary shall, at reasonable times and upon request, have access to, and may copy, all books, papers and other documents that relate to compliance with any provision of this section by any person.

(e) COOPERATIVE AGREEMENTS.—(1) The Secretary is authorized to enter into cooperative agreements with the Secretary of Agriculture to share information concerning the royalty management of locatable minerals, concentrates, or products derived therefrom, to carry out inspection, auditing, investigation, or enforcement (not including the collection of royalties, civil or criminal penalties, or other payments) activities under this section in cooperation with the Secretary, and to carry out any other activity described in this section.

(2) Except as provided in paragraph (3)(A) of this subsection (relating to trade secrets), and pursuant to a cooperative agreement, the Secretary of Agriculture shall, upon request, have access to all royalty accounting information in the possession of the Secretary respecting the production, removal, or sale of locatable minerals, concentrates, or products derived therefrom from claims on lands open to location under this Act.

(3) Trade secrets, proprietary, and other confidential information protected from disclosure under section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, shall be made available by the Secretary to other Federal agencies as necessary to assure compliance with this Act and other Federal laws. The Secretary, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and other Federal officials shall ensure that such information is provided protection in accordance with the requirements of that section.

(f) INTEREST AND SUBSTANTIAL UNDERREPORTING ASSESSMENTS.—(1) In the case of mining claims where royalty payments are not received by the Secretary on the date that such payments are due, the Secretary shall charge interest on such underpayments at the same interest rate as the rate applicable under section 6621(a)(2) of the Internal Revenue Code of 1986. In the case of an underpayment, interest shall be computed and charged only on the amount of the deficiency and not on the total amount.

(2) If there is any underreporting of royalty owed on production from a claim for any production month by any person liable for royalty payments under this section, the Secretary shall assess a penalty of not greater than 25 percent of the amount of that underreporting.

(3) For the purposes of this subsection, the term ''underreporting'' means the difference between the royalty on the value of the production that should have been reported and the royalty on the value of the production which was reported, if the value that should have been reported is greater than the value that was reported.

(4) The Secretary may waive or reduce the assessment provided in paragraph (2) of this subsection if the person liable for royalty payments under this section corrects the underreporting before the date such person receives notice from the Secretary that an underreporting may have occurred, or before 90 days after the date of the enactment of this section, whichever is later.

(5) The Secretary shall waive any portion of an assessment under paragraph (2) of this subsection attributable to that portion of the underreporting for which the person responsible for paying the royalty demonstrates that—

(A) such person had written authorization from the Secretary to report royalty on the value of the production on basis on which it was reported,

(B) such person had substantial authority for reporting royalty on the value of the production on the basis on which it was reported,

(C) such person previously had notified the Secretary, in such manner as the Secretary may by rule prescribe, of relevant reasons or facts affecting the royalty treatment of specific production which led to the underreporting, or

(D) such person meets any other exception which the Secretary may, by rule, establish.

(6) All penalties collected under this subsection shall be deposited in the Locatable Minerals Fund established under title IV.

(g) DELEGATION.—For the purposes of this section, the term ''Secretary'' means the Secretary of the Interior acting through the Director of the Minerals Management Service.

(h) EXPANDED ROYALTY OBLIGATIONS.—Each person liable for royalty payments under this section shall be jointly and severally liable for royalty on all locatable minerals, concentrates, or products derived therefrom lost or wasted from a mining claim located under the general mining laws and maintained in compliance with this Act when such loss or waste is due to negligence on the part of any person or due to the failure to comply with any rule, regulation, or order issued under this section.

(i) GROSS INCOME FROM MINING DEFINED.—For the purposes of this section, for any locatable mineral, the term ''gross income from mining'' has the same meaning as the term ''gross income'' in section 613(c) of the Internal Revenue Code of 1986.

(j) EFFECTIVE DATE.—The royalty under this section shall take effect with respect to the production of locatable minerals after the enactment of this Act, but any royalty payments attributable to production during the first 12 calendar months after the enactment of this Act shall be payable at the expiration of such 12-month period.

(k) FAILURE TO COMPLY WITH ROYALTY REQUIREMENTS.—Any person who fails to comply with the requirements of this section or any regulation or order issued to implement this section shall be liable for a civil penalty under section 109 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719) to the same extent as if the claim located under the general mining laws and maintained in compliance with this Act were a lease under that Act.

SEC. 103. HARDROCK MINING CLAIM MAINTENANCE FEE.

(a) FEE.—

(1) Except as provided in section 2511(e)(2) of the Energy Policy Act of 1992 (relating to oil shale claims), for each unpatented mining claim, mill or tunnel site on federally owned lands, whether located before, on, or after enactment of this Act, each claimant shall pay to the Secretary, on or before August 31 of each year, a claim maintenance fee of $150 per claim to hold such unpatented mining claim, mill or tunnel site for the assessment year beginning at noon on the next day, September 1. Such claim maintenance fee shall be in lieu of the assessment work requirement contained in the Mining Law of 1872 (30 U.S.C. 28 et seq.) and the related filing requirements contained in section 314(a) and (c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a) and (c)).

(2)(A) The claim maintenance fee required under this subsection shall be waived for a claimant who certifies in writing to the Secretary that on the date the payment was due, the claimant and all related parties—

(i) held not more than 10 mining claims, mill sites, or tunnel sites, or any combination thereof, on public lands; and

(ii) have performed assessment work required under the Mining Law of 1872 (30 U.S.C. 28 et seq.) to maintain the mining claims held by the claimant and such related parties for the assessment year ending on noon of September 1 of the calendar year in which payment of the claim maintenance fee was due.

(B) For purposes of subparagraph (A), with respect to any claimant, the term ''all related parties'' means—

(i) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986), of the claimant; or

(ii) a person affiliated with the claimant, including—

(I) a person controlled by, controlling, or under common control with the claimant; or

(II) a subsidiary or parent company or corporation of the claimant.

(3)(A) The Secretary shall adjust the fees required by this subsection to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor every 5 years after the date of enactment of this Act, or more frequently if the Secretary determines an adjustment to be reasonable.

(B) The Secretary shall provide claimants notice of any adjustment made under this paragraph not later than July 1 of any year in which the adjustment is made.

(C) A fee adjustment under this paragraph shall begin to apply the calendar year following the calendar year in which it is made.

(4) Monies received under this subsection shall be deposited in the Locatable Minerals Fund established by this Act.

(b) LOCATION.—

(1) Notwithstanding any provision of law, for every unpatented mining claim, mill or tunnel site located after the date of enactment of this Act and before September 30, 1998, the locator shall, at the time the location notice is recorded with the Bureau of Land Management, pay to the Secretary a location fee, in addition to the fee required by subsection (a) of $50 per claim.

(2) Moneys received under this subsection that are not otherwise allocated for the administration of the mining laws by the Department of the Interior shall be deposited in the Locatable Minerals Fund established by this Act.

(c) CO-OWNERSHIP.—The co-ownership provisions of the Mining Law of 1872 (30 U.S.C. 28 et seq.) will remain in effect except that the annual claim maintenance fee, where applicable, shall replace applicable assessment requirements and expenditures.

(d) FAILURE TO PAY.—Failure to pay the claim maintenance fee as required by subsection (a) shall conclusively constitute a forfeiture of the unpatented mining claim, mill or tunnel site by the claimant and the claim shall be deemed null and void by operation of law.

(e) OTHER REQUIREMENTS.—

(1) Nothing in this section shall change or modify the requirements of section 314(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(b)), or the requirements of section 314(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(c)) related to filings required by section 314(b), which remain in effect.

(2) Section 2324 of the Revised Statutes of the United States (30 U.S.C. 28) is amended by inserting ''or section 103(a) of the Hardrock Mining and Reclamation Act of 2007'' after ''Act of 1993,''.

SEC. 104. EFFECT OF PAYMENTS FOR USE AND OCCUPANCY OF CLAIMS.

Timely payment of the claim maintenance fee required by section 103 of this Act or any related law relating to the use of Federal land, asserts the claimant's authority to use and occupy the Federal land concerned for prospecting and exploration, consistent with the requirements of this Act and other applicable law.

TITLE II—PROTECTION OF SPECIAL PLACES

SEC. 201. LANDS OPEN TO LOCATION.

(a) LANDS OPEN TO LOCATION.—Except as provided in subsection (b), mining claims may be located under the general mining laws only on such lands and interests as were open to the location of mining claims under the general mining laws immediately before the enactment of this Act.

(b) LANDS NOT OPEN TO LOCATION.—Notwithstanding any other provision of law and subject to valid existing rights, each of the following shall not be open to the location of mining claims under the general mining laws on or after the date of enactment of this Act:

(1) Wilderness study areas.

(2) Areas of critical environmental concern.

(3) Areas designated for inclusion in the National Wild and Scenic Rivers System pursuant to the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), areas designated for potential addition to such system pursuant to section 5(a) of that Act (16 U.S.C. 1276(a)), and areas determined to be eligible for inclusion in such system pursuant to section 5(d) of such Act (16 U.S.C. 1276(d)).

(4) Any area identified in the set of inventoried roadless areas maps contained in the Forest Service Roadless Area Conservation Final Environmental Impact Statement, Volume 2, dated November 2000.

(c) EXISTING AUTHORITY NOT AFFECTED.—Nothing in this Act limits the authority granted the Secretary in section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714) to withdraw public lands.

SEC. 202. WITHDRAWAL PETITIONS BY STATES, POLITICAL SUBDIVISIONS, AND INDIAN TRIBES.

(a) IN GENERAL.—Any State or political subdivision of a State or an Indian tribe may submit a petition to the Secretary for the withdrawal of a specific tract of Federal land from the operation of the general mining laws, in order to protect specific values identified in the petition that are important to the State or political subdivision or Indian tribe. Such values may include the value of a watershed to supply drinking water, wildlife habitat value, cultural or historic resources, or value for scenic vistas important to the local economy, and other similar values. In the case of an Indian tribe, the petition may also identify religious or cultural values that are important to the Indian tribe. The petition shall contain the information required by section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

(b) CONSIDERATION OF PETITION.—The Secretary—

(1) shall solicit public comment on the petition;

(2) shall make a final decision on the petition within 180 days after receiving it; and

(3) shall grant the petition unless the Secretary makes and publishes in the Federal Register specific findings why a decision to grant the petition would be against the national interest.

TITLE III—ENVIRONMENTAL CONSIDERATIONS OF MINERAL EXPLORATION AND DEVELOPMENT

SEC. 301. GENERAL STANDARD FOR HARDROCK MINING ON FEDERAL LAND.

Notwithstanding section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)), the first section of the Act of June 4, 1897 (chapter 2; 30 Stat. 36 16 U.S.C. 478), and the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), and in accordance with this title and applicable law, unless expressly stated otherwise in this Act, the Secretary—

(1) shall ensure that mineral activities on any Federal land that is subject to a mining claim, millsite claim, or tunnel site claim is carefully controlled to prevent undue degradation of public lands and resources; and

(2) shall not grant permission to engage in mineral activities if the Secretary, after considering the evidence, makes and publishes in the Federal Register a determination that undue degradation would result from such activities.

SEC. 302. PERMITS.

(a) PERMITS REQUIRED.—No person may engage in mineral activities on Federal land that may cause a disturbance of surface resources, including but not limited to land, air, ground water and surface water, and fish and wildlife, unless—

(1) the claim was properly located under the general mining laws and maintained in compliance with such laws and this Act; and

(2) a permit was issued to such person under this title authorizing such activities.

(b) NEGLIGIBLE DISTURBANCE.—Notwithstanding subsection (a)(2), a permit under this title shall not be required for mineral activities that are a casual use of the Federal land.

(c) COORDINATION WITH NEPA PROCESS.—To the extent practicable, the Secretary and the Secretary of Agriculture shall conduct the permit processes under this Act in coordination with the timing and other requirements under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

SEC. 303. EXPLORATION PERMIT.

(a) AUTHORIZED EXPLORATION ACTIVITY.—Any claim holder may apply for an exploration permit for any mining claim authorizing the claim holder to remove a reasonable amount of the locatable minerals from the claim for analysis, study and testing. Such permit shall not authorize the claim holder to remove any mineral for sale nor to conduct any activities other than those required for exploration for locatable minerals and reclamation.

(b) PERMIT APPLICATION REQUIREMENTS.—An application for an exploration permit under this section shall be submitted in a manner satisfactory to the Secretary or, for National Forest System lands, the Secretary of Agriculture, and shall contain an exploration plan, a reclamation plan for the proposed exploration, and such documentation as necessary to ensure compliance with applicable Federal and State environmental laws and regulations.

(c) RECLAMATION PLAN REQUIREMENTS.—The reclamation plan required to be included in a permit application under subsection (b) shall include such provisions as may be jointly prescribed by the Secretary and the Secretary of Agriculture.

(d) PERMIT ISSUANCE OR DENIAL.—The Secretary, or for National Forest System lands, the Secretary of Agriculture, shall issue an exploration permit pursuant to an application under this section unless such Secretary makes any of the following determinations:

(1) The permit application, the exploration plan and reclamation plan are not complete and accurate.

(2) The applicant has not demonstrated that proposed reclamation can be accomplished.

(3) The proposed exploration activities and condition of the land after the completion of exploration activities and final reclamation would not conform with the land use plan applicable to the area subject to mineral activities.

(4) The area subject to the proposed permit is included within an area not open to location under section 201.

(5) The applicant has not demonstrated that the exploration plan and reclamation plan will be in compliance with the requirements of this Act and all other applicable Federal requirements, and any State requirements agreed to by the Secretary of the Interior (or Secretary of Agriculture, as appropriate).

(6) The applicant has not demonstrated that the requirements of section 306 (relating to financial assurance) will be met.

(7) The applicant is eligible to receive a permit under section 305.

(e) TERM OF PERMIT.—An exploration permit shall be for a stated term. The term shall be no greater than that necessary to accomplish the proposed exploration, and in no case for more than 10 years.

(f) PERMIT MODIFICATION.—During the term of an exploration permit the permit holder may submit an application to modify the permit. To approve a proposed modification to the permit, the Secretary concerned shall make the same determinations as are required in the case of an original permit, except that the Secretary and the Secretary of Agriculture may specify by joint rule the extent to which requirements for initial exploration permits under this section shall apply to applications to modify an exploration permit based on whether such modifications are deemed significant or minor.

(g) TRANSFER, ASSIGNMENT, OR SALE OF RIGHTS.—(1) No transfer, assignment, or sale of rights granted by a permit issued under this section shall be made without the prior written approval of the Secretary or for National Forest System lands, the Secretary of Agriculture.

(2) Such Secretary shall allow a person holding a permit to transfer, assign, or sell rights under the permit to a successor, if the Secretary finds, in writing, that the successor—

(A) is eligible to receive a permit in accordance with section 304(d);

(B) has submitted evidence of financial assurance satisfactory under section 306; and

(C) meets any other requirements specified by the Secretary.

(3) The successor in interest shall assume the liability and reclamation responsibilities established by the existing permit and shall conduct the mineral activities in full compliance with this Act, and the terms and conditions of the permit as in effect at the time of transfer, assignment, or sale.

(4) Each application for approval of a permit transfer, assignment, or sale pursuant to this subsection shall be accompanied by a fee payable to the Secretary of the Interior in such amount as may be established by such Secretary. Such amount shall be equal to the actual or anticipated cost to the Secretary or the Secretary of Agriculture, as appropriate, of reviewing and approving or disapproving such transfer, assignment, or sale, as determined by the Secretary of the Interior. All moneys received under this subsection shall be deposited in the Locatable Minerals Fund established under title IV of this Act.

SEC. 304. OPERATIONS PERMIT.

(a) OPERATIONS PERMIT.—(1) Any claim holder that is in compliance with the general mining laws and section 103 of this Act may apply to the Secretary, or for National Forest System lands, the Secretary of Agriculture, for an operations permit authorizing the claim holder to carry out mineral activities, other than casual use, on—

(A) any valid mining claim, valid millsite claim, or valid tunnel site claim; and

(B) such additional Federal land as the Secretary may determine is necessary to conduct the proposed mineral activities, if the operator obtains a right-of-way permit for use of such additional lands under title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) and agrees to pay all fees required under that title for the permit under that title.

(2) If the Secretary decides to issue such permit, the permit shall include such terms and conditions as prescribed by such Secretary to carry out this title.

(b) PERMIT APPLICATION REQUIREMENTS.—An application for an operations permit under this section shall be submitted in a manner satisfactory to the Secretary concerned and shall contain site characterization data, an operations plan, a reclamation plan, monitoring plans, long-term maintenance plans, to the extent necessary, and such documentation as necessary to ensure compliance with applicable Federal and State environmental laws and regulations. If the proposed mineral activities will be carried out in conjunction with mineral activities on adjacent non-Federal lands, information on the location and nature of such operations may be required by the Secretary.

(c) PERMIT ISSUANCE OR DENIAL.—(1) After providing for public participation pursuant to subsection (i), the Secretary, or for National Forest System lands the Secretary of Agriculture, shall issue an operations permit if such Secretary makes each of the following determinations in writing, and shall deny a permit if such Secretary finds that the application and applicant do not fully meet the following requirements:

(A) The permit application, including the site characterization data, operations plan, and reclamation plan, are complete and accurate and sufficient for developing a good understanding of the anticipated impacts of the mineral activities and the effectiveness of proposed mitigation and control.

(B) The applicant has demonstrated that the proposed reclamation in the operation and reclamation plan can be and is likely to be accomplished by the applicant and will not cause undue degradation.

(C) The condition of the land, including the fish and wildlife resources and habitat contained thereon, after the completion of mineral activities and final reclamation, will conform to the land use plan applicable to the area subject to mineral activities and are returned to a productive use.

(D) The area subject to the proposed plan is open to location for the types of mineral activities proposed.

(E) The proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.

(F) The applicant will fully comply with the requirements of section 306 (relating to financial assurance) prior to the initiation of operations.

(G) Neither the applicant nor operator, nor any subsidiary, affiliate, or person controlled by or under common control with the applicant or operator, is ineligible to receive a permit under section 305.

(H) The reclamation plan demonstrates that 10 years following mine closure, no treatment of surface or ground water for carcinogens or toxins will be required to meet water quality standards at the point of discharge.

(2) With respect to any activities specified in the reclamation plan referred to in subsection (b) that constitutes a removal or remedial action under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following), the Secretary shall consult with the Administrator of the Environmental Protection Agency prior to the issuance of an operations permit. The Administrator shall ensure that the reclamation plan does not require activities that would increase the costs or likelihood of removal or remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following) or corrective actions under the Solid Waste Disposal Act (42 U.S.C. 6901 and following).

(d) TERM OF PERMIT; RENEWAL.—

(1) An operations permit—

(A) shall be for a term that is no longer than the shorter of—

(i) the period necessary to accomplish the proposed mineral activities subject to the permit; and

(ii) 20 years; and

(B) shall be renewed for an additional 20-year period if the operation is in compliance with the requirements of this Act and other applicable law.

(2) Failure by the operator to commence mineral activities within 2 years of the date scheduled in an operations permit shall require a modification of the permit if the Secretary concerned determines that modifications are necessary to comply with section 201.

(e) PERMIT MODIFICATION.—

(1) During the term of an operations permit the operator may submit an application to modify the permit (including the operations plan or reclamation plan, or both).

(2) The Secretary, or for National Forest System lands the Secretary of Agriculture, may, at any time, require reasonable modification to any operations plan or reclamation plan upon a determination that the requirements of this Act cannot be met if the plan is followed as approved. Such determination shall be based on a written finding and subject to public notice and hearing requirements established by the Secretary concerned.

(3) A permit modification is required before changes are made to the approved plan of operations, or if unanticipated events or conditions exist on the mine site, including in the case of—

(A) development of acid or toxic drainage;

(B) loss of springs or water supplies;

(C) water quantity, water quality, or other resulting water impacts that are significantly different than those predicted in the application;

(D) the need for long-term water treatment;

(E) significant reclamation difficulties or reclamation failure;

(F) the discovery of significant scientific, cultural, or biological resources that were not addressed in the original plan; or

(G) the discovery of hazards to public safety.

(f) TEMPORARY CESSATION OF OPERATIONS.—(1) An operator conducting mineral activities under an operations permit in effect under this title may not temporarily cease mineral activities for a period greater than 180 days unless the Secretary concerned has approved such temporary cessation or unless the temporary cessation is permitted under the original permit. Any operator temporarily ceasing mineral activities for a period greater than 90 days under an operations permit issued before the date of the enactment of this Act shall submit, before the expiration of such 90-day period, a complete application for temporary cessation of operations to the Secretary concerned for approval unless the temporary cessation is permitted under the original permit.

(2) An application for approval of temporary cessation of operations shall include such information required under subsection (b) and any other provisions prescribed by the Secretary concerned to minimize impacts on the environment. After receipt of a complete application for temporary cessation of operations such Secretary shall conduct an inspection of the area for which temporary cessation of operations has been requested.

(3) To approve an application for temporary cessation of operations, the Secretary concerned shall make each of the following determinations:

(A) A determination that the methods for securing surface facilities and restricting access to the permit area, or relevant portions thereof, will effectively ensure against hazards to the health and safety of the public and fish and wildlife.

(B) A determination that reclamation is in compliance with the approved reclamation plan, except in those areas specifically designated in the application for temporary cessation of operations for which a delay in meeting such standards is necessary to facilitate the resumption of operations.

(C) A determination that the amount of financial assurance filed with the permit application is sufficient to assure completion of the reclamation activities identified in the approved reclamation plan in the event of forfeiture.

(D) A determination that any outstanding notices of violation and cessation orders incurred in connection with the plan for which temporary cessation is being requested are either stayed pursuant to an administrative or judicial appeal proceeding or are in the process of being abated to the satisfaction of the Secretary concerned.

(g) PERMIT REVIEWS.—The Secretary, or for National Forest System lands the Secretary of Agriculture, shall review each permit issued under this section every 10 years during the term of such permit, shall provide public notice of the permit review, and, based upon a written finding, such Secretary shall require the operator to take such actions as the Secretary deems necessary to assure that mineral activities conform to the permit, including adjustment of financial assurance requirements.

(h) TRANSFER, ASSIGNMENT, OR SALE OF RIGHTS.—(1) No transfer, assignment, or sale of rights granted by a permit under this section shall be made without the prior written approval of the Secretary, or for National Forest System lands the Secretary of Agriculture.

(2) The Secretary, or for National Forest System lands, the Secretary of Agriculture, may allow a person holding a permit to transfer, assign, or sell rights under the permit to a successor, if such Secretary finds, in writing, that the successor—

(A) has submitted information required and is eligible to receive a permit in accordance with section 305;

(B) has submitted evidence of financial assurance satisfactory under section 306; and

(C) meets any other requirements specified by such Secretary.

(3) The successor in interest shall assume the liability and reclamation responsibilities established by the existing permit and shall conduct the mineral activities in full compliance with this Act, and the terms and conditions of the permit as in effect at the time of transfer, assignment, or sale.

(4) Each application for approval of a permit transfer, assignment, or sale pursuant to this subsection shall be accompanied by a fee payable to the Secretary of the Interior, or for National Forest System lands, the Secretary of Agriculture, in such amount as may be established by such Secretary, or for National Forest System lands, by the Secretary of Agriculture. Such amount shall be equal to the actual or anticipated cost to the Secretary or, for National Forest System lands, to the Secretary of Agriculture, of reviewing and approving or disapproving such transfer, assignment, or sale, as determined by such Secretary. All moneys received under this subsection shall be deposited in the Locatable Minerals Fund established under title IV.

(i) PUBLIC PARTICIPATION.—The Secretary of the Interior and the Secretary of Agriculture shall jointly promulgate regulations to ensure transparency and public participation in permit decisions required under this Act, consistent with any requirements that apply to such decisions under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

SEC. 305. PERSONS INELIGIBLE FOR PERMITS.

(a) CURRENT VIOLATIONS.—Unless corrective action has been taken in accordance with subsection (c), no permit under this title shall be issued or transferred to an applicant if the applicant or any agent of the applicant, the operator (if different than the applicant) of the claim concerned, any claim holder (if different than the applicant) of the claim concerned, or any affiliate or officer or director of the applicant is currently in violation of any of the following:

(1) A provision of this Act or any regulation under this Act.

(2) An applicable State or Federal toxic substance, solid waste, air, water quality, or fish and wildlife conservation law or regulation at any site where mining, beneficiation, or processing activities are occurring or have occurred.

(3) The Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 and following) or any regulation implementing that Act at any site where surface coal mining operations have occurred or are occurring.

(b) SUSPENSION.—The Secretary, or for National Forest System lands the Secretary of Agriculture, shall suspend an operations permit, in whole or in part, if such Secretary determines that any of the entities described in subsection (a) were in violation of any requirement listed in subsection (a) at the time the permit was issued.

(c) CORRECTION.—(1) The Secretary, or for National Forest System lands the Secretary of Agriculture, may issue or reinstate a permit under this title if the applicant submits proof that the violation referred to in subsection (a) or (b) has been corrected or is in the process of being corrected to the satisfaction of such Secretary and the regulatory authority involved or if the applicant submits proof that the violator has filed and is presently pursuing, a direct administrative or judicial appeal to contest the existence of the violation. For purposes of this section, an appeal of any applicant's relationship to an affiliate shall not constitute a direct administrative or judicial appeal to contest the existence of the violation.

(2) Any permit which is issued or reinstated based upon proof submitted under this subsection shall be conditionally approved or conditionally reinstated, as the case may be. If the violation is not successfully abated or the violation is upheld on appeal, the permit shall be suspended or revoked.

(d) PATTERN OF WILLFUL VIOLATIONS.—No permit under this Act may be issued to any applicant if there is a demonstrated pattern of willful violations of the environmental protection requirements of this Act by the applicant, any affiliate of the applicant, or the operator or claim holder if different than the applicant.

SEC. 306. FINANCIAL ASSURANCE.

(a) FINANCIAL ASSURANCE REQUIRED.—(1) After a permit is issued under this title and before any exploration or operations begin under the permit, the operator shall file with the Secretary, or for National Forest System lands the Secretary of Agriculture, evidence of financial assurance payable to the United States. The financial assurance shall be provided in the form of a surety bond, a trust fund, letters of credits, government securities, certificates of deposit, cash, or an equivalent form approved by such Secretary.

(2) The financial assurance shall cover all lands within the initial permit area and all affected waters that may require restoration, treatment, or other management as a result of mineral activities, and shall be extended to cover all lands and waters added pursuant to any permit modification made under section 303(f) (relating to exploration permits) or section 304(e) (relating to operations permits), or affected by mineral activities.

(b) AMOUNT.—The amount of the financial assurance required under this section shall be sufficient to assure the completion of reclamation and restoration satisfying the requirements of this Act if the work were to be performed by the Secretary concerned in the event of forfeiture, including the construction and maintenance costs for any treatment facilities necessary to meet Federal and State environmental requirements. The calculation of such amount shall take into account the maximum level of financial exposure which shall arise during the mineral activity and administrative costs associated with a government agency reclaiming the site.

(c) DURATION.—The financial assurance required under this section shall be held for the duration of the mineral activities and for an additional period to cover the operator's responsibility for reclamation, restoration, and long-term maintenance, and effluent treatment as specified in subsection (g).

(d) ADJUSTMENTS.—The amount of the financial assurance and the terms of the acceptance of the assurance may be adjusted by the Secretary concerned from time to time as the area requiring coverage is increased or decreased, or where the costs of reclamation or treatment change, or pursuant to section 304(f) (relating to temporary cessation of operations), but the financial assurance shall otherwise be in compliance with this section. The Secretary concerned shall review the financial guarantee every 3 years and as part of the permit application review under section 304(c).

(e) RELEASE.—Upon request, and after notice and opportunity for public comment, and after inspection by the Secretary, or for National Forest System lands, the Secretary of Agriculture, such Secretary may, after consultation with the Administrator of the Environmental Protection Agency, release in whole or in part the financial assurance required under this section if the Secretary makes both of the following determinations:

(1) A determination that reclamation or restoration covered by the financial assurance has been accomplished as required by this Act.

(2) A determination that the terms and conditions of any other applicable Federal requirements, and State requirements applicable pursuant to cooperative agreements under section 308, have been fulfilled.

(f) RELEASE SCHEDULE.—The release referred to in subsection (e) shall be according to the following schedule:

(1) After the operator has completed any required backfilling, regrading, and drainage control of an area subject to mineral activities and covered by the financial assurance, and has commenced revegetation on the regraded areas subject to mineral activities in accordance with the approved plan, that portion of the total financial assurance secured for the area subject to mineral activities attributable to the completed activities may be released except that sufficient assurance must be retained to address other required reclamation and restoration needs and to assure the long-term success of the revegetation.

(2) After the operator has completed successfully all remaining mineral activities and reclamation activities and all requirements of the operations plan and the reclamation plan, and all other requirements of this Act have been fully met, the remaining portion of the financial assurance may be released.

During the period following release of the financial assurance as specified in paragraph (1), until the remaining portion of the financial assurance is released as provided in paragraph (2), the operator shall be required to comply with the permit issued under this title.

(g) EFFLUENT.—Notwithstanding section 307(b)(4), where any discharge or other water-related condition resulting from the mineral activities requires treatment in order to meet the applicable effluent limitations and water quality standards, the financial assurance shall include the estimated cost of maintaining such treatment for the projected period that will be needed after the cessation of mineral activities. The portion of the financial assurance attributable to such estimated cost of treatment shall not be released until the discharge has ceased for a period of 5 years, as determined by ongoing monitoring and testing, or, if the discharge continues, until the operator has met all applicable effluent limitations and water quality standards for 5 full years without treatment.

(h) ENVIRONMENTAL HAZARDS.—If the Secretary, or for National Forest System lands, the Secretary of Agriculture, determines, after final release of financial assurance, that an environmental hazard resulting from the mineral activities exists, or the terms and conditions of the explorations or operations permit of this Act were not fulfilled in fact at the time of release, such Secretary shall issue an order under section 506 requiring the claim holder or operator (or any person who controls the claim holder or operator) to correct the condition such that applicable laws and regulations and any conditions from the plan of operations are met.

SEC. 307. OPERATION AND RECLAMATION.

(a) GENERAL RULE.—(1) The operator shall restore lands subject to mineral activities carried out under a permit issued under this title to a condition capable of supporting—

(A) the uses which such lands were capable of supporting prior to surface disturbance by the operator, or

(B) other beneficial uses which conform to applicable land use plans as determined by the Secretary, or for National Forest System lands, the Secretary of Agriculture.

(2) Reclamation shall proceed as contemporaneously as practicable with the conduct of mineral activities. In the case of a cessation of mineral activities beyond that provided for as a temporary cessation under this Act, reclamation activities shall begin immediately.

(b) OPERATION AND RECLAMATION STANDARDS.—The Secretary of the Interior and the Secretary of Agriculture shall jointly promulgate regulations that establish operation and reclamation standards for mineral activities permitted under this Act. The Secretaries may determine whether outcome-based performance

standards or technology-based design standards are most appropriate. The regulations shall address the following:

(1) Segregation, protection, and replacement of topsoil or other suitable growth medium, and the prevention, where possible, of soil contamination.

(2) Maintenance of the stability of all surface areas.

(3) Control of sediments to prevent erosion and manage drainage.

(4) Minimization of the formation and migration of acidic, alkaline, metal-bearing, or other deleterious leachate.

(5) Reduction of the visual impact of mineral activities to the surrounding topography, including as necessary pit backfill.

(6) Establishment of a diverse, effective, and permanent vegetative cover of the same seasonal variety native to the area affected by mineral activities, and equal in extent of cover to the natural vegetation of the area.

(7) Design and maintenance of leach operations, impoundments, and excess waste according to standard engineering standards to achieve and maintain stability and reclamation of the site.

(8) Removal of structures and roads and sealing of drill holes.

(9) Restoration of, or mitigation for, fish and wildlife habitat disturbed by mineral activities.

(10) Preservation of cultural, paleontological, and cave resources.

(11) Prevention and suppression of fire in the area of mineral activities.

(c) SURFACE OR GROUNDWATER WITHDRAWALS.—The Secretary shall work with State and local governments with authority over the allocation and use of surface and groundwater in the area around the mine site as necessary to ensure that any surface or groundwater withdrawals made as a result of mining activities approved under this section do not cause undue degradation.

(d) SPECIAL RULE.—Reclamation activities for a mining claim that has been forfeited, relinquished, or lapsed, or a plan that has expired or been revoked or suspended, shall continue subject to review and approval by the Secretary, or for National Forest System lands the Secretary of Agriculture.

SEC. 308. STATE LAW AND REGULATION.

(a) STATE LAW.—(1) Any reclamation, land use, environmental, or public health protection standard or requirement in State law or regulation that meets or exceeds the requirements of this Act shall not be construed to be inconsistent with any such standard.

(2) Any bonding standard or requirement in State law or regulation that meets or exceeds the requirements of this Act shall not be construed to be inconsistent with such requirements.

(3) Any inspection standard or requirement in State law or regulation that meets or exceeds the requirements of this Act shall not be construed to be inconsistent with such requirements.

(b) APPLICABILITY OF OTHER STATE REQUIREMENTS.—(1) Nothing in this Act shall be construed as affecting any toxic substance, solid waste, or air or water quality, standard or requirement of any State, county, local, or tribal law or regulation, which may be applicable to mineral activities on lands subject to this Act.

(2) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, such person's interest in water resources affected by mineral activities on lands subject to this Act.

(c) COOPERATIVE AGREEMENTS.—(1) Any State may enter into a cooperative agreement with the Secretary, or for National Forest System lands the Secretary of Agriculture, for the purposes of such Secretary applying such standards and requirements referred to in subsection (a) and subsection (b) to mineral activities or reclamation on lands subject to this Act.

(2) In such instances where the proposed mineral activities would affect lands not subject to this Act in addition to lands subject to this Act, in order to approve a plan of operations the Secretary concerned shall enter into a cooperative agreement with the State that sets forth a common regulatory framework consistent with the requirements of this Act for the purposes of such plan of operations. Any such common regulatory framework shall not negate the authority of the Federal Government to independently inspect mines and operations and bring enforcement actions for violations.

(3) The Secretary concerned shall not enter into a cooperative agreement with any State under this section until after notice in the Federal Register and opportunity for public comment and hearing.

(d) PRIOR AGREEMENTS.—Any cooperative agreement or such other understanding between the Secretary concerned and any State, or political subdivision thereof, relating to the management of mineral activities on lands subject to this Act that was in existence on the date of enactment of this Act may only continue in force until 1 year after the date of enactment of this Act. During such 1-year period, the State and the Secretary shall review the terms of the agreement and make changes that are necessary to be consistent with this Act.

SEC. 309. LIMITATION ON THE ISSUANCE OF PERMITS.

No permit shall be issued under this title that authorizes mineral activities that would impair the land or resources of the National Park System or a National Monument. For purposes of this section, the term ''impair'' shall include any diminution of the affected land including its scenic assets, its water resources, its air quality, and its acoustic qualities, or other changes that would impair a citizen's experience at the National Park or National Monument.

TITLE IV—MINING MITIGATION

Subtitle A—Locatable Minerals Fund

SEC. 401. ESTABLISHMENT OF FUND.

(a) ESTABLISHMENT.—There is established on the books of the Treasury of the United States a separate account to be known as the Locatable Minerals Fund (hereinafter in this subtitle referred to as the ''Fund'').

(b) INVESTMENT.—The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in the Secretary's judgment, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities.

SEC. 402. CONTENTS OF FUND.

The following amounts shall be credited to the Fund:

(1) All moneys collected pursuant to section 506 (relating to enforcement) and section 504 (relating to citizens suits).

(2) All permit fees and transfer fees received under section 304.

(3) All donations by persons, corporations, associations, and foundations for the purposes of this subtitle.

(4) All amounts deposited in the Fund under section 102 (relating to royalties and penalties for underreporting).

(5) All amounts received by the United States pursuant to section 101 from issuance of patents.

(6) All amounts received by the United States pursuant to section 103 as claim maintenance and location fees.

(7) All income on investments under section 401(b).

SEC. 403. SUBACCOUNTS.

There shall be in the Fund 2 subaccounts, as follows:

(1) The Hardrock Reclamation Account, which shall consist of ⅔ of the amounts credited to the Fund under section 402 and which shall be administered by the Secretary acting through the Director of the Office of Surface Mining and Enforcement.

(2) The Hardrock Community Impact Assistance Account, which shall consist of ⅓ of the amounts credited to the Fund under section 402 and which shall be administered by the Secretary acting through the Director of the Bureau of Land Management.

Subtitle B—Use of Hardrock Reclamation Account

SEC. 411. USE AND OBJECTIVES OF THE ACCOUNT.

(a) IN GENERAL.—The Secretary is authorized, subject to appropriations, to use moneys in the Hardrock Reclamation Account for the reclamation and restoration of land and water resources adversely affected by past mineral activities on lands the legal and beneficial title to which resides in the United States, land within the exterior boundary of any national forest system unit, or other lands described in subsection (d) or section 412, including any of the following:

(1) Protecting public health and safety.

(2) Preventing, abating, treating, and controlling water pollution created by abandoned mine drainage.

(3) Reclaiming and restoring abandoned surface and underground mined areas.

(4) Reclaiming and restoring abandoned milling and processing areas.

(5) Backfilling, sealing, or otherwise controlling, abandoned underground mine entries.

(6) Revegetating land adversely affected by past mineral activities in order to prevent erosion and sedimentation, to enhance wildlife habitat, and for any other reclamation purpose.

(7) Controlling of surface subsidence due to abandoned underground mines.

(b) PRIORITIES.—Expenditures of moneys from the Hardrock Reclamation Account shall reflect the following priorities in the order stated:

(1) The protection of public health and safety, from extreme danger from the adverse effects of past mineral activities, especially as relates to surface water and groundwater contaminants.

(2) The protection of public health and safety, from the adverse effects of past mineral activities.

(3) The restoration of land, water, and fish and wildlife resources previously degraded by the adverse effects of past mineral activities.

(c) HABITAT.—Reclamation and restoration activities under this subtitle, particularly those identified under subsection (a)(4), shall include appropriate mitigation measures to provide for the continuation of any established habitat for wildlife in existence prior to the commencement of such activities.

(d) OTHER AFFECTED LANDS.—Where mineral exploration, mining, beneficiation, processing, or reclamation activities have been carried out with respect to any mineral which would be a locatable mineral if the legal and beneficial title to the mineral were in the United States, if such activities directly affect lands managed by the Bureau of Land Management as well as other lands and if the legal and beneficial title to more than 50 percent of the affected lands resides in the United States, the Secretary is authorized, subject to appropriations, to use moneys in the Hardrock Reclamation Account for reclamation and restoration under subsection (a) for all directly affected lands.

(e) RESPONSE OR REMOVAL ACTIONS.—Reclamation and restoration activities under this subtitle which constitute a removal or remedial action under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), shall be conducted with the concurrence of the Administrator of the Environmental Protection Agency. The Secretary and the Administrator shall enter into a Memorandum of Understanding to establish procedures for consultation, concurrence, training, exchange of technical expertise and

joint activities under the appropriate circumstances, that provide assurances that reclamation or restoration activities under this subtitle shall not be conducted in a manner that increases the costs or likelihood of removal or remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following), and that avoid oversight by multiple agencies to the maximum extent practicable.

SEC. 412. ELIGIBLE LANDS AND WATERS.

(a) ELIGIBILITY.—Reclamation expenditures under this subtitle may only be made with respect to Federal lands or Indian lands or water resources that traverse or are contiguous to Federal lands or Indian lands where such lands or water resources have been affected by past mineral activities, including any of the following:

(1) Lands and water resources which were used for, or affected by, mineral activities and abandoned or left in an inadequate reclamation status before the effective date of this Act.

(2) Lands for which the Secretary makes a determination that there is no continuing reclamation responsibility of a claim holder, operator, or other person who abandoned the site prior to completion of required reclamation under State or other Federal laws.

(3) Lands for which it can be established that such lands do not contain locatable minerals which could economically be extracted through the reprocessing or remining of such lands, unless such considerations are in conflict with the priorities set forth under paragraphs (1) and (2) of section 302(b).

(b) SPECIFIC SITES AND AREAS NOT ELIGIBLE.—The provisions of section 411(d) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(d)) shall apply to expenditures made from the Hardrock Reclamation Account.

(c) INVENTORY.—The Secretary shall prepare and maintain a publicly available inventory of abandoned locatable minerals mines on public lands and any abandoned mine on Indian lands that may be eligible for expenditures under this subtitle, and shall deliver a yearly report to the Congress on the progress in cleanup of such sites.

SEC. 413. EXPENDITURES.

Moneys available from the Hardrock Reclamation Account may be expended for the purposes specified in section 411 directly by the Director of the Office of Surface Mining Reclamation and Enforcement. The Director may also make such money available for such purposes to the Director of the Bureau of Land Management, the Chief of the United States Forest Service, the Director of the National Park Service, or Director of the United States Fish and Wildlife Service, to any other agency of the United States, to an Indian tribe, or to any public entity that volunteers to develop and implement, and that has the ability to carry out, all or a significant portion of a reclamation program under this subtitle.

SEC. 414. AUTHORIZATION OF APPROPRIATIONS.

Amounts credited to the Hardrock Reclamation Account are authorized to be appropriated for the purpose of this subtitle without fiscal year limitation.

Subtitle C—Use of Hardrock Community Impact Assistance Account

SEC. 421. USE AND OBJECTIVES OF THE ACCOUNT.

Amounts in the Hardrock Community Impact Assistance Account shall be available to the Secretary, subject to appropriations, to provide assistance for the planning, construction, and maintenance of public facilities and the provision of public services to States, political subdivisions and Indian tribes that are socially or economically impacted by mineral activities conducted under the general mining laws.

SEC. 422. ALLOCATION OF FUNDS.

Moneys deposited into the Hardrock Community Impact Assistance Account shall be allocated by the Secretary for purposes of section 421 among the States within the boundaries of which occurs production of locatable minerals from mining claims located under the general mining laws and maintained in compliance with this Act, or mineral concentrates or products derived from locatable minerals from mining claims located under the general mining laws and maintained in compliance with this Act, as the case may be, in proportion to the amount of such production in each such State.

TITLE V—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Subtitle A—Administrative Provisions

SEC. 501. POLICY FUNCTIONS.

(a) MINERALS POLICY.—Section 101 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended—

(1) in the first sentence by inserting before the period at the end the following: ''and to ensure that mineral extraction and processing not cause undue degradation of the natural and cultural resources of the public lands''; and

(2) by adding at the end thereof the following: ''It shall also be the responsibility of the Secretary of Agriculture to carry out the policy provisions of paragraphs (1) and (2) of this section.''.

(b) MINERAL DATA.—Section 5(e)(3) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604(e)(3)) is amended by inserting before the period the following: '', except that for National Forest System lands the Secretary of Agriculture shall promptly initiate actions to improve the availability and analysis of mineral data in public land use decisionmaking''.

SEC. 502. USER FEES.

(a) IN GENERAL.—The Secretary and the Secretary of Agriculture may each establish and collect from persons subject to the requirements of this Act such user fees as may be necessary to reimburse the United States for the expenses incurred in administering such requirements. Fees may be assessed and collected under this section only in such manner as may reasonably be expected to result in an aggregate amount of the fees collected during any fiscal year which does not exceed the aggregate amount of administrative expenses referred to in this section.

(b) ADJUSTMENT.—(1) The Secretary shall adjust the fees required by this section to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor every 5 years after the date of enactment of this Act, or more frequently if the Secretary determines an adjustment to be reasonable.

(2) The Secretary shall provide claimants notice of any adjustment made under this subsection not later than July 1 of any year in which the adjustment is made.

(3) A fee adjustment under this subsection shall begin to apply the calendar year following the calendar year in which it is made.

SEC. 503. INSPECTION AND MONITORING.

(a) INSPECTIONS.—(1) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall make inspections of mineral activities so as to ensure compliance with the requirements of this Act.

(2) The Secretary concerned shall establish a frequency of inspections for mineral activities conducted under a permit issued under title III, but in no event shall such inspection frequency be less than one complete inspection per calendar quarter or, two per calendar quarter in the case of a permit for which the Secretary concerned approves an application under section 304(f) (relating to temporary cessation of operations). After revegetation has been established in accordance with a reclamation plan, such Secretary shall conduct annually 2 complete inspections. Such Secretary shall have the discretion to modify the inspection frequency for mineral activities that are conducted on a seasonal basis. Inspections shall continue under this subsection until final release of financial assurance.

(3)(A) Any person who has reason to believe he or she is or may be adversely affected by mineral activities due to any violation of the requirements of a permit approved under this Act may request an inspection. The Secretary, or for National Forest System lands the Secretary of Agriculture, shall determine within 10 working days of receipt of the request whether the request states a reason to believe that a violation exists. If the person alleges and provides reason to believe that an imminent threat to the environment or danger to the health or safety of the public exists, the 10-day period shall be waived and the inspection shall be conducted immediately. When an inspection is conducted under this paragraph, the Secretary concerned shall notify the person requesting the inspection, and such person shall be allowed to accompany the Secretary concerned or the Secretary's authorized representative during the inspection. The Secretary shall not incur any liability for allowing such person to accompany an authorized representative. The identity of the person supplying information to the Secretary relating to a possible violation or imminent danger or harm shall remain confidential with the Secretary if so requested by that person, unless that person elects to accompany an authorized representative on the inspection.

(B) The Secretaries shall, by joint rule, establish procedures for the review of (i) any decision by an authorized representative not to inspect; or (ii) any refusal by such representative to ensure that remedial actions are taken with respect to any alleged violation. The Secretary concerned shall furnish such persons requesting the review a written statement of the reasons for the Secretary's final disposition of the case.

(b) MONITORING.—(1) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall require all operators to develop and maintain a monitoring and evaluation system that shall identify compliance with all requirements of a permit approved under this Act. The Secretary concerned may require additional monitoring to be conducted as necessary to assure compliance with the reclamation and other environmental standards of this Act. Such plan must be reviewed and approved by the Secretary and shall become a part of the explorations or operations permit.

(2) The operator shall file reports with the Secretary, or for National Forest System lands the Secretary of Agriculture, on a frequency determined by the Secretary concerned, on the results of the monitoring and evaluation process, except that if the monitoring and evaluation show a violation of the requirements of a permit approved under this Act, it shall be reported immediately to the Secretary concerned. The Secretary shall evaluate the reports submitted pursuant to this paragraph, and based on those reports and any necessary inspection shall take enforcement action pursuant to this section. Such reports shall be maintained by the operator and by the Secretary and shall be made available to the public.

(3) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall determine what information shall be reported by the operator pursuant to paragraph (3). A failure to report as required by the Secretary concerned shall constitute a violation of this Act and subject the operator to enforcement action pursuant to section 506.

SEC. 504. CITIZENS SUITS.

(a) IN GENERAL.—Except as provided in subsection (b), any person may commence a civil action on his or her own behalf to compel compliance—

(1) against any person (including the Secretary or the Secretary of Agriculture) who is allged to be in violation of any of the provisions

of this Act or any regulation promulgated pursuant to this Act or any term or condition of any permit issued under this Act; or

(2) against the Secretary or the Secretary of Agriculture where there is alleged a failure of such Secretary to perform any act or duty under this Act, or to promulgate any regulation under this Act, which is not within the discretion of the Secretary concerned.

The United States district courts shall have jurisdiction over actions brought under this section, without regard to the amount in controversy or the citizenship of the parties, including actions brought to apply any civil penalty under this Act. The district courts of the United States shall have jurisdiction to compel agency action unreasonably delayed, except that an action to compel agency action reviewable under section 505 may only be filed in a United States district court within the circuit in which such action would be reviewable under section 505.

(b) EXCEPTIONS.—(1) No action may be commenced under subsection (a) before the end of the 60-day period beginning on the date the plaintiff has given notice in writing of such alleged violation to the the alleged violator and the Secretary, or for National Forest System lands the Secretary of Agriculture, except that any such action may be brought immediately after such notification if the violation complained of constitutes an imminent threat to the environment or to the health or safety of the public.

(2) No action may be brought against any person other than the Secretary or the Secretary of Agriculture under subsection (a)(1) if such Secretary has commenced and is diligently prosecuting a civil or criminal action in a court of the United States to require compliance.

(3) No action may be commenced under paragraph (2) of subsection (a) against either Secretary to review any rule promulgated by, or to any permit issued or denied by such Secretary if such rule or permit issuance or denial is judicially reviewable under section 505 or under any other provision of law at any time after such promulgation, issuance, or denial is final.

(c) VENUE.—Venue of all actions brought under this section shall be determined in accordance with section 1391 of title 28, United States Code.

(d) COSTS.—The court, in issuing any final order in any action brought pursuant to this section may award costs of litigation (including attorney and expert witness fees) to any party whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(e) SAVINGS CLAUSE.—Nothing in this section shall restrict any right which any person (or class of persons) may have under chapter 7 of title 5, United States Code, under this section, or under any other statute or common law to bring an action to seek any relief against the Secretary or the Secretary of Agriculture or against any other person, including any action for any violation of this Act or of any regulation or permit issued under this Act or for any failure to act as required by law. Nothing in this section shall affect the jurisdiction of any court under any provision of title 28, United States Code, including any action for any violation of this Act or of any regulation or permit issued under this Act or for any failure to act as required by law.

SEC. 505. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) REVIEW BY SECRETARY.—(1)(A) Any person issued a notice of violation or cessation order under section 506, or any person having an interest which is or may be adversely affected by such notice or order, may apply to the Secretary, or for National Forest System lands the Secretary of Agriculture, for review of the notice or order within 30 days after receipt thereof, or as the case may be, within 30 days after such notice or order is modified, vacated, or terminated.

(B) Any person who is subject to a penalty assessed under section 506 may apply to the Secretary concerned for review of the assessment within 45 days of notification of such penalty.

(C) Any person may apply to such Secretary for review of the decision within 30 days after it is made.

(D) Pending a review by the Secretary or resolution of an administrative appeal, final decisions (except enforcement actions under section 506) shall be stayed.

(2) The Secretary concerned shall provide an opportunity for a public hearing at the request of any party to the proceeding as specified in paragraph (1). The filing of an application for review under this subsection shall not operate as a stay of any order or notice issued under section 506.

(3) For any review proceeding under this subsection, the Secretary concerned shall make findings of fact and shall issue a written decision incorporating therein an order vacating, affirming, modifying, or terminating the notice, order, or decision, or with respect to an assessment, the amount of penalty that is warranted. Where the application for review concerns a cessation order issued under section 506 the Secretary concerned shall issue the written decision within 30 days of the receipt of the application for review or within 30 days after the conclusion of any hearing referred to in paragraph (2), whichever is later, unless temporary relief has been granted by the Secretary concerned under paragraph (4).

(4) Pending completion of any review proceedings under this subsection, the applicant may file with the Secretary, or for National Forest System lands the Secretary of Agriculture, a written request that the Secretary grant temporary relief from any order issued under section 506 together with a detailed statement giving reasons for such relief. The Secretary concerned shall expeditiously issue an order or decision granting or denying such relief. The Secretary concerned may grant such relief under such conditions as he or she may prescribe only if such relief shall not adversely affect the health or safety of the public or cause imminent environmental harm to land, air, or water resources.

(5) The availability of review under this subsection shall not be construed to limit the operation of rights under section 504 (relating to citizen suits).

(b) JUDICIAL REVIEW.—(1) Any final action by the Secretaries of the Interior and Agriculture in promulgating regulations to implement this Act, or any other final actions constituting rulemaking to implement this Act, shall be subject to judicial review only in the United States Court of Appeals for the District of Columbia. Any action subject to judicial review under this subsection shall be affirmed unless the court concludes that such action is arbitrary, capricious, or otherwise inconsistent with law. A petition for review of any action subject to judicial review under this subsection shall be filed within 60 days from the date of such action, or after such date if the petition is based solely on grounds arising after the 60th day. Any such petition may be made by any person who commented or otherwise participated in the rulemaking or any person who may be adversely affected by the action of the Secretaries.

(2) Final agency action under this subsection, including such final action on those matters described under subsection (a), shall be subject to judicial review in accordance with paragraph (4) and pursuant to section 1391 of title 28, United States Code, on or before 60 days from the date of such final action. Any action subject to judicial review under this subsection shall be affirmed unless the court concludes that such action is arbitrary, capricious, or otherwise inconsistent with law.

(3) The availability of judicial review established in this subsection shall not be construed to limit the operations of rights under section 504 (relating to citizens suits).

(4) The court shall hear any petition or complaint filed under this subsection solely on the record made before the Secretary or Secretaries concerned. The court may affirm or vacate any order or decision or may remand the proceedings to the Secretary or Secretaries for such further action as it may direct.

(5) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the action, order, or decision of the Secretary or Secretaries concerned.

(c) COSTS.—Whenever a proceeding occurs under subsection (a) or (b), at the request of any person, a sum equal to the aggregate amount of all costs and expenses (including attorney fees) as determined by the Secretary or Secretaries concerned or the court to have been reasonably incurred by such person for or in connection with participation in such proceedings, including any judicial review of the proceeding, may be assessed against either party as the court, in the case of judicial review, or the Secretary or Secretaries concerned in the case of administrative proceedings, deems proper if it is determined that such party prevailed in whole or in part, achieving some success on the merits, and that such party made a substantial contribution to a full and fair determination of the issues.

SEC. 506. ENFORCEMENT.

(a) ORDERS.—(1) If the Secretary, or for National Forest System lands the Secretary of Agriculture, or an authorized representative of such Secretary, determines that any person is in violation of any environmental protection requirement under title III or any regulation issued by the Secretaries to implement this Act, such Secretary or authorized representative shall issue to such person a notice of violation describing the violation and the corrective measures to be taken. The Secretary concerned, or the authorized representative of such Secretary, shall provide such person with a period of time not to exceed 30 days to abate the violation. Such period of time may be extended by the Secretary concerned upon a showing of good cause by such person. If, upon the expiration of time provided for such abatement, the Secretary concerned, or the authorized representative of such Secretary, finds that the violation has not been abated he or she shall immediately order a cessation of all mineral activities or the portion thereof relevant to the violation.

(2) If the Secretary concerned, or the authorized representative of the Secretary concerned, determines that any condition or practice exists, or that any person is in violation of any requirement under a permit approved under this Act, and such condition, practice or violation is causing, or can reasonably be expected to cause—

(A) an imminent danger to the health or safety of the public; or

(B) significant, imminent environmental harm to land, air, water, or fish or wildlife resources; such Secretary or authorized representative shall immediately order a cessation of mineral activities or the portion thereof relevant to the condition, practice, or violation.

(3)(A) A cessation order pursuant to paragraphs (1) or (2) shall remain in effect until such Secretary, or authorized representative, determines that the condition, practice, or violation has been abated, or until modified, vacated or terminated by the Secretary or authorized representative. In any such order, the Secretary or authorized representative shall determine the steps necessary to abate the violation in the most expeditious manner possible and shall include the necessary measures in the order. The Secretary concerned shall require appropriate financial assurances to ensure that the abatement obligations are met.

(B) Any notice or order issued pursuant to paragraphs (1) or (2) may be modified, vacated, or terminated by the Secretary concerned or an authorized representative of such Secretary. Any person to whom any such notice or order is issued shall be entitled to a hearing on the record.

(4) If, after 30 days of the date of the order referred to in paragraph (3)(A) the required abatement has not occurred, the Secretary concerned shall take such alternative enforcement action against the claim holder or operator (or any person who controls the claim holder or operator) as will most likely bring about abatement in the most expeditious manner possible. Such alternative enforcement action may include, but is not necessarily limited to, seeking appropriate injunctive relief to bring about abatement. Nothing in this paragraph shall preclude the Secretary, or for National Forest System lands the Secretary of Agriculture, from taking alternative enforcement action prior to the expiration of 30 days.

(5) If a claim holder or operator (or any person who controls the claim holder or operator) fails to abate a violation or defaults on the terms of the permit, the Secretary, or for National Forest System lands the Secretary of Agriculture, shall forfeit the financial assurance for the plan as necessary to ensure abatement and reclamation under this Act. The Secretary concerned may prescribe conditions under which a surety may perform reclamation in accordance with the approved plan in lieu of forfeiture.

(6) The Secretary, or for National Forest System lands the Secretary of Agriculture, shall not cause forfeiture of the financial assurance while administrative or judicial review is pending.

(7) In the event of forfeiture, the claim holder, operator, or any affiliate thereof, as appropriate as determined by the Secretary by rule, shall be jointly and severally liable for any remaining reclamation obligations under this Act.

(b) COMPLIANCE.—The Secretary, or for National Forest System lands the Secretary of Agriculture, may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction or restraining order, or any other appropriate enforcement order, including the imposition of civil penalties, in the district court of the United States for the district in which the mineral activities are located whenever a person—

(1) violates, fails, or refuses to comply with any order issued by the Secretary concerned under subsection (a); or

(2) interferes with, hinders, or delays the Secretary concerned in carrying out an inspection under section 503.

Such court shall have jurisdiction to provide such relief as may be appropriate. Any relief granted by the court to enforce an order under paragraph (1) shall continue in effect until the completion or final termination of all proceedings for review of such order unless the district court granting such relief sets it aside.

(c) DELEGATION.—Notwithstanding any other provision of law, the Secretary may utilize personnel of the Office of Surface Mining Reclamation and Enforcement to ensure compliance with the requirements of this Act.

(d) PENALTIES.—(1) Any person who fails to comply with any requirement of a permit approved under this Act or any regulation issued by the Secretaries to implement this Act shall be liable for a penalty of not more than $25,000 per violation. Each day of violation may be deemed a separate violation for purposes of penalty assessments.

(2) A person who fails to correct a violation for which a cessation order has been issued under subsection (a) within the period permitted for its correction shall be assessed a civil penalty of not less than $1,000 per violation for each day during which such failure continues.

(3) Whenever a corporation is in violation of a requirement of a permit approved under this Act or any regulation issued by the Secretaries to implement this Act or fails or refuses to comply with an order issued under subsection (a), any director, officer, or agent of such corporation who knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same penalties as may be imposed upon the person referred to in paragraph (1).

(e) SUSPENSIONS OR REVOCATIONS.—The Secretary, or for National Forest System lands the Secretary of Agriculture, shall suspend or revoke a permit issued under title III, in whole or in part, if the operator—

(1) knowingly made or knowingly makes any false, inaccurate, or misleading material statement in any mining claim, notice of location, application, record, report, plan, or other document filed or required to be maintained under this Act;

(2) fails to abate a violation covered by a cessation order issued under subsection (a);

(3) fails to comply with an order of the Secretary concerned;

(4) refuses to permit an audit pursuant to this Act;

(5) fails to maintain an adequate financial assurance under section 306;

(6) fails to pay claim maintenance fees or other moneys due and owing under this Act; or

(7) with regard to plans conditionally approved under section 305(c)(2), fails to abate a violation to the satisfaction of the Secretary concerned, or if the validity of the violation is upheld on the appeal which formed the basis for the conditional approval.

(f) FALSE STATEMENTS; TAMPERING.—Any person who knowingly—

(1) makes any false material statement, representation, or certification in, or omits or conceals material information from, or unlawfully alters, any mining claim, notice of location, application, record, report, plan, or other documents filed or required to be maintained under this Act; or

(2) falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method required to be maintained under this Act,

shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this subsection, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments.

(g) KNOWING VIOLATIONS.—Any person who knowingly—

(1) engages in mineral activities without a permit required under title III, or

(2) violates any other requirement of a permit issued under this Act, or any condition or limitation thereof,

shall upon conviction be punished by a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after the first conviction of such person under this subsection, punishment shall be a fine of not less than $10,000 per day of violation, or by imprisonment of not more than 6 years, or both.

(h) KNOWING AND WILLFUL VIOLATIONS.—Any person who knowingly and willfully commits an act for which a civil penalty is provided in paragraph (1) of subsection (g) shall, upon conviction, be punished by a fine of not more than $50,000, or by imprisonment for not more than 2 years, or both.

(i) DEFINITION.—For purposes of this section, the term ''person'' includes any officer, agent, or employee of a person.

SEC. 507. REGULATIONS.

The Secretary and the Secretary of Agriculture shall issue such regulations as are necessary to implement this Act. The regulations implementing title II, title III, title IV, and title V that affect the Forest Service shall be joint regulations issued by both Secretaries, and shall be issued no later than 180 days after the date of enactment of this Act.

SEC. 508. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act, except as otherwise provided in this Act.

Subtitle B—Miscellaneous Provisions

SEC. 511. OIL SHALE CLAIMS SUBJECT TO SPECIAL RULES.

(a) APPLICATION OF SECTION 511.—Section 511 shall apply to oil shale claims referred to in section 2511(e)(2) of the Energy Policy Act of 1992 (Public Law 102–486).

(b) AMENDMENT.—Section 2511(f) of the Energy Policy Act of 1992 (Public Law 102–486) is amended as follows:

(1) By striking ''as prescribed by the Secretary''.

(2) By inserting before the period the following: ''in the same manner as if such claim was subject to title II and title III of the Hardrock Mining and Reclamation Act of 2007''.

SEC. 512. PURCHASING POWER ADJUSTMENT.

The Secretary shall adjust all location fees, claim maintenance rates, penalty amounts, and other dollar amounts established in this Act for changes in the purchasing power of the dollar no less frequently than every 5 years following the date of enactment of this Act, employing the Consumer Price Index for All-Urban Consumers published by the Department of Labor as the basis for adjustment, and rounding according to the adjustment process of conditions of the Federal Civil Penalties Inflation Adjustment Act of 1990 (104 Stat. 890).

SEC. 513. SAVINGS CLAUSE.

(a) SPECIAL APPLICATION OF MINING LAWS.—Nothing in this Act shall be construed as repealing or modifying any Federal law, regulation, order, or land use plan, in effect prior to the date of enactment of this Act that prohibits or restricts the application of the general mining laws, including laws that provide for special management criteria for operations under the general mining laws as in effect prior to the date of enactment of this Act, to the extent such laws provide for protection of natural and cultural resources and the environment greater than required under this Act, and any such prior law shall remain in force and effect with respect to claims located (or proposed to be located) or converted under this Act. Nothing in this Act shall be construed as applying to or limiting mineral investigations, studies, or other mineral activities conducted by any Federal or State agency acting in its governmental capacity pursuant to other authority. Nothing in this Act shall affect or limit any assessment, investigation, evaluation, or listing pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following), or the Solid Waste Disposal Act (42 U.S.C. 3251 and following).

(b) EFFECT ON OTHER FEDERAL LAWS.—The provisions of this Act shall supersede the general mining laws, except for those parts of the general mining laws respecting location of mining claims that are not expressly modified by this Act. Except for the general mining laws, nothing in this Act shall be construed as superseding, modifying, amending, or repealing any provision of Federal law not expressly superseded, modified, amended, or repealed by this Act. Nothing in this Act shall be construed as altering, affecting, amending, modifying, or changing, directly or indirectly, any law which refers to and provides authorities or responsibilities for, or is administered by, the Environmental Protection Agency or the Administrator of the Environmental Protection Agency, including the Federal Water Pollution Control Act, title XIV of the Public Health Service Act

(the Safe Drinking Water Act), the Clean Air Act, the Pollution Prevention Act of 1990, the Toxic Substances Control Act, the Federal Insecticide, Fungicide, and Rodenticide Act, the Federal Food, Drug, and Cosmetic Act, the Motor Vehicle Information and Cost Savings Act, the Federal Hazardous Substances Act, the Endangered Species Act of 1973, the Atomic Energy Act, the Noise Control Act of 1972, the Solid Waste Disposal Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Superfund Amendments and Reauthorization Act of 1986, the Ocean Dumping Act, the Environmental Research, Development, and Demonstration Authorization Act, the Pollution Prosecution Act of 1990, and the Federal Facilities Compliance Act of 1992, or any statute containing an amendment to any of such Acts. Nothing in this Act shall be construed as modifying or affecting any provision of the Native American Graves Protection and Repatriation Act (Public Law 101–601) or any provision of the American Indian Religious Freedom Act (42 U.S.C. 1996), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.).

(c) PROTECTION OF CONSERVATION AREAS.—In order to protect the resources and values of National Conservation System units, the Secretary, as appropriate, shall utilize authority under this Act and other applicable law to the fullest extent necessary to prevent mineral activities that could have an adverse impact on the resources or values for which such units were established.

SEC. 514. AVAILABILITY OF PUBLIC RECORDS.

Copies of records, reports, inspection materials, or information obtained by the Secretary or the Secretary of Agriculture under this Act shall be made immediately available to the public, consistent with section 552 of title 5, United States Code, in central and sufficient locations in the county, multicounty, and State area of mineral activity or reclamation so that such items are conveniently available to residents in the area proposed or approved for mineral activities and on the Internet.

SEC. 515. MISCELLANEOUS POWERS.

(a) IN GENERAL.—In carrying out his or her duties under this Act, the Secretary, or for National Forest System lands the Secretary of Agriculture, may conduct any investigation, inspection, or other inquiry necessary and appropriate and may conduct, after notice, any hearing or audit, necessary and appropriate to carrying out his or her duties.

(b) ANCILLARY POWERS.—In connection with any hearing, inquiry, investigation, or audit under this Act, the Secretary, or for National Forest System lands the Secretary of Agriculture, is authorized to take any of the following actions:

(1) Require, by special or general order, any person to submit in writing such affidavits and answers to questions as the Secretary concerned may reasonably prescribe, which submission shall be made within such reasonable period and under oath or otherwise, as may be necessary.

(2) Administer oaths.

(3) Require by subpoena the attendance and testimony of witnesses and the production of all books, papers, records, documents, matter, and materials, as such Secretary may request.

(4) Order testimony to be taken by deposition before any person who is designated by such Secretary and who has the power to administer oaths, and to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection.

(5) Pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(c) ENFORCEMENT.—In cases of refusal to obey a subpoena served upon any person under this section, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the Attorney General at the request of the Secretary concerned and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and produce documents before the Secretary concerned. Any failure to obey such order of the court may be punished by such court as contempt thereof and subject to a penalty of up to $10,000 a day.

(d) ENTRY AND ACCESS.—Without advance notice and upon presentation of appropriate credentials, the Secretary, or for National Forest System lands the Secretary of Agriculture, or any authorized representative thereof—

(1) shall have the right of entry to, upon, or through the site of any claim, mineral activities, or any premises in which any records required to be maintained under this Act are located;

(2) may at reasonable times, and without delay, have access to records, inspect any monitoring equipment, or review any method of operation required under this Act;

(3) may engage in any work and do all things necessary or expedient to implement and administer the provisions of this Act;

(4) may, on any mining claim located under the general mining laws and maintained in compliance with this Act, and without advance notice, stop and inspect any motorized form of transportation that such Secretary has probable cause to believe is carrying locatable minerals, concentrates, or products derived therefrom from a claim site for the purpose of determining whether the operator of such vehicle has documentation related to such locatable minerals, concentrates, or products derived therefrom as required by law, if such documentation is required under this Act; and

(5) may, if accompanied by any appropriate law enforcement officer, or an appropriate law enforcement officer alone, stop and inspect any motorized form of transportation which is not on a claim site if he or she has probable cause to believe such vehicle is carrying locatable minerals, concentrates, or products derived therefrom from a claim site on Federal lands or allocated to such claim site. Such inspection shall be for the purpose of determining whether the operator of such vehicle has the documentation required by law, if such documentation is required under this Act.

SEC. 516. MULTIPLE MINERAL DEVELOPMENT AND SURFACE RESOURCES.

The provisions of sections 4 and 6 of the Act of August 13, 1954 (30 U.S.C. 524 and 526), commonly known as the Multiple Minerals Development Act, and the provisions of section 4 of the Act of July 23, 1955 (30 U.S.C. 612), shall apply to all mining claims located under the general mining laws and maintained in compliance with such laws and this Act.

SEC. 517. MINERAL MATERIALS.

(a) DETERMINATIONS.—Section 3 of the Act of July 23, 1955 (30 U.S.C. 611), is amended as follows:

(1) By inserting ''(a)'' before the first sentence.

(2) By inserting ''mineral materials, including but not limited to'' after ''varieties of'' in the first sentence.

(3) By striking ''or cinders'' and inserting in lieu thereof ''cinders, and clay''.

(4) By adding the following new subsection at the end thereof:

''(b)(1) Subject to valid existing rights, after the date of enactment of the Hardrock Mining and Reclamation Act of 2007, notwithstanding the reference to common varieties in subsection (a) and to the exception to such term relating to a deposit of materials with some property giving it distinct and special value, all deposits of mineral materials referred to in such subsection, including the block pumice referred to in such subsection, shall be subject to disposal only under the terms and conditions of the Materials Act of 1947.

''(2) For purposes of paragraph (1), the term 'valid existing rights' means that a mining claim located for any such mineral material—

''(A) had and still has some property giving it the distinct and special value referred to in subsection (a), or as the case may be, met the definition of block pumice referred to in such subsection;

''(B) was properly located and maintained under the general mining laws prior to the date of enactment of the Hardrock Mining and Reclamation Act of 2007;

''(C) was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws as in effect immediately prior to the date of enactment of the Hardrock Mining and Reclamation Act of 2007; and

''(D) that such claim continues to be valid under this Act.''.

(b) MINERAL MATERIALS DISPOSAL CLARIFICATION.—Section 4 of the Act of July 23, 1955 (30 U.S.C. 612), is amended as follows:

(1) In subsection (b) by inserting ''and mineral material'' after ''vegetative''.

(2) In subsection (c) by inserting ''and mineral material'' after ''vegetative''.

(c) CONFORMING AMENDMENT.—Section 1 of the Act of July 31, 1947, entitled ''An Act to provide for the disposal of materials on the public lands of the United States'' (30 U.S.C. 601 and following) is amended by striking ''common varieties of'' in the first sentence.

(d) SHORT TITLES.—

(1) SURFACE RESOURCES.—The Act of July 23, 1955, is amended by inserting after section 7 the following new section:

''SEC. 8. This Act may be cited as the 'Surface Resources Act of 1955'.''.

(2) MINERAL MATERIALS.—The Act of July 31, 1947, entitled ''An Act to provide for the disposal of materials on the public lands of the United States'' (30 U.S.C. 601 and following) is amended by inserting after section 4 the following new section:

''SEC. 5. This Act may be cited as the 'Materials Act of 1947'.''.

(e) REPEALS.—(1) Subject to valid existing rights, the Act of August 4, 1892 (27 Stat. 348, 30 U.S.C. 161), commonly known as the Building Stone Act, is hereby repealed.

(2) Subject to valid existing rights, the Act of January 31, 1901 (30 U.S.C. 162), commonly known as the Saline Placer Act, is hereby repealed.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–416. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–416.

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. RAHALL:

Amend section 2(b) to read as follows:

(b) VALID EXISTING RIGHTS.—As used in this Act, the term ''valid existing rights'' means a mining claim or millsite claim located on lands described in section 201(b), that—

(1) was properly located and maintained under the general mining laws prior to the date of enactment of this Act;

(2) was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this Act, or satisfied the limitations under existing law for millsite claims; and

(3) continues to be valid under this Act.

In section 3(c)(1), strike the matter preceding subparagraph (A) and insert ''Any Federal land shall be subject to the requirements of section 102(a)(2) if the land is—''.

In section 3(c)(2), strike ''section 102'' and insert ''section 102(a)(3)''.

Amend section 102(a)(3) to read as follows:

(3) FEDERAL LAND ADDED TO EXISTING OPERATIONS PERMIT.—Any Federal land added through a plan modification to an operations permit that is submitted after the date of enactment of this Act shall be subject to the royalty that applies to Federal land under paragraph (1).

Strike section 102(a)(4) (and redesignate the subsequent paragraph accordingly).

Amend section 103(a)(4) to read as follows:

(4) Moneys received under this subsection that are not otherwise allocated for the administration of the mining laws by the Department of the Interior shall be deposited in the Locatable Minerals Fund established by this Act.

In section 202(a), strike ''Any State'' and insert ''Subject to valid existing rights, any State''.

In section 202(b)(3), after ''petition'' insert ''subject to valid existing rights,''.

In section 303(g)(4), strike ''All moneys'' and all that follows through the end of the sentence.

In section 304(h)(4), strike ''All moneys'' and all that follows through the end of the sentence.

In section 309, strike ''the National Park System'' and insert ''a National Park''.

In section 309, strike ''including its scenic assets, its water resources, its air quality, and its acoustic qualities, or other changes'' and insert ''including wildlife, scenic assets, water resources, air quality, and acoustic qualities, or other changes''.

Amend section 402(2) to read as follows:

(2) All fees received under section 304(a)(1)(B).

Amend section 402(6) to read as follows:

(6) All amounts received by the United States pursuant to section 103 as claim maintenance and location fees minus the moneys allocated for administration of the mining laws by the Department of the Interior.

In section 504(a)(1), strike ''allged'' and insert ''alleged''.

In section 504(a)(1), strike ''pursuant to this Act'' and insert ''pursuant to title III of this Act''.

In section 504(a)(1), strike ''under this Act'' and insert ''under title III of this Act''.

Amend section 511 to read as follows (and conform the table of contents in section 1(b)):

SEC. 511. OIL SHALE CLAIMS.

Section 2511(f) of the Energy Policy Act of 1992 (Public Law 102–486) is amended as follows:

(1) By striking ''as prescribed by the Secretary''.

(2) By inserting before the period the following: ''in the same manner as required by title II and title III of the Hardrock Mining and Reclamation Act of 2007''.

At the end of section 513, add the following:

(d) SOVEREIGN IMMUNITY OF INDIAN TRIBES.—Nothing in this section shall be construed so as to waive the sovereign immunity of any Indian tribe.

MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I ask unanimous consent to modify the amendment by the form that I have placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Mr. RAHALL:

In the instruction relating to section 202(b)(3), insert before the word ''insert'' the following phrase: ''in the first place it appears''.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, following 2 days of committee consideration of the bill during which the committee debated 25 amendments, we continued a dialogue with several members of the committee, both sides of the aisle, Democrat and Republican, in order to further perfect the underlying legislation and to keep the fairness of the process open.

This manager's amendment is a result of those deliberations. In summary, the manager's amendment would, one, clarify that valid existing rights associated with existing mining claims would be protected under the act.

Number two, this amendment clarifies that, in addition to paying a 4 percent royalty, existing operations would still need to come into compliance with the act within 10 years.

Number three, this amendment clarifies that the claim maintenance and location fees currently allotted to the administration of the mining claims will continue to be so allotted with the balance going to cleanup of abandoned hardrock mines.

In addition, in this amendment, as requested by the gentleman from Colorado (Mr. LAMBORN), user fees assessed by the BLM to process mining permit applications would be used for administration of the mining law program.

The manager's amendment would further limit the purview of section 504 citizen suits to permits issued pursuant to title III of the act as suggested by Mr. CANNON of Utah.

The manager's amendment would clarify that nothing under this act will affect the sovereign immunity of any Indian tribe.

That concludes the summary explanation of the manager's amendment.

Mr. Chairman, I urge an ''aye'' vote.

I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, we have no objection to the amendment and would yield back our time.

Mr. RAHALL. I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PEARCE

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–416.

Mr. PEARCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PEARCE:

In section 2(a), strike paragraph (19).

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, this amendment is actually quite simple. It deletes the new definition for ''undue degradation.''

H.R. 2262 changes the current standard contained in the Federal Land Policy and Management Act from unnecessary and undue degradation to just undue degradation, which is defined to mean ''irreparable harm to significant, cultural or environmental resources on public lands that cannot be effectively managed.''

The new definition is dramatically different from the existing regulatory definition of unnecessary and undue. Under current law, unnecessary and undue degradation means impacts greater than those that would normally be expected from an activity being accomplished in compliance with current standards and regulations based on sound practices, including use of the best reasonable and available technology.

The definition now in this H.R. 2262 reinstates a Clinton-era change to regulations governing hardrock mining on Federal lands that was rescinded in 2001 after a very open, public review of the Clinton regulatory scheme.

The Clinton-era definition for undue degradation was specifically rejected. It was rejected by the Bureau of Land Management Environmental Impact Statement that reviewed the Clinton regulations and declared it to be too vague and too subjective. The BLM EIS process included scoping for the EIS, which included a formal 81-day comment period and 19 public meetings in 12 cities; placing the proposed regulations, draft EIS and related documents on BLM's Internet Web site; and finally, two public comment periods for the EIS, including 29 public hearings in 16 cities.

After this very thorough process, the BLM found that this definition was, essentially, an opportunity for the Secretary of the Interior to deny a mining company an operating permit, even though the proposed mining operation

would be in full compliance with Federal and State laws govern hardrock mining. This is what some people refer to as the ''mine veto.''

The BLM found that the requirement to avoid irreparable harm to significant resources values which cannot be effectively mitigated has the greatest potential for affecting mining activities, both large and small. In some cases this provision could preclude operations altogether.

The Clinton-era regulations were spearheaded by Secretary of the Interior Bruce Babbitt and Solicitor John Leshy. During the Elko, Nevada, field hearings this past summer, majority leader, Senator HARRY REID, made the following statements regarding the outcome of the changes to the regulation: ''Bruce Babbitt is a friend of mine. But for the mining he was awful.'' That's what HARRY REID said this year. It was in one of the hearings that we've referred to today.

□ 1315

''He had people there that—John Leshy . . . He tried to destroy mining. Really . . . he didn't believe in it. He wanted it gone. And that created uncertainty.''

This new definition for ''undue regulation'' is a lawyer's dream creating ambiguity fighting about whether we mine instead of how we mine. We don't need more litigation; we need more common sense.

This definition brings so much uncertainty to the regulatory process that we will see a further decline in investments and the exploration and development of our domestic mineral resources. And there is a potential when mines that are in production today transition into the new system outlined in title III or are in the permitting process to expand their operations that those operations could be denied a license to operate, leaving billions of dollars of infrastructure idle.

I can guarantee you that the coal industry, which has played such an important role in the economic well-being of the chairman's district, would not be able to operate under this definition.

This definition alone will drive more companies offshore, making us more dependent on foreign sources of mineral resources and adversely impacting the economic vitality of mining-dependent communities in the West, like Silver City, New Mexico.

Keep in mind that the mining industry pays the highest nonsupervisory wages in the country. It provides benefits including health care, retirement programs, college scholarships, and assistance for employees and their families. Tourism and recreation jobs cannot compete with these high-paying family-wage jobs.

I would urge you to vote ''yes'' on this amendment, keeping the current standard, protecting American jobs and access to domestic mineral resources.

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

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, I would agree with my friend from New Mexico in only the first three words of the statement he just made, and that being it's a simple amendment. Yes, it's a simple amendment. It helps liberate, it eradicates, it eliminates, it erases, it simply guts the fundamental environmental safeguard of this legislation.

We have struggled for many years to find a statutory standard by which hardrock mining on Federal lands must comply with. This bill states that mining must prevent ''undue degradation of public lands and resources.'' That term is defined as ''irreparable harm to significant scientific, cultural, or environmental resources on public lands that cannot be effectively mitigated.''

And let me stress the use of the words ''that cannot be effectively mitigated.'' It is common practice in this country to mitigate developments, whether it be the construction of a highway, a dam, or a mine. But under this bill, if a mining operation could not be configured under any circumstance to effectively mitigate irreparable harm to save the water supply of a major city, then the Interior Department would have the ability to just say no. The gentleman from New Mexico's amendment would strike the definition in the bill of this term. The amendment would continue a 19th century view that was fashioned in an era when there was no major metropolises in the West. The amendment harkens back to an era that no longer exists. This is a defining moment. This is what we are talking about in the overall thrust of the pending legislation.

Under this bill, we will continue to have mining on Federal lands. I personally believe it will flourish. But the bad actors in the industry, the minority, and I will be the first to readily admit it is a minority, will no longer be allowed on the stage. The responsible industries should be against this amendment because they are the ones, as I said earlier, that want some certainty to their planning decisions so that they can make the investment decisions necessary to run a responsible mining operation with the jobs attendant thereto.

I therefore would urge opposition to the gentleman from New Mexico's amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PEARCE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. MATSUI

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–416.

Ms. MATSUI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. MATSUI:

In section 411—

(1) in subsection (a)(2), before the period insert '', including in river watershed areas''; and

(2) in subsection (b)(3), before the period insert '', which may include restoration activities in river watershed areas''.

The CHAIRMAN. Pursuant to House Resolution 780, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MATSUI. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to this much-needed legislation. My amendment clarifies that river watersheds will be eligible to receive some of the cleanup funding that will be generated by this bill.

Watersheds are crucial for the health of our Nation. They help move our goods, preserve our ecosystems, and protect our communities from flooding. Managing our Nation's watersheds in a holistic and responsible way is essential. If we do not protect and maintain them, we jeopardize critical parts of our environment that support commerce and recreation.

In arid States like California, Nevada, and Utah, river watersheds are even more important to economic and environmental health. Watersheds support a variety of agricultural, economic, and recreational activities. In my home State of California, for example, the Sacramento River Watershed forms the basis for fertile farmland, thriving urban areas, and outdoor recreational opportunities.

However, many watersheds are located near active and abandoned mines. Years ago rivers represented great economic opportunity. Rivers are where many precious metals are located. But the drive for these minerals has left a negative environmental legacy.

In Nevada, more than 7,000 tons of mercury were deposited into the Carson River Watershed during the quest for silver. In the California foothills, tens of thousands of mines were dug for the gold that was discovered in the watershed running through my district. More than 4,000 of these abandoned mines pose environmental hazards.

We must protect these river watersheds that are vital to our way of life. That is why my amendment is needed. It does not change the underlying structure of this very good bill. But it does make it crystal clear that cleaning up watersheds affected by mining is a priority.

Mr. Chairman, mining impacts water all across the West. Our river watersheds feel the effects of mining to a great degree. Addressing these impacts requires a comprehensive management approach. My amendment is crafted, and offered today, with this in mind. And it acknowledges that good watershed management is a critical tool of maintaining our natural resource. It recognizes that by protecting watersheds, we are investing in a public good that all Americans use. And it ensures that this public good will be maintained for future generations.

I urge all Members to support my amendment.

Mr. RAHALL. Mr. Chairman, will the gentlewoman yield?

Ms. MATSUI. I yield to the gentleman from West Virginia.

Mr. RAHALL. I thank the gentlewoman from California for yielding and for offering this very important amendment that does improve and enhance our ability to restore abandoned mine lands and waters.

The underlying legislation would establish an abandoned hardrock mining reclamation fund which would be financed by the royalties that were imposed on operations under the mining law of 1872. The gentlewoman's amendment makes it clear that remedial activities could be done on a river watershed basis.

Again, I commend her for offering this amendment, and we are truly ready to accept it.

Ms. MATSUI. I thank the chairman.

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

Mr. PEARCE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New Mexico is recognized for 5 minutes.

Mr. PEARCE. Mr. Chairman, I appreciate the gentlewoman's comments.

Again, speaking today, we are wondering if the bill that we are talking about has an effect in all districts. And I would say we have a chart here which shows that rising commodity prices are driving people to stealing copper, stealing our minerals, and it is occurring in many of the districts, including the gentlewoman's district in California, where there has been a prosecution. And we have got 80 of these. We have a chart, but I won't show that.

The concept of cleaning up abandoned mine lands is one that we are deeply encouraged by and associate ourselves with, and especially as it affects watersheds. Nowhere are watersheds more important than in the West, and especially New Mexico, because so little water exists throughout the West. Anything we can do to clean up watersheds in general, but, again, the abandoned mine lands is something that we are very supportive of from this side. It relates back to the comments that we have made in our opening statement that I don't think that on the core issues that we are very far apart at all, that we could have gotten where we all would agree with the bill. So we would accept the amendment and congratulate the gentlewoman for her work on this in abandoned mine lands and watersheds in general.

I yield back the balance of my time.

Ms. MATSUI. I thank the gentleman.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HELLER OF NEVADA

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–416.

Mr. HELLER of Nevada. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HELLER of Nevada:

In section 411(b), amend the matter preceding paragraph (1) to read as follows:

(b) ALLOCATION.—Of the amounts deposited into the Hardrock Reclamation Account, 50 percent shall be allocated by the Secretary among the States within the boundaries of which occurs production of locatable minerals from mining claims located under the general mining laws and maintained in compliance with this Act, or mineral concentrates or products derived from locatable minerals from mining claims located under the general mining laws and maintained in compliance with this Act, as the case may be, in proportion to the amount of such production in each such State. Expenditures of the remainder of such amounts shall reflect the following priorities in the order stated:

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from Nevada (Mr. HELLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. HELLER of Nevada. Mr. Chairman, more hardrock mining occurs in my district than in any other State; therefore, the remediation of abandoned mine lands is very important to my constituents.

As many of us are aware, abandoned mine lands are the unfortunate legacy of the irresponsible mining practices of the past. Fortunately, mining operations today are held accountable for their practices. So with bad practices of the past ended, we have an opportunity to focus on cleaning up the abandoned mine lands. And the amendment I am offering will do just that.

My amendment will direct half of the revenues deposited in the hardrock reclamation fund to States for the purposes of abandoned mine land remediation, while preserving the Federal Government's ability to fund the national priorities in the bill. My amendment allows the Federal Government to distribute half of the funds as it sees fit. The other half of the funds would go proportionately to States where production is occurring to fund in-place, successful AML programs.

In multiple committee hearings, we heard that States currently do a great job of remediating abandoned mine land sites. They often are only limited by their available resources to conduct remediation projects. To give some of you perspective of how effective State programs are, Nevada has identified more than 20,000 AML sites in need of remediation and is still in the process, of course, of identifying more. The good news is that to date we have secured more than 9,000 of those sites.

Likewise, in Colorado it is estimated that there are about 23,000 abandoned mines. More than 6,000 have been made safe by the State Division of Reclamation Mining and Safety.

So in an effort to get money on the ground to remediate abandoned land mine sites quickly and efficiently, a portion of these funds needs to be dedicated to States where production is occurring. Given that many States have already prioritized their AML needs, we should get funding to them as directly as possible, as quickly as possible. This amendment will expedite the cleanup process that we all want.

My amendment bolsters the ability of States to continue their good work on the ground while providing a way to remediate historic hardrock sites in States where mineral production will not generate sufficient funds to deal with current abandoned mine land issues.

I would urge support of the Heller amendment.

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

Mr. RAHALL. Mr. Chairman, I rise only to claim the time in opposition.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, during debate in committee over this legislation, the gentleman from Nevada conducted himself in a manner which I highly commend. He offered amendments that were aimed at addressing the concerns and interests of his State and his district. And, frankly, I recognize he has the most at stake here, representing Nevada, the largest gold-producing State in the Nation.

The gentleman offered two amendments. The one he is offering today was one of those amendments. In committee, I could not accept it because we had no discussions on it prior to its appearing as an amendment. But we did offer to continue to work with the gentleman from Nevada, as we have done.

And after having some time to consider the subject matter of his amendment, I am going to accept it, and I would urge my colleagues to do likewise.

This amendment would allocate 50 percent of the revenues received from the proposed new abandoned hardrock reclamation fund back to the States where those revenues were generated.

□ 1330

There is precedent for this arrangement in the Abandoned Mine Reclamation Fund established for coal back in

1977 which so vitally affects my State. The other 50 percent of the revenues would be used by the Federal Government for national priorities.

So, in conclusion, I say to the gentleman from Nevada, you are looking out for your State. I appreciate that; I commend you for it. And I appreciate the manner in which you have approached this overall issue of mining law reform, and I accept your amendment.

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

Mr. HELLER of Nevada. I want to express my appreciation to the chairman of the Natural Resources Committee, again thanking him for his respect and efforts on this particular bill and hard work, and giving me time and efforts for my comments and concerns that I shared during the committee.

I want to thank him for accepting this amendment.

Mr. RAHALL. Will the gentleman yield?

Mr. HELLER of Nevada. Yes, I will.

Mr. RAHALL. And I say I accept your amendment without soliciting a pledge for your vote on final passage.

Mr. HELLER of Nevada. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada (Mr. HELLER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CANNON

The CHAIRMAN. The Chair understands that amendment No. 5 will not be offered.

Therefore, it is now in order to consider amendment No. 6 printed in House Report 110–416.

Mr. CANNON. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CANNON: Strike section 517.

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from Utah (Mr. CANNON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I yield myself 3 minutes.

I would like to begin by thanking the chairman of the full committee. We have worked on this bill or ideas surrounding this bill for, I think, over 10 years now. It is now on the floor. It has been done with grace and with dignity, and I appreciate the gentleman's approach.

We come from very, very different districts. About two-thirds of my State is public lands, very little of the gentleman's State is public lands. And so we differ. We have a different approach, and I think that's very appropriate, just as the gentleman pointed out with regard to Mr. HELLER and his district.

So we have differences, and we come at these things differently. And in that context, I hope that the gentleman will consider accepting my amendment. On the other hand, our colleagues here today will recognize the importance of this amendment.

My amendment would strike section 517 of the bill before us. The amendment is necessary so common consumer products remain affordable. If section 517 is not stricken, Americans will see an increase in the cost of everyday products, such as glass, ceramics, paper, plastics, rubber, detergents, insulation, cosmetics and pharmaceuticals, to name just a few.

Section 517 deals with common varieties of industrial minerals. Unfortunately, this provision would put industrial minerals that are clearly identifiable as unique, and thus ''locatable,'' under the mining law into this category despite existing law that has labeled them as locatable.

Industrial minerals have been classified as locatable since 1872 under the General Mining Law. These minerals were never intended to be included in the Mineral Materials Act. The Mineral Materials Act was designed to deal with bulk sales of common deposits of sand and gravel. Moving industrial minerals into the Mineral Materials Act would make it impossible for these operations to continue to extract these unique industrial minerals.

Industrial minerals should not be treated the same as rocks and sand and gravel that can be loaded in the back of a truck and hauled away. Yet section 517 would do just that. Under the Mineral Materials Act, minerals are disposed of by non-competitive processes for small quantities and by competitive bidding contracts for terms of 10 years or less. However, it can take 50 years to extract industrial minerals, and the investment for doing that tends to be in the 50 to $100 million range.

Competitive bidding contracts of a maximum term of 10 years will remove any incentive by industrial mineral companies to research and explore for new reserves.

After spending resources to discover reserves; and if also awarded the contract, the company will not be guaranteed the necessary time to actually extract the minerals and develop the resource. This will force our mining industry to move overseas and will result in the loss of thousands of high-paying jobs here in America.

Not only will section 517 create uncertainty for mine operators but will also impose a significant administrative burden on BLM.

I urge my colleagues to support my amendment.

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

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, I appreciate very much the gentleman from Utah's concern and his deep involvement in this legislation. What worries me with his pending amendment is the myriad of unintended consequences that may occur.

In 1947, and again in 1955, Congress took out from the operation of the Mining Law of 1872 mineral materials such as sand, stone, and gravel on Federal lands and provided that they could be sold under contracts. However, a loophole was inserted into the law. Under this loophole, if the sand, stone, or gravel was an uncommon variety, it would remain under the Mining Law of 1872.

Now, determining just what an ''uncommon variety'' is has since cost the American taxpayers countless millions of dollars in litigation. The legislation before us today eliminates the distinction and confusion. And we would make all of these mineral materials available through sales contracts. The gentleman's amendment would strike that provision.

In essence, the gentleman's amendment would continue to allow uncommon varieties of mineral materials to be claimed under the Mining Law as revised by this legislation.

I'm not sure the sponsor of the amendment realizes what the result would be for these uncommon variety mining claims to be then subject to the bill's royalty regime and the bill's environmental standards. As such, if we adopted the gentleman's amendment, an 8 percent royalty would then be slapped on any future production from these uncommon variety claims.

Be that as it may, I oppose this amendment. First, the American people receive a return from the disposition of mineral materials through the sales contract. Moreover, this distinction between uncommon and common varieties of sand, stone, and gravel is nothing but a scam. I well recall, as does the gentleman from Oregon, our colleague, PETER DEFAZIO, the ''great sand scam'' at the Oregon Dunes National Recreational Area. I conducted a subcommittee hearing in Oregon on this issue. One person plastered mining claims over 780 areas of the recreation area where the hearing was held claiming the sand was uncommon. As I recall, his contention was that it had unique silica virtues for making glass. He then demanded $11 million from the Federal Government to buy him out.

I well recall the ''stone-washed jeans scam,'' where this guy located mining claims for pumice in a wild scenic river in New Mexico. He claimed that the pumice was an uncommon variety because you could produce stone-washed jeans with it. Give me a break. I think the gentleman gets the idea.

And just because some special interests lobbyists got this loophole inserted into Federal law in 1955 does not mean it should be condoned today. I view it as a scam, a rip-off. I urge defeat of this amendment.

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

Mr. CANNON. Mr. Chairman, I yield myself the remainder of my time.

In the first place, I believe that what the gentleman was just talking about was metallurgical-grade silica and different from the summary we've just had.

I think, though, in response to his main argument, it is an amazing comment on the bulk of this bill that the producers of industrial minerals prefer to be under the new regime than to be under the uncertainty that would be created. They need certainty to develop minerals over 50 years instead of 10 years. And so while the gentleman's comment is well taken, I would suggest to him that the industry actually prefers my amendment, regardless of the fact that it incurs these other burdens.

And, finally, I would take exception to the reference of this as a scam. The fact that we don't have tax dollars coming to the Treasury based upon reserves that are being developed does not mean that Americans aren't better off because they have lower prices for paper, which requires kaolin, a locatable clay that makes paper cheaper.

So this is a matter of policy; it is not a matter of scams. And I urge my colleagues to recognize that, to recognize the burdens that this would create on very common products that we produce with these locatable minerals, and to vote in support of my amendment.

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

Mr. RAHALL. Mr. Chairman, I yield myself the balance of my time and merely would restate what I said earlier about the millions of dollars in litigation that the American people have shelled out to determine just what uncommon varieties are. And, therefore, the gentleman from Utah's amendment would merely continue allowing, without royalties being paid and allow being mined for free, these uncommon varieties of sand, stone and gravel being mined from Federal lands.

So I would urge opposition to the amendment.

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

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Utah (Mr. CANNON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CANNON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. PEARCE

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–416.

Mr. PEARCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PEARCE:

Add at the end the following:

TITLE ____—MINERAL COMMODITY INFORMATION ADMINISTRATION

SEC. __01. SHORT TITLE.

This title may be cited as ''Resources Origin and Commodity Knowledge Act''.

SEC. __02. FINDINGS, PURPOSE, AND POLICY.

(a) FINDINGS.—The Congress finds the following:

(1) Mineral commodities are essential to the United States economy.

(2) The United States is the world's leading user of mineral commodities.

(3) Mineral commodities processed domestically accounted for $478,000,000,000 in the United States economy in 2005.

(4) The value of imports of raw and processed mineral commodities totaled $103,000,000,000 in 2005.

(5) The Board of Governors of the Federal Reserve uses mineral commodity information data and reports to calculate the indexes of industrial production, capacity, and capacity utilization, which are among the most widely followed monthly indicators of the United States economy.

(6) Manufacturers and consumers of mineral commodities in the United States depended on foreign countries for 100 percent of 16 mineral commodities and for more than 50 percent of 42 mineral commodities that are critical to the United States economy.

(7) The Department of Defense requires mineral commodity information on strategic minerals to manage the National Defense Stockpile.

(8) Mineral specialists assist the Department of State fulfill United States obligations under the Clean Diamond Trade Act (19 U.S.C. 3901 et seq.) and as a signatory to the Kimberly Process Certification Scheme, which is a multinational effort to stop the flow of conflict diamonds.

(9) New and innovative uses of minerals are vital to maintaining the high quality of both the natural environment and human environment in the United States.

(10) Knowledge and understanding of mineral mining, processing, and usage, both domestically and internationally, is important for maintaining the national security and economic security of the United States.

(b) PURPOSES.—The purpose of this title is to create the Mineral Commodity Information Administration to ensure information vital to the United States economy, domestic security, and the high quality of life enjoyed by all residents of the United States continues to be provided to the many customers that rely upon the data.

(c) POLICY.—The Congress declares that—

(1) it is in the national interest to maintain and disseminate information on domestically produced mineral commodities, regardless of ownership of the reserves and resources involved; and

(2) it is in the national interest to maintain and disseminate information on international mineral commodities, reserves, and resources, international mineral industry activities, and international mineral commodity markets.

SEC. __03. ESTABLISHMENT OF MINERAL COMMODITY INFORMATION ADMINISTRATION.

(a) ESTABLISHMENT.—There is established the Mineral Commodity Information Administration, which shall be under the general direction and supervision of the Secretary of the Interior and shall not be affiliated with or be within any other agency or bureau of the Department of the Interior.

(b) ADMINISTRATOR.—The management of the Administration shall be vested in an Administrator, who shall be appointed from by the President, by and with the advice and consent of the Senate, from among individuals who have outstanding qualifications with a broad background and substantial experience in the mineral industries and in the management of mineral resources.

(c) OTHER OFFICIALS AND EMPLOYEES.—

(1) IN GENERAL.—There shall be in the Administration an Associate Administrator and 4 Assistant Administrators who shall perform, in accordance with applicable law, such functions as the Administrator shall assign to them in accordance with this title. The functions the Administrator shall assign to the Assistant Administrators shall include the following functions:

(A) Commodity information and analysis, including development and maintenance of—

(i) historical and current mineral commodity information, including the degree of import dependence of the United States;

(ii) international mineral commodity, reserve, and resource information;

(iii) domestic mineral commodity, reserve, and resource information by State, county, and region;

(iv) material flow and recycling analysis, showing disposition in the United States of mined materials into stocks in use, waste, and residuals; and

(v) ongoing analysis of United States mineral commodity exports, and analysis of imports of mineral commodities and processed materials of mineral origin that are destined for consumption in the United States, categorized by the country of origin.

(B) Global mineral supply analysis for critical commodities of greatest long-term concern, including collecting and developing—

(i) location, reserve, resource, technology, and economic data for major discovered deposits;

(ii) engineering and cost, mini-feasibility studies on the most significant deposits; and

(iii) supply analyses combining the engineering and economic data on groups of deposits.

(C) Mineral materials technology assessment including tracking worldwide research, development, and utilization of advanced technologies that will permit discovery of new deposits, mining and processing of minerals from lower-grade deposits, and recovery of minerals from waste streams.

(D) Mineral industry analysis, including the continuing assessment and analysis of events, trends, and issues affecting the minerals sector of the domestic economy, including exploration spending and activity, mineral production trends, mineral stocks and inventories, merger and acquisitions activity, and labor and workforce trends.

(E) Data acquisition and analysis, including management of data collection, statistical analysis, analytical forecasting and modeling, and regular data quality assessments.

(F) Information systems and services, including information technology management, publications and production dissemination, and library services.

(G) External affairs, including congressional and legislative liaison, communications, and public affairs, and international and intergovernmental affairs.

(H) Budget, financial, and human resource management, including budget and financial management, human capital management, employee training, professional development, procurement and contract management, and small business support.

(2) TRANSFER OF EXISTING POSITIONS.—Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer to the Administrator the following positions:

(A) UNITED STATES GEOLOGICAL SURVEY.—From the United States Geological Survey, not less than 200 full-time equivalent positions, including all filled and unfilled commodity and country specialists within the United States Geological Survey Minerals Information Team immediately before the enactment of this Act.

(B) DEPARTMENT OF INTERIOR, GENERALLY.—From the Department of the Interior generally not less that 100 full time equivalent positions of an administrative nature, including communications and public affairs specialists, congressional and legislative liaison specialists, human resources personnel, librarians, administrative assistants, information technology management specialists, publication service specialists, and budget analysts.

(3) SUBSEQUENT APPOINTMENTS.—The Administrator may appoint such employees as may be necessary to positions that are transferred under paragraph (2), but vacant on the date of the transfer of the positions. Such appointments shall be subject to the provisions of title 5, United States Code, governing appointments in the competitive service. Such positions shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) WRITTEN AND ELECTRONIC MATERIALS.—The Secretary of the Interior shall transfer to the Administrator all existing written and electronic materials under the control of the Department pertaining to mineral commodities and mineral resources, including mineral commodity time series data, library materials, maps, unpublished data files, and existing mineral commodity reports prepared or held by the United States Geological Survey and its predecessor agency, the Bureau of Mines.

SEC. __04. DUTIES OF THE ADMINISTRATOR.

(a) MINERAL COMMODITY DATA AND INFORMATION PROGRAM.—The Administrator shall carry out a central, comprehensive, and unified mineral commodity data and information program to collect, evaluate, assemble, analyze, and disseminate data and information regarding mineral resources and reserves, mineral commodity production, consumption, and technology, and related economic and statistical information, that is relevant to the adequacy of mineral resources to meet demands in the near term and longer term future for the Nation's economic and social needs.

(b) MINERAL COMMODITY DATA TIME SERIES.—

(1) IN GENERAL.—The Administrator shall continue to maintain all existing mineral commodity data time series maintained by the Department of the Interior immediately before the enactment of this Act, and shall develop such new mineral commodity data time series as the Administrator finds useful and proper after consulting with other Federal and State agencies and the public.

(2) PUBLIC COMMENT.—The Administrator shall—

(A) provide for public review and comment regarding all mineral commodity data time series maintained by the Department of the Interior immediately before the enactment of this Act, by not later than 15 years after such date of enactment; and

(B) seek public comments on a continuing basis on the adequacy and accuracy of any time series added after the date of the enactment of this Act, not later than 5 years after the inception of such new series.

(c) PROJECTIONS OF SUPPLY AND USAGE PATTERNS.—

(1) IN GENERAL.—The Administrator shall—

(A) not later than 3 years after the date of the enactment of this Act, prepare and make available to the public an analysis of projected mineral commodity supply and usage patterns by the United States at 10, 25, and 50 year intervals following such date of enactment; and

(B) update such analysis and make it publicly available every 5 years thereafter.

(2) CONSIDERATIONS.—In preparing such analyses, the Administrator shall take into consideration—

(A) market trends;

(B) geopolitical considerations; and

(C) the reasonably foreseeable advances in basic industries, high technology, material sciences, and energy usage.

(d) ANNUAL REPORT.—The Administrator shall annually publish and submit to the Congress a report on the state of the domestic mining, minerals, and mineral reclamation industries, including a statement of the trend in utilization and depletion of the domestic supplies of mineral commodities.

(e) MINERAL COMMODITY REPORTS.—The Administrator—

(1) shall continue to prepare and distribute all series of mineral commodity reports prepared and published by the Bureau of Mines and the United States Geological Survey as of the date of the enactment of this Act, including—

(A) all volumes of the Minerals Yearbook;

(B) Mineral Commodity Summaries;

(C) Mineral Industry Surveys;

(D) Metal Industry Indicators;

(E) Nonmetallic Mineral Product Industry Indexes;

(F) minerals supply analyses for selected commodities;

(G) material flow studies and recycling reports; and

(H) Historical Statistics for Mineral and Material Commodities;

(2) may develop, prepare, and publish additional reports related to mineral commodities as the Administrator considers appropriate.

(f) ANALYSIS WITH RESPECT SUSTAINING ENERGY USAGE.—

(1) IN GENERAL.—The Administrator of the Mineral Commodity Information Administration shall, in 2007 and each year thereafter, following the issuance of the Annual Energy Outlook analysis prepared by the Administrator of the Energy Information Administration, prepare and publish an analysis of the foreign and domestic mineral commodities that will be required by the United States to sustain the energy supply, demand, and prices projected by such Annual Energy Outlook analysis.

(2) JOINT AGREEMENT.—The Administrator of the Energy Information Agency and the Administrator of the Mineral Commodity Information Administration may, at their sole discretion, enter into a joint agreement for preparation of a unified analysis to meet the requirements of this paragraph.

(g) OTHER APPROVAL NOT REQUIRED.—The Administrator—

(1) shall not be required to obtain the approval of any other officer or employee of the United States in connection with the collection or analysis of any information; and

(2) shall not be required, prior to publication, to obtain the approval of any other officer or employee of the United States with respect to the substance of any analytical studies, statistical, or forecasting technical reports that the Administrator has prepared in accordance with law.

SEC. __05. EXCEPTIONS TO INFORMATION AVAILABILITY.

(a) IN GENERAL.—Notwithstanding section 552 of title 5, United States Code, and except as provided in subsection (b), data and information provided to the Administrator by persons or firms engaged in any phase of mineral or mineral-material production or large-scale consumption shall not be disclosed outside of the Administration in a nonaggregated form in such a manner as may disclose data and information supplied by an individual or other person, unless such person authorizes such disclosure after the person is provided notice and an opportunity to object.

(b) DISCLOSURE TO FEDERAL DEFENSE OR HOMELAND SECURITY AGENCIES.—The Administrator may disclose nonaggregated data and information to any agency of the Department of Homeland Security or the Department of Defense, upon written request by the head of the agency for appropriate purposes.

SEC. __06. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish an advisory committee to be known as the Mineral Commodity Advisory Committee.

(b) FUNCTIONS.—The Advisory Committee—

(1) shall respond to all questions referred to it by the Administrator regarding any matter related to the activities authorized by this title;

(2) shall undertake such studies and inquiries as are necessary to provide answers, advice, and recommendations on matters referred to it by the Administrator; and

(3) in carrying out such studies, may seek information from individuals, business enterprises, colleges, universities, and any State or Federal agency.

(c) PARTICIPATION IN REVIEWS OF MATERIALS.—The Administrator shall invite the Advisory Committee to participate in any public review of materials prepared pursuant to section __04.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Committee—

(A) shall consist of 15 individuals appointed in accordance with paragraph (2); and

(B) shall include—

(i) one representative from each of a mineral exploration company, a metallic mineral producer, an industrial mineral producer, and an aggregate producer;

(ii) one representative from each of the State geologists, mining labor organizations, and the mining finance industry;

(iii) two representatives from small businesses;

(iv) three representatives from manufacturing industries; and

(v) three purchasing professionals.

(2) APPOINTMENT.—The Administrator shall appoint the members of the Advisory Committee from among individuals who—

(A) are not officers or employees of the Federal Government; and

(B) are United States citizens.

(3) TERM.—Each member of the Advisory Committee shall be appointed to serve a term of 4 years.

(e) ORGANIZATION AND MEETINGS.—The Advisory Committee—

(1) shall select a Chairman and Vice-Chairman from among its members;

(2) shall organize itself into such subcommittees as the members determine to be necessary; and

(3) shall meet not less than 2 times each year.

(f) COMPENSATION AND EXPENSES.—Subject to the availability of appropriations, each member of the Advisory Committee—

(1) 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 Advisory Committee; and

(2) 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 the member's home or regular place of business in the performance of services for the Committee.

(g) SUPPORT AND RECORDS MAINTENANCE.—The Administrator—

(1) shall provide administrative and technical support for the Advisory Committee; and

(2) shall maintain the records of the Advisory Committee.

(h) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee only to the extent that the provisions of such Act do not conflict with the requirements of this section.

SEC. _07. DEFINITIONS.

In this title:

(1) ADMINISTRATION.—The term ''Administration'' means the Mineral Commodity Information Administration established by this title.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Administration.

(3) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Mineral Commodity Advisory Committee established by this title.

SEC. _08. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator to carry out this title $30,000,000 for each of the fiscal years through 2008 through 2018.

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I would like to start talking about first what this amendment is not. First of all, it is not a cost increase. CBO has said there will be no cost associated with it. Also, it is not an effort to reestablish the Bureau of Mines at the Department of the Interior. Congress abolished the Bureau of Mines before I came to Congress; but a key component of that agency, the Minerals Information Team, was entrusted to the U.S. Geological Service. Unfortunately, USGS has not recognized the critical nature of this program or the importance of the information the MIT produces.

Today, at USGS, the Mineral Commodity Function is five steps below the USGS Director, and eight steps below the Secretary of the Interior. In contrast, the Energy Information Administrator is only one step below the Secretary of Energy. At DOI Minerals Information, it's just about like being a janitor; you have about that much access into the system.

The Resource Origin and Commodity Knowledge, ROCK, Act, takes the mineral commodity information function away from USGS and creates and funds a stand-alone agency using DOI resources. It restores and funds the function Congress sought to retain and protect in 1995.

Mr. Chairman, I would reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, this is an amendment that the gentleman continues to push. We had it offered in full committee markup, had debate on it at that time.

When it was offered in committee, I advised him that it did not belong in this bill and perhaps should be considered as a stand-alone piece of legislation after the subject of a hearing. We have not conducted that hearing yet on this matter.

As I said in committee, I do remind my colleagues on the other side that when Newt Gingrich and Company issued their Contract with America, one of its tenets was to reduce the Federal bureaucracy. What the Republican majority ultimately achieved in this regard was the elimination of two Federal entities, the ICC, the Interstate Commerce Commission, which was then recreated as the STB within the Transportation Department. And the other Federal entity that the then-Republican majority eliminated was the Bureau of Mines at the Interior Department.

Now, in a stunning reversal, the Bureau of Mines would essentially be recreated under the guise of a Mineral Commodity Information Agency, I guess you would call that, MCIA. It would enlarge the bureaucracy and increase Federal spending. I repeat, it would enlarge the Federal bureaucracy and increase spending. I keep looking around for my colleague from Arizona (Mr. FLAKE). Where are you when we need you?

The gentleman's amendment would authorize $30 million a year for this new bureaucracy that the then-Republican majority eliminated when they ran the Congress. This new bureaucracy would have an associated administrator; it would have four assistant administrators; there would be an external affairs office, a public affairs office, even an international affairs office, and who knows how many other offices here and there.

□ 1345

The budget, financial, human resources offices, the human capital management office, the professional development office, the contract management office, yadda, yadda, yadda, I think you get the picture. So this is a whole lot of bureaucracy that would be created based on a proposal that never had a hearing and that was rejected by the Republicans when they were in the majority.

I urge the defeat of the amendment.

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

Mr. PEARCE. Mr. Chairman, the hearings did occur last year on this bill, and I would remind the gentleman from West Virginia that existing resources inside DOI would be used. That is the reason the CBO said that no additional cost would be required.

I yield 2 minutes to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Chairman, I rise today to support the Pearce amendment to H.R. 2262, which establishes the Minerals Commodity Information Administration at the Department of the Interior. The MIT collects and disseminates data on virtually every commercially important nonfuel mineral commodity produced worldwide, information that is critical to businesses, the government, and importantly, the Department of Defense to help manage the National Defense Stockpile. Due to the importance of the data, the MIT should be an independent agency reporting to the Secretary of the Interior.

This information from the MIT is critical to the effective use of the Nation's natural resources and for accurate forecasting. Without a reliable source of worldwide commodity information, the U.S. would be blind to any impending supply shortages.

One of the most fundamental functions of the Federal Government is to provide for the common defense. There is an undeniable nexus between our Nation's minerals policy and national security policy. Currently, 24 strategic and critical military materials are imported at no less than 40 percent from our foreign trading partners. For example, the U.S. imports 54 percent of its magnesium. This mineral is vitally important in constructing airplanes and missiles. Requiring our military to import the strategic and critical minerals it needs from foreign nations, some of whom may be hostile, puts our military at a significant disadvantage and weakens our ability to adequately sustain our national defense.

At a time when defense needs are determined in terms of capabilities-based planning instead of threat-based planning, an accurate assessment of our Nation's minerals is vitally important. The Pearce ROCK Act amendment is a means to that end.

I urge my colleagues to support the Pearce ROCK Act amendment.

Mr. RAHALL. Mr. Chairman, I have the right to close, do I not?

The CHAIRMAN. Yes.

Mr. RAHALL. May I inquire as to the time remaining.

The CHAIRMAN. The gentleman from West Virginia has 2 minutes remaining. The gentleman from New Mexico has 1½ minutes remaining.

Mr. RAHALL. I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, it is interesting that we did get into the discussion of the CBO here and the additional cost that would be implemented under this act. The underlying act actually has been scored at $441 million by CBO over 5 years, almost $100 million a year. I share the gentleman's concern about increasing expenditures, increasing bureaucracy, and would again request that we reconsider the

entire thing. But at the moment I would suggest that we do want to realize that two recent National Research Council reports stress that we are increasingly dependent on foreign nations for minerals critical to America and that we need to have an independent agency as called for in this ROCK Act amendment.

My amendment will establish the independent Minerals Commodity Information Administration and the Minerals Information Team to collect, analyze and disseminate information on the domestic and international supply of and demand for minerals, materials critical to the U.S. economy, and our national security.

U.S. businesses operate in a global economy, and virtually every manufacturing sector from aviation to textiles relies on the unbiased, comprehensive data reported by the MIT. This information enables American companies to use domestic resources effectively, forecast worldwide market conditions, develop informed strategic business plans, and respond effectively to short-term fluctuations and long-term trends in minerals prices, and I urge the adoption of the amendment.

Mr. RAHALL. Mr. Chairman, I yield the balance of my time to the distinguished chairman of the subcommittee on Interior appropriations and my fellow classmate, Mr. DICKS of Washington.

Mr. DICKS. Mr. Chairman, I rise in opposition to this amendment. This amendment is unnecessary. The country does not need a new bureau to create minerals information. The current situation in which the U.S. Geologic Survey administers the minerals information works perfectly fine.

As chairman of the Interior and Environment Appropriations Subcommittee, I have examined the Bush administration proposals to eliminate funding for the USGS minerals information function. Even during these difficult budgetary times, our subcommittee has appreciated the important function of the minerals assessment team at the USGS and refused the administration's recommendation to eliminate its funding.

The Pearce amendment would nearly double the size of the new agency. It would create a new bureaucracy with at least 300 staff and a yearly cost of $30 million or more. So please join me in rejecting this amendment.

I yield to the former chairman of the Interior subcommittee, Mr. REGULA from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to this. When I was chairman of the committee, we eliminated the Bureau of Mines in 1995. Nobody missed it. The functions are carried on by the USGS very effectively. It is just one of those things that is not needed. I think it would be a big mistake to put it back in place.

The amendment provides for 200 employees out of USGS. Why take them away from where they are doing a good job? The mining programs have worked very effectively since 1995, the time at which we eliminated this. It saves about $100 million. I think it would be a big mistake to put another, put it back in place.

I hope that the Members will join me in opposing this amendment.

Mr. Chairman, I rise in opposition to the Pearce amendment. This amendment would simply re-create an agency that was dismantled in 1995. As Chairman of the House Interior Appropriations Subcommittee at that time, I worked to close the Bureau of Mines which the proposed amendment's agency resembles, in an effort to balance the budget through smaller, more effective government. With its closure, almost $100 million, or 66%, of the Bureau of Mines' 1995 programs ceased. However, certain critical minerals information activities moved to the US Geological Survey. This meant we receive the needed information on our mineral resources using far less money than in the past.

Since taking over the minerals information functions, the USGS has done an excellent job of producing critical minerals information and in fact has broadened the role of the minerals information group by providing vital statistics and insight to help commerce, industry, and security.

The USGS is the sole provider of mineral resource assessments and information in the federal government. To fragment this program once again by creating a new bureaucracy in government would not improve its functionality or serve American taxpayers' interests.

Mr. Chairman, this amendment does not create anything new that is substantive. The only thing the amendment will create is a title of new agency, move some people around, and employ 100 new bureaucrats in administrative positions. Why do we need 100 administrative positions to oversee 200 scientists who were already working effectively at the USGS?

Further, the amendment proposes a $30 million budget, which is more than double the current funding for this function. In our current budget climate, it makes no sense to add this new agency burden to government when the work this agency is proposed to do is already being done at the USGS effectively, with less expense to the taxpayer.

This amendment will only fracture our current system of attaining knowledge on our country's mineral resources, create a new bureaucracy and waste tax dollars. I urge a "no" vote on the amendment.

Mr. DICKS. I appreciate the gentleman's comment.

I want to congratulate the chairman for doing an outstanding job as one of my classmates.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The amendment was rejected.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–416 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. PEARCE of New Mexico.

Amendment No. 6 by Mr. CANNON of Utah.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. PEARCE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. PEARCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 244, not voting 20, as follows:

[Roll No. 1030]

AYES—173

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berkley
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hulshof
Issa
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
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
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
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)

NOES—244

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Carnahan
Carney
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
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
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
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)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—20

Ackerman
Alexander
Bachus
Burgess
Butterfield
Cardoza
Carson
Cubin
Davis, Tom
Faleomavaega
Gohmert
Hensarling
Hunter
Jindal
Jones (OH)
Paul
Shadegg
Shuler
Weller
Wilson (OH)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 1416

Messrs. LARSON of Connecticut, ABERCROMBIE, TAYLOR, LYNCH and Ms. HIRONO changed their vote from ''aye'' to ''no.''

Mr. TANCREDO and Mr. BISHOP of Utah changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. CANNON

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. CANNON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 240, not voting 22, as follows:

[Roll No. 1031]

AYES—175

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berkley
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
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
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
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)

NOES—240

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Carnahan
Carney
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
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
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
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
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—22

Ackerman
Alexander
Bachus
Burgess
Butterfield
Cardoza
Carson
Cubin
Davis, Tom
Faleomavaega
Gohmert
Hensarling
Hunter
Jindal
Lowey
McNerney
Paul
Saxton
Shadegg
Shuler
Weller
Wilson (OH)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute is left in this vote.

□ 1421

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr. SERRANO, 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. 2262) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, pursuant to House Resolution 780, he 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. PEARCE

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

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

Mr. PEARCE. I am opposed to the bill in its current form.

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

The Clerk read as follows:

Mr. Pearce moves to recommit the bill H.R. 2262 to the Committee on Natural Resources with instructions to report the same back to the House promptly with the following amendments:

At the end of section 102(a) add the following:

(6) LIMITATION ON APPLICATION.—No royalty under this section shall apply to any mineral that is used in the manufacture of any technology used for the production of solar energy or nuclear energy.

At the end of the bill add the following:

SEC. ___. EFFECTIVE DATE.

This Act shall take effect on the date the Secretary of the Interior, in consultation with the heads of other appropriate Federal agencies, certifies that nothing in this Act would result in a loss of jobs in the United States associated with mining-related activities to which this Act applies.

Mr. PEARCE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered read.

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

There was no objection.

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

Mr. PEARCE. Mr. Speaker, this is an honest, straightforward and commonsense motion which should be accepted unanimously. Its acceptance would help restore America's confidence in this body.

This motion addresses two issues Americans expect their elected representatives to address. Americans want more alternative energy sources so we are not dependent on people who hate us for our energy supplies. Americans want to make sure that their government does not take actions which destroy American jobs. The supporters of this bill promise it will not hurt jobs. My motion guarantees it will not hurt jobs.

They constantly promise that they want more clean energy to reduce our dependence on foreign supplies. My motion guarantees this clean energy.

Much of the controversy about this bill is about the importance of minerals and the jobs they support. Some say the bill will cost the kind of jobs this country needs and leave us begging other nations for the minerals necessary to produce cleaner energy right here at home. Others argue that it doesn't. My amendment resolves that question.

If adopted, my motion would ensure that the government is not taxing American production of important minerals used for solar power and nuclear power.

That makes sense. The government should not be taxing our efforts to produce more clean domestic energy. The last thing that we need to do is become more dependent on others for energy sources we plan to use to get off of dangerous foreign energy supplies. That's just common sense.

Secondly, my motion applies the ''first, do no harm'' standard to this bill as it relates to jobs.

As we have said here today, minerals mining jobs are the best nonsupervisory jobs available in the country today, according to government reports. This motion says that the government has to certify that this bill will not cost American jobs before it goes into effect. That's the least this country can do for working Americans, make sure that we don't lose their jobs because of our actions.

The supporters of this bill say it will not cost jobs. This gives them a chance to vote to ensure that it doesn't.

Mr. Speaker, we have heard today on the House floor that this is a work in progress, that H.R. 2262 is a work in progress. I am saying that the Nation's security depends on our good work today and we should not submit a work in progress to the other Chamber. I hope that the supporters of this bill will take this olive branch and guarantee jobs to Americans, not just make more promises to Americans.

We have heard promises this bill won't hurt jobs; this motion guarantees it. We hear promises about more clean energy to reduce our dependence on foreign supplies. This motion guarantees it.

My motion turns a promise into a legal guarantee. I urge its adoption by all Members of the Chamber.

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

Mr. RAHALL. Mr. Speaker, I rise in opposition to the motion to recommit.

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

Mr. RAHALL. Mr. Speaker, this is the day after Halloween and I recognize fully there are still tricks in the air, and this is another trick by the minority in this body. The amendment says report back to the House promptly. I am pretty sure that every Member of this body recognizes what the word ''promptly'' means. It is an amendment by the minority to substantially delay, if not outright kill, the pending legislation. So Members are well aware of this trick, and I urge defeat of this attempt to thwart passage by the House today of bipartisan legislation that has broad support at the local, State and Federal level.

In addition, Mr. Speaker, the effect of this motion would also be to reduce the amount of royalties owed the American people under this bill, under the guise of advocating nuclear energy for that matter, and I see no relationship here. I urge defeat of this motion which would reduce the amount of royalties that would come in to the American taxpayers under this bill.

Now to the segment about loss of jobs.

□ 1430

Due to changes in demands today, it's every Member of this body's knowledge that we may see a decline in the hardrock mining industry and the demand for jobs because of the technology, because of the technologies that are coming online. There's not a one of us who is against those technologies. In many cases, they're cleaner. In many cases, they're safer and they're healthier for our workforce. But that technology does displace man and woman power. It's a fact of our economic realities today.

So the gentleman's motion to recommit is based on unfounded premises, scare tactics, and tricks that we should not adopt; and I would urge defeat of the gentleman's 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. PEARCE. 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 170, nays 240, not voting 22, as follows:

[Roll No. 1032]

YEAS—170

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
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
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
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—240

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

NOT VOTING—22

Ackerman
Alexander
Bachus
Boehner
Burgess
Butterfield
Cardoza
Carson
Cubin
Davis, Tom
English (PA)
Gohmert
Hensarling
Jindal
McNulty
Myrick
Paul
Pryce (OH)
Shadegg
Shuler
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1447

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 announced that the ayes appeared to have it.

Mr. PEARCE. 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 244, nays 166, not voting 22, as follows:

[Roll No. 1033]

YEAS—244

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

NAYS—166

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berkley
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)

Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
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
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Schmidt
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
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)

NOT VOTING—22

Ackerman
Alexander
Bachus
Burgess
Butterfield
Cardoza
Carson
Cubin
Davis, Tom
Frank (MA)
Gohmert
Hastert
Hensarling
Jindal
Kaptur
McNulty
Myrick
Paul
Shadegg
Shuler
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1454

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SHULER. Mr. Speaker, on Thursday, November 1, I was unable to vote on rollcall votes Nos. 1030, 1031, 1032, and 1033 due to a prior commitment in my district. Had I been present I would have voted "no" on rollcall votes Nos. 1030, 1031 and 1032, and "yea" on rollcall vote No. 1033.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2262, HARDROCK MINING AND RECLAMATION ACT OF 2007

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 2262, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

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

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, the majority leader, for information about next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, on Monday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes rolled until 6:30 p.m.

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 Tuesday the House will meet at 9 a.m. for morning-hour debate and 10 a.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business and 9 a.m. on Friday.

We expect to consider H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act; H.R. 3355, the Homeowners' Defense Act of 2007; and H.R. 3996, Temporary Tax Relief Act of 2007; the conference report on the fiscal year 2008 Labor-HHS appropriations bill. If the President vetoes the WRDA bill, we will expect to take up that veto as well.

Also, Members should note on Wednesday, President Sarkozy of France will address a joint meeting of the House and Senate. I would like to say to all the Members who are listening, I would hope that they would make a special effort to be here for the address of President Sarkozy.

I would make the observation that the new President of France is someone who, I think, holds great promise for partnership with the United States. I think he has expressed that inclination. I think that is a very significant, positive step forward, and I hope that most of us that will be able to, within the framework of legislative business, be here to hear his address.

Mr. BLUNT. I appreciate my friend's comment there, and I agree totally that a leader of France who has been so open and receptive to America as an ally and a friend deserves that kind of welcome in the joint session of Congress next week. I hope we have the kind of presence here that would indicate our opportunity and our optimism about the Sarkozy government.

On appropriations, I wonder if you have any update on the Labor-HHS conference and the conference report, if you have any sense of that yet.

Mr. HOYER. As I said in my announcement, it is my expectation that the Labor-HHS conference report will be on the floor next week. I don't know whether it will be Wednesday or Thursday of next week, but I expect it to be on the floor next week.

The conference, much of the work of the conference, as I indicated last week, the preconferencing was occurring, both parties were involved in that preconferencing, and hopefully that has led to what will be a relatively brief conference. I do not have information whether or not they were able to conclude today. I know they met this morning and into this afternoon. I don't know whether they have concluded.

Mr. BLUNT. The press reports today were that that conference would not likely include the elements of the Defense appropriations but still would include the Veterans and the Military Construction appropriations bill.

Is that my friend's sense of where they are headed on that bill?

Mr. HOYER. My sense is those were the press reports.

I can neither confirm nor deny, as they say, that that is the case.

Mr. BLUNT. Well, of course the stated goal of the majority earlier this year to move these bills one at a time would be my preference, and if Defense is not part of that conference report, it seems to me it's only one bill away from being done the right way. I would have preferred to see it the other way.

□ 1500

Mr. HOYER. Will my friend yield?

Mr. BLUNT. I would.

Mr. HOYER. I thank my friend for yielding.

And I know that point has been made, but I want to tell you, very honestly, I hear you make the point, but not only did you package almost all, the majority of bills in 2005 and 2006, but you packaged them in the calendar year, that is to say, 3 months from today, before they were passed. And so that, although that is your desire, and it is my desire, we share that view, you're absolutely right. These bills ought to be considered individually, one at a time, on their merits, sent to the President, and he ought to have the opportunity to veto them or sign them individually.

But I would remind the gentleman that in fiscal year, I believe, I may be wrong on the fiscal year, fiscal year 2005, it was not until February 2005 that that bill was passed, with eight or nine of the bills incorporated in an omnibus. And in either the year before that, or the year after that, in January, eight bills were sent.

Now, I may be off one or two bills on the numbers, but my point is, the gentleman is correct. Unfortunately, that has not been the practice, either under your leadership or our leadership. And I think it's unfortunate, personally. But we're going to move these bills, as I said last week, hopefully as quickly

and effectively as possible; and, hopefully, the President will sign them. They've passed with an average of 285 votes, some closer, some different than that. Averages lie in that respect. But they have passed pretty handily both Houses of the Congress. In the Senate every one has passed with a veto-proof majority. That's not true in the House. But we're hopeful that we can get these bills to the President and signed by the President, whether they're individually or in packages.

Mr. BLUNT. I thank my friend.

Looking backwards at this, I think that my friend is right that there was a pattern that developed with the bill that included the Veterans bill that we didn't like. And so in the Congress that started in 2005, we tried to restructure that so that that would not happen in the future. We were trying to break that pattern, and, in fact, we did. And in 2005, that bill passed individually, as did every other bill.

In 2006, unfortunately, that was not the case, and there was a penalty to be paid for that, and I guess we paid it. But we were trying to break that pattern of coupling veterans benefits with something that was much more controversial than veterans benefits. It was part of at that time Veterans Administration and Housing and Urban Development, and so we took Veterans and put them with the Military Construction so that military families, military personnel, veterans and retirees would all be in a bill that we hoped would be the least controversial of all bills and not be the subject of that packaging to get those most controversial things done. Frankly, I think the 2005 experience showed that we were on the way to achieving that.

My concern on this would be exactly that, that the pattern of using the veterans benefit bill, to couple that with bills that are less popular, and not only appropriations bills, but I can certainly see, even in this Congress, that bill becoming the host for authorizing bills that are not popular, I think is a very unfortunate development and I regret it. I wish that we could have stayed with the pattern that we tried to create in the last Congress and successfully did create in the first year of the last Congress. Again, as we look back on history, this is the first time in 20 years that not a single bill has passed now.

Also, when we coupled bills together in the 10 years I was here, we coupled those bills together to try to get a signature rather than anticipating a veto, and we got those signatures.

Mr. HOYER. Is there any doubt that that's what we're trying to do?

Mr. BLUNT. I think there is. Well, we'll see. We'll see if that's what happened.

I have a couple more questions, but I would yield on that point.

Mr. HOYER. On that point, because I think it's important for our Members to understand and for the public to understand what's going on. The gentleman is correct. You took the Veterans bill out of the Housing bill. We think you liked the Veterans bill. We're not sure you liked the Housing bill, and so you took them apart so you could pass what you liked and leave what you didn't like alone.

As you know, the first 2 months that we came in, we dealt with the eight bills that you had not passed. They were all domestic bills. You passed the Defense bill, the MilCon bill, Homeland Security bill, all of that, broad bipartisan support on our side, your side. Education was left on the table. Health was left on the table. Environment, left on the table. Space, left on the table. Law enforcement, left on the table.

We understand the decoupling. Decoupling is to put us in a position where we don't have any options. You'll take what was passed with 409 votes in this House. It was $4 billion over what the President requested, billions of dollars under what the veterans said they needed.

And now the President says he is going to sign that bill. Why is he going to sign that bill? Because I think he believes it's politically feasible to do it. It's $4 billion over what the President asked for, and he said we shouldn't ask for more than he asked for. We asked for $4 billion more than he asked for for veterans, and he's going to sign it. Overwhelmingly supported here in the House, and we would override his veto. He knows that, so I don't think he's given us much, very frankly.

And we are trying to figure out how we can get Education signed by the President, funding No Child Left Behind signed by the President, NIH, cancer research, heart, lung and blood research, diabetes research signed by the President.

So very frankly, your decoupling was to make sure that you got the bill you liked signed. Our coupling may be to ensure that we get the bill that we like signed. So very frankly, the efforts, I think, are the same. The priorities just may be different.

Mr. BLUNT. Well, if we want to try to determine the motives of each other, which is, I suppose, what we do in this place, that's one thing. But you're the one that started that.

What we were trying to do, I'll advance again, was to take the Veterans bill out of the tug of war that always went on over the Housing bill, and that's what we did.

Now, your assertion that that's because we didn't like Housing, I don't agree with that. I do agree with the idea that we thought that the Veterans bill did not need to be needlessly held back by a bill that was assured to always be intensely debated. And that's why we did that. And that's why we passed the bill. And that's why if we would have passed this bill 60 days ago when it came over from the Senate, military families and veterans would have $18.5 million every day that they haven't had the last 32 days now.

On the other issue, I don't have any reason to believe that the President is not for all of those health care issues you talked about. That's not what this veto will be about. I know I'm for advancing all of those, partly because I've benefited from research in some of those.

But I think you said at the first of the year, and you were right when you said it, that the best way to advance these bills is one at a time. Now, I think I'm hearing a different argument than that today. But I agree with your first-of-the-year view of this; and I would hope, after this process, we can get back to that.

Another thing I wanted to ask about, I read in one of the Capitol Hill newspapers this week that the majority continues to look at the possibility of limiting the minority's right, and it has been a right of the minority since 1822, to have the opportunity to have a motion to recommit at the end of the bill.

I will point out, I believe yesterday, on the bill we dealt with yesterday, the first substitute that the minority had been allowed in this entire Congress, the last day of the 10th month of the Congress, we finally get a substitute.

No question, we've had to maximize our use of the motion to recommit because, while we appreciate the amendments we had on the bill today, we haven't had many amendments before today. And while we appreciate the substitute we had yesterday, we had had no substitutes before yesterday.

I'm wondering if the gentleman will want to talk a little bit about any discussions going on, the majority has going on, about limiting the 1822 right of the motion to recommit.

And I would yield.

Mr. HOYER. I thank the gentleman.

I don't have the figure in front of me, but I will find it out. I believe, very frankly, very few substitutes have been brought to the Rules Committee by your side. But that aside, I will get that number so we will know it.

But I take your point. That aside, I take your point.

Let me say that what we intend to do is continue to try to facilitate the work of this House, facilitate passing legislation, and we will continue to try to do that.

Mr. BLUNT. Well, I would only say my concern on that would be when the majority says ''facilitate the work of the House,'' that may mean to further restrict the ability of the minority; and, of course, we would object strenuously to that.

Another topic that, I don't believe, it may or may not have been mentioned, was the AMT patch topic. Did you mention that as something you expect to come up next week?

Mr. HOYER. Yes, I think I mentioned that.

Mr. BLUNT. I thought maybe you did. Does the gentleman have any more information about that than he has already given?

Mr. HOYER. No, I don't know whether it will be Wednesday, Thursday or

Friday; but it will be one of those three days is my expectation. I know Mr. RANGEL wants to move the AMT patch. I'm for moving the AMT patch. I'm for paying for it. But I'm for moving it. The Temporary Tax Relief Act.

Mr. BLUNT. So that would be the AMT patch?

Mr. HOYER. Yes, that's what we're referring to. So the answer is, yes, we intend to move that next week.

Mr. BLUNT. And the amount of money involved there?

Mr. HOYER. I don't have that dollar amount, but I know that it's in the $50 billion category to do a temporary patch, which we have done over the last few years. We borrowed the money each time we've done that, but it's about $50 billion. We intend to pay for it.

Mr. BLUNT. And your intention is for that to be under the PAYGO rule to be paid for.

Mr. HOYER. As you know, we have followed the PAYGO rules since we adopted them, and we intend to hew to that practice. And we think it's the appropriate practice, rather than borrow $50 billion today to give taxpayers relief so that our children can pay for that tax relief in the future. We feel strongly about that and we intend to do that.

Mr. BLUNT. I think the view of that, if we were debating the bill, which we won't do, I assure you, would be that this kind of tax relief actually produces tax revenue. But in a static scoring model you don't see that revenue.

Do you have any more information about November's schedule? I know next week. You said you anticipated we would work Friday of next week.

Mr. HOYER. We anticipate Friday of next week. And I'm not yet anticipating the 16th, which is Friday, because I'm not sure exactly. The continuing resolution ends on the 16th of November. It is my expectation that we will do another continuing resolution while we continue to try to pass the balance of the appropriation bills, and I expect to do that earlier than the 16th, but we can't give away the 16th at this point in time because we have no intention of shutting down the government and, therefore, we're going to make sure that we provide for making sure the government stays in operation. But if we can conclude our work by the 15th, I'm sure the Members will be happy. But the 16th is still on the schedule.

Mr. BLUNT. I appreciate that information. I'm sure that we would be, at least I'm confident we would be more than happy to work with the majority so that we don't run into a needless last-minute crisis on the 16th in the almost unavoidable circumstance now that we don't have all of the appropriations bills done by then, and I would think the earlier that process starts, the better off we are.

And I would yield.

Mr. HOYER. I thank the gentleman for yielding one more time.

I have not mentioned something, but I do want to mention, so the House knows and, frankly, the public knows as well. As you know, we have been working very hard on the Children's Health Insurance Program, trying to get as many children as possible covered by children's health. I want to thank the whip. I had the opportunity of meeting with Mr. BOEHNER. Their staffs have been engaged. Our staffs have been engaged. Senate Democratic and Republican staff and Members have been engaged. We're still working on that.

□ 1515

As you know, Senator REID attempted to get a delay in the consideration of the bill on the Senate floor. That was objected to by Mr. MCCONNELL, or actually Mr. LOTT on behalf of Mr. MCCONNELL, and they took it up today. Mr. REID asked for another extension. That was objected to by Mr. MCCONNELL this time. So they considered it today.

But I want the whip to know that we are intending to continue to pursue discussions. Obviously the Senate has to send the bill back here. But we want to continue to pursue these discussions to see whether or not we can come to agreement so that we can send a bill to the President that, hopefully, he would sign but, if he doesn't sign, that two-thirds of us on this side of the Capitol and two-thirds on the other side of the Capitol would be prepared to see it move forward.

Mr. BLUNT. If I could ask a question in that regard, do you anticipate some changes in the Senate bill so that it comes back here? I was assuming, based on your other information, that if the Senate passed the same bill the House had passed, it would go directly to the President.

Mr. HOYER. Well, they have to send it back here as the House of origin, I believe. I'm not sure that it has to be sent back. I may be incorrect in that. But I am not sure how soon the Senate will send the bill down.

Mr. BLUNT. We will be glad to continue work on that. And in regard to the failure to provide time on the Senate side, it seems to me that's a very interesting contradiction to our desire to provide time over here to change the bill. I will assure my friend we are working in good faith to try to address the less than a handful of issues, though they are all important, that we think need to be addressed, from who benefits from this program to how you determine your eligibility and legal presence in the country to benefit, to how you work effectively to see that adults are moved off the program. We are more than willing to work on that. We have been trying to work on that all week.

And, of course, our request just a few days ago was the reverse of the problem that now we see is a problem in the Senate, which was give us some time to work this out. We were denied time on this side. Apparently the Senate has also been denied time to work this out. And, once again, I think we have headed toward a needless conclusion to this debate that could have been prevented if we would have all engaged more effectively before we sent the bill to the Senate.

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

Frankly, we have a disagreement on whether you were denied time. We did pass the bill, but we have been pursuing, as the gentleman observed, and I appreciate the participation of those Republicans, one of whom is sitting on the floor, who have participated in numerous meetings, whether or not we can accommodate the interests of both sides in passing legislation to include the children, expanding it to 10 million. But notwithstanding the fact that we passed it, as I explained to the House, we wanted to get that bill to the Senate so that they could have it ready for consideration.

We were in agreement that it ought to be moved over until next week. Senator REID asked for that so we could continue to work. As I advised Senator REID, the leader, I advised him that I thought there were good-faith discussions going on. I thought there was an opportunity to move forward. I am still hopeful that that is the case. And as a result, I am hopeful that we will take the additional time, the next day, tomorrow, Saturday, Sunday, Monday, to try to see if we can come to agreement.

As you know, you, Mr. BOEHNER and I met, and Mr. BOEHNER's observation was there may be significant numbers that could accrue as a result of the discussions and negotiations. We're hopeful that that is the case. If that's the case, then we would be successful in adding the 4 million children that we seek to add to the President's 6 million plus.

What I wanted to indicate before we close this colloquy is that I am hopeful we will still take that time, and I have indicated to a number of people that I want to pursue, we want to pursue, those discussions with the opportunity to perhaps take some additional action if agreement is possible.

Mr. BLUNT. I thank the gentleman for that.

And, Mr. Speaker, I will just say we are continuing to be more than willing to be helpful, the minority is, I am individually, to try to solve these problems.

I want to repeat one more time, I think we would have been better off if we had taken these 2 days that we now would have liked to have had before we voted instead of now being at the mercy of the Senate to decide whether they are going to give us time to negotiate with each other or not. But we haven't, and, hopefully, we can continue to work for a good conclusion.

ADJOURNMENT TO MONDAY, NOVEMBER 5, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

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

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, NOVEMBER 7, 2007, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY NICHOLAS SARKOZY, PRESIDENT OF THE FRENCH REPUBLIC

Mr. HOYER. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, November 7, 2007, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Nicholas Sarkozy, President of the French Republic.

The SPEAKER pro tempore. 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.

PERMISSION TO POSTPONE CONSIDERATION OF VETO MESSAGE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that if a message transmitting a Presidential veto is laid before the House on Monday, November 5, 2007, then after the message is read and the objections of the President are spread at large upon the Journal, further consideration of the veto message and the bill shall be postponed until the following day, Tuesday, November 6, 2007.

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

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

CHILLICOTHE: ''OHIO'S BEST HOMETOWN''

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

Mr. SPACE. Mr. Speaker, I rise today with great pride in congratulating Chillicothe, Ohio, our great State's first capital, in being named Ohio's Best Hometown in the November issue of Ohio Magazine.

A small town rich in history and nestled within the beautiful foothills of the Appalachian Mountains in southern Ohio, Chillicothe represents the very embodiment of everything that's right about middle America.

In recent years, the city has gone through an impressive transformation. It has completed a large expansion of its high school. Adena Hospital is consistently ranked as one of the top rural hospitals in the country. And the OU-Chillicothe campus has grown by over 25 percent in the last 2 years.

More and more people are discovering what we have known for a long time, that southeastern Ohio and southern Ohio and towns like Chillicothe offer a great place to live and a great place to raise a family.

I would like to congratulate Mayor Joe Sulzer and the rest of my friends in Chillicothe on this great honor.

RECALCITRANT STATE DEPARTMENT PERSONNEL

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

Mr. HUNTER. Mr. Speaker, today it became apparent that the employees of the State Department of the United States, or at least a large number of them, are resisting being assigned to Baghdad. They say it's too dangerous, and they have asked for a town hall meeting to explain their recalcitrance.

You know, when we go to Walter Reed and we go to Bethesda Hospital and we meet with our wounded warriors, our marines, our Army personnel, our naval personnel, our Air Force personnel, most of them say this to us: They say that they would like to return to fight side by side with their buddies, with their companions, in those warfighting theaters in Iraq and Afghanistan. They want to serve this Nation.

So I have recommended to the President today that we do this: That we fire those recalcitrant State Department personnel who say it's too dangerous for them to go back to Baghdad; they want another assignment. Let's let them leave the service, and let's go down to Walter Reed and Bethesda Hospital and let's recruit that wonderful team of American warriors who have been wounded in the service of their country and who have patriotism and devotion to duty and have a high enthusiasm for public service, and let's hire them into a bright new career in a new State Department.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–70)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

The crisis constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency in Executive order 13067 of November 3, 1997, and the expansion of that emergency in Executive Order 13400 of April 26, 2006, and with respect to which additional steps were taken in Executive Order 13412 of October 13, 2006, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the comprehensive sanctions against Sudan to respond to this threat.

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Sudan emergency is to continue in effect beyond November 3, 2007.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 1, 2007.*

□ 1530

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.

HONORING THE LIFE OF MR. RHYS LEWIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, today I rise to honor and mourn the extraordinary life of Rhys Lewis upon his passing at the age of 83.

Born on May 13, 1924, Rhys Lewis dedicated his life to serving others. As a United States Marine Corps sergeant

during World War II, Rhys served in the South Pacific and fought to defend the liberty of Americans and all humanity. His tour of duty included seeing combat on Iwo Jima, where he demonstrated his unfaltering honor and valor. Following his return home in 1947, Rhys married his beloved Ruth and continued his service to our Nation. An active church member, Rhys was ultimately elected to and entrusted with numerous positions of governmental and civic trust.

He served as a Republican precinct delegate, a Redford Township trustee, a Redford Civil Affairs chairman, the chairman of the Redford Republican Party, as a member of the Michigan Republican State Committee, and a 1980 Bush delegate to the national convention.

Regrettably, on October 27, 2007, Rhys Lewis passed from this earthly world to his eternal reward. He is survived by his wife, Ruth Lewis, his children, Arthur Lewis and Charlotte Wirth, his grandchildren, Kathryn Ostreko, David R. Wirth and Jeffrey Lewis, and his great grandchild, Jack Ostreko. A courageous and honorable man, Rhys will be sorely missed.

Mr. Speaker, Rhys Lewis is remembered as a compassionate father, a dedicated husband, a leader, a soldier and a friend. Today, as we bid Rhys farewell, I ask my colleagues to join me in mourning his passing and honoring the unwavering patriotism and legendary service to our country and community of this fine American.

And I would be remiss if I did not add what I believe encapsulates the essence of the man. Early in my tenure as a Member of Congress, I was honored to be asked to participate in a ceremony where Rhys Lewis was honored for his commitment to our Nation and his service as a member of the Greatest Generation of World War II. We had to work with his wife, Ruth, because Rhys, an honorable man, was not a proud man. And so when we surprised him at the VFW that day with the medals that he had earned, he was stunned. Part of him seemed to be surprised that people had remembered his service to our Nation in its crucible of liberty, and the other part of him was deeply, deeply concerned that he was being singled out for what he and so many other fine young Americans had done to preserve the freedoms we now hold.

That was the man that we honor today. That is the man whose example I believe we should ever cherish and ever emulate.

THE OCCUPATION OF IRAQ AND THE ATTACK ON CIVIL LIBERTIES

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, when the President invaded Iraq in 2003, the American people were warned that Iraq's weapons of mass destruction posed a great threat to peace. We were told that launching a preemptive war would not make life harder for the Iraqi people nor compromise the security of the international community. And we were promised that the quick war to liberate Iraq would come at no cost to America's prestige abroad.

Five years later, it is painfully clear how very wrong the administration was and how dearly we are still paying for its mistakes. The administration launched a war of choice based on half truths, broken promises, and delusions of a swift and easy victory, but the most shameful of the administration's claims was that we were fighting abroad to protect our freedoms at home.

The President argued that sending our Nation's brave servicemen and -women into an unwinnable occupation was the only way we would safeguard our civil liberties. Since then, by repeatedly invoking the possibility of threats to our national security right here at home and abroad, the administration has justified its unprecedented attack on our constitutionally protected freedoms.

Mr. Speaker, we can no longer allow these attacks to go unchallenged. After authorizing the National Security Agency to openly violate Federal laws by eavesdropping on Americans, the administration successfully worked to legalize warrantless spying on innocent Americans. After consistently disregarding laws designed to promote public access to information, the administration expanded laws that authorized the government to withhold information from Congress and the American people.

After championing the virtues of democratic rule of law, the President has openly condoned torture, denied habeas corpus to prisoners held in Guantanamo Bay, and fought every single attempt to hold members and friends of his administration accountable for their actions.

This abuse of power at the expense of the rights and freedoms of the American people, often in the name of protecting these very same rights and freedoms, is a shocking betrayal of the will of the American people.

Last month, after the House passed legislation ensuring that every contractor in Iraq would be accountable under American criminal law, the administration granted immunity to Blackwater Security employees who were involved in a Baghdad shooting that left 17 civilians dead.

This administration will never take responsibility for their actions. It will never end the occupation of Iraq. Instead, the attack on our civil liberties will be the only mission they will have accomplished.

Mr. Speaker, it is Congress' responsibility to stand up to this President. We must end the administration's war of choice. We must restore the checks and balances that have been eroded under this President. We must fight for peace and the protection of civil liberties. We must fully fund the safe and orderly withdrawal of all American troops and contractors.

Mr. Speaker, we must give Iraq back to the Iraqi people and America back its integrity.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to refrain from engaging in personalities toward the President.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MURPHY) is recognized for 5 minutes.

(Mr. MURPHY of Connecticut addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

FREE ENTERPRISE CAPITALISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, it's a privilege to be recognized to address you and the House of Representatives and the people of the country who listen in on these types of discussions.

As I listened in on the gentlelady's remarks on the global war on terror, particularly in Iraq, and I hear the words ''war of choice,'' I actually expect that the historians will write it differently. And you can never write history from a contemporary perspective. That has to be done a generation or so down the line so you can see how things actually unfold.

When I look back at the time when this country was attacked, we've been attacked any number of times for the 18 previous years; but September 11, 2001, is a date that we will always remember. And as the President made his decisions, as he rose up and really took on a leadership mantle here, he was the Commander in Chief, but he stepped up to leadership on that day and on the days subsequent to September 11, and he had to make some tough decisions. One of them was to engage in combat in Afghanistan.

He ordered troops within a little more than 30 days into battle. And everyone said you can't be successful in Afghanistan; no one in history has been successful in Afghanistan. And, in fact, history is replete with the examples of the outside military operations that have gone into Afghanistan and failed. I can't tell you from this point, Mr. Speaker, whether history will write that Afghanistan is a resounding success, but the contemporary analysis at this point is that it is a resounding success.

As I listen to the gentlelady talk about a war of choice, I would submit that the President had no choice. He had no choice. We had been attacked. Remember, all the planes were grounded. We didn't know if there were more in the air, if they were coming to more places. The one that went to the ground in Pennsylvania may well have been targeted to the White House or this very Capitol Building that we are in.

And all the intelligence in the world concurred on one thing, that Saddam Hussein had weapons of mass destruction in significant quantities. And the gentlelady that would submit otherwise would have been one of the first to raise an objection if the President would have ordered troops into battle in Iraq without proper protection from chemical weapons, for example. No one believed otherwise, not Hillary Clinton, not the United Nations, not the Israelis, not the French, not the Russians, not the CIA, and not George Tenet.

So to take us back through this, there was a time and a moment in history where decisions had to be made within that context, within the context of what did we know at the time, what did we believe at the time, and what were the consequences and what were the alternatives.

Now, the alternative that the President had to be considering, and I don't believe that he has ever spoken about this publicly, and I'm not implying that he has spoken to me about it privately, but the alternative that the President had to consider was, if I do not take action, then what? What will be the response of the American people if we are attacked again and I sit on my hands, like happened in the aftermath of the attack on the USS Cole or the U.S. embassies in Africa or the circumstances within Mogadishu when we retreated and gave up that piece of ground and sent a message to the terrorists that we didn't have the resolve? What would have been the consequence?

What if the United States had been attacked again, not on September 11, 2001, but maybe September 11, 2003, and we hadn't taken action? What if those resources had come out of, and, in fact, some of the resources were coming out of Iraq that were targeted against us, what if America had lives that had been lost in significant numbers? What then would the gentlelady say? What then would the critics to the President say?

They would say he didn't take action when he should have. They would say he should have gone into Iraq. But he had to deal with the information he knew when he knew it. And the decision that was made, as historians will evaluate, I believe, will be that the President didn't really have a choice. And this Congress endorsed that decision with a vote here on the floor of Congress in the House of Representatives and in the Senate that was the authorization to use military force.

So we need to stand behind our decisions here as well as stand behind the Commander in Chief. And I would submit that the advocacy for an immediate pullout of Iraq, that's actually a tired, threadbare argument today. It's been a threadbare argument for a long time, but it was illuminated pretty well when General Petraeus came to this Congress in those days, September 12, 13 or 14 of September, when he delivered his report to the House of Representatives and the following day delivered his report to the United States Senate.

And, Mr. Speaker, as we saw the things that transpired in Iraq at the beginning of the surge, and I recall being there last Thanksgiving and trying to go into al Anbar province, trying to get into places like Ramadi and Fallujah, and I couldn't go because it was too dangerous, the stability was not there, the marines had written off Anbar province. The map was colored all red. The map of the tribal zones that actually are the local government in Iraq was colored all red, red being the color that denotes al Qaeda; al Qaeda being in control of and having the dominant influence in those tribal zones in Anbar province. So I couldn't go into Anbar, couldn't go to Fallujah, couldn't go to Ramadi, couldn't go to a number of those other communities.

That was last Thanksgiving. However, the last part of July this year I did go. I went into Ramadi and walked the streets of Ramadi. That's where they had the 5K run here I think just yesterday or maybe the day before. Hundreds and hundreds, in fact, thousands of people in the street out there doing a recreational 5K run, something that you would only see people running in Iraq if they're running from an explosion or a bullet or towards where that bullet or explosion detonated. But today, there is recreational running going on over there in a place like Ramadi, where it has been the center of death. And those tribal zones in al Anbar province that were all colored red now on the map are all colored green, supportive of U.S. coalition and Iraqi defense forces.

And I would point out that the liberation, the freeing, the driving of al Qaeda out of Ramadi was done with 85 percent Iraqi defense forces, 15 percent U.S. coalition forces. The Iraqis are more than fighting side by side. They're leading in this battle in many of the places over there in Iraq. And you have seen, also, American casualties down to the lowest levels we've had in over a year. And you're seeing Iraqi civilian casualties down to a level that is less than half of what it was a year ago.

Now, none of these are good circumstances for permanent conditions, but this is a good direction and a good trend. And the agreement that was reached in Anbar province where the sheiks came around on our side and said we're going to throw our lot with you, we're going to drive out al Qaeda, what they really said was, We want to kill al Qaeda with you. It wasn't some politically correct statement like, We would like to join with you to try to improve the stability or security here in our region. They said, We want to kill al Qaeda with you.

And they actually have a reconciliation plan. Some of those young men over there have been taking money from al Qaeda and setting roadside bombs, detonating roadside bombs or attacking Americans, U.S. coalition troops or Iraqis. They've been paid for; they've been mercenaries for al Qaeda. And some of them are there because they philosophically think it's the right thing to do, too. But the reconciliation plan is this, if you have attacked our side and you want to come forward and make a confession, if you're not standing there with blood on your hands and we can work this thing out, then you make a public declaration as a former al Qaeda supporter that you're going to support the Iraqi defense force, the Government of Iraq, U.S. coalition forces, and fight on our side.

□ 1545

If you make that pledge, and by the way, it is a public pledge and your name goes up on a bulletin board, then they take you back in. So it is possible to switch sides. It is possible to come over. And many are coming over to our side. You have to be wondering, Mr. Speaker, then, what are the consequences for one who doesn't keep their word to fight against al Qaeda, to stand on the side of the Iraqi people, the side of U.S. Coalition Forces? I asked that question over there in the briefing. They answered, the penalty is death. They are serious. This is serious business. This is life and death for thousands of people. It is also life and death for a number of nations.

That is a crucible in the world right now where if this place is allowed to melt down, if we pulled out of there, as the gentlewoman recommended, did a pullout of this conflict that is going on, then you look at the void that would be created. Nature abhors a vacuum. Power abhors a vacuum. The struggle there has been a power struggle. Yes, there are different competing philosophies that have lined up in different political spheres. At one time I could list you off about seven different power centers within Iraq that are competing for power. But we don't. We have the Shias and the Sunnis. We have the Badr brigades, and we have Moqtada al-Sadr's JAM brigade, and some that are just plain criminals. And you have the former Baathists, and again the Shias and Sunnis of different stripes, the different allegiances that come out of all of that, they were all competing for power. That is sorting itself out now.

As this power struggle works its way through, as the sheiks line up and decide they are going to cast their lot with the Iraqi nation, the Iraqi Government and the Iraqi people, as well as the U.S. coalition forces, they lined this up. They have done this same kind of thing in Taji in the north. They have done this in the south in Baghdad, and made their agreements where the map of that country today is far more green with very little red in it where al Qaeda has an influence. Some of those places where they have an influence is there because they just simply, the influence is there because al Qaeda has been driven out of some of the other regions and they had to go somewhere, didn't leave the country.

There is reason for optimism. And there always should be cautious optimism when it comes to war. But the other side has reason for pessimism. They have reason to believe that they have been driven out of al-Anbar province. And they have been driven out of many areas of Iraq. The country is safer today than it was a year ago. Much of the country isn't as dangerous as we are lead to believe that it is. I listened to the gentleman from California, Mr. HUNTER's remarks earlier about some State Department personnel who decided they don't want to go to Iraq because it is too dangerous. Yes, there is danger there, but our military is facing that every day. And they are re-upping in greater numbers than ever imagined. That is why we can keep our recruitment up, because they believe in the mission.

As DUNCAN HUNTER said, when you go to Bethesda or Walter Reed or Landstuhl in Germany and visit our brave wounded there, those that have maybe lost a limb, those that are in a long recovery process, those that may have had a pretty large chunk of shrapnel taken out of them, they want to get back with their unit. They want to finish their mission. Some have gone back with a prosthetic in place of a limb. That is real, true courage and patriotism. These are the people that say, I am a volunteer. I volunteered for this branch of the military at this time. I volunteered for this mission or at least I knew there was a high likelihood I would be deployed to this mission. I want to complete my mission because it is important. It is important for the freedom and the safety of the American people. It is important for freedom in the world. It is important for the dynamics that are taking place in that part of the world today where they realize that if the Iranians are allowed to continue their proxy war against the United States and flow their power over into Iraq, that would fill in the vacuum if we would do as the gentlewoman recommended and immediately pull out. The Iranians would sit astraddle of 42.6 percent of the world's export oil supply. That is not just the valve on the oil; that is the valve on the world's economy. They could control our economy by deciding what comes in and out of the Straits of Hormuz.

We understand that. That was an issue back in 1979 when the U.S. fleet was making sure the straits were kept open. So I want to emphasize that this direction of this battlefield of Iraq, which is a battlefield in the global war on terror, is going in a good direction. If we were to turn our back on all that sacrifice today, I don't know how I would look in the eye of the family members who have lost a son or a daughter over there who tell me, It is different now. The soil in Iraq is sanctified by the blood of my son; that being a son of a gentleman from California whose first name is John, whose last name I have forgotten. He said, You can't pull out now. That soil is sanctified by his blood.

I will stand with them. They are volunteers. The President had to make a decision. He made that decision. This Congress made the same decision, and we ought to have the courage of our convictions and stick by our decision instead of seeking to undermine that effort.

So, Mr. Speaker, I think that addresses the issue of the previous speaker. I have a couple other subject matters that I wanted to bring up here in the time that I have. One of them is that this Congress is busily overspending again. It has been a constant for a long time. There is something endemic within the electoral process that there are people that believe they need to purchase votes with taxpayer dollars. So they want the programs for their district.

Well, I think the measure of these programs should be measured on a higher standard than what they do for political gain. I think when you look at the earmark system that is here and the larger dollars that go to people that have the seniority, they are on the Appropriations Committee, Republicans or Democrats, you can chart that out and see where the money goes. It goes to the people that are sitting in a position here to broker it into their districts. Now, I have argued many times that there isn't a single constituent in their district that deserves any more representation than the constituents in my district. We each represent 600-some thousand people. I am not quite ready to go the path that we distribute earmarks equally to all population bases in the country. I think they need to be evaluated. I think they need to have sunlight on them. I think the American people have to have an opportunity to look at the spending that goes on in this Congress and evaluate it on a line item by line item basis.

When I first came to the Congress 5 years ago, one of the first big bills to come to me to make a decision on was the 3,600-page omnibus spending bill. I don't know how tall 3,600 pages are, but I imagine it is up there pretty high. We tried to get that information to find out what was in it because we naively thought we were going to analyze the information that was in that bill and the spending that was in that 3,600-page omnibus spending bill. So it finally became available to download it off the Internet. And we began downloading it off, I imagine it was a secure connection over in my office over here in Longworth. As we downloaded it a page at a time, the 3,600th page, the last page became available 20 minutes before the bill was brought up for a final vote on the floor of this Congress. Twenty minutes to evaluate 3,600 pages. Now, that is a daunting task, Mr. Speaker. In fact, it is an impossibility. If I had one person assigned to each page that had a degree in law that could analyze it, I still couldn't get this sorted through and get the response back in 20 minutes. I know there were others who had a head start on this ahead of me. Sometimes you have to take that leap of faith. But the functionality of 20 minutes to analyze a piece of legislation is not the way to do business. And that 20 minutes to analyze what is in it, think, Mr. Speaker, how difficult it is to go through 3,600 pages and find out what is not in it. A far more difficult thing.

Yet, here we in this Congress have worked for a long time to grant the President a line item veto. So the

President can look at 3,600 pages of appropriations that is hundreds of billions of dollars and go down through that with his ink pen and mark a line through there and say, I don't like this one, I don't like this one, I don't like this one. Now, I think it is appropriate for a President to have that power. The court doesn't necessarily agree with that. I do. And yet to put that responsibility on the President and not demand it for this Congress I think is ducking a duty and responsibility that we have as Members of Congress.

Who in the public, Mr. Speaker, would believe that Congress is just simply powerless to bring up line item votes on the appropriations that we spend in here that, who would understand the fact that the rules were set up in such a way that we don't vote up or down each line item in there. We don't vote up or down each earmark that is in the legislation. We package that up and push it along and essentially vote on it en bloc. Yes, I know those appropriations bills come to the floor under an open rule, at least they generally start under an open rule. But if you turn around once and blink twice, there is a unanimous consent agreement, and then it gets packaged up and it goes under a unanimous consent rule that prohibits the Members from bringing amendments to the legislation that is in front of us, let alone to a line item strike. So, I believe that we should be accountable and responsible for every line in every piece of legislation, whether it is policy or whether it is appropriations.

But on the appropriations, this Congress should have its own line item veto. With that in mind, I have dug through the rules, I have looked at the statutes, and I can figure a way that we can, in very simple language, that we can have a line item veto that is imposed upon this Congress so we have to accept the responsibility that we are charged with constitutionally.

It works like this. It is pretty simple. It is once every quarter, once every 3 months, under an open rule, there would be a bill allowed in order on the floor, a shell bill, if you will, Mr. Speaker, that was under an open rule that would allow any Member to come to the floor and offer an amendment to strike out spending. This is spending that would have already arrived at the President's desk, gotten his signature on it, but spending that hadn't yet been spent. So the appropriations that are in the chute, so to speak, that hadn't been turned out into the expense arena would be the appropriations that we would have a shot at, once a quarter, once every 3 months.

So let's just play this through the mind's eye, Mr. Speaker. Let's say it is the first day of the quarter and the leaders, neither one of them come to the floor to offer the bill that would be the line item cut act bill, which, by the way, that is the name of my bill, the Cut Act, the cut unnecessary tab bill, and any Member can stand up and say, Mr. Speaker, I have a bill at the desk, and it is in order under the rule. And then the result would be Members would come pouring to the floor with their amendments. One of them would be the bridge to nowhere. One of them would probably be the cowgirl hall of fame, and I get off into some of these things that I don't want to say into the CONGRESSIONAL RECORD, but they are there. They are line items we have appropriated, some of the earmarks we have appropriated that are downright embarrassing. And those line items would be brought to this floor one bill at a time, or maybe in packages, and we can vote them up or down. We can have a recorded vote on every single line item in an appropriations bill. We could have a recorded vote on every earmark. That would mean that every Member of Congress would be responsible for everything that is in the legislation. We can no longer go home and say, I know I voted for that silly thing but I had to because I needed to have this piece of appropriations that was essential to your district. That money that is going to be spent in your backyard was in the same bill, so I had to vote for the cowgirl's hall of fame or a bridge to nowhere.

Now, this structure of these rules doesn't allow for responsible appropriation. The Cut Act provides for responsible appropriations and it reaches out to the cyberspace modern technological world that we have, because it reaches out and recognizes that we have bloggers out there. We have people that now have instant Internet access to the legislation that we pass, the appropriation bills that we have. I trust the American people to be drilling down into these line items and bringing out those line items that are overspending, that are outrageously blowing the budget, and be able to make an issue of them, carry those issues to us. And we can write them in the form of amendments and bring them to the floor once a quarter and do an act of the Cut Act so we can strike those line items out and be responsible for every single line item in the budget.

I think that does a lot more for the responsibility of this Congress, a lot more to control out-of-control spending. I think it does a lot more for us to step up to our constitutional duties and all the discussions that we have had about how we might define earmarks, because everybody has a different definition of earmarks. But when you put it out here on the floor for a vote, it is ''yes'' or it is ''no.'' It is a green light or it is a red light, Mr. Speaker. And there is no equivocating on it, unless you want to vote ''present,'' which doesn't work so well in an appropriation bill.

□ 1600

I have introduced the CUT Act. The bill number is H. Res. 776, the Cut the Unnecessary Tab resolution. It's something that has, at least right now, the support of, in the beginning, 33 Members of Congress. There will be more. I trust they are going to stand up. We are going to ask at some point the Speaker to endorse the kind of a program that will make every Member of Congress responsible for every single line item in the entire appropriations process.

By the way, as I look at this appropriations process, Mr. Speaker, I will submit that we have got to move this system along. Yes, we have passed some appropriation bills here in the House, and we have moved that along pretty well. They are stuck over in the Senate. As I heard from the President last week, there hasn't been a time in history that Congress has delayed so long in getting the appropriations bills to the President's desk. Not one appropriations bill has yet arrived at the President's desk for this fiscal year.

This Congress gaveled in, as I recall, the third day of January 2007. Not one bill has made it from the House, through the Senate, back through conference committee for final passage, and to the White House, to the President's desk for signature. Not one. Not one appropriations bill. There have been a number of others that have.

This puts us in a situation where there is an impending train wreck. This impending train wreck is this: the longer it goes, the closer we get to running out of funds to keep this government running, the closer it comes to the day we will see another 3,600-page omnibus spending bill stacked up in the Senate, stacked up and brought over here and dropped on our desk, well, sent to us by Internet, and be asked to vote again up or down on something we can't measure the contents of.

Again, the political games begin, because that 3,600-page bill that I saw the last time, and it may be bigger or smaller than that, is like a great big accordion. It can have anything in it. Sometimes the staff in the middle of the night puts language in the bill that no Member directed. It's just there. They are just confident that the Member they work for thinks it's a good idea. We don't have a way of knowing.

It comes to the floor; we get a few minutes to debate it, not very many minutes to evaluate it. Even if we did, there's not time to debate all the components of a piece of legislation like that. That is why we have a subcommittee process, the full committee process, the floor debate. That is why we have a bicameral legislature, so it can go over to the Senate and they can do the same thing, the subcommittee, the full committee, the committee, the floor action, and then bring it together in a conference committee. While all this is going on, the public is supposed to be looking at this. We need to ask you for your help out there in America so you can point your fingers back at us.

Mr. Speaker, I point this out because there are 300 million people in America, and it's a huge budget, and the

budget approaches $3 trillion. It's more than the people that we have here in Congress can drag our fine-tooth comb through and do as good a job as we can do when we elicit the help of the American people.

So that is where I want to go with this. I want to pass the CUT Act, I want to pass H. Res. 776, I want to see a bill, a shell bill come to the floor of the House of Representatives, and then I want to see the Members come down with their amendments and say, I don't like this spending. This is outrageous. We don't need it. I want to put it up for a stand-alone vote, ask for a recorded vote on it.

After awhile, we will have a list of those egregious line items, earmarks and then just plain overspending that aren't earmarks that can be gleaned out of the bill. We will be responsible for everything. That is the kind of Congress we need to have, that is the kind of Congress we need to become, that is the kind of Congress that was envisioned by our Founders, the kind of Congress I believe we were, and the kind of Congress I believe we need to be again. That, Mr. Speaker, is my statement tonight on fiscal responsibility.

There's another piece of subject matter that I wanted to take up before the body and that is this renewable energy issue, the energy issue altogether, and I should broaden this picture out. We have worked the last few years to try to provide more refineries. We have tried to drill offshore in the Outer Continental Shelf where there are 406 trillion cubic feet of natural gas. Ninety percent of the cost of fertilizer is the natural gas that is feedstock for the nitrogen; 90 percent of the cost. Yet we make it harder instead of easier for natural gas to become available here in the United States. It comes off the market, not on the market.

We are watching the liquefied natural gas plants being built in places like Venezuela so they can ship their natural gas to us across the Caribbean, here in the United States, sailing right over the top of huge natural gas reserves that we are not able to drill into. We are watching the liquefied natural gas come across from the Middle East with the same kind of a thing.

There are tremendous reserves offshore in the United States, and it's very difficult to find a place to drill that doesn't have some kind of a regulation that prohibits it. That is the struggle that has gone on in this Congress for a number of years, drilling the Outer Continental Shelf. I believe we ought to drill there for natural gas, and I believe we should drill there for crude oil as well. Those are our resources.

Some will say, Well, wouldn't you want to conserve those resources? Why would we use them all up? One thing is that as the cost goes up, the exploration and the cost to bring this to the market becomes more viable economically. So oil that might have been out of reach, gas that might have been out of reach for the dollars one can get out of it is not out of reach today. We are always discovering more and more.

Additionally, even if it were a zero sum game, even if there was a limited number of oil and gas underneath the territory of the United States, even if that were limited, we also believe that we will get to the point where we replace these energy sources, and we are moving in that direction.

So we should keep this Nation as competitive as possible. That means use the resources that we have and reduce and get to that day when we can end dependency on Middle Eastern oil. That means drilling ANWAR, drilling the Outer Continental Shelf. That sounds probably, Mr. Speaker, that I am just for drilling. The real answer is this: it's a lot bigger picture and a lot more difficult a puzzle. The answer is we have so many BTUs out there today in the market. Let's say this is the energy pie. The answer is we have to grow the size of the energy pie. Not this many overall BTUs in the market for all kinds of energy, but this many. When you think about the energy pie, the size of the slices can be defined with so much for gas, so much for diesel out of crude oil, so much for propane, so much for natural gas, and this all adds to the overall BTUs. Some of it is nuclear, some of it is hydroelectric, some is solar, some is wind, some is coal. You add up all these pieces of this energy pie.

There's another slice of that pie that is also a component of the overall 360-degree pie and that's the conservation component. We need all of those components to solve the problem in this country, this problem of economic energy. Energy affects everything we have, everything we are. If you buy a cup of coffee, it takes so much fuel to get that coffee harvested, transported here to the United States, processed, delivered, marketed. You can put a little gas in the car to go to the store and drive back home. There's an energy component to everything we buy. Therefore, when costs of energy are high, it also raises the cost of everything that we have.

For our Nation to be competitive, we need economic goods and services. They need to be competitive with the rest of the world. We can do that if our energy prices are low and they are comparatively low and competitively low. I submit we grow the size of the energy pie and we put more BTUs on the market, we provide more of our own crude oil that we can drill for in places like ANWAR and in places offshore, like the Outer Continental Shelf.

Then, in addition to that, we open up more of our ethanol production, more of our biodiesel production, the corn-based ethanol, the cellulosic ethanol, the biodiesel that comes from soybeans and other kinds of plant oil and animal fats. We put that altogether. And expansion of the wind generation of electricity is also significant. The more BTUs we put on the market, the more supply there is. And we know this is supply and demand. Being a function of supply and demand, it will either drive down the price of overall energy, or it will slow the growth in the increase in the overall energy.

I expect that there is going to be some other discussion about the availability of crude oil and ethanol, and I will submit that there are some components here that are important facts for the public to understand, Mr. Speaker.

As I look at the reports that have come out of places like Cornell and UC Berkeley, and you see numbers down there that say that it takes something like seven times the energy to produce a gallon of ethanol than you get out of it in BTUs, we have had some people that are scientists that seem to be on some kind of endowment to try to undermine the efficiency of the ethanol argument. I have been in the middle of this ethanol debate for a long, long time; and I would suggest it goes back 25 or maybe 30 years. I would argue that if there is a BTU deficit, it would have collapsed on its own by now.

But there are numbers out there that are not based on science. They are simply numbers that are produced by people that oppose renewable fuels ethanol. This is the kind of data that has been in the Wall Street Journal and New York Times of late. I don't know what their motive is, but the arguments look to me like they are contrived arguments. Here are some facts that I just had delivered to me, and it works out like this:

A gallon of ethanol is 76,100 BTUs, and a gallon of E–10 is 111,836 BTUs. The gallons of diesel fuel and biodiesel are comparable. But if you are going to get one BTU out of ethanol, it takes .67 BTUs to produce it. If you are going to get one BTU out of crude oil for gasoline, it takes 1.3 BTUs to produce it. So in these numbers, it takes more energy to crack the equivalent BTUs of a gallon of gasoline out of a barrel of crude oil once it arrives at the refinery than it does to produce the same BTUs in ethanol once the bushel of corn arrives at the ethanol plant.

The numbers that have been produced otherwise by the folks in places like Berkeley, I was on Iowa State's campus here some months ago and talking to an undergraduate student who began to quote those numbers from Berkeley to me. She is going to school at Iowa State.

I said, Why did you go to Berkeley to get your data on ethanol? She said, That was the report I read. That is the one I studied. I said, You are right here at Iowa State University. We are the number one State producing ethanol in America. The data you are looking for is right here under your nose. Is anyone teaching you critical thinking here on this campus?

Apparently not.

So another piece is the 2006 LDP and CCP, the countercyclical payments, for corn were $6.8 billion. That will be the

other argument, that the dollars that go into the farm program and the dollars that go into the ethanol subsidy are this huge cost to taxpayers. That is the Wall Street Journal's position.

If you look at the real numbers, if you accept the idea that we have a farm program and it has been here since FDR, and I don't know if I would have voted for that if I had been here since FDR, but it is here, and if it has been here this long, it is unlikely it is going to go anywhere.

So if we accept the idea that there is a farm program, and we look at how the countercyclical payments and the loan deficiency payments actually function, in that if you have high markets there is less demand for subsidy, in fact, it has taken out all the demand for those subsidies because we have had high demand for those grains. And this is just using the corn calculation, not the increase in our commodities that have been there in record prices for soybeans and for wheat and some of the other commodities that have been increased in their value because there has been more demand for corn acres and because now we have more corn acres and we raised the largest corn crop we have ever had, 13.3 billion bushels of corn.

Those payments, though, for 2006 were $6.8 billion. Then the blenders credit is a component that we put in place so we could attract the capital to build the infrastructure in order to be able to produce the gallons of ethanol that we can use to blend our ethanol into our gasoline, at a 10 percent blend, for those folks that don't see that every day.

The blenders credit is 51 cents a gallon. When you calculate that across the gallons that were sold this year, that comes to about $3 billion. When you do the math on that, the $6.8 billion in subsidies and the $3 billion in blenders credit, we have gone from $6.8 billion in subsidies on the loan deficiency payment and the countercyclical payment down to zero. That is $6.8 in savings. We spent $3 billion on the blenders credit so that we put an incentive in place to build the ethanol production facilities. That is a net savings of $3.8 billion just in the last year.

Now, I will admit that number doesn't extrapolate back across 2005 as well as it does 2006 or 2004 or 2003 or on back, but we are building an infrastructure and investing in that infrastructure; and we are building a capability to replace Middle Eastern oil, to some degree, with ethanol.

□ 1615

I carry this equation out, 13.3 billion bushels of corn this year, we will easily be at 15 billion bushels of corn. Our target was by 2012, we will make it before then. This year tells us we will make it before then.

With 15 billion bushels of corn and if we only used a third of that corn to produce ethanol at 3 gallons a bushel, and we are right at that threshold, 2.9-something, so that is producing 15 billion gallons of ethanol. And we are burning today about 142 billion gallons of gasoline.

You can see we get to the point where we reach the 10 percent blend across this country. Actually, we are up to that threshold in a lot of places today, but we can't distribute well enough to be able to distribute the ethanol that we are producing within a 10 percent limit. We need to increase the limit. But 10 percent of the gasoline is about what we can produce with the corn that we can produce in this country. That is why the push to go to cellulosic.

I can submit here we can reach the 15 billion bushels. With a third of that, we can produce 15 billion gallons of ethanol. With that, we can replace approximately 10 percent of the gasoline we are currently burning in this country. We can go up with that, but if we open this up with cellulosic, as came out in the President's State of the Union address, I believe the most recent one, then we can arrive at a substantial portion of this energy pie that is renewable fuels ethanol.

And we add to that the biodiesel that comes from our soybeans and the animal fats and oil from other plants, and we have taken a segment, this energy pie, and a slice of that, and we set aside and say this will be renewable fuels ethanol, this will be renewable fuels biodiesel, and some more energy will be wind. And we build a lot of infrastructure for that. Wind energy works well. From my yard where I live in rural Kiron, I can step outside the hedgerow and look out to the horizon and I can see 17 wind chargers from my yard. They are surreal and they are environmentally friendly. Yes, it takes a tax credit, but we are building infrastructure to replace some of our energy production with renewables such as wind.

Another point raised is that producing ethanol takes too much water. Whatever the number was in the most recent publication, whether the Wall Street Journal or New York Times, it was a number that took my breath away. The order of magnitude of its, let me say, lack of indexing into my experience, we build a lot of ethanol plants in my district.

There may have been a day or there may be a day this fall when the Fifth Congressional District of Iowa is the number one in ethanol production for congressional districts in America. We are number one in biodiesel production. We rank in the top, at least in the top four, in wind generation of electricity. And I am very confident that the Fifth Congressional District of Iowa is the number one renewable energy district in America.

I believe I will be able to put the numbers together to demonstrate that we will be the first congressional district to power all of the energy needs for every home in the district all on renewables. I think we are there now. I just don't have the numbers quite together to say that definitively. But I think we are there now.

But the consumption of water to produce the ethanol, that number was outrageous in multiples of hundreds of gallons. So I went back to our people who are actually producing the ethanol, the ones who have to get the Department of Natural Resources' permit and meet the EPA standards and know how many gallons they are discharging and how much water they are pumping out of their wells in the ground to utilize production of ethanol.

Their numbers come out to be this: To produce a gallon of ethanol takes 2.8 gallons of water. To produce a gallon of gasoline out of a barrel of crude oil, and of course there is more than one gallon that comes out of there, but per gallon is 8 gallons of water.

So if you want to measure against the consumption of water to produce gasoline from crude oil compared to the number of gallons of water to produce ethanol out of corn, then you are looking at 8 gallons of water to 1 gallon of gasoline compared to 2.8 gallons of water to 1 gallon of ethanol.

By the way, we are reusing water. We are using gray water from the sanitaries out of some of our communities. And in particular, there is a new plant coming online at Shenandoah, Iowa, Green Plains, that will be using gray water from that community. We are conserving water, and it takes less water than it takes to produce the gasoline.

So even though there are arguments up and down on this, but the 51 percent blender's credit is the incentive to attract private investment capital. If we should lose even one penny of that blender's credit, what we will lose are millions and probably billions of dollars of private capital that is currently attracted into the production of ethanol, the building of ethanol production facilities.

When capital is no longer attracted, the momentum of this industry would be stalled and we would be sitting here with ethanol plants out in the plains within the heart of the corn belt, but not built out to the limits of the corn belt.

We would be sitting here also with biodiesel plants in the heart of the soybean belt but not out to the limits of the soybean belt, and we would have given up on renewable energies as even a partial substitute for Middle Eastern oil.

When I give you the math and lay out these costs in this fashion, I am not calculating in the cost of the military that it takes to be able to do what we can to provide some stability in the Middle East. But I will remind you, Mr. Speaker, that if the instability we have seen in places like Afghanistan were found in places like Saudi Arabia, you would see not the highest price for crude oil like we see today at $96 a barrel, the highest price we have ever seen, you would see it perhaps double

from there. You would see it north of $150 a barrel if the instability we have seen in places like Afghanistan, if there was that kind of instability in Saudi Arabia.

Because there is a kind of stability, because that supply hasn't been severely threatened, that is why we have taken an interest in that part of the world.

I will submit to every extent we can find an economic way to bring BTUs on the market that are our sources of energy, we should do that. Yes, there has to be a return on capital investment, and it needs to be reasonable and offset the interest. And to get things started and develop a technology, sometimes we have to have a blender's credit of 51 cents. Sometimes we have to have a 54-cent tariff on Brazilian ethanol coming into the United States.

They would like to have us loan them about $8 billion so they can double their ethanol production in Brazil and take off that 54-cent tariff so they can produce ethanol in Brazil and ship it here in the United States, but we would find ourselves dependent on Brazilian ethanol production when we have the crops, we have the climate, the know-how and the distribution system to do that here.

So the facts go back to, and I just would reiterate, this ethanol production and biodiesel production has saved the taxpayers billions of dollars in the last year. We were spending $6.8 billion on crop subsidies on the farm program that goes back to FDR in the 1930s. That number for the LDPs and the counter-cyclical payments has gone essentially, I will say virtually, in the language used today, to zero. And the cost of the 51-cent blender's credit has been about $3 billion. That is a $3.8 billion savings off the farm bill because we have a renewable fuels program here.

And to the extent that we are moving towards a 10 percent blend across the Nation with our ethanol, and we will be to that functional, that is 10 percent less that is coming out of the Middle East. That frees up that much more of our freedoms to make these decisions.

The assault on renewable energy that is coming from some of those business places, I would like to see them answer some of these points that I have made. I don't believe that their positions are grounded with the information that comes from the folks that are actually producing the ethanol.

And there have been significant discussions about how quickly one gets a return on investment off ethanol plants. I will say there have been some very good returns that have taken place in the last 2, 3, 4 years. But that cash flow doesn't project out like that any more, Mr. Speaker. Even though we have seen some return on investments that one could measure in just a few short years, most calculate out to be longer than that, and it is harder to attract the capital, not easier, even though oil is at $96 and gas has gone over $3. The dynamics of this and the economics of this change significantly.

So I strongly support the blender's credit. I support keeping the tariff in place on Brazilian ethanol. I believe we need to build the infrastructure here in the United States and kick the ethanol production up to maxing out on the corn crop that we have and developing the enzymes and the technologies so we can produce ethanol out of the cellulosic. That will be a far more difficult task than producing the ethanol, because to handle grain, we have the infrastructure. We have the combines and the drying systems, the wagons and the trucks so we can take that grain out of the field and deliver it and store it and do so efficiently. Not so easily with the cellulosic.

We don't yet know what kind of crop is going to be the most efficient, how we might harvest, how we might store it or how we might transport it. But most of that cellulosic is in a form, whether it is corn or whether it is hay or whether it is switchgrass, sunflower stalks, whatever it is, there is a lot of air in cellulose which means it is large volumes and low tonnage. And low tonnage means there is a lot of freight involved in trying to get that product to a processing location. That would tell me we would have, if the cellulosic develops as it is envisioned, we will have more plants located in closer areas than you will see with ethanol because we won't be able to afford to truck that cellulosic as far as we can the corn or the soybean oil that goes into the biodiesel.

We will get there on energy, Mr. Speaker, but I want to reiterate, I believe we need to grow the size of the energy pie. We need to take that overall 360-degree picture of all of components of our energy, the ethanol and biodiesel and wind and nuclear and hydroelectric and clean-burning coal and all of the other components that we have, gasoline, propane, natural gas, solar, each one of those has a certain percentage of the overall.

Then another slice of that pie is energy conservation. That is insulation. That is high-mileage vehicles. All of these things need to be brought forward, and we can get where we need to go with energy. We cannot do that if this Congress is determined to raise the cost of energy.

And I will submit that any piece of legislation that has been brought to the floor of this Congress in the 2007 calendar year has all raised the cost of energy, not driven the cost of energy down. It has made the circumstances less stable, not more stable. It has made the investors step back and say, ''I don't think I want to invest'' rather than ''I can't wait to get invested in this because I believe I can get a return on my profit.''

Mr. Speaker, let's face it, free enterprise capitalism has done more for the well-being of humanity than all of the missionaries who went to Africa. God bless them for going, and we need more missionaries to go to Africa. We need them to go everywhere. We need missionaries in this country. But free enterprise capitalism has provided the infrastructure. It has built the Golden Gate Bridge. It has built the interstates. It has built the military industrial complex. And it has developed our educational system. It has developed our pharmaceuticals and our medical services in this country and in many places around the world.

And if you point to something that is an improvement of the quality of life, I will point to a profit motive in there that has developed the ideas, the creativity, the inventions, that have brought about this improved standard of living that we have.

And if we think that because a company has made some money because they have invested capital and provided good inventions and infrastructure, they need a return on that investment. And for this Congress to decide somebody made some money and then they want to come back and do a windfall profits tax after the fact, one of those retroactive deals, one of those things that says, well, I really didn't mean it to, let's just say Exxon, for example, Chevron for another one, the leases that were reneged here off in the gulf coast when no one was going to be there holding the oil company's hands if they drilled dry holes.

□ 1630

I never heard NANCY PELOSI say, well, some company got a dry hole that cost a few million dollars; I think we ought to take some of that load off of them and send them a check from the taxpayers. They don't believe in that, but they believe in taking some of that money away when it's duly earned.

The risk capital that's out there is what drives the lower cost of energy that we have today that we wouldn't have if it weren't for that.

So we need to set up an honest business structure; and when we have leaseholdings, we need to sign those leases and say that's it, we've cut our deal. If you make 10 times the money we thought you were going to make, you also made 10 times the money your competition thought you were going to make or they would have bid against you and taken that over and raised the price.

I've spent my life in the contracting business, not much of it drilling oil, and not any oil came out of the hole I did get involved in. But I've bid a lot of projects as low bidder, and I recall having the owners come to me and say, you're making money on this job. Happens more than once, Mr. Speaker, but not once has anybody come to me and said, I see you're losing your shirt on this job, can we give you a little more money that will help you out? Never happens, but that's the philosophy that comes from that side of the aisle.

We see somebody making a little bit of money, let's take it away. Well, if I'm on the board of directors of a company that has Congress changing the

deal, I'm going to take some of that capital, and I'm going to invest it in another kind of a business where Congress isn't as likely to change the deal.

So when you raise the taxation after the fact and you change the leases and force them to be renegotiated, there will be less exploration dollars going in, which means we'll find less gas and less oil. There will be less on the market, and supply and demand still works in this country. If you have a little bit and a lot of people want it, it will be a high price; and a whole lot of something that not many people want, it'll be a low price. That's the case we have today with the energy prices.

This still is a global market, too. This $96 oil is out there, and that's the price, not because we set it at that. That's what competition sets the price of oil at. We need more of it on the market. We need more drilling. We need more transportation.

By the way, we need to build those pipelines down from Alberta where they have the tar sands. We have good neighbors to the north with more oil than they know what to do with up there, and they're happy to sell it to us. I'm happy to pipeline it down here and refine it in the United States and refine it up in the neighborhood where I live and distribute that to the rest of the country. That will hold the prices down, Mr. Speaker.

So the points that I came to this floor to make are two big ones. One is producing a gallon of BTUs out of ethanol, out of the equivalent to a gallon of gas, takes less energy than it does to crack a gallon of gas out of a barrel of crude oil. Let's just say that we set a barrel of crude oil up at the refinery in Texas and put your $96 price on that, by the way. That's what this barrel is worth in the open market, and you set a bushel of corn outside the ethanol plant in, let me say, Marcus, Iowa.

And what's it going to cost to get me a gallon's worth of BTUs? Let me see, a gallon of gasoline is 108,500 BTUs. What's it going to take to get 108,500 BTUs out of this barrel of crude oil, and how many BTUs is that? 1.3 times the amount you get out of it. Thirty percent more BTUs to crack it out than you get out of that gallon of gas, and it takes .67 for every BTU to take that gallon of ethanol that's going to be produced out of that bushel of corn that's sitting outside the plant at Marcus, Iowa.

So when you look at the difference, it can be argued that, yes, it takes energy to turn corn into ethanol, but it can't be argued that it doesn't take energy to turn crude oil into gasoline. And the facts come down to it takes less energy to produce the ethanol BTU equivalent than it does to produce the gasoline BTU equivalent, side by side, bushel of corn sitting at the gate of the ethanol plant in Little Sioux Corn Processors outside of Marcus, Iowa, versus the refinery down in Texas.

And what it really comes back to is we have to have energy put together and a kind of form that we can use it. We have to be able to transport it, we have to be able to handle it, we have to be able to convert it into heat or kinetic energy. And you can do that with a liquid. Ethanol is a liquid. Gasoline is a liquid. You can do it with a gas.

And I will submit that we have found a way to be able to produce billions of gallons of ethanol, and those numbers are going up; and if they ever level off and stop because this Congress made a turn against the renewable fuels industry, that would be a tragedy for our environment. It would be a tragedy for our economy, and it would cost the United States taxpayers if they were going to continue with the current deal that they have, with the farmers and the producers here in the United States, the numbers that I've given you, the $6.8 billion last year versus the zero dollars this year, compared to $3 billion in subsidy. Net savings on the two is $3.8 billion.

And with that, Mr. Speaker, thanks for recognizing me. I appreciate this privilege and honor.

SINGING THE BLUES

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

Mr. POE. Mr. Speaker, radio stations pay a set contract amount for recording label companies to play their songs. Part of that money goes to the writer of the songs for each time the song is aired. But the performers get a set fee from the record label company, no matter how many times their songs are played on the radio.

Now the performers want the Federal Government to charge radio stations a performance fee each time the song is played. That money would go to the performer. In other words, tax radio stations to subsidize the performers because, God bless them, they just don't make enough money.

The Federal Government has no business interfering in the free market and subsidizing performers at taxpayers' expense. The music artists and their agents should work out a better contract with their recording companies.

The proposal to subsidize recording artists would require the cost to be passed on to the consumers by higher advertising fees. Plus, the whole concept smacks in the face of freedom of the airwaves.

The Federal Government needs to stay out of the radio control business, even if performers are just ''Singing the Blues.''

And that's just the way it is.

THE FIRST AMENDMENT RIGHT TO SPEECH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Thomas Jefferson once stated, ''A democracy cannot be both ignorant and free.'' Our Founding Fathers shared that attitude. They knew that if American citizens failed to share information and were unable to speak freely, they would be worse off than they had been as subjects under Britain's King George III.

Our Founding Fathers were former colonists under a tyranny that controlled information and freedom of expression. King George III suppressed free speech, especially speech critical of the Crown or the government.

As the Founding Fathers debated what the new Nation of America should look like and stand for, they were determined free speech would be a basic right for all of us.

After the States ratified the Constitution, our Founding Fathers set out to enact a declaration of rights. They knew that this was essential for our country. That declaration of rights later became the Bill of Rights, which includes the first 10 amendments.

The Bill of Rights, Mr. Speaker, limits government control over us. The government does not have any rights. Government has power. It has the power we give it when we give up our rights that are listed in the Bill of Rights. This is an important concept that unfortunately many Americans fail to understand.

And the first amendment is first because it's the most important. The first amendment states in part: Congress shall make no law abridging the freedom of speech.

Without the first amendment of free speech, freedom of the press, religion and assembly, the rest of the amendments are meaningless. The purpose of the first amendment is to permit free and open discussion about important public affairs. This is exactly what was forbidden under King George, so it makes sense that this was most important to our Founders.

The Founding Fathers intended free speech to include criticism of the government and advocacy of unpopular ideas that are distasteful or even against public policy or even controversial issues. Freedom of speech allows individuals to express themselves without interference of the government.

For over 200 years, the first amendment has endured without substantial alterations or limitations. This is a testament to the first amendment's importance. There are a few instances, however, in our history where the first amendment has been set aside, including a few instances of government censorship, such as sedition acts and wartime censorship.

The most volatile and controversial types of speech are political speech and religious speech. That's why they should be protected the most, because they are so controversial.

Congress would do well to stay out of the speech control business, especially trying to control the open and free discussion of America's two controversial and passionate pastimes, which are politics and religion. And besides, the

Constitution forbids a speech police by Congress.

George Washington said it very well when he said, ''If the freedom of speech is taken away, then dumb and silent we may be, led like sheep to the slaughter.''

And, finally, Voltaire, who lived right at the time that our revolution began, he said, ''I disapprove of what you say but I will defend to the death your right to say it.''

It's important and incumbent upon Congress that we make sure that we have open, free and even volatile, if necessary, discussion of America's issues, which are politics and religion, because that is the type of country we are, and that is what our Constitution and the first amendment stand for.

And that's just the way it is.

PEAK OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, today oil's about $93 a barrel. It was higher than that a couple of days ago. If you look at CNBC, they're still scrolling it in red which means it's kind of out of previous limits.

There are two bills before the Congress, and I want to mention those before we start. These would be pretty good bills if we were offering them 25 years ago, but this is not 25 years ago. And I would submit that these bills are woefully inadequate to address the challenges that we have today. Let me just mention briefly what's in these bills, and I will note and I hope you will agree after we've spent these few minutes together that these bills do little more than nibble at the margins of the problem.

Our children, our grandchildren looking back on today will wonder how could we ever have thought that these bills would address the enormous challenge that we face today in energy.

H.R. 3221, the House-approved omnibus energy bill, which they say promotes efficiency and renewable energy, it includes a controversial renewable portfolio standard and a net tax increase, but it excludes increases in CAFE standards, the standards that we set for how many miles per gallon you're going to get from your car or your pick-up truck, and it also excludes mandated volume increases in biofuels.

Now, the Senate bill does quite the opposite. It increases CAFE standards and a mandated volume increase in biofuels, but excludes a renewable portfolio standard and the tax provisions.

Now, President Bush wisely has indicated that he's going to veto either one of these bills, or a combination of these bills that might come out of conference.

I note these two bills before we begin our discussion because I hope you will agree with me when we have finished our discussion that they might have been pretty good bills to start down the road that we should have been traveling for 25 years, but they're woefully inadequate to meet the challenges of today's world.

Here we have a chart which I think kind of says it very well. Here is the fellow standing by the very shrunken gas pump here because our supplies are down. He has a huge SUV beside him. He asks, ''Just why is gas so expensive?'' Gas is expensive because the demand is exceeding the supply. As a matter of fact, the world production of oil has now held constant for about 30 months, but the world's demand for oil has been steadily going up. So if you look back over the last 30 months, the price of oil has been doing exactly what you would suspect the price of oil has been doing. It's been going up because the supply has been constant and the demand has been going up.

Mr. Speaker, it was absolutely inevitable that today or some day like today near this date in history that we would be here talking about $95 oil.

□ 1645

If you listen to the experts out there, they are telling you that they expect, in the next few days, that it will go through $100 per barrel.

The next chart is one that kind of puts this in perspective. Let's just refer to the upper chart. The upper chart looks back through only about a little less than 400 years. But if we extended this on to the left here about another 7,000 years, we would have gone through all of the recorded history of man, and it would look just like it looks here. In this scale, the amount of energy that we were using in 1630 and 1650 is hardly wider than a line, so it's hard to distinguish the baseline here from the energy that we were producing.

Then the Industrial Revolution started, and it started with the steam engine and that sort of thing and wood, of course. That's the brown line there. Then you see that we found coal and, boy, we produced a lot more energy with coal, so the Industrial Revolution roared on. It was stuttering when we discovered oil. Boy, then did it take off. Just look at that curve and how sharp that curve is.

If we had another curve here on population increase in the world, it would mirror this, follow this pretty exactly. For thousands of years, through 8,000 years of recorded history up until fairly recent history, the population of the world was somewhere between half a billion and 1 billion people. Now that population has exploded until there are nearly 7 billion people in the world. By the way, nearly 2.5 billion of them are in India and China.

Notice one other thing about this curve. Look what happened back in the 1970s. The oil price spike hikes of the 1970s, where oil was less, even with inflation correction oil was less than it is today, it still resulted in a world-wide recession with sufficient demand destruction that the production of energy decreased for several years. Now we are back on a big upswing slope again.

The next chart has some data that was used by 30 of our prominent Americans, Boyden Gray and Woolsey and McFarland and 27 others, among them a number of Four-Star Admirals and Generals, retired, and they wrote a letter to the President, and this was several years ago. They said, now, Mr. President, the fact that we have only 2 percent of the known reserves of oil in the world and we consume 25 percent of the world's oil and import just about two-thirds of what we use is a totally unacceptable national security risk. We really have to do something about that.

Two other data points here which are of interest, one is that although we have only 2 percent of the world's oil reserves, we produce 8 percent of the world's oil. Now, you don't have to be very far along in arithmetic in grade school to understand that if that's what's happening that we are now exploiting our oil reserves four times faster than the rest of the world.

So if there comes a time when the well will run dry, you would expect that our wells would run dry before the average well in the rest of the world, because we are pumping our oil four times faster.

Note, also, this says 5 percent of the world's population, we are a bit less than that. We are one person out of 22 in the world, and we have a fourth of all the good things in the world. The subject for another discussion is why. What's so special about the United States that this one person out of 22 is so fortunate that we have a fourth of all the good things in the world?

The next chart is a really interesting one. This chart shows what the world will look like if the size of the country was relative to the amount of oil that it had. Now, the colors here indicate how much energy you are using and the size indicates how much energy you have.

What this shows is that the countries which have the least energy are using the most energy.

But notice that Saudi Arabia here totally dominates the world. About 22 percent, almost a fourth of all the known reserves of oil in the world are in Saudi Arabia. There is Iraq and little Kuwait. Saddam Hussein thought that looked like a corner province in Iraq, and, indeed, if you look in the map, it is tiny compared to Iraq, but it has just about as much oil as Iraq.

Iran, notice how big Iran is there.

Look over here at the United States. We are dwarfed. We have only 2 percent of the world's supply of oil. The people we get most of our oil from are Canada and Mexico. Gee, they aren't very big either. Look at Venezuela, Hugo Chavez, huge, would swallow up the United States several times with its oil reserves.

Something I would really like you to note is the size of China and India. Between the two of them, they don't have as much oil as the United States, and they have about 2.5 billion people between the two of them.

Now, as a result of this disparity between how much oil they have and how big their population is, the next chart will show us what China has been led to do. This is a map of the world which shows where a number of people have staked their claim, that is, own oil reserves. Notice in how many parts of the world the symbol for China appears.

This chart is a little old, and at the time we started using this chart, China was dickering to buy Unocal, an oil company in our country. Well, a lot of people thought that was just awful. I didn't think the sky would fall if they did that, because the reality is in today's world it doesn't really matter who owns the oil. We own an absolute trifling amount of oil in the world.

The fellow who owns the oil and the fellow who comes with the dollars, and if, by the way, if the currency ever changes from dollars to Euros, that will be a tough day for our country, but the person who has the dollars gets the oil. So you might ask why is China buying up all this oil.

I asked the State Department that question, and they told me it's because they don't understand the economic realities. They don't really understand that it doesn't matter who owns the oil, that the person who has the dollars buys the oil. My response was, gee, it's a little hard for me to believe that a country of 1.3 billion people, which is growing for the last quarter, I saw data, 11.4 percent, we never grew at anything like that. Japan in its heyday didn't grow anything like that. A country growing 11.4 percent that doesn't understand economics is hard for me to believe.

You may note at the same time they are buying up this oil they are aggressively building a blue water navy. They don't have one. Blue water navy is one that goes out in the deepest waters. We are the only one in the world the Chinese are competing with.

Could it be that they envision a time when there won't be enough oil to go around, and since they own it, they are going to say to the rest of the world, gee, guys, I am sorry, there is not enough oil to go around, and we have 1.3 billion people and so we are going to use it. To make that stick, they are going to need a really big navy to protect their sea lanes. Only the future will tell.

I led a codel of nine people to China talking about energy. It was over last New Year's. I spent last New Year's Eve, as a matter of fact, in Shanghai. They began their discussion of energy there by talking about post oil. Wow. They get it, and I wonder why very few people in our country get it.

They have a five-point program. The first step in their program is the first step in any rational program to address the challenge we face, and that is conservation. The second and third points in their program was get as much of it as you can from your own country and diversify as much as you can.

The fourth one may surprise you, because they pled for protection of the environment. They are the biggest polluters in the world, and they know that. They are kind of pleading for help, because, gee, we have got 1.3 billion people, 900 million of those in rural areas that are clamoring for the benefits that accrued through industrialization. We have got to really do something about that, and help us to be more efficient.

But the fifth point in their five-point program was a really interesting one. They are pleading for international cooperation.

As they plead for international cooperation, which they hope they get, I doubt that they will, but they have a backup, they are going to buy the oil so that if we don't get international cooperation, at least they have a go-it-alone reasonable probability of doing well in the future.

The next chart shows how we got here, and this tells you why I mentioned the 25 years. It's actually 27 years.

In 1956, a Shell Oil geologist by the name of M. King Hubbert, and if you haven't heard his name before, you will hear it, and I think that the speech he gave 50 years ago last year, I think it was the 8th day of March, to a group of oil executives and engineers and scientists and so forth in San Antonio, Texas. When the United States was king of oil, producing more oil, exporting more oil, I think, than any other country, M. King Hubbert told that group that in just 14 years, by 1970, we were going to reach our maximum oil production. No matter what we did after that time, it was going to go down.

Shell Oil Company asked him, please don't give that speech. You are going to make a fool of yourself and us. He became something of a pariah for a number of years and was relegated to the near-lunatic fringe.

But right on schedule, as this chart shows, in 1970 we peaked in oil production. He predicted that here in 1956, and in 1970 we peaked in oil production.

His prediction was only for the lower 48. We got a bunch of oil in Prudhoe Bay in Alaska and a lot of oil in the Gulf of Mexico, where, by the way, we have drilled more oil wells than in all of Saudi Arabia, four times as many as in all of Saudi Arabia.

It has been downhill ever since 1970 except for a little blip produced by the enormous amount of oil that we got from Prudhoe Bay. I have been there. I have seen that pipeline where it begins, a 4-foot pipeline.

For a number of years a fourth of our total domestic production went through that. Despite that enormous find, it's still down, down, down, and today we are producing half the oil that we produced in 1970.

Remember several years ago those fabled oil discoveries in the Gulf of Mexico which were supposed to secure our future? There it is. That's what it did. Pretty trivial, wasn't it.

The next chart shows an attempt of one of the major think tanks in our country on energy to debunk M. King Hubbert. This us the Cambridge Energy Research Associates, and they present this data, which they say proves that M. King Hubbert didn't know what he was talking about.

Now, if you were a person who dealt with numbers, a statistician, you might see some relevance in that argument. But for the average citizen, this is what you see in the chart.

The yellow symbols here are the predictions of M. King Hubbert. The green is the actual lower 48 production.

Now, he said that it would follow this curve, but it actually followed that curve. Cambridge Energy Research Associates said, gee, isn't that awful, he really missed it, didn't he. I think for the average person looking at that, I am a kind of a layman here in this area, but I am a scientist and I have had courses in statistics, that looks pretty darn close to me. I think he kind of got it, didn't he.

The actual total production, when you add the Gulf of Mexico and Alaska, these red symbols here, and if you add the next chart, if you only had one chart to talk about energy, this would be the one, because this tells you so much.

If ever a picture is worth 1,000 words, this one is. This shows the discoveries of oil. We were discovering lots of it very early, the 1940s, 1950s, huge, huge amounts in the 1960s and 1970s. At just the time when M. King Hubbert predicted we would reach our maximum oil production, 1970, here, we just previously had found enormous amounts of oil.

During those 14 years, 1956 here to 1970, we had found more oil than we ever found before and ever found after that. No wonder, gee, they thought this guy must be an idiot.

But right on schedule we peaked in 1970. By the way, just a little explanation of how he was able to do that. He had observed that each oil field followed a pretty constant kind of curve. The oil was easier and easier to pump until you pumped about half of the oil.

Then you reach the maximum production, it's reasonable. The last half would be harder to get, so it came out slower and slower. It kind of followed a bell curve. He rationalized if he knew how many oil fields there were and what was in there, he could have all the little bell curves, and you would get a big bell curve that would tell us when we were going to reach the peak. He said that was going to be 1970. Right on schedule it happened. He also said that we were going to reach peak oil, the maximum production of oil in the world about now.

□ 1700

Now, the question I've been asking for 30-some times I've been on the floor

here talking about this, over the last couple of years is, if M. King Hubbert was right about the United States, why shouldn't he be right about the world? And why shouldn't we have been paying some attention to this?

I was interested in this subject probably 40 years ago. I knew that oil couldn't be forever. I mean, you know, the Earth isn't made out of oil; it's not going to last forever. At that time I had no idea how long it would be before we had to start being concerned about oil. Was it next year, 10 years, 100 years, 1,000 years? But I knew at some time we would need to be concerned about oil. Apparently, that time has come.

Well, the solid black line here indicates our consumption of oil. It also represents our production of oil, because there's no big stockpile of oil somewhere unused, so what we produce is what we use. So it's either the consumption curve or the production curve.

If we were to put a smooth curve over these discoveries, and there we have little bars for each year, it's obvious that what you've done is to add up all of the discoveries year by year. So the area under that curve, for the person who doesn't understand what integration is, the area under that curve represents the total amount of oil we've found; so much this year and this year and this year. And the area under the curve adds them all up.

Now, the area under this black curve here is going to indicate how much oil we use. Now, it's really obvious that you can't use oil that you haven't found. So the area under the consumption curve is going to have to be the same thing as the area under the discovery curve.

But look at what's been happening to discovery since, what, before 1970. It's been down, down, down, down, down, down. The lightly shaded part of this graph to the right is just a guess as to what's going to happen in the future, but an absolute certainty is that you're not going to pump oil that you haven't found.

Now, ever since the 1980s here, we have been pumping more oil than we've found, so this area here now has consumed reserves that we found in the past. So we have all this amount of reserves that we can use in the future. That represents the area under this curve.

They're predicting here that we will have ever less and less discovery. It won't be that nice smooth curve. It will be up and down. But on the average, that's what it should be because that's what it's been.

And by the way, for the past 20 years or so we have had incredibly improved techniques for finding oil. So for those of who tell you not to worry, it's out there, where? We've been scouring the world for the last 20 years with computer modeling and 3–D seismic, and our discovery has been down, down, down. And these people are wisely projecting that's probably what it's going to do for the future.

There's another chart here, and this is another chart from CERA, Cambridge Energy Research Associates. And they are predicting that we're going to find two and three times as much more oil as all the recoverable reserves that we now know are there. And even if that is true, it moves the peak out only a relatively few years. This is the curve, if we don't find any more than that previous chart showed.

Most of the experts in the world believe that the total amount of oil that we have pumped and will pump is somewhere in the category of 2 trillion barrels. We've pumped about a trillion, we have about another trillion to pump, more or less. So the peak, if that is so, is imminent, isn't it?

If we find 2.93 total, wow, that's another trillion barrels of oil. It pushes out only that far. And they say we're going to add some unconventional oil. That we will. And so they, and this was in an article that was debunking peak oil, and this was a major chart in that article and, by golly, it shows a peak. They say it will be an undulating plateau. I agree. I don't agree that it's going to be out there another 50 years, but I agree that it's going to be an undulating plateau.

The next chart is an interesting little exercise. And this is from EIA, our Energy Information Agency, which, by the way, does a really good job of tracking the use of energy. And it has done a pretty poor job of projecting how much energy we're going to find, because this was their projection. These are the discoveries of oil.

Remember that previous bar chart? These are the big spikes, the discoveries of oil. And they, really misinterpreting some data from USGS, predicted three different possible paths here. There was an F for frequency in the USGS data, and somehow that got translated to P for probability when it came to this chart. I have no idea how you'd do that, and I have had a course in statistics, so I understand a little about that.

But they said that the 50 percent probability was the mean and that that is the most probable thing that would happen. Therefore, the discoveries of oil were going to go up.

This is the 95 percent probability. If it's truly a probability, obviously, if you're 95 percent more certain than 50 percent, and this is the 5 percent; by the way, there should be another green line here and another blue line here because it's a little bit like the path of the hurricane. It's pretty tight today, but where it's going to be a week from now you're less certain, so it kind of fans out. So that's what these 50 percent and 5 percent represent.

But notice where the actual data points have been. The actual data point have, as one might suspect, followed the 95 percent probability because 95 percent probable is more probable than 50 percent probable.

The next chart is a chart from a report and I'm going to mention in just a moment four major studies that have been done, and I have a number of quotes from those. Because what I'm saying today is based on not just my perception of what's going on, but the reality as indicated in these four different studies.

This is EIA projections. And if we found as much more oil as all the known reserves of oil today, that is going from roughly the 2 trillion to 3 trillion barrels of oil. That will push the peak out only from here to 2016.

And this shows another interesting thing. If we get really good at enhanced oil recovery, and we drill a lot of wells and we suck it out faster, we might move the peak over to 2037. Then you fall off a cliff; because you can't pump what's not there.

Now, enhanced oil recovery will get a little more, but it may get it a lot faster. There will be some additional oil pumped from enhanced oil recovery, but it will not be a huge amount.

Now, I want to go through a number of quotes from five different sources actually. One of those is a very famous speech given by Hyman Rickover, the father of our nuclear submarine. He gave this speech 50 years ago, the 14th day of this May, in St. Paul, Minnesota, to a group of physicians. He was incredibly prophetic in that speech. There's a link on our Web site to that that you can simple do a Google search for Rickover and energy, and this speech will pop up. I will tell you, it is the most interesting speech that I have ever read. You'll be fascinated by it.

Just a quote from this speech: ''Whether this golden age,'' and boy is this a golden age, and he notes in this speech, by the way, that the amount of energy that we have available to us represents a huge amount of people working for us. The energy in a single barrel of oil represents the work of 12 people working all year.

When I first saw that, I said, it can't be. But then I thought of how far that gallon of gasoline or diesel, by the way, still cheaper than water in the grocery store, how far that takes my Prius, I drive a Prius, takes my Prius nearly 50 miles. How long would it take me to pull my Prius 5 miles? I could do it. If it was on the level, I might strain and do it very slowly. If it was uphill, I'd have to have you come along to do it. But how long would it take me to pull my Prius 50 miles? An incredible amount of energy. This is indeed a golden age, this age of oil.

He noted that every housewife 50 years ago had available to her the work equivalent of 34, I think he said, faithful household servants. I think it was 700 manpower efforts push your airplane through the sky, and 100,000 the train down the track and so forth.

''Whether this golden age will continue depends entirely upon our ability to keep energy supplies in balance with the needs of our growing population.

Possession of surplus energy is, of course, a requisite for any kind of civilization, for man possesses merely the energy of his own muscles. He must expend all his strength, mental and physical, to obtain the bare necessities of life. A reduction of per capita energy consumption has always in the past led to a decline in civilization and a reversion to a more primitive way of life.''

The next quote is another one from Hyman Rickover: ''High energy consumption has always been a requisite of political power. The tendency is for political power to be concentrated in an ever smaller number of countries. Ultimately, the nation which controls the largest energy resource will become dominant. That control today is represented by having the necessary dollars to purchase it. Tomorrow it may be indicated by who, in fact, owns the oil fields. If we give thought to the problem of energy resources, we act wisely and in time to conserve what we have and prepare well for necessary future changes. We will ensure this dominant position for our own country.''

I would submit that we have done none of this. We have not acted wisely. We have not anticipated today. And it was absolutely inevitable that there would come a day when the supply of energy would be inadequate to meet the demands for energy, which is why it's roughly now 93, $95 a barrel.

There have been four studies paid for by our government. And much to my chagrin, they have pretty much ignored what all four of these studies have said. One of those was a study done for the Army by the Corps of Engineers.

Now, these were published just September of 2005, just a couple of years ago. There's another quote from him in just a minute. It's really interesting. Jean La Harerre made an assessment of the USGS report, that's the report we were looking at just previously that said we were going to find as much more oil as all the oil that we now knew existed which is recoverable in the world. And this was what Jean La Harrere, he's a French expert in this area, said: The USGS estimate implies a fivefold increase in discovery rate and reserve addition, for which no evidence is presented. Such an improvement in performance is, in fact, utterly implausible, given the great technological achievements of the industry over the past 20 years, I mentioned those, computer modeling and 3–D seismic, the worldwide search and the deliberate effort to find the largest remaining prospects.

The next chart is another quote from the Corps of Engineers: Oil is the most important form of energy in the world today.

By the way, all four of these reports said the same thing in slightly different words, that peaking of oil is either present or imminent. By peaking, we mean we've reached the maximum of production to produce it. Try as hard as we will, it will not increase after that, but just go down, down, down. It's being doing that in our country since 1970; that's in spite of the fact that we have drilled more oil wells in our country than all the rest of the world put together.

Putting a dozen straws in the soda will not result in more soda, will it? It's a limited amount. There is a limited amount.

Historically, no energy resource equals oil's intrinsic qualities of extractability, transportability, versatility, and cost. The qualities that enabled oil to take over from coal as the front line energy source for the industrialized world in the middle of the 20th century are as relevant today as they were then.

The next chart is from the first report that came out. This is the ''Hirsch Report'' that came out a few months earlier than the Corps of Engineers report. And they made some really startling statements there. World production to conventional oil will reach a maximum and decline thereafter. That maximum is called the peak. A number of competent forecasters project peaking within a decade.

□ 1715

I have a chart in a few moments which will show you those and when they predicted it.

''Prediction of the peaking is extremely difficult.'' It is indeed. And you will only know that it's peaked historically looking back to see that, in fact, it peaked. And the production of oil, as I mentioned, has been constant for the last 30 months. As a matter of fact, conventional oil production has fallen off, but the total production is constant because we've been producing some unconventional oil. Heavy sours, sour oil is oil that has a lot of sulfur in it and you need to get rid of that. And the Alberta, Canada tar sands that we will talk about in a few moments.

''Oil peaking presents a unique challenge,'' they say. ''The world has never faced a problem like this. There is no precedent in history to prepare us for what will happen. Without massive mitigation more than a decade before the fact, if oil has now peaked,'' which it looks like it has, they said, we should have started a decade ago, and if we didn't, there are going to be meaningful consequences is what they are saying.

The next chart is a really interesting statement by our Secretary of State, Condoleezza Rice: ''We do have to do something about the energy problem.'' Thank you. We should have been doing something about it for the last 27 years. I say 27 years because by 1980, we knew absolutely that M. King Hubbert was right that the United States had peaked in 1970. It takes about that long to be really certain that peaking has occurred, but I think we knew it, absolutely knew it.

''We do have to do something about the energy problem. I can tell you that nothing has really taken me aback more as Secretary of State than the way that the politics of energy is—I will use the word 'warping'—diplomacy around the world. We have simply got to do something about the warping now of diplomatic effort by the all-out rush for energy supply.''

It was bad then. In April of last year, oil was nowhere near $95 a barrel then.

The next quote is another quote from the Hirsch Report. This is a big report done by SAIC, Science Applications International Corporation, a very prestigious international engineering scientific organization. They say that the economic, social, and political costs will be unprecedented. ''There is nothing in history to prepare us for the economic, social, and political cost of the peaking of oil.'' And that is not me saying that. This is a report from a major study done by a very reputable scientific engineering organization paid for by our government, by our Department of Energy. Have you heard the Department of Energy talking about this? You might ask them why not?

The next chart, this was 50 years ago: ''I suggest that this is a good time to think soberly about our responsibilities to our descendants, those who will ring out the fossil fuel age. We might give a break to these youngsters by cutting fuel and metal consumption so as to provide a safer margin for the necessary adjustments which eventually must be made in a world without fossil fuels.''

I think I noted earlier that when you talk to the Chinese about energy, they talk about post-oil. The age of oil is now about 150 years old. That's out of 8,000 years of recorded history. In another 150 years, we will be through the age of oil. There will, for all practical purposes, be no more gas, oil, or coal. What will our world look like? By the way, this is exhilarating for me. There is no exhilaration like the exhilaration of meeting and overcoming a big challenge, and this is a huge challenge. So this will be very invigorating.

The next chart is another one from the Corps of Engineers: ''In general, all nonrenewable resources follow a natural supply curve. Production increases rapidly, slows, reaches a peak, and then declines.'' They are just validating what M. King Hubbert said more than 50 years ago.

''The major question for petroleum is not whether production will peak but when.'' Of course it will peak. It is inevitable.

You know, our descendents will look back on us and ask themselves how could they have done that. What we really should have done when we found this incredible wealth under the ground was to stop to ask ourselves what can we do with this to provide the most good for the most people for the longest time. That obviously is not what we did, with no more responsibility than the kid who found the cookie jar or the hog who found the feed room

door open. We have just been pigging out. And, incredibly, with all the evidence that we are probably at or nearly at peak oil, we want to continue doing that.

They keep asking me will I vote to drill in ANWR. No, I will not. I have 10 kids, 16 grandkids, 2 great-grandkids. We, without my votes, are going to leave them the largest intergenerational debt transfer in the history of the world. Wouldn't it be nice if I left them a little energy?

By the way, I will vote to drill there when they convince me they are going to use all the energy they get from ANWR and offshore to invest in renewables, because we have a huge challenge in developing enough renewables.

The next chart, this is an interesting one. In September 2005, ''The current price of oil is in the $45 to $57 per barrel range and is expected to stay in that range for several years.'' It is now twice that, more than twice of $45. Now, this is a very thoughtful group of people that did this study, but they missed it, didn't they?

''The supply of oil is increasingly inadequate to meet the demand. Oil prices may go significantly higher.'' Indeed they have. ''And some have predicted prices ranging up to $180 a barrel in a few years. Who knows?'' We assume we will be at $100 a barrel. How long will it take to get to this $180 a barrel?

The next chart is an interesting chart. And what this shows is a number of authorities, and we can get you this list, all these A to U, nearly an alphabet of them, and when they have predicted peaking will occur. Now, some of them are really uncertain. It could be now or any time in the next hundred years. But most of them believe that it will occur very soon or there is a probability it will occur very soon. So there is wide, wide concurrence in the scientific world out there that the peaking of oil is either present or imminent. And these four major government studies, I don't have quotes here from a study done by the National Petroleum Council. They have reached essentially the same conclusions. And another one was done by the Government Accountability Office. And all four of these said essentially the same thing: Peaking is either present or imminent with potentially devastating consequences.

The next chart is just a little schematic that shows the peaking curve. By the way, you can obviously compress the abscissa and expand the ordinate and make that a very sharp curve, or you can spread it out, as we've done here, and make it a gradual curve. The significant thing is that yellow area there represents 35 years. You see, at only a 2 percent increase in use, it doubles in 35 years. It is four times bigger in 70 years. It is eight times bigger in 105 years, and it is 16 times bigger in 140 years. Well, no wonder a namesake of mine, and I wish I was his relative, who really is a bright guy, Albert Bartlett, says that the biggest failure of industrialized society is to understand the exponential function. Albert Einstein in responding to what will we find after nuclear energy, he said that the most powerful force in the universe is the power of compound interest. And that's what we see.

The next chart, and this is a really interesting one, shows on the ordinate here how happy you are with your state in life, your sense of well-being. What it shows on the abscissa here is how much energy we use. Guess where we are. We use more energy than anybody else in the world, and we're pretty happy about things. But notice that, I think, 20-some countries who use less energy than we, some of them less than half as much, feel better about their quality of life than we feel about ours. I put this slide up here to show you that we can use a whole lot less energy and still live well, still be very satisfied with our life.

The next one, and we need to come and start one of these 60 minutes we have together and just focus on this chart, because this is the future and this is where we are going. We will, of necessity, ultimately transition from fossil fuels to renewables. When the fossil fuels are gone, and one day they will be, the only argument is not whether but when. And when they are gone, we will have transitioned either smoothly because we chose the route or a really bumpy ride because we didn't plan ahead.

There are some finite resources that we can use. The finite resources include the tar sands, and previously you heard some discussion of the tar sands. They are now producing a million barrels a day. That's a lot, isn't it? But the world consumes 84 million barrels a day. We consume 21 million barrels a day. So they are producing a little bit more than 1 percent of the oil that the world uses, and they know that what they are doing is not sustainable. They will run out of water. They will run out of energy because they are now using stranded natural gas. Stranded gas is gas that is somewhere where there aren't very many people, and since it is hard to ship, they say it's stranded, and it's cheaper. So they are using stranded natural gas there in this process. What they do is have a big shovel that lifts 100 tons at a time. They dump it in a truck that hauls 400 tons, and they haul it to a big cooker where they cook it so that it is really stiff. All the volatiles will come out of that because it's near the surface, and they cook that until the oil flows, and then they add some solvents to it so it will flow at normal temperatures. And if you think of the thing they are now mining as a vein, that vein shortly ducks under an overlay so that they are going to have to develop it in situ, and they have no idea how they are going to develop it in situ. So the Canadians will tell you that what they are doing is not sustainable. They might for a bit ramp up and produce a little more, but ultimately it is certainly not sustainable.

By the way, there is a huge, huge amount of potential energy in the tar sands. One and a half times as much energy there as all the known reserves of oil in the world. It is incredibly large. But let me note to you that there is an incredible amount of energy in the tides. So just because it is there doesn't mean it is in your gas tank, and just like the tides, which are very difficult to harness, this has proved difficult to harness.

What's even more difficult to harness are the oil shales. And we have more in our West, roughly 1½ trillion barrels of oil. The world has only about 1 trillion recoverable barrels of oil in all the world. So we have one and a half times as much as all recoverable oil in the world. Then why not rest easy? Because it is enormously difficult to exploit. The Shell Oil Company was the last company that conducted a major experiment there, and they aren't certain that it is economically supportable to develop this. We put a lot of money in that in the 1970s after the Arab oil embargo, and we still are a little closer to exploitation of these shales than we were then.

Then there's coal. You've heard that we have 500 years of coal. That is just flat out not true. A more correct statement until we knew better was that we had 250 years of coal. But that's at current use rates. The National Academy of Sciences has reevaluated the data. This is not me saying it. This is the National Academy of Sciences, the most prestigious scientific organization perhaps in the world. And they have said that they have not looked at this data since 1970. That's a long time ago. In relooking at the data, they say there is probably 100 years there. But let's look at what happens if there are 250 years there. At a 2 percent growth rate, remember we talked about the 35 years it doubles, at 70 it is four times, 16 times bigger in 140 years? That now shrinks to 85 years. And if you convert some of this, if you use some of the energy to convert it to a gas or a liquid, it now shrinks to 50 years. And it is inevitable that you will share it with the world. Let me explain. If we are using liquids produced from coal, we are not buying oil; so that means that oil is available to India and China, isn't it? Energy liquid fuels are fungible. So it is inevitable we will have to share it with the world because if we are not buying the oil, someone else will. That 50 years then shrinks to 12½ years. And, by the way, if the real amount, as the National Academy says, is 100 years, then that shrinks to about 5 years. So we have 5 years of coal at 2 percent growth to be converted to a gas or a liquid and share it, as we must, with the world.

So for those who tell you rest easy, we have got this huge amount of coal, not to worry, 250 years, that's at current use rates, and they just do not understand what happens with exponential growth.

Now, back to the chart we were looking at.

□ 1730

This really should be a separate category because nuclear is, if it's the right kind of nuclear, totally sustainable.

There are three ways we can get nuclear energy. One is from the light water reactor. All of the electrical energy in the world, I think, is produced from light water reactors. France produces about 75 percent of their energy; we, 19 or 20 percent of our electricity.

But fissure uranium is limited in the world. There is not enough to meet all future demands. But then we can go to breeder reactors. The breeder reactors do as the name implies, they produce more fuel than they use. So that is kind of a forever thing. With that, you buy some huge problems in transporting and enrichment. And you are hauling around weapons grade material, and then you're having to store away the end product for maybe a quarter of a million years. So although we have the potential for a lot of energy from breeder reactors, that comes with some big problems that we need to address.

Then there is nuclear fusion. We have a great fusion reactor; it's called the sun. And it, by the way, is the source of almost all of our present energy and past energy. All of the fossil fuels are there because the sun was shining a long time ago to make the plants and microbes and so forth grow. Well, we put about $250 million a year into nuclear fusion. I suspect we are a little closer now than we were 15 years ago when I came to the Congress. By the way, I happily vote for that $250 million because it's the only thing that gets us home free, if we can find fusion.

If you think you're going to solve your personal economic problems by winning the lottery, you're probably content that we're going to solve our energy problems by developing fusion. I think the odds are roughly the same. But because it is so incredibly important, because it gets us home free, I happily vote for the roughly $250 million we spend there.

Then the renewables, solar and wind. I want to spend some time talking about these.

I'm pretty sanguine about our future for electricity. We can produce a lot of electricity by nuclear; France produces about 75 percent of theirs. There are huge potentials from solar and wind. More solar energy falls on the Earth each day than we use all year long. It may be in less time than that that it falls on the Earth; it's an incredible amount of energy. The big problem, of course, is harnessing that energy. It is, by the way, the sun that makes the wind blow. The wind blows because there is differential heating, and so it makes the wind to blow. So all of this is kind of solar energy; wind, kind of secondhand solar energy.

The problem with solar and wind is the sun doesn't shine all the time, and the wind doesn't blow all the time. But we have a pretty constant demand for energy, so you've got to store it. And this is a huge challenge. And if you're talking about running your car on batteries, then you have to think, but, do we have the raw materials necessary for making enough batteries to run all the millions of cars in the world with batteries? I think we could produce enough electricity to do that. I'm not at all sure that there is enough raw materials out there to make the batteries necessary for these cars.

Then there is geothermal. I'm not talking about the heat pump that you tie to groundwater or ground temperature, which really, by the way, is what you ought to do. If you think about your heat pump, in the summer it's an air conditioner. It has to warm the outside air. It may be 100 outside, no matter. The heat pump has to increase the air, that temperature, in order to decrease the temperature in your house.

And in the winter time, what is it trying to do? When it's 10 degrees outside, the heat pump has to make it even colder outside so it can make you warmer inside. The 56 degrees, which is what it is here, looks awfully cool in the summer time, doesn't it? And awfully warm in the winter time. As a little boy, I was confused about how the spring house we had on our farm could be so warm in the winter time and so cool in the summer time. Of course when I went to school, I kind of figured that thing out.

Ocean energy. I mentioned an incredible amount of energy in the ocean, but harnessing that energy is a difficult thing. The waves and the tides represent, by the way, the tides are produced by the movement of the Moon, of course. That's an exception to energy produced in the past or now from the sun.

But the challenge there is that because this is so spread out, it's so difficult to harness. A good axiom is that energy, to be effective, must be concentrated. And, boy, is it concentrated in gas and oil and coal, just an incredible amount of energy there. Both the quantity and the quality of that energy is superior to anything that we can produce to take its place.

Now, agricultural resources, and this is an area, let me flip to the next chart. Let's look at corn.

Earlier this evening you heard quite a discussion of ethanol and its potential. And I don't want to quote ROSCOE BARTLETT here; I want to quote the National Academy of Sciences here. They did a study, and they concluded, and this was an article that appeared, I think, was it The Washington Post, and they said that if we took all of our corn for ethanol and discounted it for the fossil fuel input, which they said was 80 percent, by the way, some people think that we use more energy producing corn than we get out of the ethanol from corn; but even if it's 80 percent, and that's a realistic number, I think, if we used all of our corn for ethanol, no tortillas, no fattening of pigs and chickens from corn, used it all for ethanol, it would displace only 2.4 percent of our gasoline.

Now, if you just start with the corn and ignore the energy it took to produce the corn, then you get a whole different figure. So you need to be careful when people are talking to you about energy from ethanol. You know, the sun gratuitously produced that energy that put the oil in the ground; it doesn't gratuitously grow our corn.

We put huge amounts of fertilizer, this lower pie chart shows that nearly half the energy that goes into producing corn, and not one person in 50 outside of the farmer knows this, almost half the energy that goes into producing corn comes from the natural gas from which we make the nitrogen fertilizer. Nature does this, by the way. You may notice that your lawn is never as green watering it as it is after a thunderstorm; we used to call it ''poor man's fertilizer.'' The nitrogen in the air is converted by the lightning into a forum which is carried down into the ground. That's fertilizer by the rain.

This is their data. The National Academy of Science said if we use all of our corn for ethanol and discount it for fossil fuel, a little silly, something to burn the fossil fuels in another forum, which is corrosive, you can't put it in our pipes. You have to add it pretty much at the last minute because we don't have the infrastructure to move ethanol around. They wisely noted that if you tuned up your car and put air in the tires, you would save as much oil as using all of our corn to produce ethanol.

They then noted if we use all of our soybeans for diesel fuel, soy diesel, all of it, no soybeans exported to China, which was, a few years ago, our largest dollar export, by the way, because tofu, bean curd, as they call it, is the energy staple of the Orient, none of that, if we used all of our soybeans for soy diesel, it would displace 2.9 percent of our diesel.

Now, there are, I think, 70 million acres of corn, 60 million acres of soybeans planted on our best soil, pampered with fertilizers and pesticides and insecticides. And we would get, if we used it all for energy, 2.4 percent of gasoline and 2.9 percent of our diesel would be displaced.

Now, how much energy should we expect to get from weeds and switch grass and trees? I don't know. But I suspect that it's going to be difficult, sustainably, to get huge amounts of energy there because today's weeds and so forth are growing in large measure because last year's weeds died and are rotting and fertilizing them.

When you take the growth away from the rain forest, which looks like an incredibly wealthy environment in terms of nutrients, you leave laterite soils that will hardly grow anything because most all of the nutrients were in the plants that were growing.

The Department of Agriculture came to me and they were hyping cellulosic

ethanol. And I asked them, Are our topsoils increasing in quantity and quality? And the answer is no. Then I said, Pray tell, how are we going to get these enormous amounts of energy? Because topsoil is topsoil. Because of humus, humus is the material from plants that grew yesterday and are rotting today. It holds nutrients; it holds water. For every bushel of corn we grow in Iowa, three bushels of topsoil go down the Mississippi River. In spite of our best practices, it used to be many bushels, by the way. In spite of our best practices, three bushels still go down the river.

We will certainly get something. What if we got four times as much, which is unlikely, from our wasteland and woods and so forth, as we can get from all of our corn and all of our soybeans? That would be roughly 20 percent. Exploiting. Now, this would not be sustainable. You might, for a few years, mine the topsoil and take off this biomass, but by and by you will pay for that because you will no longer have the same quality or quantity of topsoil.

The next chart has a little pie chart on it, which is really interesting. We're a little bit like the couple whose grandparents have died and left them a big inheritance and they have now established a lifestyle where 85 percent of the money they spend comes from their grandparents' inheritance and only 15 percent from their paycheck. And, by golly, the grandparents' inheritance is going to run out before they retire. So obviously they've got to restructure their lives; they have to make more or spend less, or some combination of that. That's where we are as far as energy is concerned. Eighty-five percent of our energy comes from natural gas, petroleum and coal. A bit more than half of the remainder comes from nuclear power.

And here are the true renewables over here. This is an old chart, several years old.

I appreciate the opportunity to address the House. And we will return shortly to talk more about these very important subjects.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, OCTOBER 31, 2007, AT PAGE H12301

SEC. 307. OFFSETS.

(a) 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 ''115 percent'' and inserting ''127.50 percent''.

(b) CUSTOMS USER FEES.—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking ''October 21, 2014'' and inserting ''February 17, 2015''.

TITLE IV—WORKFORCE INVESTMENT IMPROVEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Workforce Investment Improvement Act of 2007''.

SEC. 402. REFERENCES.

Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.).

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, OCTOBER 31, 2007, AT PAGE H12382

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on October 24, 2007 she presented to the President of the United States, for his approval, the following bills.

H.R. 327, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

H.R. 995, to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

H.R. 1284, to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

H.R. 3233, to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the ''Laurence C. and Grace M. Jones Post Office Building''.

Lorraine C. Miller, Clerk of the House also reports that on October 30, 2007 she presented to the President of the United States, for his approval, the following bills.

H.R. 3678, to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. HOYER) for today and through December 14 on account of medical reasons.

Mr. MCNULTY (at the request of Mr. HOYER) for today after 2:30 p.m.

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.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. HUNTER) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, November 8.

Mr. POE, for 5 minutes, November 8.

Mr. HULSHOF, for 5 minutes, November 5.

Mr. GINGREY, for 5 minutes, today.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1808. An act to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

H.R. 2779. An act to recognize the Navy UTD–SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALS and their predecessors.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Monday, November 5, 2007, at 12:30 p.m., for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the second and third quarters of 2007, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MICHELLE BARLOW, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 5 AND OCT. 9, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michelle Barlow	10/5	10/7	Qatar		458.00		(3)				458.00
	10/7	10/8	Jordan		279.00		(3)				279.00
	10/8	10/9	Germany		223.00		(3)				223.00
Committee total											960.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MICHELLE BARLOW, Oct. 23, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRAQ, KUWAIT, PAKISTAN, AFGHANISTAN, AND SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 11 AND SEPT. 17, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John A. Boehner	9/12	9/13	Iraq				(3)				
Hon. Peter Hoekstra	9/12	9/13	Iraq				(3)				
Hon. Tom Latham	9/12	9/13	Iraq				(3)				
Hon. Devin Nunes	9/12	9/13	Iraq				(3)				
Hon. Patrick J. Tiberi	9/12	9/13	Iraq				(3)				
Hon. Charles A. Wilson	9/12	9/13	Iraq				(3)				
Jennifer Stewart	9/12	9/13	Iraq				(3)				
Brian Kennedy	9/12	9/13	Iraq				(3)				
Hon. John A. Boehner	9/13	9/14	Kuwait		458.00		(3)				458.00
Hon. Peter Hoekstra	9/13	9/14	Kuwait		458.00		(3)				458.00
Hon. Tom Latham	9/13	9/14	Kuwait		458.00		(3)				458.00
Hon. Devin Nunes	9/13	9/14	Kuwait		458.00		(3)				458.00
Hon. Patrick J. Tiberi	9/13	9/14	Kuwait		458.00		(3)				458.00
Hon. Charles A. Wilson	9/13	9/14	Kuwait		458.00		(3)				458.00
Jennifer Stewart	9/13	9/14	Kuwait		458.00		(3)				458.00
Brian Kennedy	9/13	9/14	Kuwait		458.00		(3)				458.00
Hon. John A. Boehner	9/14	9/15	Pakistan		339.00		(3)				339.00
Hon. Peter Hoekstra	9/14	9/15	Pakistan		339.00		(3)				339.00
Hon. Tom Latham	9/14	9/15	Pakistan		339.00		(3)				339.00
Hon. Devin Nunes	9/14	9/15	Pakistan		339.00		(3)				339.00
Hon. Patrick J. Tiberi	9/14	9/15	Pakistan		339.00		(3)				339.00
Hon. Charles A. Wilson	9/14	9/15	Pakistan		339.00		(3)				339.00
Jennifer Stewart	9/14	9/15	Pakistan		339.00		(3)				339.00
Brian Kennedy	9/14	9/15	Pakistan		339.00		(3)				339.00
Hon. John A. Boehner	9/15	9/16	Afghanistan		75.00		(3)				75.00
Hon. Peter Hoekstra	9/15	9/16	Afghanistan		75.00		(3)				75.00
Hon. Tom Latham	9/15	9/16	Afghanistan		75.00		(3)				75.00
Hon. Devin Nunes	9/15	9/16	Afghanistan		75.00		(3)				75.00
Hon. Patrick J. Tiberi	9/15	9/16	Afghanistan		75.00		(3)				75.00
Hon. Charles A. Wilson	9/15	9/16	Afghanistan		75.00		(3)				75.00
Jennifer Stewart	9/15	9/16	Afghanistan		75.00		(3)				75.00
Brian Kennedy	9/15	9/16	Afghanistan		75.00		(3)				75.00
Hon. John A. Boehner	9/16	9/17	Spain		279.00		(3)				279.00
Hon. Peter Hoekstra	9/16	9/17	Spain		279.00		(3)				279.00
Hon. Tom Latham	9/16	9/17	Spain		279.00		(3)				279.00
Hon. Devin Nunes	9/16	9/17	Spain		279.00		(3)				279.00
Hon. Patrick J. Tiberi	9/16	9/17	Spain		279.00		(3)				279.00
Hon. Charles A. Wilson	9/16	9/17	Spain		279.00		(3)				279.00
Jennifer Stewart	9/16	9/17	Spain		279.00		(3)				279.00
Brian Kennedy	9/16	9/17	Spain		279.00		(3)				279.00
Committee total											9,208.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JOHN A. BOEHNER, Chairman, Oct. 17, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO DENMARK, SWEDEN AND IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 12 AND SEPT. 17, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Larson	9/12	9/13	Denmark		497.00		(3)				497.00
Hon. Ray LaHood	9/12	9/13	Denmark		497.00		(3)				497.00
Hon. Tim Holden	9/12	9/13	Denmark		497.00		(3)				497.00
Hon. Bill Pascrell	9/12	9/13	Denmark		497.00		(3)				497.00
Hon. Wm. Lacy Clay	9/12	9/13	Denmark		497.00		(3)				497.00
Hon. Tim Ryan	9/12	9/13	Denmark		497.00		(3)				497.00
Hon. Linda Sanchez	9/12	9/13	Denmark		497.00		(3)				497.00
Hon. Wilson Livingood	9/12	9/13	Denmark		497.00		(3)				497.00
Dr. John F. Eisold	9/12	9/13	Denmark		497.00		(3)				497.00
Dr. Kay King	9/12	9/13	Denmark		497.00		(3)				497.00
George Shevlin	9/12	9/13	Denmark		497.00		(3)				497.00
Amy O'Donnell	9/12	9/13	Denmark		497.00		(3)				497.00
Linda Christiana	9/12	9/13	Denmark		497.00		(3)				497.00
Brian Mahar	9/12	9/13	Denmark		497.00		(3)				497.00
Hon. John Larson	9/13	9/15	Sweden		1,312.00		(3)				1,312.00
Hon. Ray LaHood	9/13	9/15	Sweden		1,312.00		(3)				1,312.00
Hon. Tim Holden	9/13	9/15	Sweden		1,312.00		(3)				1,312.00
Hon. Bill Pascrell	9/13	9/15	Sweden		1,312.00		(3)				1,312.00
Hon. Wm. Lacy Clay	9/13	9/15	Sweden		1,250.00		(3)				1,250.00
Hon. Tim Ryan	9/13	9/15	Sweden		1,250.00		(3)				1,250.00
Hon. Linda Sanchez	9/13	9/15	Sweden		1,250.00		(3) 3,052.00				4,302.00
Hon. Wilson Livingood	9/13	9/15	Sweden		1,205.00		(3)				1,205.00
Dr. John F. Eisold	9/13	9/15	Sweden		1,205.00		(3)				1,205.00
Dr. Kay King	9/13	9/15	Sweden		1,205.00		(3)				1,205.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO DENMARK, SWEDEN AND IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 12 AND SEPT. 17, 2007—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
George Shevlin	9/13	9/15	Sweden		1,205.00		(3)				1,205.00
Amy O'Donnell	9/13	9/15	Sweden		1,205.00		(3)				1,205.00
Linda Christiana	9/13	9/15	Sweden		1,205.00		(3)				1,295.00
Brian Mahar	9/13	9/15	Sweden		1,205.00		(3)				1,205.00
Hon. John Larson	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Hon. Ray LaHood	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Hon. Tim Holden	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Hon. Bill Pascrell	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Hon. Wm. Lacy Clay	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Hon. Tim Ryan	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Hon. Wilson Livingood	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Dr. John F. Eisold	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
George Shevlin	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Amy O'Donnell	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Linda Christiana	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Brian Mahar	9/15	9/17	Ireland		1,838.00		(3)				1,838.00
Committee total											51,337.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JOHN B. LARSON, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE MILLER, Chairman, Oct. 22, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Donna Christensen	8/07	8/10	Palau		396.00		9,324.78				9,720.78
Hon. Madeleine Bordallo	8/07	8/10	Palau		396.00		9,324.78				9,720.78
Anthony Babauto	8/07	8/10	Palau		396.00		7,171.78				7,567.78
Brian Modeste	8/07	8/10	Palau		396.00		9,324.78				9,720.78
Richard Stanton	8/07	8/10	Palau		396.00		9,318.42				9,714.42
Allison Cowan	8/07	8/10	Palau		396.00		9,324.78				9,720.78
Steve Feldgus	8/07	8/10	Palau		396.00		9,324.78				9,720.78
Hon. Doug Lamborn	8/13	8/13	Israel to Kuwait				607.37				607.37
Tony Babauta	9/29	10/2	Palau		450.00		7,234.56				7,684.56
Richard Stanton	9/29	10/2	Palau		450.00		6,630.20				7,080.20
Committee total					3,672.00		77,586.23				81,258.23

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

NICK J. RAHALL II, Chairman, Oct. 17, 2007.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3962. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Export Certification for Wood Packaging Material [Docket No. APHIS-2006-0122] (RIN: 0579-AC43) received October 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3963. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Fresh Market Sweet Corn Crop Insurance Provisions (RIN: 0563-AC02) received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3964. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3965. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7995] received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3966. A letter from the Assistant to the Board, Department of the Treasury, transmitting the Department's final rule — Identity Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transaction Act of 2003 [Docket ID OCC-2007-0017] (RIN: 1557-AC94) received October 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3967. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-02, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Egypt for defense articles and services; to the Committee on Foreign Affairs.

3968. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-07, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services; to the Committee on Foreign Affairs.

3969. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Air Force's proposed extension of a lease of defense articles to the Government of the Netherlands (Transmittal No. 06-07); to the Committee on Foreign Affairs.

3970. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-11, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Egypt for defense articles and services; to the Committee on Foreign Affairs.

3971. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting the Department's intention to impose new foreign policy-based export controls on certain persons in Burma listed in or designated pursuant to Executive Order 13310 of July 28, 2003 and the Executive Order titled Blocking Property and Prohibiting Certain Transactions Related to Burma of October 18, 2007; to the Committee on Foreign Affairs.

3972. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of firearms to the Government of Georgia (Transmittal No. DDTC 075-07); to the Committee on Foreign Affairs.

3973. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Government of Australia (Transmittal No. DDTC 031-07); to the Committee on Foreign Affairs.

3974. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Government of Iraq (Transmittal No. DDTC 104-07); to the Committee on Foreign Affairs.

3975. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the re-export of defense articles and services to the Government of Afghanistan (Transmittal No. DDTC 107-07); to the Committee on Foreign Affairs.

3976. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Hague Convention on Intercountry Adoption; Intercountry Adoption Act of 2000; Consular Officer Procedures in Convention Cases (RIN: 1400-AC40) received October 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3977. A letter from the Deputy Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report concerning efforts made by the United Nation and the UN Specialized Agencies to employ an adequate number of Americans during 2006, pursuant to Public Law 102-38, section 181; to the Committee on Foreign Affairs.

3978. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 ''Joint Communique'' and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement,'' together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on Foreign Affairs.

3979. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Global Terrorism Sanctions Regulations; Terrorism Sanctions Regulations; Foreign Terrorist Organizations Sanctions Regulations — received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3980. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on Foreign Affairs.

3981. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Transfers of Assets or Stock Following a Reorganization [TD 9361] (RIN: 1545-BD56) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3982. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.602: Tax forms and instructions. (Also Part I, 1, 23, 24, 25A, 25B, 32, 42, 59, 62, 63, 68, 132, 135, 137, 146, 148, 151, 170, 179, 213, 219, 220, 221, 408A, 512, 513, 685, 877, 911, 2032A, 2503, 2523, 4161, 6033, 6039F, 6323, 6334, 6601, 7430, 7702B; 1.148-3, 1.148-5) (Rev. Proc. 2007-66) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3983. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Memorandum for Commissioner. Small Business/Self-Employed Division LMSB Industry and Field Specialists Directors Director, International Compliance, Strategy and Policy—received October 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3984. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Security under 6166 Elections, Notice 2007-90 — received October 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3985. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2008 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2007-87] received October 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 2857. A bill to reauthorize and reform the national service laws; with an amendment (Rept. 110–420). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARROW:

H.R. 4039. A bill to amend the Internal Revenue Code of 1986 to increase, expand the availability of, and repeal the sunset with respect to, the dependent care tax credit; to the Committee on Ways and Means.

By Mr. RUSH (for himself, Mr. STEARNS, Mr. DINGELL, Mr. BARTON of Texas, Mr. TOWNS, Mr. WHITFIELD, Mr. GORDON, Mr. BURGESS, Mr. STUPAK, Mr. WYNN, Mr. GENE GREEN of Texas, Ms. DEGETTE, Mrs. CAPPS, Ms. HARMAN, Mr. ALLEN, Ms. SOLIS, Mr. GONZALEZ, Mr. INSLEE, Ms. BALDWIN, Mr. ROSS, Mr. MATHESON, Mr. BARROW, Mr. HILL, Mr. EMANUEL, Mr. CLYBURN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOYD of Florida, Mrs. BOYDA of Kansas, Mr. CARDOZA, Mr. CLAY, Mr. CLEAVER, Mr. DAVIS of Illinois, Mr. ELLISON, Mrs. GILLIBRAND, Mr. AL GREEN of Texas, Mr. HALL of New York, Mr. HODES, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KILDEE, Mr. LARSON of Connecticut, Ms. JACKSON-LEE of Texas, Mr. LIPINSKI, Mrs. MCCARTHY of New York, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Virginia, Mr. SESTAK, Mr. THOMPSON of Mississippi, and Ms. WOOLSEY):

H.R. 4040. A bill to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission; to the Committee on Energy and Commerce.

By Mr. BLUNT (for himself, Mr. COOPER, Mr. ADERHOLT, Mr. AKIN, Mrs. BLACKBURN, Mr. DAVID DAVIS of Tennessee, Mr. LINCOLN DAVIS of Tennessee, Mr. DUNCAN, Mr. EVERETT, Mr. GORDON, Mr. PAUL, Mr. POE, Mr. SMITH of Texas, Mr. TANNER, and Mr. WAMP):

H.R. 4041. A bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes; to the Committee on the Judiciary.

By Mr. MCNERNEY (for himself, Mr. SPACE, and Mr. PAUL):

H.R. 4042. A bill to amend the Internal Revenue Code of 1986 to reduce the estate tax for periods before its termination in 2010 by increasing the unified credit, lowering the maximum estate tax rate, restoring the exclusion for family-owned business interests, excluding the value of the decedent's principal residence, and for other purposes; to the Committee on Ways and Means.

By Mr. WATT (for himself, Mr. GARY G. MILLER of California, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. CLEAVER, Mr. CAPUANO, Mrs. MCCARTHY of New York, Ms. CARSON, Mr. MEEKS of New York, Mr. CLAY, Mr. AL GREEN of Texas, Ms. MOORE of Wisconsin, and Mr. ELLISON):

H.R. 4043. A bill to amend the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 to preserve and expand minority depository institutions, and for other purposes; to the Committee on Financial Services.

By Ms. SCHAKOWSKY (for herself, Mr. ROHRABACHER, Mr. ABERCROMBIE, Mr. BLUMENAUER, Mr. BUTTERFIELD, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Mr. COSTELLO, Mr. DUNCAN, Mr. EHLERS, Mr. FARR, Mr. FATTAH, Ms. FOXX, Mr. GILCHREST, Mr. GORDON, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HONDA, Ms. HOOLEY, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. JONES of North Carolina, Mr. KUCINICH, Mr. MCGOVERN, Mr. MICHAUD, Mr. RUSH, Ms. SHEA-PORTER, and Mr. TIERNEY):

H.R. 4044. A bill to amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days; to the Committee on the Judiciary.

By Mr. ALTMIRE (for himself and Mr. DAVIS of Illinois):

H.R. 4045. A bill to award competitive grants to minority serving institutions to establish centers of excellence for teacher education; to the Committee on Education and Labor.

By Mr. ALTMIRE (for himself and Mrs. MCMORRIS RODGERS):

H.R. 4046. A bill to amend the Higher Education Act of 1965 to require the Department of Education to accept certifications of permanent and total disability by the Department of Veterans Affairs for the purpose of student loan discharge; to the Committee on Education and Labor.

By Ms. WOOLSEY (for herself, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. PAYNE, Mr. ANDREWS, Mrs. MCCARTHY of New York, Mr. KUCINICH, Mr. BISHOP of New York, Mr. HARE, Ms. SHEA-PORTER, Mr. GRIJALVA, Mr. MARKEY, Mr. TIERNEY, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 4047. A bill to streamline the administration of whistleblower protections for private sector employees; to the Committee on Education and Labor.

By Ms. ZOE LOFGREN of California (for herself, Mr. TAYLOR, and Mr. MELANCON):

H.R. 4048. A bill to establish the Gulf Coast Recovery Authority to administer a Gulf Coast Civic Works Project to provide job-training opportunities and increase employment to aid in the recovery of the Gulf Coast region; to the Committee on Education and Labor.

By Mrs. MALONEY of New York (for herself, Mr. BACHUS, Mr. FRANK of Massachusetts, and Mrs. BIGGERT):

H.R. 4049. A bill to amend section 5318 of title 31, United States Code, to eliminate regulatory burdens imposed on insured depository institutions and money services businesses and enhance the availability of transaction accounts at depository institutions for such business, and for other purposes; to the Committee on Financial Services.

By Ms. GIFFORDS (for herself and Mr. LATOURETTE):

H.R. 4050. A bill to require the Administrator of the Federal Emergency Management Agency to issue guidance providing a process for consideration of the flood protections afforded by certain structures for purposes of the national flood insurance program; to the Committee on Financial Services.

By Ms. WATERS (for herself and Mr. HINOJOSA):

H.R. 4051. A bill to authorize appropriations for assistance for the National Urban League, the Raza Development Fund, the Housing Partnership Network, and the National Community Renaissance Program, and for other purposes; to the Committee on Financial Services.

By Mr. ABERCROMBIE (for himself, Mrs. BOYDA of Kansas, Ms. BORDALLO, Mr. CLAY, Mr. FILNER, Mr. GORDON, Mr. HINCHEY, and Mr. JEFFERSON):

H.R. 4052. A bill to amend title 38, United States Code, to revise the eligibility criteria for presumption of service-connection of certain diseases and disabilities for veterans exposed to ionizing radiation during military service, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. BERKLEY (for herself, Ms. CORRINE BROWN of Florida, Mr. DELAHUNT, Mr. FILNER, Ms. WATSON, Mrs. NAPOLITANO, Mr. FALEOMAVAEGA, Mr. HALL of New York, Mr. HARE, Mr. BACA, Mr. MCNERNEY, and Mr. KAGEN):

H.R. 4053. A bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CROWLEY (for himself, Mr. RAMSTAD, Mr. RYAN of Ohio, Mr. KIRK, Mr. SCHIFF, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mrs. LOWEY, Mr. WAXMAN, Ms. SLAUGHTER, Ms. CLARKE, Mrs. MCCARTHY of New York, Mrs. BOYDA of Kansas, Mr. MEEKS of New York, Mrs. MALONEY of New York, Mrs. TAUSCHER, Mr. GARY G. MILLER of California, Mr. MOORE of Kansas, Mr. NADLER, Ms. CASTOR, Mr. ALLEN, Mr. CARNAHAN, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. FILNER, Mr. BERMAN, Mr. CLAY, Mr. PATRICK MURPHY of Pennsylvania, Mr. BLUMENAUER, Mrs. DAVIS of California, Mr. LANTOS, Mr. SIRES, Ms. NORTON, Ms. BERKLEY, Mr. MCNULTY, Mr. AL GREEN of Texas, Mr. VAN HOLLEN, Ms. DEGETTE, Mr. MORAN of Virginia, Mr. MITCHELL, Ms. DELAURO, Ms. SUTTON, Mr. GRIJALVA, Ms. HIRONO, Ms. HOOLEY, Ms. MATSUI, Mr. HONDA, Mr. HINCHEY, Mr. BOUCHER, Mr. FARR, Mr. CLEAVER, Ms. LORETTA SANCHEZ of California, Mr. COURTNEY, Mr. MCGOVERN, Mr. PASCRELL, Mr. ISRAEL, Ms. BALDWIN, Mr. ACKERMAN, Ms. LINDA T. SÁNCHEZ of California, Mrs. NAPOLITANO, Ms. MOORE of Wisconsin, Mr. DENT, Mr. OLVER, Ms. LEE, Ms. WASSERMAN SCHULTZ, Mrs. CAPPS, Mr. WYNN, Mr. INSLEE, Mr. PAYNE, Ms. GIFFORDS, Mr. SMITH of Washington, Mr. WU, Mr. BRALEY of Iowa, Mr. KENNEDY, Mr. TOWNS, Mr. LOEBSACK, Ms. SOLIS, Ms. SCHWARTZ, Ms. ROYBAL-ALLARD, Mr. SHAYS, Mr. COHEN, Mr. ELLISON, Mr. FRANK of Massachusetts, Mr. SERRANO, Mr. HALL of New York, Mr. BISHOP of New York, Mr. DEFAZIO, Mr. WALZ of Minnesota, Mr. JEFFERSON, Ms. ZOE LOFGREN of California, Mr. WEXLER, Mr. JACKSON of Illinois, Mr. KIND, Mr. YARMUTH, Mr. ROTHMAN, Mr. MILLER of North Carolina, Mr. HASTINGS of Florida, Mr. WELCH of Vermont, Mr. KAGEN, Mr. KLEIN of Florida, Mr. FATTAH, Mr. GENE GREEN of Texas, and Mr. STARK):

H.R. 4054. A bill to amend title XIX of the Social Security Act to restore and protect access to Medicaid discount drug prices for university-based and safety-net clinics; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself and Ms. SCHWARTZ):

H.R. 4055. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of screening tests for human papillomavirus (HPV); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLSWORTH (for himself, Mrs. MALONEY of New York, and Mr. HOLDEN):

H.R. 4056. A bill to establish an awards mechanism to honor Federal law enforcement officers injured in the line of duty; to the Committee on the Judiciary.

By Mr. GRAVES (for himself, Mr. CLAY, Mr. AKIN, Mr. PUTNAM, Mr. ETHERIDGE, Mr. RADANOVICH, and Mr. MCINTYRE):

H.R. 4057. A bill to amend the Internal Revenue Code of 1986 to extend and expand the deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. HOEKSTRA:

H.R. 4058. A bill to grant to a State with an unemployment rate that is equal to or greater than 125 percent of the national unemployment rate authority to transfer funds among programs made available to such State by title 23, United States Code, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. INSLEE (for himself and Mr. BLUMENAUER):

H.R. 4059. A bill to promote electric transmission construction in rural areas with significant renewable energy potential, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Transportation and Infrastructure, 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. KUCINICH (for himself, Mr. RUSH, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Mr. OLVER, Ms. NORTON, Mr. FARR, Mr. GUTIERREZ, Mr. KAGEN, Ms. KAPTUR, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. STARK, Mr. HINCHEY, Mrs. JONES of Ohio, Ms. LEE, Mr. MICHAUD, Mr. PAYNE, Mr. RANGEL, Mr. SERRANO, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, Ms. MOORE of Wisconsin, Mr. RYAN of Ohio, Mr. HOLT, Ms. HIRONO, Mr. NADLER, Mr. ABERCROMBIE, Mr. NEAL of Massachusetts, Mr. COSTELLO, Ms. CLARKE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. TOWNS, and Ms. BALDWIN):

H.R. 4060. A bill to assist States in establishing a universal prekindergarten program to ensure that all children 3, 4, and 5 years old have access to a high-quality full-day, full-calendar-year prekindergarten education; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia (for himself, Mr. CAMP of Michigan, Mr. CROWLEY, and Mr. LEWIS of Kentucky):

H.R. 4061. A bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes; to the Committee on Ways and Means.

By Mr. MATHESON (for himself, Ms. BERKLEY, Mr. BISHOP of Utah, and Mr. CANNON):

H.R. 4062. A bill to amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear power plant operators to transfer spent nuclear fuel from the spent nuclear fuel pools of the operators into spent nuclear fuel dry casks at independent spent fuel storage installations of the operators that are licensed by the Nuclear Regulatory Commission, to convey to the Secretary of Energy title to all such transferred spent nuclear fuel, to provide for the transfer to the Secretary of the independent spent fuel storage installation operating responsibility of each plant together with the license granted by the Commission for the installation, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAYNE (for himself, Mr. SCOTT of Virginia, Ms. NORTON, Mr. FATTAH, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. RUSH, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. ELLISON, Ms. KILPATRICK, Mr. GRIJALVA, Mr. NADLER, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Ms. MOORE of Wisconsin, Mr. DAVIS of Illinois, and Mr. BISHOP of Georgia):

H.R. 4063. A bill to authorize grants for programs that provide support services to exonerees; to the Committee on the Judiciary.

By Mr. PERLMUTTER (for himself and Mr. POMEROY):

H.R. 4064. A bill to amend the Immigration and Nationality Act to permit the Secretary of State to waive certain requirements with respect to special immigrants described in section 101(a)(27)(D) of such Act who have performed service for the United States abroad under extraordinary conditions; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself, Mr. BILBRAY, Mr. DREIER, Mr. FEENEY, Mr. GALLEGLY, Mr. GOODLATTE, Mr. DANIEL E. LUNGREN of California, Mrs. MYRICK, Mr. PORTER, and Mr. COBLE):

H.R. 4065. A bill to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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. WELCH of Vermont (for himself and Mr. ANDREWS):

H.R. 4066. A bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes; to the Committee on Agriculture.

By Ms. WOOLSEY (for herself, Mr. ALTMIRE, Mr. LOEBSACK, and Mr. HARE):

H.R. 4067. A bill to provide grants to colleges to improve remedial education (including English language instruction), to customize remediation to student career goals, and to help students move rapidly from remediation into for-credit occupation program courses and through program completion; to the Committee on Education and Labor.

By Mr. PERLMUTTER (for himself, Ms. DEGETTE, and Mr. SALAZAR):

H. Con. Res. 245. Concurrent resolution commending the National Renewable Energy Laboratory for its work of promoting energy efficiency for 30; to the Committee on Science and Technology.

By Mr. RAHALL:

H. Res. 788. A resolution electing a Member to certain standing committees of the House of Representatives; considered and agreed to.

By Mrs. BACHMANN (for herself, Mr. AKIN, Mr. BARTLETT of Maryland, Mrs. BIGGERT, Mr. BILBRAY, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUNT, Mrs. BOYDA of Kansas, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. BUCHANAN, Mr. CAMPBELL of California, Mr. CANTOR, Mr. CARDOZA, Mr. CLYBURN, Mr. CULBERSON, Mr. DAVID DAVIS of Tennessee, Mr. DONNELLY, Mr. ELLISON, Mr. ENGLISH of Pennsylvania, Mr. FEENEY, Mr. FERGUSON, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOODE, Ms. GRANGER, Mr. HASTERT, Mr. HELLER, Mr. HOEKSTRA, Mr. HULSHOF, Mr. JACKSON of Illinois, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. KUHL of New York, Mr. LAMBORN, Mr. LANGEVIN, Mr. LEWIS of California, Mr. DANIEL E. LUNGREN of California, Mr. MARCHANT, Mr. MCCOTTER, Mr. PEARCE, Mr. PITTS, Mr. POE, Mr. PRICE of Georgia, Mr. MACK, Mr. MCCAUL of Texas, Mrs. MCMORRIS RODGERS, Mr. RUSH, Ms. LORETTA SANCHEZ of California, Mr. SHADEGG, Mr. SHULER, Mr. SMITH of Nebraska, Mr. TAYLOR, and Mr. WAMP):

H. Res. 789. A resolution honoring public child welfare agencies, nonprofit organizations and private entities providing services for foster children; to the Committee on Education and Labor.

By Mr. BAIRD (for himself, Mr. DICKS, Mr. HASTINGS of Washington, Mr. INSLEE, Mr. LARSEN of Washington, Mr. MCDERMOTT, Mr. REICHERT, Mrs. MCMORRIS RODGERS, and Mr. SMITH of Washington):

H. Res. 790. A resolution commending the people of the State of Washington for showing their support for the needs of the State of Washington's veterans and encouraging residents of other States to pursue creative ways to show their own support for veterans; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. WEXLER, and Ms. CASTOR):

H. Res. 791. A resolution expressing the sense of the House of Representatives in support of Federal and State funded home and community-based services for individuals with disabilities of any age, especially the elderly; to the Committee on Energy and Commerce.

By Mr. PAYNE (for himself, Mr. WOLF, Mr. CAPUANO, and Mr. TANCREDO):

H. Res. 792. A resolution honoring the dedication and hard work of Professor Eric Reeves on behalf of the people of Sudan; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII,

210. The SPEAKER presented a memorial of the Legislature of the State of California, relative to a Resolution urging the Congress of the United States to stand firm against the pressure and allow the vote of House Resolution 106 to proceed; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FEENEY:

H.R. 4068. A bill for the relief of Richelle Starnes; to the Committee on the Judiciary.

By Mr. GOHMERT:

H.R. 4069. A bill for the relief of Rrustem Neza; to the Committee on the Judiciary.

By Mr. GOHMERT:

H.R. 4070. A bill for the relief of Rrustem Neza; 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. 82: Mr. FRELINGHUYSEN and Mr. PETERSON of Pennsylvania.

H.R. 380: Mr. WU.

H.R. 383: Mr. ELLSWORTH.

H.R. 463: Mr. WALZ of Minnesota and Mr. ISRAEL.

H.R. 549: Mr. CANTOR and Mr. BRADY of Texas.

H.R. 594: Mr. BISHOP of New York and Mr. DELAHUNT.

H.R. 618: Mr. FORTENBERRY.

H.R. 627: Mr. HOLT.

H.R. 821: Mr. GORDON of Tennessee, Mr. AL GREEN of Texas, and Mr. ALLEN.

H.R. 840: Mr. BERMAN and Mr. MURTHA.

H.R. 871: Mr. ENGLISH of Pennsylvania and Mrs. CHRISTENSEN.

H.R. 881: Mr. LATHAM.

H.R. 939: Mr. GILCHREST.

H.R. 997: Mr. GARRETT of New Jersey.

H.R. 1017: Mr. YARMUTH, Ms. MCCOLLUM of Minnesota, and Mr. MCGOVERN.

H.R. 1070: Mr. AL GREEN of Texas.

H.R. 1174: Mr. WELDON of Florida.

H.R. 1188: Mrs. NAPOLITANO.

H.R. 1222: Mr. GONZALEZ.

H.R. 1283: Mr. KING of New York and Mr. ELLSWORTH.

H.R. 1376: Mr. MICHAUD and Mr. UDALL of New Mexico.

H.R. 1419: Ms. FALLIN.

H.R. 1422: Mr. MOORE of Kansas, Mr. PRICE of North Carolina, and Mr. PICKERING.

H.R. 1436: Mr. DONNELLY.

H.R. 1440: Mr. BRADY of Pennsylvania.

H.R. 1497: Mr. HOLT.

H.R. 1514: Mr. TIBERI.

H.R. 1589: Mr. NUNES.

H.R. 1610: Mr. HAYES and Mrs. TAUSCHER.

H.R. 1691: Mr. BERMAN.

H.R. 1781: Mr. SOUDER, Mr. RUPPERSBERGER, Mr. GORDON of Tennessee, and Ms. CARSON.

H.R. 1783: Ms. SOLIS.

H.R. 1845: Mr. MCHUGH and Mr. NADLER.

H.R. 1937: Mrs. EMERSON.

H.R. 2016: Mr. FILNER.

H.R. 2064: Mr. HOLT, MR. DOGGETT, Mr. HINOJOSA, and Mr. MCNERNEY.

H.R. 2070: Mr. ALLEN.

H.R. 2140: Mr. SCOTT of Virginia and Mr. JOHNSON of Georgia.

H.R. 2234: Mrs. NAPOLITANO and Mrs. MCCARTHY of New York.

H.R. 2265: Mr. REICHERT.

H.R. 2266: Mr. SHULER.

H.R. 2385: Mr. WEXLER.

H.R. 2405: Mr. MORAN of Virginia.

H.R. 2464: Mr. FERGUSON, Mr. DOYLE, and Mr. ROSS.

H.R. 2510: Mr. BROWN of South Carolina.

H.R. 2584: Mr. MCCOTTER.

H.R. 2610: Mr. ISRAEL.

H.R. 2634: Mr. BRALEY of Iowa, Mr. FRANK of Massachusetts, and Mr. GERLACH.

H.R. 2668: Mr. FERGUSON.

H.R. 2695: Mr. MORAN of Virginia and Mr. SHULER.

H.R. 2702: Mr. MAHONEY of Florida.

H.R. 2727. Mr. GOODLATTE.

H.R. 2818: Mr. ROTHMAN.

H.R. 2846: Mr. HOLT.

H.R. 2857: Mr. SHAYS, Ms. SHEA-PORTER, Mr. BISHOP of New York, Ms. HIRONO, Mr. COURTNEY, Mr. KUCINICH, Ms. LINDA T. SÁNCHEZ of California, Mr. JEFFERSON, Mr. MEEKS of New York, Mr. PRICE of North Carolina, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. MCNULTY, and Mr. LOEBSACK.

H.R. 2880: Mr. CHABOT.

H.R. 2894: Mr. COBLE and Mr. REYES.

H.R. 2942: Mr. TIM MURPHY of Pennsylvania and Mr. OLVER.

H.R. 2943: Mr. SHULER, Mr. RAHALL, and Ms. CASTOR.

H.R. 2946: Mr. GORDON. of Tennessee

H.R. 2951: Mr. WYNN, Mr. HIGGINS, and Mr. CHANDLER.

H.R. 3036: Mr. MCNERNEY.

H.R. 3057: Mr. LYNCH, Mr. CANTOR, and Mr. KANJORSKI.

H.R. 3061: Ms. BALDWIN.

H.R. 3140: Mr. TERRY.

H.R. 3179: Mr. BRADY of Pennsylvania and Mr. FILNER.

H.R. 3192: Mr. LIPINSKI.

H.R. 3196: Mr. MCHUGH, Ms. SLAUGHTER, Mr. NADLER, Ms. VELÁZQUEZ, MR. BISHOP of New York, Mr. RANGEL, and Ms. CLARKE.

H.R. 3204: Mr. GRIJALVA and Mr. HINCHEY.

H.R. 3251: Mr. ENGLISH of Pennsylvania and Mr. GENE GREEN of Texas.

H.R. 3289: Mr. ALLEN.
H.R. 3327: Mr. PATRICK MURPHY of Pennsylvania, Ms. LEE, and Mr. NEAL of Massachusetts.
H.R. 3348: Mr. RENZI, Mr. MCHENRY, Mr. GOODE, Mrs. MUSGRAVE, Mr. SHADEGG, Mr. ROSKAM, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. DAVID DAVIS of Tennessee, Mr. FEENEY, Mr. AKIN, Mr. JORDAN of Ohio, Mr. KLINE of Minnesota, Mrs. BLACKBURN, Mr. DANIEL E. LUNGREN of California, and Mr. KINGSTON.
H.R. 3429: Ms. SUTTON and Mr. KENNEDY.
H.R. 3461: Mr. ROTHMAN.
H.R. 3531: Mr. GORDON. of Tennessee
H.R. 3533: Mr. VAN HOLLEN, Mr. KILDEE, Mr. TIERNEY, Ms. NORTON, Mr. MURTHA, Ms. KILPATRICK, and Mr. LINCOLN DAVIS of Tennessee.
H.R. 3559: Mr. SALI and Mr. BARRETT of South Carolina.
H.R. 3616: Mr. ENGLISH of Pennsylvania.
H.R. 3637: Mrs. MALONEY of New York and Mr. HOLT.
H.R. 3645: Mrs. NAPOLITANO.
H.R. 3654: Mr. BOEHNER.
H.R. 3663: Ms. MCCOLLUM of Minnesota, Mrs. MALONEY of New York, and Mr. BERMAN.
H.R. 3689: Mr. GEORGE MILLER of California and Mr. MARKEY.
H.R. 3706: Mr. GONZALEZ.
H.R. 3707: Mr. GONZALEZ.
H.R. 3711: Mrs. CAPPS.
H.R. 3718: Mr. HONDA and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3733: Ms. NORTON.
H.R. 3737: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3769: Mrs. TAUSCHER, Mr. PALLONE, Mr. PETERSON of Minnesota, Mrs. MUSGRAVE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DICKS, Mrs. NAPOLITANO, Mr. HINOJOSA, Mr. HALL of New York, and Mr. ROSS.
H.R. 3797: Mr. HOLT, Mr. GERLACH, and Ms. WATSON.
H.R. 3802: Mr. BRALEY of Iowa.
H.R. 3807: Mr. MCINTYRE.
H.R. 3812: Mr. FARR.
H.R. 3815: Ms. CLARKE.
H.R. 3816: Mr. CLAY.
H.R. 3817: Mr. SALAZAR and Mr. PAUL.
H.R. 3818: Mr. ROSKAM, Mr. ROGERS of Alabama, Mr. SIMPSON, and Mr. HALL of Texas.
H.R. 3837: Ms. MOORE of Wisconsin.
H.R. 3846: Ms. HIRONO and Mr. TIERNEY.
H.R. 3857: Mrs. MUSGRAVE, Mr. DANIEL E. LUNGREN of California, and Mrs. MYRICK.
H.R. 3865: Mr. ENGLISH of Pennsylvania and Mr. WALBERG.
H.R. 3882: Mr. MCNERNEY, Mr. SOUDER, Mr. BUCHANAN, Mrs. NAPOLITANO, and Mr. DOYLE.
H.R. 3887: Ms. HOOLEY.
H.R. 3897: Mr. GERLACH.
H.R. 3908: Mr. FORBES.
H.R. 3914: Mr. STUPAK.
H.R. 3918: Mr. ELLISON.
H.R. 3919: Mr. BARTON of Texas, Mr. UPTON, and Mr. STUPAK.
H.R. 3938: Ms. SHEA-PORTER and Mr. FILNER.
H.R. 3958: Mr. PRICE of Georgia, Mrs. MUSGRAVE, Mr. MARCHANT, Mr. GINGREY, Mr. LAMBORN, Mr. JORDAN, Mr. KUHL of New York, Mr. BROWN of South Carolina, Mr. POE, Mr. BILBRAY, Mr. AKIN, and Mr. HASTERT.
H.R. 3960: Mr. RENZI and Mr. GRIJALVA.
H.R. 3965: Ms. CLARKE.
H.R. 3987: Mr. SHERMAN.
H.R. 3989: Mrs. GILLIBRAND.
H.R. 4017: Mr. DOOLITTLE.
H.R. 4020: Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. LAMPSON, Mr. JOHNSON of Georgia, Mr. PAYNE, Mr. THOMPSON of Mississippi, Ms. CORRINE BROWN of Florida, Mr. CUELLAR, Mr. FATTAH, Mr. CUMMINGS, and Ms. BERKLEY.
H.R. 4029: Mr. KAGEN, Mr. ARCURI, and Mr. PATRICK MURPHY of Pennsylvania.
H.J. Res. 6: Mr. PITTS.
H.J. Res. 53: Mr. DUNCAN.
H.J. Res. 54: Mr. ALEXANDER, Ms. BERKLEY, Mr. COLE of Oklahoma, Mr. ELLSWORTH, Mr. INGLIS of South Carolina, Mr. KELLER of Florida, Mr. ORTIZ, Mr. ROSKAM, Mr. SHIMKUS, and Mr. LATHAM.
H. Con. Res. 211: Mr. SMITH of Washington, Mr. ORTIZ, Mr. ALEXANDER, and Mr. CASTLE.
H. Con. Res. 215: Mr. GORDON of Tennessee, Mr. ALTMIRE, and Ms. MOORE of Wisconsin.
H. Con. Res. 235: Mr. SALI.
H. Con. Res. 238: Ms. SUTTON.
H. Con. Res. 239: Mr. CONYERS and Mrs. MILLER of Michigan.
H. Res. 71: Mr. HONDA.
H. Res. 163: Ms. HIRONO and Mr. HOLT.
H. Res. 251: Mr. BOSWELL.
H. Res. 365: Ms. LINDA T. SÁNCHEZ of California, Ms. LEE, Mr. SHERMAN, Ms. MATSUI, Mr. BACA, Mrs. DAVIS of California, Mr. EHLERS, Mrs. CAPPS, Ms. ROYBAL-ALLARD, Mr. RADANOVICH, Mr. MCKEON, Mr. COSTA, and Mr. BECERRA.
H. Res. 411: Mr. BOSWELL.
H. Res. 556: Mr. MARIO DIAZ-BALART of Florida, Mr. COBLE, and Mr. BURTON of Indiana.
H. Res. 618: Mr. BUTTERFIELD.
H. Res. 735: Mrs. MALONEY of New York, Ms. SUTTON, and Mr. WALSH of New York.
H. Res. 743: Mr. KIRK and Mr. GARRETT of New Jersey.
H. Res. 758: Ms. ROS-LEHTINEN, Mr. FRANKS of Arizona, Mr. KIRK, Mr. BURTON of Indiana, Mr. STEARNS, Mr. TERRY, and Mr. HENSARLING.
H. Res. 770: Mr. MCNERNEY.
H. Res. 777: Mr. LATOURETTE.
H. Res. 783: Mr. ENGLISH of Pennsylvania, Mr. LINCOLN DAVIS of Tennessee, Mr. BILBRAY, Mrs. JONES of Ohio, Mr. TOM DAVIS of Virginia, Mr. WOLF, Mr. FRANKS of Arizona, Mrs. MILLER of Michigan, Mr. PLATTS, Mr. BURTON of Indiana, Mr. RODRIGUEZ, Mr. RADANOVICH, Mr. LUCAS, Mr. WILSON of South Carolina, Mr. GOHMERT, Mr. ROGERS of Michigan, Mr. CARTER, Mr. TIBERI, Mr. ROSKAM, Mrs. BONO, Mr. ROYCE, Mr. MAHONEY of Florida, Mr. MCHENRY, Mr. SENSENBRENNER, Mrs. DRAKE, and Mr. KUHL of New York.
H. Res. 785: Mr. YOUNG of Alaska, Ms. LINDA T. SÁNCHEZ of California, Mr. CULBERSON, Mr. SPRATT, Mr. LARSON of Connecticut, Mrs. DAVIS of California, Mr. RAHALL, Mr. MOLLOHAN, Mr. ANDREWS, Mr. GUTIERREZ, Ms. SOLIS, Mr. HONDA, Mr. LINCOLN DAVIS of Tennessee, and Mr. ABERCROMBIE.
H. Res. 786: Ms. FOXX and Mr. SALI.
H. Res. 787: Ms. GIFFORDS, Mr. HASTINGS of Florida, Mr. DAVIS of Alabama, Mr. HOLDEN, Mr. SCOTT of Virginia, and Mr. CUMMINGS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3547: Mr. COHEN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 3 by Mr. PENCE on House Resolution 694; Jon C. Porter, Brian P. Bilbray, Steve Buyer, Jim Ramstad, Steven C. LaTourette, Charles W. ''Chip'' Pickering, Ray LaHood, and Christopher H. Smith.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, THURSDAY, NOVEMBER 1, 2007 No. 168

Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROBERT MENENDEZ, a Senator from the State of New Jersey.

PRAYER

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

Let us pray.

Great God and Father, Your anger lasts only for a moment, but Your favor lasts a lifetime. Open our eyes to see the wonders of Your grace. Help us to see the majesty of Your inclusive love to people everywhere. Keep us from being blind to the work You are doing in our world, healing the sick and liberating the oppressed.

Lord, You have watched over our Nation from generation to generation, in prosperity and adversity, in peace and war. In every generation, You continue to provide leaders who are equal to our challenges and who strive to do Your will. Today, accept the gratitude of our Senators for Your generous blessings. Keep them so dedicated to You that they will do justly, love mercy, and walk humbly. May faith replace their fear, truth arise over falsehood, love prevail over hate, and peace abide with us all.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT MENENDEZ 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, November 1, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT MENENDEZ, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will conduct morning business for 1 hour, and the time will be equally divided and controlled, with the Republicans controlling the first half and the majority controlling the second half.

Following morning business, the Senate will resume consideration of the motion to proceed to H.R. 3963, the children's health insurance legislation. Cloture was invoked on that motion to proceed yesterday.

As I indicated, after the cloture vote, if we have to stay here to run the 30 hours postcloture, that time will expire at 12:50 a.m. tomorrow morning.

I have had several conversations with Senator MCCONNELL with reference to this legislation and how we can move forward with concluding action in a manner that would not cause the Senate to remain in session over the weekend. But there is no guarantee we can do that.

In the interim, our debate will continue on the motion today. If and when an agreement is reached with respect to moving forward, Members will be alerted to the schedule.

There are some Senators working to come up with another compromise, and I hope they can do that. If they can, I will be the first to have that matter effectuated. At this stage, that hasn't been done. I had a number of meetings yesterday with interested Senators, but talking about it and getting there are two different things. We will work to see what we can do.

RECOGNITION OF THE REPUBLICAN LEADER

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

DOING THE WORK OF TODAY

Mr. MCCONNELL. Mr. President, yesterday, the Acting Commissioner of the Internal Revenue Service sent a letter to Congress warning about the consequences of not addressing the AMT tax right away. She said that if we don't do something about this middle class tax hike by December, as many as 50 million Americans, more than a third of all U.S. taxpayers, will either get hit by a tax that was never meant for them or forced to wait months for a refund that many of them count on for their family budgets.

Mr. President, I ask unanimous consent that the letter from Acting Commissioner Linda Stiff be printed in the RECORD.

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

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, October 31, 2007.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter clarifying your plans to enact legislation addressing the alternative minimum tax

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

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(AMT) through an indexed exemption amount for 2007 and allowance of personal credits against the AMT. We appreciate your commitment to pass AMT legislation as quickly as possible.

In anticipation of this legislation, the Internal Revenue Service (IRS) has been taking every step possible to prepare for the upcoming filing season. Your letter provides additional information that will allow us to continue our planning and design based on your proposed solution. It should be noted, however. that key systems can only accommodate one programming option without introducing excessive risk to the filing season. We must ensure that our systems are prepared to process returns under the law as it exists now. Therefore, until the legislation is passed and signed into law, our systems cannot be fully programmed for the proposed AMT patch.

We are committed to a successful filing season, which means processing returns in a timely manner and issuing refunds to the millions of Americans who expect and are entitled to them. We are taking all steps and making every effort to be prepared to implement legislation once it is passed and will move swiftly upon enactment.

However, even with the planning and design that your letter facilitates, we still estimate a timeframe of approximately 10 weeks after enactment before we can process affected tax returns. Accordingly, as noted in Secretary Paulson's letter of October 23, 2007, we estimate that enactment of an AMT patch in December could delay processing of returns for as many as 50 million taxpayers and could delay issuance of approximately $75 billion in refunds.

We look forward to continuing to work with you to deliver a successful filing season. If you have any questions or need additional information, please contact me at (202) 622–9511.

LINDA E. STIFF,
Acting Commissioner.

Mr. MCCONNELL. Mr. President, when most people get a letter from the IRS, they get scared. But the Democrats didn't even blink. They don't seem all that concerned about forcing 50 million Americans to write an interest-free loan to the Government in the form of unpaid tax returns worth about $75 billion—75 billion dollars. That is more than the gross domestic product of a hundred different countries—just sitting in the Treasury instead of the bank accounts and pockets of Americans who earned it.

Now, if this were the only thing Senate Democrats were procrastinating over, Americans would have reason enough to be angry. But it is not. It is just the latest in a string of core duties they promised they would address before election day but put back on the shelf after all the votes were counted.

Instead of fulfilling their campaign promises, they launched into a series of legislative misadventures that have put us 5 weeks into the new fiscal year with the same number of appropriations bills we started with, which is zero, a Justice Department with more empty offices than the Dirksen building in August, and no indication from anyone on the other side that any of this will change.

Regarding appropriations, the President has already said he will veto spending bills that exceed the budget request. Yet Democrats will now knowingly pass a Labor/HHS bill that exceeds the President's budget by billions of dollars and attach it to the MilCon/Veterans appropriations bill. We already know the result. These bills are coming right back to the Senate for a do-over. This is a waste of time, and just more of the same from a party that has been intent all year on using this Chamber as a stage for political theater rather than a workshop to actually get things accomplished.

Over at the Justice Department, Democrats have been clamoring for new leadership all year. The senior Senator from New York was the loudest of them all. More than 5 months ago, he told us ''the Nation needs a new Attorney General, and it can't afford to wait.'' The President responded in good faith by nominating the very man the senior Senator from New York recommended for the job.

Yet America has now waited longer for a vote on Michael Mukasey than on any other Attorney General nominee in decades. They have waited more than 40 days now. Compare that to Janet Reno, whose confirmation came less than 2 weeks after she was named.

Democrats have found plenty of time for votes that didn't matter. Now it is time to turn to votes that do. They found time for midnight votes on political Iraq resolutions. Now Americans are wondering when we will have a midnight vote to fix an error in the Tax Code that promises to leave more than one-third of them high and dry come April.

They found time for a vote on how we felt about the last Attorney General. Now people want to know when we will have the midnight vote on restoring leadership at the Justice Department.

They had the time to vote again and again to cut off funds to our troops in the field—voted on the Feingold amendment to cut off funds three times. Now Americans want to know when they will have a midnight vote to send the rest of the money to the troops—or on any one of the 12 appropriations bills in a form that we can expect the President to sign.

This fixation on political gamesmanship has come at a serious cost. What we are seeing here goes far beyond mismanagement. And the American people have caught on. For the sake of the taxpayers, for the sake of the justice system, for the sake of the men and women who wear the uniform, it is time to put politics aside and do the work of today.

No more gimmicks, no more games. Time is short. The stakes are high. Let's get on with it.

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

SENATE ACCOMPLISHMENTS

Mr. REID. Mr. President, we have a lot to do, there is no question about that. But I said to one of my friends on the Republican side several days ago, when he was lamenting the fact that the President's standing was low and ours in Congress was low, I said to him: What do you hope to accomplish by denigrating the place you work in? You work here. What good is it to do that? He said: That is right, I will not do it anymore.

I say to my friend from Kentucky, it is easy to find fault with what anyone does anyplace in life, including the Senate of the United States. But we have worked very hard these last 10 months to try to work on a bipartisan basis, to accomplish things for the country. We have done a pretty good job.

We passed the minimum wage for the first time in 10 years. We passed a budget—a pay-as-you-go budget. No more red ink; we are paying for everything. That is different than the last 7 years under a Republican-controlled Congress. We passed a law mandating how U.S. attorneys should be appointed, as a result of the scandal in the Attorney General's Office. We mandated, through legislation, equipment for the Guard and Reserve that they simply didn't have. We are the ones who pushed the President to focus on having better equipment for our troops, including MRAPS, these vehicles that were more mine resistant. We passed that and it is in the form of a law. Because of the scandal at Walter Reed and other places, we have worked to protect veterans; hurricane recovery, Katrina. Our President made 22 trips down there, but there was no money until we forced money into the supplemental appropriations bill; SCHIP, we passed a law extending health care that 5.5 million children have to 10 million children. The President vetoed that.

That is the matter before the Senate today. We are going to send that back to him, and I hope he will not veto it. We have made changes because Members on the other side wanted those changes made. Disaster relief for ranchers and farmers, we passed that. It is 4 years overdue. Wildfire relief, we have had these fires sweeping the West. We put $600 million in the supplemental so we can make up for some of the problems we had.

As far as Iraq, we have had over 100 hearings on Iraq. That is 100 more than were held during the first 5 years of this war. The hearings have been good. It is true we have tried very hard to change course in the war in Iraq, and we have changed course, indirectly, as a result of the votes we have taken. It did not change it enough, but we have changed course in the war in Iraq.

There will be other opportunities for us to do that in the near future. We have to do that. The President doesn't mind asking for another $200 billion of totally red ink—that is, borrowed money—for the war. But he is not willing to spend a few nonred dollars for children's health, paid for. Maybe the President is trying to protect the tobacco industry. I think they have had

enough protection. A small increase in the tax on tobacco to pay for the children certainly seems reasonable. Stem cell research, we passed that. On ethics and lobbying, we passed the most significant reform in the history of the country, which is now law. The 9/11 Commission recommendations, there was a lot of talk about those recommendations. They were not put into law until we did it this year. We did it because it was the right thing to do. We reauthorized FDA. We passed WRDA—which is years and years past due—by a huge bipartisan vote.

Everything I have talked about has been bipartisan, even the votes on Iraq. We could not get 60 votes, but we had bipartisan support on Iraq. We all acknowledge we can do better. Certainly, we can do better. But I don't think we should lament the fact that we have not been able to do everything everyone wants done.

With the Attorney General nominee, Judge Mukasey, a problem has arisen with that nomination. It seems like we are in the ''Twilight Zone.'' We are in the Senate talking about whether waterboarding is torture, and this man cannot acknowledge whether waterboarding is torture. I read this morning in the newspaper the reason he cannot do that is he is afraid if he says waterboarding is torture, it may create criminal or civil responsibilities for some of the people who did torture people through waterboarding. We are the United States of America, and we are concerned about talking openly about torture?

I read a book a couple of years ago. The name of the book is ''1492.'' It talked about how our world changed in 1492. One of the reasons it changed is the Inquisition. It started in 1492, the same time Columbus discovered this Nation, this world. In 1492, they also discovered waterboarding, how to torture people, mostly Jews but not all Jews. Some Christians who were not Christian enough were waterboarded.

Maybe we will work our way through Mukasey, but no one should be concerned about the fact that we have an obligation and a right to talk about torture. Shouldn't we know where the chief legal officer of this country, the Attorney General of the United States, stands on waterboarding, on torture generally?

I look forward to our having a good day today and accomplishing a lot. We don't have a lot of time left in this legislative session. We have at the most about 6 weeks, but I hope during that period of time we continue to work together for the American people. That is what the American people want.

Mr. MCCONNELL. Mr. President, let me briefly add, it is not too late for this first session of Congress to achieve a better record. We need to get appropriations bills not just sent to the President but signed by the President. We need to get the AMT fixed so we don't inconvenience, to the tune of $75 billion, millions of American taxpayers. We need to provide bridge funding for our troops that we all know is needed. And we need to confirm an Attorney General. Our colleagues on the other side have been saying we need a new Attorney General all year long. Now it is time to do it.

The record of this first session of this Congress is not yet made. It is not too late, but it is getting very late, and hopefully we will accomplish a lot in the next 6 weeks, as the majority leader has indicated he would like to see done.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the distinguished Republican leader is absolutely correct. We have to fix AMT, and we will do that. The reason we have been a little slow in doing so is how we are going to pay for it. Being an appropriator for my years in Congress, I certainly want to do that. We have struggled over the last several years doing appropriations bills.

The Republican leader and I believe appropriations bills should be done, and we have to do them this year. I am going to devote a lot of my energy—the meeting I had just before coming to the Chamber was dealing with appropriations bills. I had a good conversation with the Republican leader yesterday about appropriations bills generally.

He is absolutely right. We can do better. I will certainly attempt to do my share and do a better job.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period for the transaction of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the final 30 minutes under the control of the majority.

The Senator from North Carolina.

NATIONAL GUARD AND RESERVISTS FINANCIAL RELIEF ACT

Mrs. DOLE. Mr. President, I ask for all of my colleagues to join me in support of Senate approval of the National Guard and Reservists Financial Relief Act. This is a bipartisan effort to extend a critical benefit to our National Guard and reservists, many of whom are serving in Iraq and Afghanistan. Section 827 of the Pension Protection Act of 2006 allows guardsmen and reservists called to active duty for at least 6 months to make penalty-free early withdrawals from their IRA, 401(k), or 403(b) retirement accounts. This provision expires in less than 2 months, and my bill would make this benefit permanent for our servicemembers and their families.

Our guardsmen and reservists always stand ready to put their lives on hold and answer the call of duty. They can face lengthy deployments that can cause major financial strains for their families, which only adds to the emotional stress these families face during extended separation from a loved one. In fact, according to a GAO report, nearly 41 percent of reservists are affected by a pay discrepancy between their military and civilian salaries.

National Guard and reservists account for approximately half of all U.S. military personnel. Since September 11, 2001, more than 443,000 guardsmen and reservists have been deployed in support of the global war on terror, including nearly 93,000 currently deployed mainly to Iraq and Afghanistan. Congress should take decisive action to ensure that this benefit does not expire for these fine young men and women should they find themselves in a deployment-related financial crunch.

The Reserve Officers Association strongly supports the continuation of this tax relief measure. I also thank my colleague, Senator LINCOLN, for cosponsoring this legislation, and I add that a similar provision included in the Pension Protection Act received broad bipartisan support.

Shortly, Congress will adjourn for 2 weeks for the Thanksgiving recess. This means there is limited opportunity to act to extend this assistance to those who have answered the call to serve. I ask every Member who I know cares about our Guard members, reservists, and their families to support my legislation that this important benefit continues.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

TAX FAIRNESS

Mr. ALEXANDER. Mr. President, I wish to say a word about tax fairness. Last week, I joined Senator HUTCHISON, who has been the leader on this issue, Senator CORNYN, and Senator CORKER from my home State of Tennessee in introducing S. 2233. Our goal with that legislation is to make the State and local sales tax deduction permanent.

As a former Governor, I know States and cities have many different ways to raise revenues to support the services they provide. States usually provide about half the funding for elementary and secondary education. They are the principal funder of community colleges and universities. They pay for a good part of the roads and all the prisons. So most States have pretty big bills to pay, and they have a variety of taxes to raise the money to pay for those bills. Some States levy an income tax. Some use a sales tax. Some use a combination of the two. Some use some other taxes.

In Tennessee, we have had a pretty good debate about this issue, and we have decided we don't want an income tax. I looked at the options myself when I was Governor in the mid-1980s and considered an income tax for Tennessee but decided it would be the

wrong thing to do, to put a tax on work. We have done pretty well with low taxes and without an income tax.

Americans who pay State and local income taxes are able to claim a deduction for those amounts on their Federal income tax, and before 1986, taxpayers also had the ability to claim a deduction on their State and local sales taxes. But this deduction for State and local sales taxes was repealed in 1986.

Congress temporarily reinstated that State and local sales tax deduction for 2004 and 2005 and then extended it again for 2006 and 2007. I was a part of the effort in this Chamber to do that. It was a bipartisan effort. So taxpayers today who itemize on their Federal income tax returns can deduct either State and local sales taxes or State income taxes. Yet, unless Congress takes further action, this sales tax deduction will expire at the end of December of this year.

This is not about cutting taxes; this is about tax fairness. It is not fair for States without income taxes to subsidize tax deductions for States with income taxes. Why is it our business in Washington, DC, to prefer an income tax in the various States?

Nine States, including Tennessee, do not impose a State income tax. They are Alaska, Florida, New Hampshire, Nevada, South Dakota, Tennessee, Texas, Washington, and Wyoming—States from across the country, some big States, some middle-size States, some of our smallest States. These States shouldn't be treated differently. If Congress doesn't act, they will be by the end of December 2007.

I am here today to urge this body to make permanent the deduction for State and local sales tax. At the very least, we need to temporarily extend the deduction, as we have done in the last two Congresses, before it expires on December 31 so that taxpayers in those nine States are not forced to pay an unfair share of taxes.

We are talking about large amounts of money. Nearly 600,000 Tennesseans itemized their taxes and claimed the State and local sales tax deduction last year. This benefit put an average of $400 in the pockets of hard-working Tennesseans. Therefore, losing this deduction would cost Tennesseans nearly a quarter of a billion dollars right out of their pockets each year.

Extending the State and local sales tax deduction is the fair thing to do, and it is the right thing to do. I urge my colleagues to join Senator HUTCHISON, Senator CORNYN, Senator CORKER, and me in enacting S. 2233 before the end of the year.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Mr. President, I also rise today to speak regarding S. 2233. I am always honored to be in the presence of our senior Senator from Tennessee. I am honored to follow him today talking about the same topic.

One of the great points about our country is that we are set up in a manner that we allow States to choose how they govern on issues relating to the way they tax their citizens. As Senator ALEXANDER just stated, in the State of Tennessee, we have decided, after a tremendous amount of debate over decades, that we like being taxed through a sales tax.

As you know and as was just stated, Americans all across the country who are in States where they have an income tax or payroll tax are able to deduct that from their Federal income taxes. Again, in order to continue to support the fairness of the way we treat States, certainly those who choose to use a sales tax to raise revenues for roads and schools and want to leave it in the hands of their citizens to decide how much they pay in income tax, those States ought to be allowed to deduct those taxes from their Federal income taxes.

This is an issue of fairness. This absolutely is an issue of fairness. I hope today—we have introduced a bill, as Senator ALEXANDER stated—to convince other Senators that this is an issue of fairness and that they should support this bill which will permanently allow the nine States that today use a sales tax as a way of raising revenues for their States to be able to deduct those taxes.

As was mentioned, 11.2 million Americans across our country took a sales tax deduction last year. Mr. President, 600,000 Tennesseans took that deduction, and it saves Tennesseans about $400 a year.

Since much has already been said, I close my comments again urging Senators on both sides of the aisle to support this bill which indicates fairness for all Americans.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the leadership targeted November 16 for adjournment of this session of Congress, although I think we all believe that is a little overly optimistic. Regardless, I am concerned that as of yet, we have not considered an annual tax-extender package containing an extension of a number of very beneficial tax provisions. I am pleased to join with my colleagues to discuss the need to address many beneficial tax-extender provisions.

I wish to highlight two tax provisions of particular interest to me that Congress has annually extended, one ever since 1991 and one since 1993, and they particularly benefit oil and gas development from marginal wells and depreciation. Specifically, these two tax provisions are the suspension of the net income limitation on percentage depletion allowance for marginal oil and gas proceedings and accelerated depreciation for assets in Indian Country.

The United States has approximately 457,000 marginal wells. That is a huge number. A marginal well is one that produces 15 barrels or less a day. A lot of these wells are located in my State of Oklahoma. They collectively produce about 1.2 million barrels per day of annual production. These wells account for nearly 20 percent of the total oil production in the United States, about the amount we are importing from Saudi Arabia.

People do not understand the significance of marginal wells. They cost a lot more to produce—marginal wells. These are shallow wells. They are not profitable like the deep wells in some parts of the country. But when you add them all up, it means this production equals as much as we are currently importing from Saudi Arabia. So it is very significant.

In my State of Oklahoma, it is the small independents—basically the mom-and-pop operators—that are producing the majority of oil and natural gas, with 85 percent of Oklahoma's oil coming from marginal wells—again, that is 15 barrels or less a day. Because marginal wells supply such a significant amount of our oil and gas, it is vital we keep them in operation. However, according to the Department of Energy, between 1994 and 2003 the United States lost 110 million barrels of crude oil due to the plugging of marginal wells.

A lot of people not familiar with the industry think you can always unplug a well. You can't unplug a well. Once you plug it, it is gone. Thus, when we lose marginal well production, we become more dependent upon foreign sources of energy and more dependent at a time when I think almost all of us in here agree that U.S. policy should encourage reliance upon domestic sources. Furthermore, we lose domestic jobs to foreign nations.

If the current suspension of the net income limitation on percentage depletion allowance expires, U.S. production from our marginal wells would be severely hampered. Percentage depletion is a form of cost recovery for mineral and leasehold acquisition costs. The percentage depletion rate for oil and gas is 15 percent of the taxpayer's gross income from a producing property. It used to be closer to 30 percent. It should be higher than 15 percent, but that is where it is today. Only independent producers and royalty owners are able to utilize percentage depletion.

Under the net income limitation, percentage depletion is limited to 100 percent of the net income from an individual producing property. In the case of marginal wells, where total deductions and expenses often exceed gross income, this limitation discourages producers from investing in the continued production for marginal wells with high operating costs and low production yields.

Without the full utilization of the percentage depletion allowance, the net income limitation actually encourages producers to plug and abandon production of marginal wells. Then, of course, as I said before, you have lost them forever.

Congress has, on a temporary basis, suspended the net income limitation since 1997. The current suspension expires at the end of this year. The extension of the suspension of the net income limitation will allow independents the necessary capital to continue to produce from these existing marginal wells, which is critical to the Nation's overall energy security.

Now, additionally, Congress made a special economic incentive available to benefit Indian Country under the Omnibus Budget Reconciliation Act of 1993. It provides for special accelerated depreciation for new and used assets acquired after December of 1993 on Indian reservations and former Indian reservations in Oklahoma and elsewhere. This depreciation incentive provides an approximately 40 percent shorter recovery period for most commercial property. This accelerated depreciation schedule has been successful in encouraging capital-intensive businesses to locate and expand in Indian Country in Oklahoma and throughout the Nation.

Both of these important provisions expire at the end of this year, and it is crucial that Congress act this year to extend each one.

UNANIMOUS-CONSENT REQUEST—S. 2184

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2184, a bill to allow penalty-free withdrawals from retirement plans for individuals called to active duty, and that the bill be read a third time and passed. I further ask that the bill then be held at the desk until the House companion arrives and that all after the enacting clause be stricken, the text of the Senate-passed bill be inserted, and the House bill, as amended, be read a third time and passed.

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

Mr. BAUCUS. Mr. President, reserving the right to object, I am wondering whether the Senator would amend his consent request to allow, instead, the following; namely, that when the Senate receives from the House its bill to extend the expiring tax provisions, the Senate would proceed to that bill, consider a Baucus amendment to extend the expiring tax provisions and prevent the AMT from hitting any additional taxpayers, agree to that amendment, and pass the bill, all without any intervening action or debate.

The PRESIDING OFFICER. Does the Senator from Oklahoma so modify his request?

Mr. INHOFE. No. I would respond to the Senator by saying, if I had a chance to get and look at the Baucus bill and look at all the provisions, I might consider doing it. As it is right now, this is my unanimous consent request.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Hearing the comments of my good friend from Oklahoma, I have no alternative but to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

UNANIMOUS-CONSENT REQUEST—S. 2185

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2185, a bill to permanently extend the current marginal tax rates, and that the bill be read a third time and passed. I further ask that the bill then be held at the desk until the House companion bill arrives and that all after the enacting clause be stricken, the text of the Senate-passed bill be inserted, and the House bill, as amended, be read for a third time and passed.

This is the same legislation extension that I just described.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, again reserving the right to object, would the Senator again amend his consent request to instead allow the consent request I requested just previously?

The PRESIDING OFFICER. Will the Senator from Oklahoma so modify his request?

Mr. INHOFE. No, I will not at this time.

Mr. BAUCUS. Hearing his response, Mr. President, I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

UNANIMOUS-CONSENT REQUEST—S. 2233

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2233, a bill to provide a permanent deduction for State and local general sales taxes, and that the bill be read a third time and passed. I further ask that the bill then be held at the desk until the House companion bill arrives and that all after the enacting clause be stricken, the text of the Senate-passed bill be inserted, and the House bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object once again, I ask the Senator if he would again modify his request along the lines I outlined earlier?

The PRESIDING OFFICER. Does the Senator from Oklahoma so modify his request?

Mr. INHOFE. Not at the present time.

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

UNANIMOUS-CONSENT REQUEST—S. 2216

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2216, a bill to extend the Indian Employment Credit Depreciation Rules for property within an Indian reservation, and that the bill be read a third time and passed. I further ask that the bill then be held at the desk until the House companion arrives and that all after the enacting clause be stricken, the text of the Senate-passed bill be inserted, and the House bill, as amended, be read a third time and passed.

Again, this is one of those I just referred to on the floor of this body.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, once again, I would ask my friend from Oklahoma if he would amend his consent request along the lines I earlier suggested.

The PRESIDING OFFICER. Will the Senator from Oklahoma so modify his request?

Mr. INHOFE. No. Same problem.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

UNANIMOUS-CONSENT REQUEST—S. 2217

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2217, a bill to extend the taxable income limit on percentage depletion allowance for oil and natural gas produced from marginal properties, and that the bill be read a third time and passed. I further ask that the bill then be held at the desk until the House companion arrives and that all after the enacting clause be stricken, the text of the Senate-passed bill be inserted, and the House bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, I make the same request of the Senator from Oklahoma.

The PRESIDING OFFICER. Does the Senator from Oklahoma so agree?

Mr. INHOFE. Same response.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Hearing the Senator's response to this long litany of requests of tax measures, which the Senator knows can in no way be passed in the Senate in this way, but also knows that many will be acted upon later this year, I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

UNANIMOUS-CONSENT REQUEST—S. 2247

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2247, a bill to make permanent the depreciation of motorsports entertainment complexes, and that the bill be read a third time and passed. I further ask that the bill then be held at the desk until the House companion arrives and that all after the enacting clause be stricken, the text of the Senate-passed bill be inserted, and the House bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I can short-circuit this charade. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

UNANIMOUS-CONSENT REQUEST—S. 2234

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2234, a bill to extend the deduction for qualified tuition and related expenses and that the bill be read a third time and passed. I further ask that the bill then be held at the desk until the House companion arrives and that all after the enacting clause be stricken, the text of the Senate-passed bill be inserted, and the House bill, as amended, be read for a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, I might say to my good friend that this is another measure that will be considered in due course later this year. I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

UNANIMOUS-CONSENT REQUEST—S. 2264

Mr. INHOFE. Finally, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2264, a bill to extend the tax-free distributions from individual retirement plans for charitable purposes, and that the bill be read a third time and passed. I further ask that the bill then be held at the desk until the House companion arrives and that all after the enacting clause be stricken, the text of the Senate-passed bill be inserted, and the House bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, again, these are measures which will be considered in due course this year. I laud my good friend, but as he knows, Senator GRASSLEY is ranking member of the committee, and there is a process in which to deal with these measures. This is not the process to be engaged in at this moment. So I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, just a few words to explain what just happened.

On behalf of many Senators, I am calling for swift passage of a full tax extenders package, which contains many of the measures that have been referred to in the preceding 4 or 5 minutes. These measures are called tax extenders, and we will pass tax extender legislation later this year.

I want quick action on them, including the college tuition deduction, the sales tax deduction, as mentioned by two Senators, and also we must move on provisions to prevent the alternative minimum tax from hitting more taxpayers and the complete set of expiring tax provisions when the House sends that legislation to the Senate.

We are all working on this issue. Senator GRASSLEY and I have talked with Chairman RANGEL on the other side of Capitol Hill, as well as those on this side of Capitol Hill, to get these measures enacted. I, myself, drafted many of these provisions in the first place. Senator GRASSLEY and myself have advanced, as we always do in working together, in trying to get them all extended.

Mr. President, we want to get this done, and I am confident we will get it done, and I urge a little forbearance of my colleagues. We are working expeditiously to get it done. It may not be tomorrow, on Friday, but we are working very expeditiously to get it done, and I am confident it will be done later this year.

Mr. President, I yield the floor, and 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. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CORNYN. I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

TAX EXTENDERS

Mr. CORNYN. Mr. President, I understand the chairman of the Finance Committee objected this morning to a unanimous consent request offered by Senator INHOFE regarding legislation that would ensure that American taxpayers would not pay higher taxes next year. The chairman of the Finance Committee indicated they are working on these provisions and he doesn't want them taken up now; he wants to bring them up later.

It is important to talk about two taxpayer-friendly provisions in the IRS Code that will disappear in the next 60 days unless we do something about it. The first is a provision that gives taxpayers the option of deducting their State and local sales tax. My State of Texas, like a handful of other States, does not believe it needs a State income tax. We don't have one. We are not going to get one. What we do want is a level playing field when it comes to the Federal income tax code allowing the deduction of State and local sales tax, just as it allows currently a deduction of State income tax from one's Federal tax return.

State and local governments have a number of options for raising revenue to pay for essential services they provide to their citizens. Some States raise revenues through an income tax. Some States, such as Texas, use a sales tax. Others use a combination of the two. In an effort to help protect people from overly burdensome taxation, the IRS Code has in the past allowed taxpayers to deduct all the State and local taxes they paid from their Federal taxes. Up until 1986, taxpayers could deduct State and local sales taxes. Unfortunately, this was unfairly eliminated. For 18 years, Texans and other States without a State income tax did not have the same level playing field other States had. I view this as a matter of gross discrimination against those States that have a State sales tax rather than a State income tax. It is simply unfair and needs to end on a permanent basis.

That is why 3 years ago, I worked with several of my colleagues to reinstate the State and local sales tax deduction as part of the American Jobs Creation Act of 2004. Without quick Senate action, the citizens of Texas will once again be treated unfairly by the IRS Code by disallowing the deduction of State and local taxes. Our State and local governments have to have the flexibility to collect taxes that fund essential services in a way they find most appropriate without putting our citizens at a disadvantage. Again, make no mistake about it, Texans don't want a State income tax. We are a low-tax, pro-growth State. That is why we have seen 3 million people move to Texas since 2000, because it provides incentives for job creation by small businesses and big businesses alike. We are not asking for the Federal Government to somehow bless Texas adopting a State income tax. We don't want it. What we do want is fundamental fairness.

If the Senate allows this provision to expire, it will be punishing the citizens of my State based on geographic location and preference for a different tax system. Extending the sales tax deduction effectively gives Texans $1 billion in tax relief every year. This money not only helps hard-working middle-

class families save money—perhaps to invest in a small business or pay for college tuition for their children—it helps spur economic and job growth as well.

Last week I introduced legislation, along with Senator PAT ROBERTS of Kansas, that extends for 2 years the $4,000 above-the-line deduction for taxpayers who pay for college tuition. We frequently talk about the importance of education on the younger generation, from elementary school through college and beyond. We talk about the importance of continuing education, literally lifetime learning, in order for us to maintain and extend our global competitiveness. Aside from simply encouraging people to pursue a college education, we ought to do our best to make college more affordable and accessible and less of a burden on working parents who want to send their kids to college. Originally part of the Economic Growth and Tax Relief Reconciliation Act of 2001, this deduction allows taxpayers to deduct up to $4,000 from their Federal income tax return regardless of whether they itemize deductions or not. This deduction goes a long way to help families struggling to put their children through college and benefits millions of taxpayers annually.

According to the College Board, this deduction, along with grants and other education incentives, has helped lower the cost for the average student who goes to a public university by $3,600 and $9,300 for those who attend a private college. Both of these deductions keep money in the pockets of taxpayers. In my State of Texas, they allow them to pay for things such as health care, clothing and food, things they need and ought to be able to use their hard-earned money to pay for, rather than writing a bigger check to Uncle Sam. It is appropriate to use the IRS Code not only to provide for fundamental fairness when it comes to allowing the deduction of State and local sales tax from a Federal income tax return; it is also appropriate to use the IRS Code to provide for further educational opportunity.

Right now taxpayers have to work a total of 120 days, about a third of the year, to pay their tax burden, whether it is Federal, State, or local taxes. The last thing we should do is force taxpayers to work more hours, longer days for Uncle Sam and not for their family. Rather than waiting for some future bill to hopefully address this need, the Senate should extend these taxpayer-friendly provisions today. I hope we will have another opportunity to come back to the floor, and I urge the Senate to extend these two important provisions in the near future.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 3963, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

The PRESIDING OFFICER. The Senator from New Jersey.

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

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

DEMOCRACY FOR CUBA

Mr. MENENDEZ. Mr. President, I am happy to join my colleague from Florida, Senator MARTINEZ, to express outrage at the continued injustice carried out by the Castro regime inside of Cuba and to highlight that we are at a critical time for democracy inside of Cuba. This past Monday, as many of us were sipping coffee and driving to work, 70 young Cuban dissidents were arrested, detained, and harassed. Ten have been released but others remain detained.

What was their crime that got them arrested? Were they destroying property? Were they stealing food? Were they acting violently? No, none of that. They were walking down a street in Havana, and while they were peacefully walking down that street together, they had on their arms this wristband—this wristband, a simple white wristband—that has one word written on it, ''cambio,'' which in Spanish means ''change.''

This one simple gesture was strong enough to have them thrown in prison. This one simple gesture was strong enough to have them detained and harassed. But I also hope this one gesture would be strong enough to inspire us and to inspire those who love freedom and democracy and have respect for human rights around the globe.

This incident was not isolated. These youth knew the consequences their actions might very well bring them—this simple statement of wearing a white wristband that says ''change.'' Decades of repression has led to decades of fear. But these young people did not show fear. They showed courage and, I think, showed us where they want Cuba to go. They want it to change.

Their courage must not fall on deaf ears. We are listening and watching. From the Senate floor to the White House we are inspired by what these young people have shown us. They have shown us that Cuba can and will change, and this change will come from within Cuba, from the Cuban people themselves, from its youth. But they need our help, and we must continue to fight here to do what we can to empower them and to acknowledge them when they empower themselves.

We also have to build on this momentum. Just like last week, President Bush said:

The operative word in our future dealings with Cuba is not stability. The operative word is freedom.

One of Cuba's most well-known dissidents, at least inside of Cuba suffers, while unfortunately, the rest of the world remains largely silent. It is interesting to me how American news stations go to Cuba and spend a lot of time with members of the regime but do not spend a lot of time focusing on those people inside of Cuba who are trying to create movements for freedom and democracy, as others did in other parts of the world at different times in our history, such as Lech Walesa did in Poland, such as Vaclav Havel did in the former Czechoslovakia, such as Alexander Solzhenitsyn did in Russia, and so many others such as Nelson Mandela did in his own country.

There was international spotlight on these people as they were given a chance by the world's acknowledgment to try to create movements for freedom and democracy in peaceful ways within their own society. Yet in Cuba, somehow, because there are those who have lived with the romanticism of the Castro regime and do not understand it is nothing less than an oppressive dictatorship, they somehow seem to look the other way.

I want to talk just briefly, before I yield the floor to my distinguished colleague from Florida, about one of those dissidents who gives inspiration to these young people who were arrested simply for wearing this plastic white bracelet that says ''change.''

Dr. Oscar Elias Biscet, in his absence because he is in jail—languishing in Castro's jail—will be receiving the Presidential Medal of Freedom next week. Dr. Biscet may not be a household name in America, but he is probably the best known political prisoner inside of Cuba.

Let me read a little about him:

During the Black Spring of 2003, was sentenced to 25 years in prison. The prosecution was the most severe of several that Dr. Biscet had to endure since 1986, when he first publicly declared himself an opponent of the dictatorship.

Barely a month before he was arrested, Dr. Biscet had completed a 3-year prison sentence for, among other ''crimes,'' displaying the Cuban flag upside down as a form of protest. Before he was imprisoned, Dr. Biscet opposed the regime on several fronts.

In 1986, a year after he graduated from medical school, he protested the long hours Cuban doctors had to work without pay. In 1997, he started the Lawton Foundation for Human Rights and conducted a secret 10-month study of abortion techniques that found, among other things, that many babies were killed after they were born alive.

In February of 1998, Dr. Biscet was kicked out of the Cuban national health care system, making it impossible for him to work as a physician because of the principled positions he took.

During Pope John Paul II's visit to Cuba in January of 1998, activists with the Lawton Foundation publicly demonstrated for the release of Cuban political prisoners. They went on a 40-day liquid fast to demand the release of political prisoners and to draw attention to the human rights situation on the island.

But by the end of 1999, the dictatorship had enough of Dr. Biscet. On November 3, 1999, he was arrested and eventually sentenced to 3 years in prison for the so-called crimes of dishonoring national symbols—that is, displaying the Cuban flag upside down—public disorder, and inciting delinquent behavior. He finished his sentence in late 2002. But only 36 days after finishing that sentence, he was rearrested again while preparing to meet with a group of human rights activists.

After several months in jail, he was formally charged with being a threat to state security and sentenced to 25 years in prison.

And he languishes there today. His crime? Seeking peaceful change in his country. His crime? Talking about the death of young born children. His crime? Fighting against a repressive regime. Yet in America, there is silence. There is silence.

It is amazing to me that such a person could write a letter like this even though he has gone through some of the worst things that someone can go through in their life: constant harassment, imprisonment. Earlier this year he wrote an open letter from himself from the Kilo 5.5 Prison in Pinar del Rio, Cuba, that got out. The letter says:

To my fellow Cubans, wherever you find yourselves, whether in our enslaved island, or in exile in any part of the world.

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

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

AN OPEN LETTER FROM DR. OSCAR ELIAS BISCET FROM THE KILO 5.5 PRISON IN PINAR DEL RIO CUBA.

To my fellow Cubans, wherever you find yourselves, whether in our enslaved island, or in exile in any part of the world. I include also those descendents of Cubans born in other lands. To all of you I send my warmest and sincere greetings.

Our efforts to achieve the unconditional liberty of our nation will soon become reality. I do not need to reveal details to communicate what among Cubans is common knowledge. We suffer not from division or fragmentation in our principles, but rather in which methods to use. We do not lack unity in ideals, but only in the methods to be applied to obtain our liberty. Unfortunately, these insignificant differences of opinion have given room for division among exile leaders and dissidents inside Cuba. These differences have given oxygen to the flames of the most recent and dangerous obstacle that we confront.

I refer to the movement for complacency. A movement that intends to make Cubans—faithful lovers of liberty—believe that they should applaud and be content to receive only small doses of liberty. A movement that suggests that Cubans do not deserve full liberty, but only small dosages of it. This movement of low expectations unites with speculation that other fragments of liberty and democracy will automatically follow. This thoughtless movement does not claim for Cubans internationally recognized basic human rights, it only suggests them. It does not claim the democratic rights of the violated Constitution of 1940, but opts instead for the framework of the illegitimate Communist constitution of 1976. That constitution is nothing more than an instrument of oppression, a malevolent document whose only purpose is to justify the totalitarian and ill-formulated state. It is an illegal aberration that has permitted and even encouraged the imprisonment, torture and execution of political opponents without even the minimal legal rights or a defense. An atheist abomination that has only served those who enslave our nation.

To those who feel exhausted after more than 40 years of constant oppression and of unfruitful efforts. To those whose frustrations and discontent have caused them to lose their moral compass. To those who have concluded that we must appease the oppressor. To them I ask:

Is it acceptable to the memory of the thousands of young Cubans, our best sons, who were executed by firing squads for the simple crime of defending our right to full liberty, to now accept complacency? Do those tens of thousands of compatriots who spent decades in prison, and who are still in a prison system whose horrors we can only imagine, deserve only partial liberty? Do those countless families who were separated from their loved ones and destroyed in the process, or those who have perished at sea, or who have died in exile dreaming of returning to their country, deserve that we now accept the crumbs that we are being offered? Shall we accept defeat after nearly a half a century of patriotic heroism in search of liberty and democracy, or shall we show the world that the most brutal and longest lasting dictatorship in our time could not extinguish the unbreakable spirit of liberty of the Cubans?

I must tell you that we have reached a crossroad in our history. Nearly a half a century ago we as a nation confronted a similar historical decision. In those days many accepted the fateful words that circulate again today: ''anything would be better than what we already have.'' They were mistaken then and they are mistaken now. Tragically, more than forty years of our national nightmare have elapsed to find ourselves again with the same question, and with the opportunity to correct our mistakes and make ourselves truly the owners of our own destiny.

I call for the unity of all my compatriots. There exists only one path before us. A path that unites us and includes all Cubans inside and outside the island of Cuba. A path that claims the rights of the citizenry in its entirety. A path that demands full democracy and the unconditional freedom of the Cuban people under a multiparty system of government, democratically elected through free general elections. A path where the Rule of Law is established and which guarantees equality under the law, without distinction of races, sex or religious creed. A path that brings about an unconditional and immediate amnesty to all political prisoners.

Fellow Cubans, let us take a step forward and let us do it in a clear and decisive manner. The work awaiting us is difficult but not impossible. Together we can achieve for our country the genuine democracy deserved by Cuba's citizens.

Finally, to the leaders of the democratic states of the world, to the American people, and in particular to the President of the United States, George W. Bush, we ask only one simple commitment: do not support or promote any solution or accord regarding the future of the Cuban nation that you would not consider acceptable for your own country.

May God illuminate us in our path for the liberty of Cuba.

DR. OSCAR ELÍAS BISCET.

Mr. MENENDEZ. I want to read only two paragraphs of it:

To those who feel exhausted after more than 40 years of constant oppression and of unfruitful efforts. To those whose frustrations and discontent have caused them to lose their moral compass. To those who have concluded that we must appease the oppressor. To them I ask:

Is it acceptable to the memory of the thousands of young Cubans, our best sons, who were executed by firing squads for the simple crime of defending our right to full liberty, to now accept complacency? Do those tens of thousands of compatriots who spent decades in prison, and who are still in a prison system whose horrors we can only imagine, deserve only partial liberty? Do those countless families who were separated from their loved ones and destroyed in the process, or those who have perished at sea, or who have died in exile dreaming of returning to their country, deserve that we now accept the crumbs that we are being offered? Shall we accept defeat after nearly a half a century of patriotic heroism in search of liberty and democracy, or shall we show the world that the most brutal—

The most brutal—

brand longest lasting dictatorship in our time could not extinguish the unbreakable spirit of [the] liberty of the Cubans?

That is Dr. Biscet from jail. Those young people who marched on the street with a very simple message—with a very simple plastic bracelet: ''cambio,'' ''change,'' they are inspired by the Dr. Biscet of Cuba and others.

Finally, it is amazing to me that when the island of Cuba is engulfed by a tropical storm, instead of making preparations for the people of Cuba to be safe, state security is making arrests of young people who peacefully walk down a street in Havana because of a simple bracelet but also a powerful message of change. It speaks volumes about what that regime is about.

I hope our colleagues use this tragic and other tragic sets of circumstances inside of Cuba to think about what our policy should be to this regime. I am reminded, standing up here with my colleague from Florida, of our successful fight to increase funds to our democracy assistance programs inside Cuba which help people create peaceful change in their own country.

We are at a critical time for democracy in Cuba, and the Cuban people are the fuel. It is the Cuban people who have faced fear and repression for decades. Yet they continue to fight for change. It starts and it will finish with them. This is why my heart and support go out to them, for what they do is more meaningful and powerful than most can imagine. That is why we grieve for those arrested and harassed and incarcerated and languishing in Castro's jails.

We are also encouraged. We know they grow stronger. We come to the floor of the Senate to make sure they understand they are not alone.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I thank the Senator from New Jersey, my distinguished colleague, for his very passionate and correct and appropriate remarks. I think there is no higher moment for this body than when we stand with those who are oppressed, as this country has, and as this Senate has over the history of our Nation. Standing with those who are oppressed is our highest moment and our best calling.

I do find it ironic that something as simple as this simple little white band, with the word ''change'' on it, could be so threatening to this illegitimate regime as to have to imprison 70 young people. Now, today, we hear that another 40 have been arrested. It is unconscionable. It is unthinkable that a regime would be so weak as to be so threatened by something as simple as these wristbands we are wearing.

But it is also a sign of the continuing spirit of freedom that continues to be alive and well on that imprisoned island. There is no question about that. That is why I think it was so appropriate we came together to increase the funding for the dissident movement inside Cuba—so they can have the simple resources, such as pens and paper, so they can communicate with one another and they can add their message of freedom and their message of hope.

I do not have any question these young people, whether they were arrested for a few days or for a harsher sentence—and we do not know because there is no rule of law; there is no guidepost we can follow—are simply at the mercy of this regime that for now almost half a century has brutalized its people with totalitarian rule.

I am pleased my colleague from Texas is here, Senator CORNYN. I want to give him a moment of time if he cares to comment on this situation.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Briefly, Mr. President, I commend my distinguished friends and colleagues from New Jersey and Florida for this statement of solidarity with the Cuban people.

I could not agree more that it is important—certainly now as much as ever—that we stand arm in arm, shoulder to shoulder, opposed to oppressive regimes that really govern by fear.

I have to say, just briefly, to my friend from Florida, Senator MARTINEZ, I know his personal history of being a refugee from Cuba when he was 16 years old, being part of a Pedro Pan effort to bring young Cubans to America so they could have a better life.

He also shared with me recently a movie which, while a work of fiction, I think, gave me a very emotional sense of what people in Cuba, in Havana in particular, must have experienced with the Cuban people being oppressed by Fidel Castro. I have to tell my colleagues, it is a bleak existence that these people, who are seeking nothing more than the most basic of human rights, have under a heartless regime of a dictator such as Fidel Castro.

So I just wanted to express a few words of thanks and words of solidarity for my colleagues from New Jersey and Florida and to reiterate that all of us, all of the American people stand in solidarity with those in Cuba who seek change, who seek what we perhaps too often take for granted; that is, our freedom to speak, to live, to worship as we see fit. We ought to do everything we possibly can to support them.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I wish to join my colleagues, our two distinguished Members of the Senate who are of Cuban origin and who proudly bear that moniker of ''Cuban American,'' one of the most distinguished groups in our society in America today.

I wish to say that at the time Fidel Castro was beginning his takeover on the island of Cuba, as a young boy I had the opportunity of representing the youth of America and going to the Iron Curtain at the German-Czechoslovakian border and speaking over Radio Free Europe to the young people behind the Iron Curtain. Of course, at age 17, what I saw that day made a lasting impression, for standing there at the German-Czechoslovakian border in the little village of Tillyschantz, seeing the machine gun nests, the guard towers, the concrete dragon's teeth to prevent anyone from breaking through the fence, the mine fields, the ground raked very clean so that any footprints could be seen, seeing the dogs patrolling back and forth, that, of course, made a significant impression upon a young mind that had some appreciation for the enslavement of people.

Now, what happened to the Iron Curtain is happening to Cuba. That iron curtain around Cuba is starting to fall, and it is for exactly these same things that are happening now: 70 young people walking around with white wristbands that say ''cambio''—change—that the dying Communist, repressive, totalitarian regime is continuing to lash out and arrest them. It is the inevitable march of history that ultimately freedom is going to win, just as it did in Eastern Europe with the fall of the Iron Curtain that I saw at age 17. It has taken a lot longer in Cuba because of its island barrier, because of its extraordinary repressive regime.

So whenever we get a chance to speak out for change—''cambio''—we in this Senate need to do it. I am delighted to join my colleagues, Senator MARTINEZ and Senator MENENDEZ, in unifying our voices in calling for cambio in Cuba.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I thank my colleague from Florida for coming to the floor. Senator MENENDEZ was so eloquent in his description of the situation today, and I wish to echo his comments regarding the Presidential Medal of Freedom Oscar Elias Biscet will be receiving on Monday. It is a wonderful acknowledgment of this Afro-Cuban doctor. He, in his quest for freedom, has chosen to follow Martin Luther King, Jr., the Dalai Lama, and Gandhi. This is a man of peace. He is not a man of armed conflict, not a man of violence; he is a man of peace. He is in prison, as was mentioned by the Senator from New Jersey, but I want us to understand that being in prison in Cuba isn't as simple as just being denied the opportunity to walk and move as you will but it is to be in the most repressive gulag the world has ever seen.

President Bush last week was speaking eloquently about the situation in Cuba. He said: The day this regime ends, those who have supported it will be embarrassed by the things that will be revealed, just like those who supported the Eastern European gulag or the Nazis or the Stalins of the past, who were embarrassed at a time when the full measure of their cruelty was seen and recognized.

As we approach the agricultural fair in Havana, I remember that as a young boy—my father was a veterinarian, and one of the biggest thrills for me was to go from my small city to Havana to the fair. This was a time when the cattle exposition was there, and my father, of course, being involved in this industry, was there doing business. I remember seeing my first rodeo there. It is a wonderful memory.

Well, this fair still goes on every year. I know there will be many from this country who believe the most appropriate thing to do is to make a buck and go there and sell goods and participate in this fair. I hope when they are there, they might have the courage themselves to wear one of these little wristbands. I will be happy to supply them. I have a few. It would be wonderful if they would show up at the fair wearing these wristbands that say ''cambio''—just a simple message of solidarity with those who are oppressed.

We are a people of freedom. We enjoy our liberty, and we want it for others. We understand that the time for the Cuban people is coming. The hour for the Cuban people is approaching. It is coming. So I thank my colleagues for their solidarity, Senator CORNYN from Texas as well as my colleague from Florida and Senator MENENDEZ, all joining today in one voice seeking ''cambio''—change—and standing together with these young people for their courage and their bravery, as well as celebrating this wonderful award Dr. Biscet will be receiving on Monday, which is a good recognition of his long work in the area of human rights, and hoping that it might be an opportunity for the Cuban regime to perhaps consider whether it is the time to grant him his freedom.

Mr. MENENDEZ. 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.

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

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

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for about 7 or 8 minutes.

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

Mr. BROWN. Madam President, Members of the House and Senate have worked diligently over the last several months to write a bill to reauthorize the Children's Health Insurance Program. They worked hard and came to a solid bipartisan compromise. This is a bill that Republicans and Democrats alike have championed. Almost 70 Members of the Senate voted for the Children's Health Insurance Program, and about 290 members of the House voted for it.

Despite the strong support nationwide from both parties in the House and both parties in the Senate and the strong support from groups such as the United Way to children's hospitals, to pediatricians, to medical groups, to all kinds of children's advocates, the President still vetoed it.

Now we have an opportunity to save the bill. For our national leaders who are still unsure, I wish they would meet the families benefiting from this program. I would love it if President Bush would meet families such as the Coltmans of Conneaut, OH, which is not far from where my wife grew up, near the Pennsylvania border. The Coltmans are a large family with five children and two hard-working parents.

In July, their 7-year-old son Caleb was diagnosed with leukemia. The doctors are optimistic, but treatment, of course, is very expensive. Last year, Kenna Coltman, Caleb's mother, left her job to work for her family business, a neighborhood grocery store. Unfortunately, this meant she had to search for new health insurance. After a long search for private insurance, the Coltman family found an affordable plan, but it wasn't scheduled to go into effect until August.

By that time, Caleb had been diagnosed with leukemia. Needless to say, that was a deal breaker for the private insurer.

Uninsured, facing catastrophic illness—a parent's worse nightmare—the Coltmans ran out of options. Caleb's mother recounted the experience this way:

> If there was absolutely any other way to get our son the care and medication he needs without totally impoverishing our family, we would do it.

Instead, the Coltmans turned to Ohio's Healthy Start/Healthy Families program, a Medicaid-CHIP joint initiative.

Mrs. Coltman said:

> We were lucky in the fact that last year was a really bad year for us financially, or we may not have even qualified for Medicaid.

Hear that again:

> We were lucky in the fact that last year was a really bad year for us financially, or we may not have even qualified for Medicaid.

It seems wrong to me that a family should be feeling ''lucky'' because they earned so little money in 1 year that they were able to qualify for Medicaid to take care of their son who was diagnosed with leukemia.

But Mrs. Coltman does feel lucky and they qualified—falling below 200 percent of poverty even after exhausting all their savings.

Caleb's treatment is now covered. Thankfully, his current prognosis is good, and the family business seems to be turning the corner. Although the Coltman parents are still without health insurance, the children remain covered through SCHIP—a bona fide lifesaver, a real lifesaver.

Let's make sure other families—in Ohio and elsewhere—have access to this critical health insurance safety net by sending the Children's Health Insurance Program bill to the President's desk.

Let's provide children in Ohio, in Missouri, and elsewhere, such as Caleb, the start in life that will help them to achieve their goals and develop to their fullest potential.

Ten years ago, a Democratic President and Republican Congress made a promise to low-income children and their parents. We told them they would be able to insure their children. We wrote it into law and the Children's Health Insurance Program has worked for 6 million children. Now, this bill will help us follow through on that promise for 4 million additional children.

There are millions of low-income American children who are eligible but not now enrolled. This bill enables our country to follow through for more children who are already standing at the door. This bill lets them in. We have an insurance program that works, a bipartisan consensus that is firm, and a goal that is above politics. Our goal is to provide health insurance for our children. Let us move forward.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, I have had a number of conversations this morning with Democratic and Republican Senators. They are attempting to work out a compromise with respect to the CHIP bill, the children's health program. They think if they have more time, they can do that. I believe they are acting in all sincerity. They have tried very hard. They have even had individual meetings with House Members; Democratic Senators have met with Republican House Members; Democratic and Republican Senators have met with Republican House Members. They have tried to work something out.

It is an unusual situation. They have even been calling the Speaker. A number of the prime negotiators have talked to her numerous times on the telephone and met with her personally.

Having said that, this is an effort to try to work something out. I ask unanimous consent the motion to proceed to H.R. 3963 be agreed to, that the bill be laid aside until 4 p.m. this coming Monday, November 5; that on that day, Monday, November 5, the Senate vote on cloture on the bill at 5 p.m.; if cloture is invoked, there be 2 hours for debate on the bill and any possible germane amendments thereto, and at the conclusion or yielding back of time, the Senate proceed to vote under the provisions of rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, on behalf of one of the Members on my side of the aisle, I would have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, in an effort to try to be cooperative in this matter, I ask consent to allow these individuals more time to deal with this, and therefore I ask unanimous consent to proceed to this legislation, H.R. 3963, and that it be adopted and the bill be laid aside until the disposition of the farm bill, H.R. 2419. That would probably not be until, at the earliest, somewhere in the middle of November sometime.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, once again there is an objection on this side of the aisle.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, of course, I am disappointed. I have tried to keep the Republican leader advised. I have done my best to balance the requests. I usually do not get in this position of Democratic and Republican Senators, but I have been happy to do that. This is my effort to try to do that.

I hope there can be some way, sometime, that we can send a bill to the President that he will not veto. Hopefully, this one he will not. We have made some changes in it, as I have indicated. We changed to no waivers over 300 percent. We have locked in more tightly anything dealing with undocumented children. We have cut the time for adults. Any adults who are on the program, with no children, they were to have 2 years, now it is 1 year. We have moved the best we can.

Having done that, Madam President, I ask unanimous consent the Senate now proceed to consideration of the children's health insurance bill, H.R. 3963, the time between now and 4:45 p.m. today be equally divided between

the two leaders or their designees, and no amendments or motions be in order to the bill; that at 4:45 p.m. the Senate vote on cloture to the bill and that motion to be filed upon reporting of the bill; if cloture is invoked, the bill be read a third time and the Senate vote without any intervening action or debate on passage of the bill.

Mr. MCCONNELL. Madam President, reserving the right to object, and I will not object, let me echo the observations of the majority leader about how important the children's health insurance issue is.

This was a measure that originated with a Republican Congress back in the 1990s. I think we are going to be able to get this worked out after this skirmish that has been going on over the last few weeks in a way that will guarantee additional poor children receive the health insurance they certainly richly deserve.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? The chair hears none, and it is so ordered.

Mr. REID. I thank the Chair.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 450, H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007.

Max Baucus, Harry Reid, Benjamin L. Cardin, S. Whitehouse, Robert Menendez, Daniel K. Inouye, Jack Reed, Barbara Boxer, Pat Leahy, Bernard Sanders, Ken Salazar, Kent Conrad, Ron Wyden, Byron L. Dorgan, Debbie Stabenow, Bill Nelson, Robert P. Casey, Jr.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, earlier today I joined with several of my colleagues—the good Senator MCCASKILL and Senator CASEY and a distinguished leader on children's health, Dr. Woodie Kessel—to speak out on the children's health legislation we are considering in the Senate.

Dr. Kessel is an extraordinary public health official, a pediatrician who has been widely acclaimed and recognized by virtually all the medical societies for his lifetime commitment to children. He worked in Republican and Democratic administrations and feels passionately about the importance of the passage of this CHIP legislation.

Dr. Kessel spoke of a recent presentation of the American Academy of Pediatrics on the value of investing in children's health provided by Dr. James Heckman, the Nobel laureate in Economics. I wish to share his words with the Senate today, as they make a persuasive case for the bill that is before us. This is a direct quote from the Nobel laureate.

It is a rare public policy initiative that promotes fairness and social justice and at the same time promotes productivity in the economy and in society at large. Investing in disadvantaged young children is such a policy. Early interventions for disadvantaged children promotes schooling, raises the quality of the workforce, enhance the productivity of schools and reduce crime, teenage pregnancy and welfare dependency. A large body of research shows that skill begets skill; that learning begets learning. The earlier the seed is planted and watered, the faster and larger it grows.

That is what our bill is all about. Investing in America's future, investing in our children. If we give them the chance for a healthy start to life, we will reap the rewards for decades to come in terms of better education and a more productive workforce. If, instead, we succumb to the politics of fear and division coming from the White House, we consign 10 million American children to a dimmer future.

The CHIP program is an education issue because we know children who are sick—unable to see the blackboard, unable to hear the teacher, unable to read the book or understand the homework—are not going to learn. So this is a health issue and it is a children's issue. It is a children's issue because it affects the 10 million children.

It is a working families issue because this is targeted to the children of working families, more than 92 percent for those families earning under 200 percent of poverty, about $42,000 for a family of four. So it is a working families issue.

It is a fairness issue. Particularly in the Senate, when we cast our votes this afternoon—we are getting paid $160,000. Our health insurance for all the Members of the Senate—with the exception of one individual—for all the Members, is paid for by the American taxpayers, 72 percent: 72 percent of our health insurance; every Member. We have the best. I have believed that since I have been involved in the health issue since arriving in the Senate, and I was reassured of that in the last couple weeks when I needed medical attention. We have the very best. We can go down to the dispensary in the Capitol of the United States and see some of the finest medical personnel in our country. We can go to Walter Reed, we can go to Bethesda Naval Hospital, places where the President and the Vice President and Cabinet and other Members of Congress have gone, and we get our health care paid for, effectively, in full.

Yet we are going to vote to deny the working families of this country, people who are making 200 percent of poverty—$40,000, these are working families in this country—the opportunity to have their children covered?

That is the issue, that is the fairness issue, that is the values issue, and that is the issue before the Senate this afternoon.

We know when these children get the healthy start, as the Nobel laureate pointed out, they are more productive, they are more effective. They are going to be more effective and more productive and healthier for their lives. They are going to be more lively, in terms of the world economy and the knowledge-based competition we are going to be facing in a world economy. They are going to be more effective as leaders, in terms of our national security. They are going to be more gifted and talented, in terms of implementing rights and liberties and having our democratic institutions function and work the way our Founding Fathers wanted them to work.

This is an enormously important bill that reaches the heart and soul of what this country is all about. I am hopeful we will have a strong, overwhelming vote in favor of moving ahead and achieving our objective.

NOMINATION OF MICHAEL B. MUKASEY

Madam President, I intend to oppose the nomination of Michael B. Mukasey to be the next Attorney General of the United States.

This is a nomination I had hoped to support. There is no doubt the Department of Justice is in desperate need of new leadership. Under Attorney General Alberto Gonzales, the Department was transformed from a genuine force for justice into a rubber stamp for others in the administration who cared little for the rule of law.

The Office of Legal Counsel, and the Attorney General himself, repeatedly authorized programs of torturing detainees and wiretapping Americans that were both illegal and immoral.

Career attorneys who spoke up were marginalized or transferred to dead-end jobs. U.S. attorneys were fired if they refused to take orders from the White House as to who should be prosecuted.

The Civil Rights Division turned its back on its historic mission, and failed to vigorously enforce our civil rights laws. Instead of protecting the rights of all Americans, it spent time approving voter-identification laws that keep the poor, the elderly, and minorities away from the polls, and investigating phantom allegations of ''voter fraud.''

There has never been a time when the Department of Justice was more in need of a new direction, away from partisanship and back to its critical responsibility of protecting our rights and enforcing our laws.

We all hoped that Michael Mukasey could provide that needed leadership.

He had served with distinction as a Federal judge for almost 19 years. By all accounts, he was smart, fair, and conscientious in the courtroom. In some cases, he showed admirable independence, rejecting some of the administration's most extreme legal arguments. He has the credentials and many of the capabilities to be a strong Attorney General.

But talent and experience are not all that is required for the job. The Attorney General of the United States must also be a person with an unbending commitment to justice, fairness, and equality, who will stand up for America's laws and values, even when the White House tries to steer the Department in the other direction.

I have had the chance to meet with Judge Mukasey, to listen to his testimony in the Senate Judiciary Committee, and to read through his answers to written questions submitted by committee members. I cannot in good conscience support his nomination.

My concerns begin with Judge Mukasey's answers to our questions about waterboarding. Waterboarding is a barbaric practice in which water is poured down the mouth and nose of the detainee to simulate drowning. The Nation's top military lawyers and legal experts from across the political spectrum have condemned this technique as a violation of U.S. law and a crime against humanity. Following World War II, the United States prosecuted a Japanese officer for engaging in this very practice, and that officer was convicted and sentenced to 15 years of hard labor.

Waterboarding is torture. Period. Yet Judge Mukasey refuses to say so.

His refusal was so extraordinary and unexpected that we asked the Judge a series of further questions to help us understand why an able, experienced lawyer would find it so difficult to agree that a practice used in the Spanish Inquisition was torture. But our questions were met with equivocation and evasion. Judge Mukasey told me that my questions about the legality of waterboarding were the kind of hypothetical questions that judges commonly refuse to address. But he has been nominated to be Attorney General, and an Attorney General, unlike a judge, is often called upon to determine whether an action would be legal before such an action is taken.

However, it is not just his remarks on waterboarding that trouble me. Judge Mukasey also evaded a wide range of questions on torture. He refused to commit to sharing with Congress the legal opinions of the Office of Legal Counsel that have authorized coercive interrogation techniques. He suggested that Common Article III of the Geneva Conventions, the basic international standard for humane treatment, may not always apply to the treatment of enemies we capture, even though the Supreme Court has rejected that view. He would not even say whether it would be unlawful for enemy forces to subject Americans to ''painful stress positions, threatening detainees with dogs, forced nudity, waterboarding and mock execution.''

These extreme views are not only immoral and legally flawed, they also increase the risk that our own troops will be subjected to barbaric treatment.

Judge Mukasey could not even bring himself to reject the legal reasoning behind the infamous Bybee ''torture memo.'' That memo stated that physical pain amounted to torture only if it was ''equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.'' Anything that fell short of this standard would not be torture, according to the memo.

CIA interrogators called this memo their ''golden shield,'' because it allowed them to use virtually any interrogation method they wished. When the memo finally became public, however, the country was appalled and the memo's flaws were quickly exposed. Dean Harold Koh of Yale Law School wrote, ''in my professional opinion as a law professor and a law dean, the Bybee memorandum is perhaps the most clearly legally erroneous opinion I have ever read.'' The Bush administration was so embarrassed that it withdrew the memo.

When I said to Judge Mukasey that his testimony left ''the alarming impression that you may agree with [the memo's] legal reasoning,'' he did nothing to remove that impression. He said that the memo was ''a mistake,'' but he could not bring himself to reject its flawed reasoning.

There are only two possible explanations for Judge Mukasey's testimony on this issue. The first is that he genuinely believes that waterboarding may not always be torture, that international law does not fully protect American POWs, and that the withdrawn Bybee memorandum was not deeply flawed. If those are his beliefs, he is so far out of the mainstream of legal thought in this country that he should not serve as Attorney General.

The second explanation is that Judge Mukasey has already begun defending President Bush's administration, instead of standing up to it when the rule of law requires it. It is quite possible that Judge Mukasey knows that waterboarding is torture, that international law protects American POWs, and that the Bybee memorandum was a moral and legal abomination. But he refuses to say so, because such answers would be deeply inconvenient to the Bush administration.

Time and again, Judge Mukasey told us that he would be independent of the White House, that he understands that the Attorney General is not simply the President's lawyer, but is the guardian of the law for all Americans. I would like to believe Judge Mukasey. But if this issue was the first test of his independence, he has failed it.

Judge Mukasey's answers to our questions on torture remind me of nothing so much as the responses to the Senate on these issues by Attorney General Gonzales. Mr. Gonzales adopted an absurdly narrow definition of torture in order to permit extreme interrogation practices. He ignored the plain language of the Geneva Conventions prohibiting cruel and humiliating treatment.

He withheld his views on how to interpret and enforce our laws against torture and cruel, inhuman, and degrading acts. He refused to discuss specific interrogation techniques or to repudiate the Bybee memo. He refused to take any firm positions.

Judge Mukasey may have dressed up his responses in more skilled legal rhetoric, but the difference between his answers and those of Mr. Gonzales is disappointingly small.

Judge Mukasey's answers make clear that this administration simply cannot be trusted ever to renounce torture. Congress, therefore, must act now to strengthen our ban on torture. I have already introduced a bill to do that: The Torture Prevention and Effective Interrogation Act. It will apply the standards of the Army Field Manual to all U.S. government interrogations, not just Department of Defense interrogations. This basic reform will ensure that our government honors its commitment to the rights enshrined in the Geneva Conventions, which protect the values we cherish as a free society and the lives of our men and women overseas. I intend to move that legislation at the earliest possible time. Congress needs to pass it promptly.

While Judge Mukasey's views on torture are reason enough to oppose his nomination, I found little comfort in other areas as well.

For instance, Judge Mukasey argued that the President has substantial spheres of exclusive powers over which the other branches of government have no control whatever. He indicated that the President may indefinitely imprison a U.S. citizen, seized on U.S. soil, without charges, solely on the President's determination that the person is an ''enemy combatant.'' He ridiculed critics of the PATRIOT Act. He stated that the President may sometimes violate or disregard the Foreign Intelligence Surveillance Act, despite that law's clear statement to the contrary.

Judge Mukasey also argued that the Authorization for Use of Military Force, passed by Congress immediately after the 9/11 attacks, may have authorized the President's warrantless surveillance program that was used to spy on millions of Americans for over 5 years. That is a ridiculous legal argument, which legal experts have debunked time and time again. In these statements and others, Judge Mukasey left the troubling impression that the executive branch can run roughshod over the constitutional role of the other branches and the civil liberties of Americans.

When I met with Judge Mukasey, I made clear that the Civil Rights Division is failing in its historic mission. As civil rights legend John Lewis recently testified, the division has ''lost it's way.'' It will take clear, strong leadership to ensure that the division once again vigorously enforces the Nation's civil rights laws. When we met, I suggested specific reforms, and I mentioned published studies that have done the same. Yet when I asked Judge Mukasey about his specific plan for the Civil Rights Division, he gave only vague answers. He never acknowledged that the division is in need of reform, and he never provided any concrete ideas on how he would revitalize the division. There was nothing in his answers to suggest that as Attorney General, he would enforce our civil rights laws with the skill and vigor that are necessary to guarantee equal justice and equal opportunity for all Americans.

I therefore intend to oppose this nomination. Judge Mukasey appears to be a careful, conscientious and intelligent lawyer, and he has served our country honorably for many years. But those qualities are not enough for this critical position at this critical time. Over the past 6 years, the Bush administration has run roughshod over the rule of law, and has taken the Department of Justice along for the ride. In light of that history, the Senate must demand an Attorney General who will speak truth to power, and follow the law, no matter what the consequences.

Judge Mukasey's equivocations and evasions on critical issues give me no confidence that he will fulfill this vital role. After 6 long years of reckless disregard for the rule of law by this administration, we cannot afford to take our chances on the judgment of someone who either does not know torture when he sees it or is willing to pretend so to suit the President.

Mr. President, I ask unanimous consent when the Senate goes into a quorum call, the time be equally divided between the parties.

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

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

PRODUCT SAFETY

Mr. BROWN. Mr. President, Halloween has come and gone. Yet there are too many parents I have talked to in the last couple weeks who have some fear, who have been scared about some of the toys that have come into our country; where they see ''Made in China'' and they have seen news reports and have seen and heard about products tested that have lead content.

A professor at the University of Ashland, in Ashland, OH, about 15 miles from where I grew up in Mansfield, OH, has been a leader, with his chemistry students at Ashland University, in testing for lead in toys.

I asked him if he would test some Halloween products, if you will, some Halloween toys and various paraphernalia. He found out of 22 products he tested, 3 of them had high levels of lead. In fact, the Consumer Product Safety Commission has said that anything over 600 parts per million of lead is dangerous for adults, and any lead at all is dangerous for children.

He found in a Frankenstein mug he bought locally at a store in Ashland—and they are sold all over the country, I am sure—he found a Frankenstein mug that had 39,000 parts per million of lead—39,000—when the level of safety for adults is 600, and the level for children is zero. He found a Halloween cup that was 39,000 parts per million.

We have read all about the Consumer Product Safety Commission and how they have failed the American people and how the chairwoman is lobbying against the legislation of Senator PRYOR to make the Consumer Product Safety Commission work better; how she has supported the Bush administration, as an appointee of them, in cutting funding for inspections and cutting funding for enforcing consumer product safety.

But this shouldn't surprise us when we buy $288 billion worth of products from China, as we did last year, not to mention hundreds of billions of dollars of products from other countries, and tens of billions of dollars of those products are consumer items certainly—tens of billions of dollars worth of tires, vitamins, toys—all kinds of things. Those products are made in a country where they have weak worker safety standards, they have almost nonexistent consumer protection laws and rules, they have very weak food safety standards, very weak environmental safe drinking water and clean air standards.

So we shouldn't be surprised when we buy products from a country where these products are produced doesn't have any kinds of protections themselves for their own workers and for their own consuming public. That is compounded by the fact that American companies such as Mattel, toy companies and other companies, when they go to China, they hire Chinese subcontractors and they push these Chinese subcontractors to cut costs: You have to cut costs and cut corners and make these products cheaper. So what logically will they do? They will use lead-based paint because it is cheaper, easier to apply, dries faster, and it is shinier. They will put contaminants in vitamins because it is less expensive than using the pure, real ingredients that should be in them. As the New York Times pointed out yesterday in a frontpage story, they will sell pharmaceuticals out of China that are contaminated and unsafe for consumers in China and all over the world.

So you have a situation where we open our borders, as we should, to trade. I want trade. I want more of it. I want plenty of it. But I want it under a different set of rules, most importantly to protect the American public and our families and our children. But we open up our borders to $288 billion of Chinese products. They don't make these products safe for their own people, let alone for the United States. They cut costs to export those products here, and then when these importers bring them in, Mattel or anybody else, they are not held accountable. If Mattel is going to bring toys in, then they are responsible for those toys being safe—any importer that brings products in, whether it is apple juice, whether it is vitamins, whether it is toothpaste, whether it is dog food, whether it is toys, whether it is tires. Every one of those products has had a major problem, and every one of those products I mentioned was imported from China and from Southeast Asia.

At the same time, then, we have a complicit or a compliant—I am not sure which—Bush administration which has weakened consumer protection laws, food safety laws, clean air laws, safe drinking water laws, and it has weakened drug safety laws. We have a Bush administration which has weakened those laws and then underfunds and cuts back on the number of inspections. So the products are made in a country where they are not likely to be safe, they are brought in by an American contractor who has pushed those subcontractors to do it more cheaply; they are then brought in with no personal or corporate responsibility by the importer, and then we have a government which doesn't protect us. For 50 years, in some cases more than 50 years, and in others slightly fewer than 50 years, we have had an FDA, Food and Drug Administration, an EPA, a Consumer Product Safety Commission, and the Environmental Protection Agency, we have had these agencies which have protected the air, the water, the food, the medicine, the toys our consumers buy.

What has happened over the last 5 years is that they have weakened the standards and cut back the number of inspectors, even though 20 years ago when the Environmental Protection Agency was much larger and did many more inspections, we are now importing all kinds of toys and food products that we weren't importing back then. So we have set ourselves up—because of the Bush administration's closeness to the toy companies and other corporations, the Bush administration has sided with the drug companies over the consuming, medicine-taking public, the Bush administration has sided with

the big polluters and they weakened the EPA; they sided with the big toy companies and weakened the Consumer Product Safety Commission. So it is no surprise our children are not as safe and our food supply is not as pure as it should be. It doesn't matter to point fingers, but the fact is we have set this system up, in part because of trade policy that is written by the largest corporations in the country to serve their shareholders and to serve their executives at the expense of workers overseas, at the expense of workers in our country, and at the expense of the consuming public: our children and their toys in their bedrooms and our families in the food they buy for their kitchen tables.

Yet Congress—the House and Senate—perhaps is about to pass another trade agreement. We have seen these trade agreements with China, with Mexico—the Central American Free Trade Agreement, NAFTA, CAFTA, PNTR with China—we have seen these trade agreements weaken our safety regulatory structure. These trade agreements in part are responsible for weaker environmental standards, for weaker food safety standards, for weaker consumer protection laws, for weaker food and drug safety rules. Yet Congress is about to pass, it looks like, a trade agreement with Peru, with some of the same problems. It is a better trade agreement. It has some labor and environmental standards, but it doesn't have the kinds of protection for food safety, the kinds of protections for drug safety, the kinds of protections for consumer products as it should.

Instead of passing another trade agreement, Congress should simply stop. We should reexamine our consumer protection laws, our food safety laws, our safe drinking water and clean air laws, our drug safety laws. We should stop and examine them. We should stop and not pass any more trade agreements until we have reexamined what NAFTA has meant, what CAFTA has meant, what PNTR with China has meant, and a whole host of other trade agreements. Then we can move forward and write trade agreements that don't just serve the interests of the largest companies in the world, as they have in the past, but trade agreements that work for workers, trade agreements that protect the public, protect our jobs, protect our food supply, and protect our children from dangerous toys. If these trade agreements are done right, they will lift up standards not just in Mexico and Central America and China, but lift up standards in this country so we know we will have pure food and safe drinking water.

We know from these trade agreements that we will have safe toys with no lead in them, and we know it will be better for our communities, from Galion to Gallipolis to Ashtabula to Middletown in my great State of Ohio.

Mr. President, I yield the floor.

I suggest the absence of a quorum, and I ask unanimous consent that the time on the quorum call be evenly divided between the two parties.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, quite frankly, I don't understand the objections of the President of the United States to the Children's Health Insurance Program we are considering here today. I hope we all understand the importance of this program and how important it is for children in America to have health insurance. We know, and we have a lot of studies which show, that children who have health insurance are far more likely to be immunized against diseases, far more likely to have the benefits of preventive health care, are far more likely to get the type of health care intervention that will lead to healthier lives. Quite frankly, that will save us money because they are going to be healthier and need less health care during their lifetime. We also know that children who have health insurance are far more likely to have better attendance records at school. The list goes on and on and on. So it makes sense for children to have health insurance.

The legislation we are considering is aimed at working families—working families that cannot afford the cost of health insurance. These are families playing according to the rules. They are doing everything right, but they can't afford the cost of insuring the family with health insurance.

A family from Baltimore came and testified before the Presiding Officer's committee for the reauthorization of the CHIP program. The mother explained that having children's health insurance—having the Maryland program—that mother no longer has to wake up in the morning and decide whether the child is sick enough to see a doctor. She doesn't have to worry that if her child is playing on a playground and gets hurt, how they will be able to afford that bill.

Our children are the innocent casualties of the failure of our country to have universal health coverage—universal health insurance. They are the innocent casualties. The bill we have before us tries to do something about it.

This is a bill that is not a Democratic bill or a Republican bill; it is a bill that has been compromised in the best sense of the legislative process: Democrats and Republicans working together to produce a bill that could be supported not just for 1 year but supported now for a decade. It is a bill that builds upon private insurance. That was important to get the consensus among Democrats and Republicans. It is a bill that is administered by our States; it is not administered in Washington. This is a program that our States administer. I am proud of the State of Maryland MCHIP program, the Maryland Children's Health Insurance Program. It is designed in Maryland to meet the needs of our children, and the Federal Government is a partner in helping to pay for the program. This is a bill that has been worked in the best sense of the legislative process, by Democrats and Republicans.

It is an affordable program. I have heard the President of the United States talk about the affordability. This program is affordable. First, as I mentioned earlier, it saves health care dollars. Children who have access to preventive health care are going to save us money over the long term in health care expenditures. Secondly, this bill is paid for. I know that is not always the case with legislation we pass, but this bill will not add a penny to the deficit. In fact, I would argue that this bill will actually help us in balancing the Federal budget. It is fully paid for by an increase in the cigarette tax, but economists tell us that as a result of the increase in the cigarette tax, there are going to be millions of people who will either stop smoking or will never start smoking—particularly young people who won't start smoking now because of the extra cost in buying a pack of cigarettes. The Presiding Officer and I know how much that will save in our health care system for someone who doesn't smoke. That is not figured into the cost estimates here, the savings we will have to our health care system because of the number of children who will never start smoking.

In Maryland, this bill will mean that Maryland will not only be able to continue the 100,000 children who are currently enrolled in the program—because if we don't pass this bill, we can't continue our current commitment—but will add 40,000 more children to the Maryland Children's Health Care Program.

That is good. We need to do that. Let me remind you that, in Maryland, we have 800,000 people without health insurance. That is not just children, that is the whole community that has no health insurance. Obviously, we want to reduce that number. This bill makes a small step in dealing with the gap we have in America where people have no health insurance, but it is an important step because it deals with children. We can certainly do that.

I wish to talk about one part of the program that, quite frankly, hasn't gotten a lot of attention, and it is a very important part, which is the reason we need a reauthorization bill. In a reauthorization bill, we can expand the program to deal with the needs in our communities. This bill covers required dental services, so all the children in the Children's Health Insurance Program will receive dental insurance coverage.

C. Everett Koop, a former Surgeon General of the United States, says,

''There is no health without oral health.'' Again, he is a former Surgeon General. The American Academy of Pediatric Dentistry said dental decay is the most chronic childhood disease among children in the United States—five times more likely than asthma. Regarding the vulnerability of our children, of those children between the ages of 6 to 8, 50 percent have tooth decay. If you are poor and live in poverty, you are two times more likely to have a problem with your teeth. If you happen to be a minority—if you are an African American, 39 percent of them have untreated tooth decay. If you live in a rural part of your State—Mr. President, I know your State and my State have rural communities—only 11 percent of our population ever visit a dentist. We have a problem with dental care in this country. Twenty-five million Americans live today in areas that have inadequate dental care services. So we can do better, and this bill moves us in the right direction. There is a direct relationship between general health and oral health. We know that. One example: Plaque has been directly related to problems with heart disease. We know there is a relationship there, and there is a lot to be learned.

I am going to try to put a face on this issue because we talk about what it means to have 25 million people who don't have access to dental services. I will tell you about one child, Deamonte Driver. He lived in Prince George's County in my State, which is about 6 miles from here. He was a 12-year-old who had problems with his teeth. His mom tried to get him to see a dentist and could not find one who would treat him. He sort of fell through the cracks.

Finally, he was suffering from horrible headaches, so his mother did what many parents do with children who don't have health insurance—took the child to the emergency room. One of the reasons we want to see the CHIP bill passed is to get children less expensive preventive health care so they don't have to use emergency rooms as primary care facilities. He went to the emergency room, and he was admitted. It seemed as if he didn't just have tooth decay, he had an abscessed tooth that went untreated. No dentist would see him. He had no insurance. They performed an operation and tried to alleviate his pain and save his life. They performed a second operation and spent a quarter of a million dollars, which we paid for because it was uncompensated care. That boy died because, in 2007, we have no program in this country to provide that child an $80 tooth extraction and for children to be able to see dentists.

Mr. President, one of the really good things about this bill before us—our reauthorization bill—is we have a chance to do something about that. We have a chance to do something about the Deamonte Drivers of our communities, to make sure our innocent children get the type of attention they so much deserve.

What does this bill do for dental care? It has a guaranteed dental benefit, coverage of dental services necessary to prevent diseases, promote oral health, restore oral structure to health and function, and treat emergency conditions. That is what is covered in this legislation which we will vote on in a few hours. How do you meet that? It is interesting. The States are giving benchmarks. You can do it if you have a benefit like ours, our Federal plan, in which dental benefits are included. The State can meet the requirements by providing the benefits Federal employees get. They can take the dental benefits in their State employees' plan and use that as a model or they can take the most popular commercial plan in their State for enrollment for Medicaid enrollees and use that as their benchmark.

So when you are using commercial insurance as the benchmark for what children should be able to have insurance to deal with their dental needs, to me, that is the way we should be going. It is in this bill.

This is even more important. The bill provides for dental education for parents of newborns. When babies are born, they don't have teeth, so why is that important? One out of every five children between the ages of 2 and 4 has tooth decay in their baby teeth. This bill provides for education so that parents know about the risks of oral health and know how to deal with oral health as their babies grow up. It also makes it easier to locate a participating provider.

Let me go back to Deamonte Driver again, from Prince George's County. His parents sought the help of a social worker, Laurie Norris, who tried to find a dentist who would treat Deamonte Driver. That social worker made over 20 phone calls to try to find a dentist who would treat Deamonte Driver—without success. Think about the time that went into that. Think about how many parents must be so discouraged in trying to get help for their children.

Well, this legislation before us today, which we will vote on in a couple of hours, does something about that. It requires that the Web page on the Children's Health Insurance Program list the coverage available by State for dental benefits under the CHIP program, plus the list of providers who will provide that care. So if this bill becomes law, with one phone call or one click of the mouse, a parent will be able to know exactly what the benefits are and exactly which dentist that parent can contact in order to get his or her child the type of care they need.

I have heard my colleagues talk a lot about this Children's Health Insurance Program, how important it is to the health of the people in our communities. I know how important it is in Maryland. I am proud of our program at the State level, which has the cooperation and help of the Federal Government as a partner. It is a bipartisan bill, developed by Democrats and Republicans, and the bill makes sense from the point of view of proper allocation of money in our health care system and will save us money—all of those things.

At the end of the day, it does speak about priorities. What is important? Where are our priorities? What do we want to be known for? Whom did we stand up for?

This bill spends $35 billion over a 5-year period, and it is fully paid for. We can all make our own comparisons, but I think about the cost in Iraq, which, over a 3-month period, is costing more than this bill, and it is not paid for, but we seem to always have the money for that. And we come up with excuses to oppose this legislation.

I thank the leaders who were responsible for bringing this legislation forward. I urge my colleagues to support it. I hope we can get the type of support we need to pass this, notwithstanding the objections of the President. I always hold out hope that President Bush will sign a bill—a bill that will allow the people of Maryland and throughout this country to have adequate care so that we don't have to again see a story such as Deamonte Driver's—a child who died because we could not find a way to get him basic dental care.

I urge my colleagues to support this legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

IRAQ WAR COSTS

Mr. MENENDEZ. Mr. President, I rise to speak once again about the cost of the war in Iraq here at home. This is the third speech I have stood up to give in the series that I intend to continue to give about what the Iraq war is costing us here at home, beyond the immeasurable cost of lives. Over 3,839 American lives have been lost—those are priceless—and 28,327 Americans have been seriously injured in the service of their country.

Since I started giving these speeches 2 weeks ago, $5 billion more has gone from the Treasury and has been spent in Iraq. It brings the total amount taken from the American people's pockets to $455 billion. Next month, another $10 billion will be sent over to Iraq, and it will be gone forever.

Americans trusted the Government with that money. When the numbers are that outrageously high, we all have to constantly be asking ourselves a simple question: What is going to make a bigger difference in our lives—using the money to fix the major problems we have facing the Nation every day or fighting a war that has achieved nothing for any of us? Could America have achieved more out of that money spending it on hospitals or lifesaving cancer research, schools and universities, food for the needy, roads, train tracks, bridges and airports, or the catastrophe that is the war in Iraq?

President Bush likes to use the line that ''we are fighting them over there

so that we don't have to fight them here.'' I think Americans have figured out that what he really means is we are spending all of our money over there, and therefore we have none to spend here.

I have already spoken out about the massive holes in our homeland security that the war funding in Iraq could have closed being used here at home. I have spoken about the difference that funding could have made for millions of Americans who have to play Russian roulette with their lives because they simply don't have health insurance, including millions of children who would be covered under the bill which is currently before the Senate, a bill the President threatens once again to veto while asking for $200 billion more in war funds this year alone—funds which, by the way, he doesn't even pay for. He wants to make his fiscal bones on the backs of children who have no health care coverage. They are the most important asset we have in our Nation and also the most fragile asset we have in our Nation. He says: Well, this bill is not fiscally acceptable. Yet he can, at the same time, send a request to us for $200 billion, which he doesn't pay for. Not only does he not give children their health insurance, he adds a mountain of debt on their backs for the future. That is totally irresponsible.

I have talked many times about children's health insurance. I note, too, as we move to this vote, I don't know why there are still some advocating knocking parents off children's health insurance. Children and parents together successfully brought in more children to the program. Why is it that there are those Members of Congress who want to push more Americans into the vast number of the uninsured in this country? Because that is what they are advocating at the end of the day.

Today I wish to talk about what America would look like if we spent the money George Bush is spending on failing to rebuild Iraq to repair our own battered infrastructure at home. Yes, we are spending a lot of money, billions of dollars in Iraq, with which we fail even to rebuild Iraq. Not only are we failing to rebuild Iraq, we certainly do not have the resources at home.

Is it the Iraq war or better transportation in our country? There is no way to put a price tag on the immense frustration we feel with our systems of transportation. If you have ever slammed your hands on the steering wheel because traffic is unbearable so you are going to miss your meeting or be late to pick up your child at school, if you ever had your train delayed or have been jammed inside a subway car that was not built to carry the number of people who are stuffed in there, if you have ever been stuck waiting in an airport terminal or trapped on a plane sitting on a tarmac waiting to take off hour after hour, then you know our transportation systems are stretched to the limit, and sometimes they break.

Thirteen people paid the ultimate price and 100 more were injured at the terrible, tragic collapse of the bridge in Minnesota a few months ago. It is scary how easily that could happen again. Here is a truly shocking statistic. The number of bridges that are either structurally deficient or functionally obsolete in this country is enormous. It is about 160,000 bridges, 25 percent of all the bridges in the country. That means if you have driven over four bridges, the odds are that one of them is not in particularly great shape, and that is incredibly scary.

What does it cost to stop another tragedy such as the one in Minneapolis from happening? The American Society of Civil Engineers estimates that the cost of maintaining and replacing obsolete or deteriorating bridges is about $7.4 billion a year. That is the cost of staying even, not allowing the overall quality of our bridges to further deteriorate.

If we spent on transportation what we spend on the Iraq war, we could pay off the entire cost of what the Society of Civil Engineers estimates would be the cost of maintaining and replacing all those obsolete or deteriorating bridges in 22 days. We could take care of every bridge in America and make everybody safer in 22 days for the cost of the war in Iraq—22 days. That is another example of what the war costs: bridges you can feel confident about, that you will get home safely to your family versus less than a month in Iraq.

Today construction is beginning on the Minneapolis bridge that will replace the one that collapsed. The cost: $234 million. We spend that money in Iraq in less than 1 day.

Americans are also feeling the hassle of commuting by car or plane, especially for long distances. Oil prices are hitting record highs. Many feel that petroleum production is reaching a peak. Burning oil thickens our air with smog and stokes the fires of the global climate crisis, threatening to drown buildings on our coastlines under water and create massive droughts inland. If we don't create viable transportation options that will end our dependence on oil, America is going to be in big trouble.

With all this in mind, yesterday the Senate passed a bill to boost funding for Amtrak. We passed that bill so the great American relationship with the railroad could be restored and brought to new peaks of excellence. Funding for the Amtrak bill will be $19.2 billion over 6 years. That money would make passenger transportation easier, it would improve rail security, it would make our air cleaner, and it would be a boost to the economy. But like every appropriations bill that has come or is on its way to the President's desk under the Democratic Congress, the administration has argued that we don't have money for good public transportation systems.

While President Bush's mouth is moving, his hand is signing checks for other items. What the Amtrak bill would spend in 6 years, the President spends in Iraq in 2 months while we are trying to have a national rail transportation system that gets sales forces from small and mid-size companies to work with intercity travel to sell their products or services, to get people to great institutions of research and also great institutions of healing and hospitals, to get people maybe to the Nation's Capital or to other major cities along the Northeast corridor, to have the opportunity after a post–September 11 world to understand that multiple modes of transportation are critical—if we have a terrorist incident in one part of the country, we can move people along, as on that fateful day. What was open for intercity travel when every airplane was grounded? It was Amtrak. Yet the President says: Oh, no, I am going to veto that bill.

What we are going to spend in 6 years to make Amtrak a world-class rail system, the President spends in Iraq in under 2 months. That is what the war costs: vastly improved American railroads versus 2 months of bloody chaos in Iraq.

The costs of this war, in my mind, are unimaginable. The Congressional Budget Office put out a report projecting that the Iraq war will cost, at the rate we are going, $1.9 trillion, nearly $2 trillion. It is incredibly hard to put that money into perspective, but so we can get an idea of how vast that sum is, paving the entire Interstate Highway System over the course of 3½ decades only costs $425 billion. Some estimates say the Interstate Highway System returns $6 for every $1 we spend in economic opportunity and growth. The Iraq war has returned zero dollars for every billion dollars spent.

So we can get an idea of how vast that sum is with the money spent in Iraq, we could pave a four-lane American highway from Chicago to Milwaukee with an entire inch of solid gold. We could pave a four-lane American highway from Chicago to Milwaukee with an entire inch of solid gold. And if you made the thickness less than an inch of solid gold, you could easily gild a highway from sea to shining sea. That is what the war costs. It costs so much, the amount of money starts to exceed what it would cost to pay even for our most ludicrous dreams.

We have to use our imaginations as to where that money could go because for a lot of it, we don't know where it is going. Billions of dollars have gone missing in Iraq. According to a report released by the special inspector general for Iraq earlier this week, the rest has largely failed to build Iraq's infrastructure. Meanwhile, infrastructure in America still needs serious help. We don't have money accounted for in Iraq that we are sending to rebuild the Iraq infrastructure. The rest that we do account for, the inspector general says it

is largely failing to rebuild Iraq's infrastructure, and we don't have the resources to meet our challenges at home.

It is time for us to make a choice: Will we put this country on a track to recovery or watch it barrel down the rails to deterioration? Will we pave the highway to success for our people or leave that road to rust and rot? Will we watch our economy take off, the aspirations and dreams of our people soar to new heights, or will we ground our Nation, leaving thousands to face the congestion that gridlocks so many forms of transportation in so many places, leaving thousands waiting in the terminals of frustration, waiting for something to change, for something finally to change?

Thinking about our transportation needs is another way to think about what we want the United States of America to look like as a nation. As someone who travels quite a bit across the landscape of the country, I have experienced all these frustrations with all of these different modes of transportation. And transportation is about more than getting from one place to another. It is about economic opportunity and commerce. It is about getting products to market. It is about getting people to service. It is about getting people to important institutions so they can be healed. It is about creating economic opportunity. It is about uniting families from coast to coast. It is about the quality of air and the environment we collectively enjoy by getting more people out of cars. It is about, by the same token, the opportunity to have multiple modes of security. It has so many dimensions to it, but all those dimensions go unresponded to because we are spending hundreds of billions of dollars on the war in Iraq.

Those needs are yet another reason it is time to end this war because when it comes to the failed war in Iraq, American families are being taken for a ride.

It is time to soar again, it is time to reinforce with the strongest iron and steel the bridges to safety and success, time to clear off the barricades of the road to opportunity, time to put America on the highest speed track we can, and to make sure we are always first in flight high above the clouds. Those goals are not imaginary or unattainable. They are very much within our reach. But for that, we have to change the course in Iraq and invest in America at home.

I will continue to come to the floor to speak about different dimensions of the cost of this war in Iraq. It is a cost the American people can no longer suffer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

NOMINATION OF MICHAEL MUKASEY

Mr. SANDERS. Mr. President, I wish to say a few words this afternoon on some of the issues with which the Senate is dealing.

Last week, I believe I was the first Member of the Senate to suggest very strongly that Michael Mukasey should not become the next Attorney General, and I am very pleased that in the last week, more and more of my colleagues are coming to that same conclusion.

The Attorney General of the United States must be a defender of our constitutional rights. Because President Bush thinks he can do whatever he wants whenever he wants in the name of fighting terrorism, we need an Attorney General who can explain to the President what the Constitution of this country is all about. We need an Attorney General who does not believe the President has unlimited power. We need an Attorney General who will tell President Bush he is not above the law. We need an Attorney General who clearly understands the separation of powers inherent in our Constitution.

Regretfully, I have concluded that Michael Mukasey would not be that kind of Attorney General. I am gratified that more and more of my colleagues are coming to that same conclusion.

Let me be very clear. It goes without saying that the U.S. Government must do everything it can to protect the American people from the very dangerous threats of international terrorism, but we can do that in ways that are effective and are consistent with the Constitution of our country and the civil liberties it guarantees. We do not have to give up our basic freedoms in the name of fighting terrorism.

The Bush administration and the lawyers who have enabled it for the past 7 years cannot be bothered, it appears, with such technical legal niceties as the Bill of Rights. This administration thinks it can eavesdrop on telephone conversations without warrants, suspend due process for people classified as ''enemy combatants,'' and thumb its nose when Congress exercises its oversight responsibility. That is why I called on Roberto Gonzales to resign. I had hoped that the confirmation process for a new Attorney General would give the President and the Senate an important opportunity to refocus on the core American principles embodied in our Constitution.

Unfortunately, it appears Judge Mukasey doesn't get it. At his 2-day confirmation hearing before the Senate Judiciary Committee, he suggested that eavesdropping without warrants and using ''enhanced'' interrogation techniques for terrorism suspects might be constitutional, even if they exceeded what the law technically allowed. Mr. Mukasey said Congress might not have the power to stop the President from conducting some surveillance without warrants. He even, incredibly, claimed to be unfamiliar with the technique known as waterboarding.

''If Judge Mukasey cannot say plainly that the President must obey a valid statute, he ought not to be the Nation's next attorney general,'' wrote Jeb Rubenfeld, a professor of constitutional law at Yale Law School, who had appeared before Judge Mukasey as a prosecutor. And he has that right. It has become an American aphorism that ours is a government of laws, not men. We need an Attorney General who understands that so, unfortunately, he can explain it to a President who does not.

CONTROL IN BASRA

Mr. President, I ask unanimous consent to have printed in the RECORD an article that appeared in the Los Angeles Times today.

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

[From the Los Angeles Times, Nov. 1, 2007]

BRITAIN TO HAND OVER CONTROL IN BASRA—BRITISH DEFENSE SECRETARY SAYS IRAQIS ARE READY TO ADDRESS THE SOUTH'S PERSISTENT VIOLENCE

(By Doug Smith and Said Rifai)

Baghdad.—Saying that Iraqi forces are now capable of dealing with the violence that persists in the south, Britain's defense secretary said Wednesday that his government intended to hand over security for the area by mid-December.

Defense Secretary Des Browne acknowledged that sectarian power struggles and gangsterism continue in oil-rich Basra province, but said Iraqi forces were best able to address them now.

Browne, who spoke to reporters in Baghdad a day after reviewing the security situation in Basra, said he saw increasing evidence that Iraqi security forces, particularly the army but increasingly the police as well, were improving in their response to the infighting and violence.

''Unequivocally. I can see progress,'' Browne said.

British Prime Minister Gordon Brown announced last month that his government, the main U.S. foreign partner in Iraq, would pull out half its remaining troops by June, leaving 2,500 soldiers stationed outside Basra.

Browne said that contingent would be adequate to fulfill its primary responsibility of guarding the lone British base and would be capable of providing support to Iraqi forces.

In meetings with Iraqi officials Wednesday, Browne pledged Britain's continuing assistance in the economic development of the south.

Also Wednesday, Iraq's foreign minister said Baghdad was holding indirect talks with the Kurdistan Workers Party, or PKK, that would soon lead to the release of several Turkish soldiers the group seized in recent border clashes with Turkey. The PKK, fighting for autonomy for Kurds in Turkey, has bases in the far north of Iraq.

Iraqi Foreign Minister Hoshyar Zebari, an ethnic Kurd, made the comments after conferring with Iranian Foreign Minister Manouchehr Mottaki before this weekend's regional security conference in Istanbul.

In contrast to the tension surrounding a visit to Baghdad by Turkey's foreign minister, Ali Babacan, the atmosphere was cordial at a joint appearance after their talks. Both diplomats said the border disputes between Turkey and the PKK should not be allowed to destabilize the region.

Meanwhile, a car bomb exploded in the Alawi neighborhood near Baghdad's fortified Green Zone, killing one person and injuring four. The bodies of six unidentified victims of violence were found in the capital.

In the north, a policeman was killed and two others injured in an attack on a checkpoint about 12 miles south of the city of Kirkuk, police Brig. Gen. Sarhad Qadir said.

Iwo Iraqi army soldiers were killed in Tuz Khumatu, 110 miles north of Baghdad, when a bomb went off under their patrol vehicle, Qadir said.

Mr. SANDERS. Mr. President, what that article talks about is the fact that every day our main ally in Iraq, the United Kingdom, is withdrawing more and more of its troops. In the first paragraph of the article in the L.A. Times today, it states:

Saying that Iraqi forces are now capable of dealing with the violence that persists in the south, Britain's Defense Secretary said Wednesday that his government intended to hand over security for the area by mid December.

And later on in the article it says:

British Prime Minister Gordon Brown announced last month that his government, the main U.S. foreign partner in Iraq, would pull out half its remaining troops by June, leaving 2,500 soldiers stationed outside Basra.

In other words, it is the United States of America, more or less alone, that is continuing this war in Iraq. We have some 140,000 soldiers in Iraq. There are tens and tens of thousands of private contractors in Iraq. It seems to me time is long overdue for us to learn from our ally, the United Kingdom, that we have to begin bringing home our troops, as they are, as soon as we possibly can.

Senator MENENDEZ made the case, I thought very impressively, about what this war is costing us in terms of human life, what it is costing us in terms of the tens of thousands of soldiers who are going to return home with traumatic brain injury, with post-traumatic stress disorder, without arms and without legs. This war has cost the Iraqi people almost beyond comprehension. No one knows exactly how many hundreds of thousands of Iraqi men, women, and children are dead, but there are estimates that go way up to close to 1 million. There are 2 million Iraqis who have been forced to flee their own country, and there are 2 million who have been displaced internally who have had to leave their homes because of ethnic cleansing and because of the violence that existed in their neighborhoods.

This war has resulted, tragically, in the standing of the United States of America being diminished all over the world. Some of us remember years back, when a President of the United States would go to Europe, would go abroad, and hundreds of thousands of people, if not millions of people, would be lining streets with American flags, looking up to Americans saying: America, you are the kind of country we want to be. Now, when this President goes abroad, there are thousands and thousands of people who are coming out, but invariably they are demonstrating against the United States.

What poll after poll shows, to our great loss, to our capability in fighting international terrorism, is we have lost the moral high ground; that our standing throughout the world is significantly diminished. And certainly one of the challenges we face as a Senate is to restore the confidence the entire world used to have in the United States and restore that once again, so when our kids go visit in Europe and somebody says to them: What country do you come from, they do not have to say they come from Canada. They can say proudly they come from the United States of America, a country that, once again, we hope, will be respected throughout the entire world.

I hope very much we will follow the lead of our friends in the United Kingdom, who are now down to 2,500 troops. I suspect in the not-too-distant future those troops will probably be withdrawn. We should be bringing our troops home as soon as we possibly can.

ABOLISHING HUNGER

The last point I wish to make is that fairly soon, as I understand it, the agriculture bill will come to the floor of the Senate. In that bill, I think under Senator HARKIN's leadership, there have been some very positive changes being made. But I think, because of the lack of funding, that bill does not go anywhere near as far as it should in addressing some of the very serious problems we face in our country in terms of nutrition and in terms of hunger.

At the same time this country is spending $10 billion a month on the war in Iraq, it has the dubious distinction of having, by far, the highest rate of childhood poverty in the industrialized world, with almost one-fifth—almost one out of five—of the kids in this country living in poverty. Compare that with Scandinavia, where it is maybe 3 percent or 4 percent. And the rate of poverty in America is growing.

Last year, as you may recall, the Department of Agriculture, in the midst of this increase in poverty in our country, reported that 12 percent of Americans—35 million people—could not put food on their table at least part of the year. Thirty-five million of our fellow Americans could not put food on the table for at least part of the year. That is not what should be happening in our country.

When the Senate deals with the agriculture bill, I will be offering an amendment which will ask for a commitment from the Senate that says, at a time when the wealthiest people are becoming wealthier, when the poorest are becoming poorer, when hunger in America is increasing, this Senate, this Congress will make a moral commitment to abolish hunger in this country in the next 5 years. That is not asking too much for our country.

We have to fundamentally change the priorities of our Nation. When billionaires want tax breaks, we have money for them. We have money for war. But when children go hungry, I guess there is no money available. So I look forward to working with my colleagues to change the priorities of this Senate so we start paying attention to the vast majority of our people rather than the few and the wealthy who have so much power.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Wyoming.

Mr. ENZI. Mr. President, in a little over 2 hours, we are going to be having two votes on this floor. Under rules of the Senate, technically, the time is reserved for the debate on that, so I thought I ought to come to the floor and assure people that vote isn't going to be on the Attorney General and it is not going to be on the farm bill. It is going to be about health.

I thought somebody probably ought to come and talk a little about health, so I am going to do that. Yesterday, we voted to invoke cloture on the motion to proceed to H.R. 3963, which is the State Children's Health Insurance Program, or what folks on Capitol Hill are calling SCHIP. Now, I spoke on the floor last night about how this so-called new bill isn't new at all. It is about the same old flawed plan, only with new rhetoric.

I had a lot of hope for what was going to happen because both sides were talking. They were looking at some of the proposals I and others had made, and I even thought the House was going to have those included in their bill. When it went to the floor, it turned out to be kind of the same old thing again, with new sound bites and political posturing. That isn't what it is supposed to be about. We are supposed to be making decisions on health for the children of this country and, hopefully, for every American. But we choose to make political points, which holds up the system and doesn't get the job done.

With those new sound bites and political posturing, we are not ensuring that low-income children have the health care they need. We owe it to these children to work with the President to reauthorize this critical program in a way that gets every single low-income child who needs insurance. This body hasn't been able to do that, and we have been working on this bill for many months. I know if it were not for politics, this bill would have been done weeks ago. Actually, it would have been done months ago.

The longer we work on this issue, the more political it becomes, to the point where we don't even debate it any more. We wait for the votes to roll around and we talk about Attorneys General and farm bills and the war and we avoid the issue we ought to be talking about, which is how to come together to take care of children's health.

Now, I worry that some Members in this Chamber have lost sight of the goal, and that goal was making sure all low-income children in this country have health care. The press has been reporting, and some Members of this body have claimed, all concerns were addressed in the last version of the bill that the House voted on last week—the one that is before us now—but that is

not correct. The concerns weren't addressed. We have to put low-income kids first, and this bill doesn't do that.

Now, I detailed in my speech last night the concerns I have with this bill. I also mentioned I am a cosponsor of the Kids First Act, S. 2152, the bill that would provide Federal funding for children in need and require that the money actually be spent on children from families with lower incomes. This bill is a good step in the direction of compromise, and I hope the majority will see that and start working with the minority to pass something the President can sign, rather than continuing to play politics.

I would suggest the politics haven't worked. I noticed when it went to the floor on the House side there were more people opposed to this version than there were to the previous version. I noticed on the cloture vote there were more people opposed to this version than there were to the last version. That doesn't sound like progress to me; that sounds like more of the same, where it allows people to run political ads one way or the other against people. That is not what we are supposed to be about.

SCHIP is important, and I wish to be crystal clear about my position: I support the SCHIP program 1,000 percent; that is, the SCHIP program we can have, not the one that one side or the other is trying to force down the throat saying we are doing it for kids. But more than that, it is important this body be thinking bigger. We need to think bigger about fixing the entire health care system and helping all Americans.

I do have a bill that does just that. It is not my bill; it is our bill. I spent months collecting ideas from both sides of the aisle. I have looked at every health care provision that anybody has to see if there is not some common ground—and there is. There is. I don't have everything in this because I found that legislation works best if it is evolutionary, not revolutionary. You have to take steps to get from here to there. But if you take steps and you get started with a step, you can actually wind up at your destination. So I put together a bill on behalf of everybody which can do just that—one part of it or all of it; it doesn't matter. For the next few minutes, I would like to explain my plan to this body.

When our constituents look off to the distance, they do see dark clouds and an explosion of health care costs, and they see it rapidly drifting across the country. I know this from the town meetings I have been having. I mention that again. Every day many of our constituents are going to jobs they do not like, but they are afraid that if they change, the change in employment will mean their loved ones will lose their health insurance and they will face a future without the protection a good policy affords. They cannot change from one job to another because a family member would have preexisting conditions that would not be covered at the next one. That is not fair.

How do I know these things are happening? I know because I go home almost every weekend. I travel around Wyoming. It is a very big State. I hope all of you will take a look at that. It has a very small population. But I get to talk to almost all of my constituents. I do that partly at town meetings and partly at individual meetings. I also read their letters. I listen to them at all kinds of events when I am back home. I know they are telling me these things. I can also tell that they are telling me the same things. Why aren't we listening? Why are we taking so much time to finally do something about it?

When we are home, one thing we all like to do is visit our local video store. They have a lot of movies we can listen to and watch in the quiet and comfort of our own home. There are different sections for each category, and we can help ourselves to the latest in action or drama or comedy. If health care were a new release and you wanted to check it out at your local video store, you certainly wouldn't find it under ''action'' because there hasn't been any. You wouldn't find it under ''comedy'' either, because there is more tragedy than there is comedy in this whole thing. Most likely you would find it under ''horror,'' ''science fiction,'' or ''fantasy.'' Unfortunately, I am not talking about movies and the land of make-believe; I am talking about real life and the need for real action to solve real problems.

Take the fact that health care is one of the biggest concerns of every American. Combine that with the fact that those who were elected and are now in charge have refused to put forth for debate a substantial proposal that has a real shot at working. There is already talk among top Democrats that next year will be the health care year. It is funny how it always seems to be that when Congress is faced with a heavy lift, it starts talking about next year—as if that is the present tense.

What do you have? You have the answer to why Congress's approval ratings are so low. The solution is clear: The best way to solve sagging poll numbers is to actually do something, stop playing around on the fringe of the issue and get right to the heart of the matter. Our friends on the other side of the aisle know what they should do, but what are they waiting for? We need to do what the American people say they want us most to do. And then—this is the real rub—they want us to work together and avoid the partisan fear that we might have to share the credit. I have always believed you can get anything done if you don't care who gets the credit, and that is the path we ought to be taking. We have a real opportunity to do something now, to get legislation passed that will mean real solutions for our constituents.

I have collected this plan. Over the next few months, I will share each step with my colleagues, as I have been doing, and would remind you that the longest journey in the world begins with a single step, and I am willing to take the first ones. If anyone has a better idea, I am more than willing to put our ideas together until we have something we can all accept.

I know from other pieces of legislation that I have worked on that is the only way to get something done. We can agree on a lot. We can agree on about 80 percent of all of the issues. Health care is one of the issues on which we can agree. I found on any particular issue you can usually agree on 80 percent of it. Eighty percent would be a lot more than what we have now. It is that pesky 20 percent that always proves to be a problem. Sometimes you get things done by what you leave out.

When I mention 10 steps that would get us to this goal—if we only do 8 of them, it is still a lot of health care for people. If we do all 10 of them, it is a solution. If we concentrate on that 80 percent, we can get something done right away to make our health care system better, safer, more efficient, and less expensive. We owe it to our mothers, fathers, sisters, children everywhere to take those steps. One by one, we can get where we need to be.

I think we have all had enough of the ''rush and whine'' bottle of legislating, the ones who rush out from a meeting to hold a press conference so they can whine about a problem. That approach generates a lot of noise, but it has never resulted in action.

We need to work together, the majority and the minority, to build a legacy our children and our grandchildren will benefit from, a fair and effective health care system that will ensure more Americans have access to the health care they need to lead full and productive lives and that those who have it will not lose it.

Forget there is an election coming up for just a few seconds. That, technically, is next November, not this November. That should give us a little bit of time to work on something. But I do know that election for some of us is a barrier to progress. Let's not let it be that way. There is plenty of room for agreement. We do not need a massive bill, just a genuine effort to work together. We do not need a new big Government bureaucracy. We do not need to bankrupt the country. It is not rocket science. We can do it a single step at a time, and I am discouraged that those in charge have not put a single step into play. But I am hopeful that this call to arms—actually, it is a call to work together as comrades in arms—will remind us all that we need to do something about this issue now. Election year politicking should not stand in the way of real reform for health care. There is much we can do today that will give people the confidence they need in their ability to face the challenges of tomorrow. What we can do right now can help people improve their health coverage for themselves and their families.

All I ask is that you walk with me as we take the steps that are needed to solve this problem. I call it a 10-step approach, and it would bring clarity to our health insurance maze and put the focus where it belongs—on patients. Enacting one of the 10 steps would keep our health insurance system strong and off life support for awhile.

The first step gives small businesses greater purchasing power to reduce the costs of insurance plans. Those of you who know me will recognize how central this would have to be to any health care reform proposal of mine. The Chair and I have worked together to bring together an idea that had failed for 12 years because people would not compromise. We worked with all of the stakeholders—which are the providers and the patients and the insurance companies and the insurance commissioners and anybody else with an interest in insurance—and we put together a plan that would effectively allow small businesses to work across State lines to combine to get a big enough pool that they could effectively negotiate with the insurance companies. That still needs to be done. It is still a key to getting more people insured and seeing that people who have insurance get to keep their insurance. In administrative costs alone, it could drive the price down by 23 percent. That is a huge savings for small businesses. It would bring many small businesses back into the market. We need to do that.

A second step focuses our investment on health information technology to cut costs and to save lives. Mr. President, 100,000 Americans die every year because of medical errors that result from messy handwriting and mixups with drugs and treatment. The Senate needs real leadership to bring the health industry into the 21st century. Electronic access to health records could save billions of dollars and save thousands of lives.

People's health records should travel with them so they can share them with their doctors. Informed decisions are better decisions, and patient access to their records can help their doctors do a better job of making sure the patients get the care they need without duplicate testing. How many people have been to the doctor's office and when you get there, what they do is hand you a clipboard and they say: Write down everything you can remember about your health. I used to be able to remember a lot more about my health than I can because I had more of it. But it would really be helpful just to have a little card I can hand them and say: Here, swipe that through your computer, and I will put in a code that will release some of the information. And when I get a test done at a hospital and then go to the doctor, the doctor won't say: It hasn't gotten here yet, so we are going to have to run the test again. Some of those test are $5,000, $10,000—duplicative. But it will be on the little card, you have it right there, you have the information, and you can use it. The Rand Corporation estimates those duplicative tests are costing us $140 billion a year. That is real money, in my book. So an electronic record would go a long way toward eliminating the problems caused by a prescription that can't be read or a drug interaction that could be dangerous or duplicative tests.

The next step would be to correct a flawed Tax Code to make it easier for working Americans to buy health insurance. Jobs don't need health insurance; people need health insurance. Members of American families who are not insured through their employers should have the same access to care. They should have the same access to the Tax Code. We want health care fairness, even if you don't work for a big company. We could do that.

Other steps will fix the medical justice system to cut down on the junk lawsuits that are driving up health care costs. The medical liability system in this country does not work the way it should. The 10 steps would include a mechanism to promote real medical justice reform that will focus on helping both patients and doctors, not trial lawyers. We want medical justice so the people who are injured get paid quickly and fairly, so we are not spending more in preventing lawsuits than we are in preventing illnesses.

I have to say, Senator BAUCUS has been working with me on that bill. We have introduced a bill that can do exactly that. It will be bipartisan. It can be more bipartisan. We need more people to help out.

Americans should not have to live in fear that if they change jobs they will lose health insurance. This 10-step bill will give them security in their health insurance. When you change jobs, you will be able to take your health care with you. You will not have to worry about the insurance company saying: That already existed before you bought our insurance, so that is going to be a surprise discovery, that it was a previous ailment, and we are not going to cover it.

We don't want that to happen. The system we have today is not about patients and making them healthy. We need to put the focus back on health care, not sick care.

We also need to set our sights on prevention. Ben Franklin said it best:

> An ounce of prevention is worth a pound of cure.

Those are a few of the things we can do now. I hope you will check out my Web site, where I have a lot more detail on this plan that I have collected from everybody, everybody who is interested in it. Check out that Web site and join me in getting something done in health care for every American. It is not a big concept, but it can be a big improvement.

I encourage others to bring their ideas out for discussion. I never consider anything I have collected or worked on to be the final answer. The way I get legislation done around here is to listen to all of the different proposals, see what works together, and out of that usually springs some surprise inventions, new ways of doing it that reach the goal we are looking at. That is where we are trying to go.

Our constituents are not asking for more politicking. They consider health to be a real problem.

They want a real answer, so we can bring the focus back to health care and not ''sick'' care. We all know what we should be doing in our own lives to help prevent chronic illness so we can stay strong and healthy. When it comes to health care, it is clear there is a lot that should be happening but is not. We need to replace those ''shoulds'' with a simple word ''will.'' We need to replace the call to do something from ''next year'' to ''now.''

Those changes should happen, and we can make them happen. It is a simple thing. We just need the will to do it. We need to take the politics out of it. I know this is a political body, but we have done much in the past that was not based on politics. It was based on solutions for America. And that is the only way the people of this country are going to have confidence in Congress again.

We can do it. We can do it one step at a time but only if we work together. We have done it. We did it on the mine safety bill a little over a year ago. It used to take about 6 years to get a bill through. We did it in 6 weeks because people listened, found out what the problem was, and put down solutions.

No, it did not solve every problem, but at least it is 80 percent better than it was. Eighty percent is better than nothing. We can reach solutions but only if we listen to each other, find the 80 percent, and be willing to throw out the other 20 percent.

I thought we were at that point on SCHIP. I was disappointed that we went pretty much back to the same old story again because it evidently makes good ads because, as I mentioned before, the number in the House who voted for it was fewer, and the number of people in the Senate who voted for it was fewer. So we are not there. I hope we do something that gets us there, not just for the children but for everybody.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Madam President, I rise to speak in support of the SCHIP bill, but also to say we should not be voting on this legislation right now. This is a time and an issue on which our bipartisan Congress, with a bipartisan consensus, can sit down with the

President and his staff and come to a conclusion that will continue a program that has been very effective. However, that is not what we are faced with today. Today we are faced with voting on the exact same bill—not the exact same bill, almost the exact same bill—that we voted on and the President vetoed only 2 weeks ago.

Now, I voted for the first bill. I think it was a good bill. It had many good features. But I expected, when the President's veto was sustained in the House, the House leadership would take a step back, meet with the President's staff, work something out, and go forward with something new—a new try.

That is not what we have in this bill before us. That is why I voted against the motion to proceed. I believe we needed more time to craft a bill that would be more acceptable to the President and could have the bipartisan consensus to pass and go to the President for signature. That is not what happened.

Instead, the House turned around and very shortly passed almost the same bill. Eighteen Republicans voted for virtually this bill. We also signed a letter saying to our Senate and House leadership: Please work with the President to come up with a compromise.

The President has said he would like a compromise. He has said he would like to move forward. I think there is a very strong middle ground because the bill that is before us is a vast step beyond the program as it has been in place, and I think we could still do a lot more coverage. We could cover more children; we could cover more families with a bill that is not quite as far reaching as the one that is before us today. Even though I support the one that is before us today—and I will continue to do so—I do want a good-faith effort to come to a compromise that everyone can support.

The bill does continue the program we have started. It provides, today, insurance for over 300,000 children in Texas. It also includes an important provision that protects Texas's ability to cover more children with health insurance. During the SCHIP debate, I worked with members of the Senate Finance Committee to ensure the legislative changes did not harm Texas's ability to fund the program, and we were successful. That language was in the original bill, and it is in the bill that is before us today.

However, I do think it is important we move forward in a way that will achieve success. I want to make sure a fast-growing State such as Texas does not lose the money it does not use in any 1 year in the next year and the following year. That was my concern because many of the fast-growing States do not use their money this year, but they will need it next year or the year after because there is a stronger effort to sign up the children who are eligible. That was accomplished in this bill. That is one of the key reasons I support it because I do think it is an efficient use of our taxpayer dollars to cover children so they are not going to be more seriously ill because they have not had the preventive medicine that coverage in Medicaid or SCHIP—which is the next step above Medicaid—can provide. That is a worthy goal for our Congress.

I am going to vote for the bill today. But I do hope this signal is heard; that is, we would ask the leadership in the House and the leadership in the Senate to sit down with the President's staff to work out an agreement where we can all support this bill that will continue the very important mission of SCHIP to give a safety net to children who are above the Medicaid level but still 200 percent or 300 percent at most above poverty and give them an opportunity.

I think some of what has been talked about as compromise is quite good, quite sound, quite creative, such as you go to 250 percent above the poverty level, but between 250 percent and 350 percent you give tax credits for families to cover themselves with private insurance. You help them. You subsidize their ability to stay in the private market.

We do not want a big government program. We do want to cover SCHIP and Medicaid through government auspices, but we want to not supplant the private insurance that many people in the 250 percent to 350 percent above poverty level already have access to. But if those people who do have access to health care because they work in a company that provides this opportunity choose not to take it because they are going to get a free government program, that does not do anyone any good. It is not going to increase the number of children who are covered by insurance because they would have given up health insurance in order to go on a government program. That is not what we are after. We are after increasing the number of children covered. We are after, also, keeping the basis of our private health insurance healthy in our country.

So, Madam President, I thank you for allowing this debate to go forward. I thought we should have negotiated a little longer, but we are not. So we are now going to have cloture on the bill itself. I will support that cloture, and I will support the bill. But I do not want the same bill to come back a third time. I expect sincerity on the part of Congress and the President to come forward with something new that would be closer to a bipartisan agreement where we can all declare success, and the beneficiaries of this success will be the poorer children of our country.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 15 minutes.

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

Mr. CORNYN. I thank the Chair.

Madam President, I was looking at the most recent public opinion polls on the Congress, and let me report what they say. It says just 16 percent of likely voters think Congress is doing an ''excellent'' job or a ''good'' job, while 36 percent are willing to call the legislature's performance ''fair.'' A plurality of 47 percent say Congress is doing a ''poor'' job.

Now, I do not know about you, but if my kids brought home a report card that said only 16 percent of their work was either ''excellent'' or ''good,'' 36 percent ''fair,'' and 47 percent ''poor,'' I think there would be a little trouble at home until we got their priorities straightened out.

This Congress, this Senate, has lost a sense of its priorities. Our priorities should be working together across the aisle to try to solve our Nation's challenges. That is the reason I came to the Senate. I honestly believe regardless of whether we call ourselves Republicans or Democrats or Independents, that is what motivated virtually every Member of Congress to come here: to try to do something for our constituents, for our States, for our Nation, and for our future.

But, unfortunately—I do not know whether it is the water we drink in Washington, DC, or somehow just the environment we encounter here—once people come to Washington they seem to get locked into these partisan battles and lose sight of that objective, which is to do something good for the American people, to help them solve some of their problems, to deliver results. I know many of our colleagues—whether they are Republicans or Democrats—are frustrated by our inability to do that.

As the Presiding Officer knows, we have weekly meetings, bipartisan meetings, trying to figure out—it is almost like group therapy sessions: How can we get out of the rut we are in? How can we solve some of the problems that confront us? But here we are again. My colleague, the senior Senator from Texas, talked about her concerns that the SCHIP debate—the State Children's Health Insurance Program debate—had become not a problem to be solved but, rather, a political football.

I am afraid I have to agree with her that we have been through this debate over the last few weeks, and nothing—not even the rhetoric—has changed. It seems as if all we have had is people dusting off their old speeches they delivered a few days or a few weeks ago, and not listening to one another, not actually rolling up their sleeves and getting to work to try to resolve the differences.

The truth is, as we have said over and over again, what is wrong with this bill is we simply do not seem to have a consensus that we ought to enact a solution. The fact is, we know there is bipartisan agreement the State Children's Health Insurance Program—designed to help low-income kids whose

families make too much money to qualify for Medicaid but not enough to buy private health insurance—that they need a little help in order to get access to good quality health care. There is broad bipartisan, perhaps unanimous, agreement we ought to get that done.

But, unfortunately, what we have seen is a program proposed that little resembles the original program, which was designed to help low-income kids. We see a bill that has grown by 140 percent, a $35 billion tax increase in order to cover who? Low-income kids? Well, no. In 14 States we know it is used to cover adults. We know proposals had initially been made that would have allowed waivers to be used to cover families making up to $80,000 and more—bearing little resemblance to its original goal.

Now we see a new bill that is before the Senate that represents the old bill except—if this is possible—it is even worse. It is amazing to me the authors of this new bill would come back with this so-called compromise, spending $500 million more than the last bill, yet covering 400,000 fewer children. You heard me correctly—spending almost a half billion dollars more and covering 400,000 less children. And, still, despite my pleas and the pleas of many of our colleagues to the contrary, this bill does not put the health and welfare of the lowest income children first.

I have said it time and time again, but let me say it one more time: Right now, in my home State of Texas, there are roughly 700,000 uninsured low-income children who qualify for Medicaid, who qualify for the SCHIP program, but we have not made the effort to reach out to them to get them to sign up for a benefit for which they are already legally qualified and for which there are funds already available to pay for their health care.

These 700,000 children in Texas who qualify for SCHIP or the Medicaid Program do not know about the programs or do not know how to apply. I have to tell you, I was recently in Houston, TX, at a place called the Ripley House, which is a neighborhood program run by the Texas Children's Hospital, where I saw a copy of the application form for Medicaid and SCHIP. It reminded me of a financial statement that a business man or woman would have to fill out in order to apply for a line of credit or even maybe a financial application you would have to fill out to buy a home. It was enormously complicated and, I am sure, intimidating to many low-income parents who would like to sign up their children.

But we have to refocus our efforts not on growing the size of the program beyond recognition to cover the middle class and to cover adults; we need to return our focus to low-income kids and figure out how we can get those families who are the intended beneficiaries of this program signed up on the program so we can get more kids out of the emergency rooms and on to some form of health insurance which will allow them to get preventive care and to keep them healthy and productive as young Americans. But here we go again. Here we go again. We are going to have another meaningless vote in the sense that while it no doubt will pass, the President said he is going to veto it, and we will be right back in the soup again. The second veto, roughly the same bill, except for the fact that this bill spends more money, covers fewer kids, and we are not solving the problems the American people sent us here to solve.

I think it is regrettable. It is not why I came here, and I doubt it is the reason why the vast majority of our colleagues come here. But here we are stuck in a rut again, playing the same sort of political games, more concerned about scoring points on some imaginary scoreboard, according to arbitrary rules that nobody knows, other than it seems like these poor, low-income kids are the ones who are losing in the end.

MUKASEY NOMINATION

I also come to the floor to talk about another disappointment I have with regard to the confirmation proceedings of the new nominee for Attorney General of the United States, Judge Michael Mukasey. I serve as a member of the Senate Judiciary Committee, and I am grateful to Chairman LEAHY that on Tuesday we will finally have this nomination on the Judiciary Committee markup so we can vote up or down in the Judiciary Committee on this nominee. But it seems that Judge Mukasey—just when we thought, here is somebody who is a respected Federal district judge and who has served with great distinction in that capacity, who has been the presiding judge of both the Jose Padilla case—do my colleagues remember that? He was an individual accused of terrorism and where there were many extensive legal challenges to his detention. Judge Mukasey handled that case, at least in part. He also tried and presided over the 10 individuals who were convicted for their involvement in the 1993 bombing of the World Trade Center, one of the first incidents of terrorism on our soil back in 1993, before we realized al-Qaida had declared war against the United States and we finally woke up on September 11 and acknowledged that.

But throughout his career as a judge, Judge Mukasey has proven to be an independent voice of reason, justice, and a strong advocate for the U.S. Constitution and the rule of law. For 18 years, he served on the U.S. District Court for the Southern District of New York, one of this country's most important and prestigious Federal courts. For 6 of those years, he served also as the chief judge.

The U.S. Court of Appeals, Second Circuit, wrote of Judge Mukasey's work presiding over the 1993 World Trade Center bombing, saying that he:

> Presided with extraordinary skill and patience, assuring fairness to the prosecution and to each defendant and helpfulness to the jury. His was an outstanding achievement in the face of challenges far beyond those normally endured by a trial judge.

In short, Judge Mukasey's qualifications as a lawyer, as a judge, as a dedicated advocate for the rule of law are unimpeachable and undeniable.

Well, it looked like things were going pretty well. There were 2 days of hearings for Judge Mukasey in the Senate Judiciary Committee. Judge Mukasey was doing well when he said: You know what. I am not afraid to tell the President of the United States when he steps over the line and violates the law. If that were to happen, he said, it is my job as Attorney General to tell him: Here are the parameters for your actions, Mr. President, and you, just like the lowest of the low, the highest of the high, are subject to the law of the United States under the Constitution. Believing as he does in the concept of equal justice under the law, Judge Mukasey showed no fear and no favor in terms of the way he would interpret and apply the law were he confirmed as Attorney General.

But now we see some of my colleagues on the Judiciary Committee have sent Judge Mukasey a letter asking him about his legal conclusion and opinion about an interrogation technique that is allegedly used against some of the worst enemies of the United States—terrorists—in order to get information from them—consistent with our laws and the Constitution and our treaty obligations—that will allow us to save American lives and prevent future terrorist attacks. They complain about Judge Mukasey's answer, not because he doesn't acknowledge what the law is—our international treaties banning torture, our domestic laws that ban torture—but because, he says: I have not been briefed on this particular interrogation technique that you are asking me about, and because it is a classified procedure, I don't know the facts. So let me tell you what the law is. Let me reassure you I will steadfastly enforce the law. I don't care whether it is the President of the United States I have to tell no or anybody else. But you know what. Being a responsible lawyer, being a responsible former Federal district judge, let me say that while I can tell you what the law is, I can't give you a conclusion that you are asking for as to whether this particular technique is legal or not because I haven't been briefed on it. I don't know what the facts are.

Now, that is a responsible answer. As a matter of fact, that is the only responsible answer for a careful lawyer, a judge such as Judge Mukasey. Frankly, if he had answered the question without knowing what the facts were in some conclusive way, I would doubt his qualifications and his temperament. I would wonder: Maybe this person wants to be Attorney General too badly, that he is willing to make rash decisions without knowing what the facts are in order to get confirmed. But

instead, Judge Mukasey said: You know, I need to know what the facts are. I can't answer your question conclusively, even though I reassure you I will steadfastly enforce the law. I oppose torture as abhorrent to our values, personally repugnant to me. I would tell the President of the United States, if I concluded that some particular interrogation technique stepped across that legal threshold.

Once again, we find the facts apparently don't matter, that this responsible answer which Judge Mukasey has given has been offered as a pretext to oppose his nomination. I think it is a shame.

As the New York Times today reported, if Judge Mukasey, who I am confident will ultimately be confirmed as the next Attorney General of the United States, were to say—Madam President, I ask unanimous consent for an additional 2 minutes.

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

Mr. CORNYN. Madam President, if, as the New York Times reported today, Judge Mukasey were to state a conclusive opinion on the legality of certain interrogation techniques which he has not been briefed upon, it would potentially prejudice and put in jeopardy intelligence officials who may have engaged in interrogation techniques that now, without knowing the facts, this nominee would conclude had stepped across a legal threshold. That would not be the responsible thing to do. Indeed, Judge Mukasey has done the only responsible thing a careful person and a person who understands the ramifications of his decision may extend far beyond a confirmation hearing and potentially put in jeopardy America's patriots who are trying to protect and save the lives of other Americans and other people around the world.

So I hope we would try to do better. I hope we would do what we all came here to do as Senators representing our States and try to solve real problems, not to create artificial barriers and pretexts for making what turn out to be naked political judgments about some of these important issues that confront us.

I thank the Chair for her indulgence, I thank my colleagues for their patience, and I hope we get on with the business of passing a children's health insurance bill and have a speedy confirmation for Judge Mukasey as the next Attorney General of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

2007 FIRE SEASON

Mr. CRAIG. Madam President, while I know that on the floor of the Senate this afternoon SCHIP, or the State Children's Health Insurance Program, is the topic of the moment, something else is near conclusion across America at this time that I thought it would be appropriate for me to speak to. I am speaking of the 2007 fire season. Of course, we—you and I—have been riveted to our television sets over the last several weeks as we literally watched the Los Angeles basin burn. Well, while the smoke is starting to clear in California and the losses are being assessed, I thought it would be time to come and speak to one of the worst fire seasons America has experienced in decades. First, in doing so, I must say—and we have all watched it—thank you to the literally thousands of courageous firefighters, men and women out on the line every day, facing almost impossible odds. We saw it in California. We saw it in my State of Idaho. We saw it across America this year, during that wildfire season period, where flames were as high as buildings, and men and women were scurrying to stop them and to protect both habitat and watershed and homes. They were putting themselves at risk. So I say to all of those marvelous firefighters who stood in harm's way throughout the early summer, summer and fall, and now into the late fall in California, thank you. Thank you for the phenomenal work you do, the selflessness you put yourselves into, on behalf of America, on behalf of people's property, on behalf of our natural resources.

In California as we speak, 14 people lost their lives, 2,100 homes were destroyed as that week-long blaze roared across the greater Los Angeles basin. Over 809 square miles of land was charred, and now, about the time the fires are to die down, we hear rumors that the Santa Ana winds are expected to pick up again and we could possibly find ourselves back in flames in California.

The 2007 fire season: 77,000 fires. Stop and think about that; 77,000 fires, 9.2 million acres of land, and as I have said California may continue to burn.

In my home State of Idaho, we went through one of the worst fire seasons we have ever experienced. Of that 77,000 fires I talked about, 1,775 of them were in the State of Idaho. Of the 9.2 million acres of land charred that I talked about, over 2.2 million acres of that, nearly 25 percent of the whole burn, occurred in my State of Idaho.

Thankfully, in Idaho, no great structures were lost because it happened to be out in the back country or on our foothill grazing land. Finally, as the snow began to fall in the high country of my great State a few weeks ago, the fires were put out because some of those fires were simply impossible to corral and to put out by man's efforts.

So here is an interesting statistic. This chart shows us the phenomenal escalation and the cost of firefighting at the Federal level and what has transpired. In 2005, nearly $1.6 billion was spent. Let me show you what happened this year. Here is what happened this year. So we go from $1.6 billion, and let's go to $1.87 billion. Those are the figures we are talking about now, and that doesn't even include California. So we will probably hit well over the $2 billion price tag in fighting America's fires this year, and that, in itself, is phenomenal, a phenomenal cost.

So let's remember it: 77 million, 1,000 fires, 9.2 million acres burned, and now we are bumping up over $2 billion worth of tax dollars spent in protecting America's marvelous wildlands and in protecting properties and all of that.

Let me give an example of what happened in Idaho, where 25 percent of that acreage burned. On one fire alone, in size as big as the Los Angeles fires—we called it the Murphy Complex fires. Well, there were 50,000 AUMs—or animal unit months—of grazing, because the public lands in Idaho are very valuable for grazing. Six ranchers were 100 percent burned out. Seventeen others were partially burned. Now that the fire is over, now that the fall has come and we have had a few rainstorms and things have settled down, this is Federal land, what do we do?

Here is what we are doing, because the cost is not over. The figure I have given you of nearly $2 billion, that is to put out the fires. Now, what are you going to do with the land? You start rehabilitating the land. You start trying to stop it from eroding and doing all of that. We are going to spend $10 million in 2007, and $22 million is already requested for the next 3 years. That is for one fire in Idaho, estimated at 128,000 acres to be rehabbed, and currently 66,000 have been rehabbed. I flew over that fire. It is very hard to understand what 600 square miles of fire looks like. I was in a military helicopter. I flew for 35 minutes and never saw unburned land. That is the expanse of the size of the fires, and that fire was a little smaller than the collective size of the Los Angeles, or the greater California fires.

So it is phenomenally important that we put these fires into context and understand what they are all about. Some of you watched on national television as the great ski resort, Sun Valley, near Ketchum, ID, nearly burned this year. We spent well over $150 million saving the community of Ketchum and saving the great Sun Valley Ski Resort from the Castle Rock fire. I was up there two different days on that fire. As the community came around and helped and tried to protect themselves and as our Government poured in resources in a class one fire, there was a great lady up there who was the fire boss. They brought her out of California. She was fearless in her effort to stop that fire, and she did so very successfully.

There are a lot of other stories to be told. The Salmon River, the great ''river of no return'' in Idaho, one of the No. 1 whitewater rafting rivers in the world, shut down 27 days this summer because of the smoke and risk of fire. Millions of dollars from recreation

were lost in my State from fire or the risk of fire. Oh, yes, there were millions lost in resources, but when you live off the economy of tourism and recreation, fire becomes a very real problem. I don't think we have drawn a bottom line yet to determine the losses in Idaho. But I will tell you they literally are in the millions of dollars. Sun Valley itself had to cancel a great event it has every Labor Day called Wagon Days; they had to cancel altogether, telling people not to come, and tens of thousands of people did not come and spend their money. That community lost millions as a result.

When you see a fire being fought and you know there are millions of dollars being spent to put it out, that is one phase of the great cost of fires in America. As you know, in California, with 2,100 homes burned, many of those homes will be rebuilt, the communities will be rebuilt, to the tune of well over a billion dollars. Someone is going to pay for that—State money, insurance money, private money—a tremendous expense. In many of the areas of the State of Idaho, in that 2.2 million acres that burned, campgrounds will not be able to be used for several years; trail heads will be canceled because it is charred, it is gone; the wildlife habitat, the watershed—all of that, as a result of the great ineffective management of public lands, has been wiped out.

The reason I am telling you all of this is because there is a very important message that has to be brought into context as we look at America burning—and America burns. Last year, it was nearly 10 million acres; this year, it is 9-some-odd million acres. We are burning unprecedented acres in our Nation and somebody ought to ask why. Why is it greater today than it has been in decades?

There are reasons, I believe, and in the next few minutes I will try to explain those to you because not only is our attitude about fire different, our attitude about how we manage our public lands and reduce the overall fuel loads that feed these fires is out there; and the Senator who is chairing at the moment, concluded the drafting and markup of a climate change bill. Our climate has changed. We are, in some areas, getting hotter and in some areas getting drier. But the management of the lands in response to the change of the climate isn't there, or we are not giving the management agencies the resources to change management practices to reflect the kinds of changes that are going on in our public lands.

So, for Idaho, not only was the loss real this summer in millions of acres of beautiful wildlands, but it is now wildlife habitat that is gone; it is watershed that, in the wet season, could come tumbling down and bring sediment to our streams and damage fisheries, and much of the recreation that was there is gone, potentially, for years to come.

As I mentioned a few moments ago, the seeding, the stabilization, all of the things that have to go on in the urban watersheds to protect them and bring water quality back—all of that is going to be the additional expenses of the Forest Service and BLM and many of our management agencies that have the responsibility over those lands.

The firefighters are gone from Idaho. The smoke is gone and the skies are clear once again. At the same time, the damage is real, and the damage will be there for years to come.

The skies will clear in California one of these days, but in California, the wet season will come. As we watched 2,100 homes burn, now we will watch the land grow wet and begin to slide, because there is no vegetation on it to hold it and protect it and to save it from the kind of slippage to which that region of the country is very prone.

The reason I mentioned Senator LIEBERMAN is because he is on the floor today, leading a charge on climate change. Here is another aspect of what we have done this year, but nobody registers it and few account for it. On average, 6 tons of CO_2 are released for every acre burned in the United States. Up to 100 tons of CO_2 per acre can be released. Now, last year alone—we have not calculated this year yet—10 million acres of forest lands burned. By conservative estimates, that means 60 million tons of CO_2—carbon—was spewed into the atmosphere, not to mention greenhouse gases and air pollutants as a product of our fires.

Can we do something about it? Should we do something about it? We are proposing changing our whole energy structure to try to effect climate change and reduce our greenhouse gases, but few are focused on our public lands and our policies of managing them and what results from that when they burn.

Here is an interesting fact. When I talk about the 60 million tons of CO_2 spewed into the atmosphere, that is roughly equivalent—understand this figure—to taking 12 million vehicles off the roads for 1 year; in other words, turning off their motors, stopping their pollution, 12 million vehicles for 1 year. That is equivalent to about half the automobile fleet in California. That is a pretty significant picture.

One of the things our forests do so very well when they are young and youthful, and when the matrix of our forests old and new are different in their changes, they do something that only a green-growing plant can do: sequester carbon, take it from the atmosphere. When they burn, it releases carbon back into the atmosphere. Our management practices ought to be to keep our forests as young and vibrant and alive as they can be, so they become a tool, an asset, in climate change, to pull the carbon out of the atmosphere that man produces and store it in trees. The great secret that lots of people who don't understand our forests do not understand is they are the greatest captor and storer of carbon in a forest. When they burn and when you see smoke on the horizon, it is just that—the release of carbon into the atmosphere.

Let me conclude by saying what I think is critically important for our future. Active management of our forests, recognizing not only their contribution to our great Nation, as it relates to all they bring in water quality and wildlife habitat and the producing of fiber to build homes, is what keeps a forest healthy. To simply lock them up and watch them and watch Mother Nature move in with her bugs and kill them and burn them and do what happened this year is, in itself, a statement of mismanagement.

This year, and last year, we saw record examples of mismanagement: 10 million acres last year, 9.2 million acres this year, and billions of dollars of tax money spent and thousands of homes lost. Our public resource agencies spend more time protecting homes nowadays than the resource itself. We sit idly by while the courts are in suit to keep us out of our forests so we cannot manage them to clean them up, to reduce the fuel loads, to adhere to the laws that have been passed, such as Healthy Forests and others.

I will be back to talk more about this in detail in the coming months. We are now off the chart. We are now literally, in spending, off the chart. This is only phase I. This is fighting fires, trying to put out fires. This is trying to protect habitat or to protect homes. This has nothing to do with the rehabilitation and the seeding and management that may come afterwards or all of the dollars that have been lost in California because business would not be conducted, or all of the dollars lost in Idaho and other States because people could not come there to enjoy it and recreate.

There are a lot of other consequences, let alone the phenomenal bleeding in the atmosphere of carbon and greenhouse gases, that come from a wildfire season. America burned this year. The 2007 fire season was one of the worst we have had in decades. This is part of the story of what it was all about. There is more to be told. It must be told, and Congress should act in concert with climate change and everything else to make sure that part of what we do sequesters our carbon, keeps our forests healthy, young, and vibrant as a part of the total picture of a great Nation that manages a great resource instead of simply watching it burn.

Mr. GRASSLEY. Madam President, with the debate coming to a conclusion the way that it has today, I am really starting to wonder if Congress really wants to reauthorize the SCHIP program.

I worked with my colleagues on the other side of the aisle Senators BAUCUS and ROCKEFELLER and my good friend Senator HATCH to come up with a bipartisan compromise.

We passed a bill in the Senate with a remarkable 68 votes. Who would have predicted that when this session began?

We sat down with our House colleagues and hammered out a compromise that very closely followed the Senate bill. That compromise bill again passed the Senate by a wide bipartisan margin and received 265 votes in the House.

As we all know that bill was vetoed, and 2 weeks ago, the veto was sustained in the House.

In the 2 weeks since that vote, I have seen some of the strangest twists and turns I have seen in all my years in politics.

First, I sat down with Democratic leadership in both Houses. We agreed on the compromises we thought we could make to get the final votes we needed to pass the House.

At the same time, the minority leader of the House released a letter with the conditions his Members needed to vote for a bill.

Seeing as the compromises we were willing to make seemed to resemble the conditions in the leader's letter, we began meeting with House Republicans to see if we could bridge the final gap.

We started a process and made some real progress. Then all of the sudden House Democratic leadership decided it was time for a vote. No matter that we hadn't successfully concluded negotiations with House Republicans, it was time to vote.

That bill passed and it is the bill we are voting on here in a few minutes.

Moving ahead like that in the House created tremendous mistrust. But undaunted, we picked up the pieces and tried again to get a deal with House Republicans.

The minority leader in the House released another letter with the conditions his Members needed to support a bill. Of course, the goalposts moved from the original letter. But we still felt a deal was possible and forged ahead.

The majority leader of the Senate started the clock ticking on the bill here in the Senate. Again we were making progress with House Republicans.

So when the majority leader saw we were making progress, he asked for more time here in the Senate.

Incredibly, Senate Republicans objected. In the House, Republicans objected because we moved too fast. In the Senate, Republicans objected because we wanted to move more slowly.

Yes, you should note the incredible irony.

So today faced with continued objections, a decision was made to move forward with a vote this afternoon.

I ask all my colleagues. Why?

To my colleagues on the Democrat side; the President will veto this bill and the House has the votes to stop an override. Why go through with this?

To my colleagues on the Republican side; we have the votes to pass the bill and were quite close to having a deal to satisfy House Republicans. Did you force the vote today to keep us from reaching a deal?

What the heck is going on around here?

My patience is a little thin right now. But come tomorrow, I will go back to working with the folks who want a bill that we can get enacted into law.

This bill actually improves upon the bill that was vetoed by the President. All my colleagues who supported the bill before should certainly support the bill today.

But as we all know, this bill is getting vetoed and there aren't the votes to override in the House.

That is really too bad, because this is a very good bill.

It is really too bad for the more than 3 million children who don't have health care coverage today that would get coverage under this bill.

It is for those kids that I will pick up the pieces tomorrow and try to move forward. It is my hope that leadership on both sides of Congress and both sides of the aisle will set the gamesmanship aside so we can finally finish this bill.

Mr. AKAKA. Madam President, once again, I support the Children's Health Insurance Program Reauthorization Act.

I am frustrated that the President continues to oppose legislation that will expand access to health care for our Nation's children. The President's veto of the previous bill shows that this administration fails to understand the domestic needs of our country.

The Children's Health Insurance Program is a successful program that has improved the quality of life for our Nation's children. Since its enactment in 1997, the number of uninsured children have been reduced by one-third, according to the Center on Budget and Policy Priorities.

The Children's Health Insurance Program Reauthorization Act will preserve access to health care for the 6.6 million children currently enrolled in the Children's Health Insurance Program. In addition, this bill expands access for approximately 4 million more children.

Approximately 16,000 children in Hawaii lack health insurance. I am proud that my home State of Hawaii has continued to develop innovative programs to help provide access to health care for children. This year, the Hawaii State Legislature established the Keiki Care program, a public-private partnership intended to ensure that every child in Hawaii has access to health care.

This administration is being irresponsible by denying resources to states for children's health care. Without access to insurance, children cannot learn, be active, and grow into healthy adults.

I continue to appreciate the inclusion of a provision to restore Medicaid disproportionate share hospital, DSH, allotments for Hawaii and Tennessee. Medicaid DSH payments are designed to provide additional support to hospitals that treat large numbers of Medicaid and uninsured patients.

I developed this provision as an amendment with my colleagues—Senators ALEXANDER, INOUYE, and CORKER, that provide both states with DSH allotments. Hawaii would be provided with a $10 million Medicaid DSH allotment for fiscal year 2008. For fiscal year 2009 and beyond, Hawaii's allotment would increase with annual inflation updates just like other low DSH States.

Hawaii and Tennessee are the only two States that do not have DSH allotments. The Balanced Budget Act of 1997 created specific DSH allotments for each State based on their actual DSH expenditures for fiscal year 1995. In 1994, Hawaii implemented the QUEST demonstration program that was designed to reduce the number of uninsured and improve access to health care. The prior Medicaid DSH program was incorporated into QUEST. As a result of the demonstration program, Hawaii did not have DSH expenditures in 1995 and was not provided a DSH allotment.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 made further changes to the DSH program, which included the establishment of a floor for DSH allotments. However, States without allotments were again left out.

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 made additional changes in the DSH program. This included an increase in DSH allotments for low DSH states. Again, States without allotments were left out.

Hawaii and Tennessee should be treated like other extremely low DSH States and be provided with Medicaid DSH allotments every year. Other states that have obtained waivers similar to Hawaii's have retained their DSH allotments.

Hospitals in Hawaii are having a difficult time trying to meet the elevated demands placed on them by the increasing number of uninsured people. DSH payments will help our hospitals continue to provide essential health care services to people in need. All States must have access to resources to ensure that hospitals can continue to provide services for uninsured and low-income residents.

This administration fails to adequately understand the importance of this legislation. This bill helps the State of Hawaii provide essential health care access to children that currently lack health insurance. It will also provide vital support to our hospitals that care for Medicaid beneficiaries and uninsured patients.

Mr. DODD. Madam President, I rise today in strong support of H.R. 3963, the Children's Health Insurance Program Reauthorization Act. This bipartisan agreement is our second attempt to do what is right for our Nation's children. There are few more important issues facing the Senate than the

health and well-being of our Nation's youth. The vote to pass this legislation is a vote for children.

As the father of two young daughters, I clearly understand how important it is to know that if one of them gets sick that they have the health insurance coverage that will provide for their care. For millions of parents, every slight sniffle or aching tooth could mean the difference between paying the rent and paying for medical care. Today we have an opportunity to help give those parents peace of mind about their children's health.

Despite the broad bipartisan support that already exists for this bill, Chairman BAUCUS and Senator GRASSLEY, among others, have worked tirelessly to build more support and accommodate the bill's critics. They should be commended for their work and dedication. Thanks to them and many others, this legislation represents an even more thorough compromise while still covering 10 million children. There are explicit changes designed to address criticisms by the bill's opponents. H.R. 3963 makes it even more clear that States must cover the poorest children before expanding their programs. And it ensures that illegal immigrants cannot get benefits.

But even with these changes the bill continues providing coverage for 6.6 million children currently enrolled in CHIP and provides coverage for 3.1 million children who are currently uninsured today. It gives States the resources they need to keep up with the growing numbers of uninsured children. It provides tools and incentives to cover children who have fallen through the cracks of current programs. And it will prevent the President from unfairly and shortsightedly limiting States' efforts to expand their CHIP programs to cover even more children. All together these efforts will reduce the number of uninsured children by one third over the next 5 years.

I am additionally very pleased that my Support for Injured Servicemembers Act amendment was included in the final SCHIP bill. This amendment provides up to 6 months of Family and Medical Leave Act, FMLA, leave for family members of military personnel who suffer from a combat-related injury or illness. FMLA currently allows 3 months of unpaid leave. Fourteen years ago, FMLA declared the principle that workers should never be forced to choose between the jobs they need and the families they love.

If ordinary Americans deserve those rights, how much more do they apply to those who risk their lives in the service of our country? Soldiers who have been wounded in our service deserve everything America can give to speed their recoveries—but most of all, they deserve the care of their closest loved ones.

The President's Commission on Care for America's Returning Wounded Warriors, ably led by Senator Bob Dole and former Secretary of Health and Human Services, Donna Shalala, has been instrumental in efforts to provide needed care for our returning heroes. It is not surprising that the Commission found that family members play a critical role in the recovery of our wounded servicemembers. Although the President has lauded the recommendations of the Commission and recently sent legislation to Congress to implement its recommendations, he continues to hold up the passage of this provision.

I am pleased that Senator CLINTON is the lead cosponsor of my amendment. In addition, I am pleased that Senators DOLE, GRAHAM, KENNEDY, CHAMBLISS, REED, MIKULSKI, MURRAY, SALAZAR, LIEBERMAN, MENENDEZ, BROWN, NELSON of Nebraska, CARDIN, and OBAMA are cosponsoring this amendment. I thank Senator BAUCUS and Senator GRASSLEY for accepting this important amendment and appreciate the support of all of my colleagues in this effort.

Unfortunately the President still stands in the way. He continues to threaten to veto this important legislation. I am fearful that he will block yet another bipartisan compromise to cover children who need health care. This legislation is vital to the health and well-being of our children. It represents the hard work and agreement of an overwhelming majority of Members on both sides of the aisle. It is a testament to how important issues like children's health care can be addressed in a bipartisan manner by a united Congress. The President's policy of block and delay would mean Connecticut and other States would have to take away existing health coverage for hundreds of thousands of children when they should be covering more kids.

I urge my colleagues to support this critical legislation, and I urge President Bush to do what is right and sign it into law.

Mr. President, I yield the floor.

Mr. ALLARD. Madam President, I come to the floor today to discuss my amendment to codify the unborn child rule in the pending SCHIP legislation. This needs to be done, and it needs to be done in this reauthorization.

The unborn child rule is a regulation that, since 2002, has allowed States to provide prenatal care to unborn children and their mothers. It recognizes the basic fact that the child in the womb is a child. When a pregnancy is involved, there are at least two patients—mother and baby. It only makes sense to cover the unborn child under a children's health program. The bill before us modifies the SCHIP statute to allow States to cover ''pregnant women'' of any age. It also contains language that asserts that the bill does not affirm either the legality or illegality of the 2002 ''unborn child'' rule.

My amendment would codify the principle of the rule by amending the SCHIP law to clarify that a covered child ''includes, at the option of a State, an unborn child.'' The amendment further defines ''unborn child'' with a definition drawn verbatim from Public Law 108–212, the Unborn Victims of Violence Act. My amendment would also clarify that the coverage for the unborn child may include services to benefit either the mother or unborn child consistent with the health of both. In addition, the amendment clarifies that States may provide mothers with postpartum services for 60 days after they give birth.

Many States' definition of coverage for a pregnant woman leads to the strange legal fiction that the adult pregnant woman is a ''child.'' Surely it was not the intent of anyone who developed the State Children's Health Insurance Program to allow a loophole for States to define a woman as a child. Surely we can agree that the child who receives health care in the womb is a child receiving care along with his or her mother.

My amendment will also allow for coverage of the mother, whereas the pending legislation only allows for pregnancy-related services. There are many conditions that can affect a mother's health during pregnancy that are not related to her pregnancy. Under the pending legislation, a pregnant mother could not get coverage for any condition that isn't related to her pregnancy.

We should be allowing mothers to stay healthy so that they will have healthy babies. This also leads to reduced costs associated with premature or low-birth weight babies. Eleven States are already using this option to provide such care through the State Children's Health Insurance Program. If the intent of the sponsors is to provide coverage for the pregnant woman and her unborn child, then they should have no problem supporting my amendment.

We should ensure that pregnant women and their unborn child are both treated as patients. This is a matter of common sense. Every obstetrician knows that in treating a pregnant woman, he is treating two patients—the mother and her unborn child. Keeping this coverage in the name of the adult pregnant woman alone is bad for the integrity of a children's health program, bad for the child, and even bad for some of the neediest of pregnant women.

I urge my colleagues to support my amendment.

Mr. LEVIN. Madam President, the Children's Health Insurance Program Reauthorization Act of 2007 would help ensure that millions of the Nation's uninsured children can receive access to health care.

Last month, the House and Senate passed legislation reauthorizing the popular children's health insurance program. In the Senate, this bipartisan bill passed with a veto-proof majority of 67 votes. Since then, the President has vetoed this legislation and Congress has worked hard to create a new bipartisan bill that addresses items President Bush objected to. Despite

this, the President continues to threaten a veto on this strengthened bill that focuses on ensuring children from low-income working families receive access to necessary health care.

I hope that the President will listen to the majority of the Nation that supports the Children's Health Insurance Program Reauthorization Act and signs this bill when it reaches his desk.

Currently, 6.6 million children are enrolled in the Children's Health Insurance Program, or CHIP. There are still 9 million uninsured children nationwide, 6 million of which are eligible for either Medicaid or CHIP. The Children's Health Insurance Program Reauthorization Act would provide more than 3 million uninsured children from low-income families with health insurance. This means, that in my home state of Michigan, 80,900 more uninsured children will receive access to much needed health care.

I believe that we have a moral obligation to provide all Americans access to affordable and high quality health care. I do not understand how the United States is one of the most developed and wealthiest nations in the world, but we continually send the message that an additional $35 billion to provide American children from low-income families with access to health care is too large an investment for those that represent our future.

I firmly believe no person, young or old, should be denied access to adequate health care, and the expanded and improved Children's Health Insurance Program is an important step toward achieving that goal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. LIEBERMAN. Madam President, I have been waiting on the floor for a while. May I speak in morning business?

Mr. BAUCUS. Madam President, what is the regular order?

The PRESIDING OFFICER. The majority controls 14 minutes and the Republicans control 20 minutes before the cloture vote.

Mr. BAUCUS. We have 14 minutes remaining and we are going to have to use it, unless the Senator can use 1 or 2 minutes.

Mr. LIEBERMAN. I understand. I will wait and either return after the vote or at another time.

Mr. BAUCUS. It is possible the Republicans might yield the Senator some time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I ask unanimous consent that the 20 minutes immediately prior to the cloture vote at 4:45 be equally divided and controlled between the leaders, or their designees, and that the majority leader will control the final 10 minutes prior to the vote; further, that the mandatory quorum required under rule XXII be waived.

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

Mr. BAUCUS. Madam President, in 1997, Congress enacted the Children's Health Insurance Program—10 years ago. From the beginning, it has been about kids. It has been about trying to give the parents of low-income working families the peace of mind that comes from knowing that health care is there for their children. That is all this is, it is about health care for kids. These are kids in working families, not kids in wealthy families, not kids in middle-income families—kids in working families.

These are kids who, through no fault of their own, were born into families having had a hard time buying medical insurance in America, and we are trying to help these kids.

A large number of Senators on both sides of the aisle have worked together to try to reach a consensus. Both sides of the aisle—Senator GRASSLEY, Senator ROCKEFELLER, Senator HATCH, and I—met together and worked things out. And when the House failed to muster enough votes to override the President's veto, we worked together with House Republicans to help kids. All four of us—Senator GRASSLEY, Senator ROCKEFELLER, Senator HATCH, and I—met repeatedly with moderate House Republicans to try to find a middle ground.

We have made progress. We made a lot of progress, and I believe a compromise is very close, is within reach. I believe given a little more time, Congress could pass a CHIP bill that could achieve the support of more than two-thirds of both Houses of Congress. Unfortunately, today some objected to giving us that time, and I regret that objection.

But we met again, all of us—that is, Senator HATCH, Senator ROCKEFELLER, Senator GRASSLEY, and I—with House Republicans at 2 o'clock. We agreed to continue meeting. We will meet again next Tuesday. We will reach an agreement soon. I don't think I will be telling tales out of school to say that the majority leader visited our meeting and he said: If we get a deal, the Senate will take it up. I think we are close to getting that deal. There are only a couple of issues that are outstanding, and we will work through those issues.

I regret that the opponents of the Children's Health Insurance Program—and let us be clear, they are truly fighting not just the bill but the Children's Health Insurance Program—that those opponents of CHIP have made it impossible for us to offer an amendment to the bill before us today to get this done. They have succeeded in stopping us today. I am disappointed. I am not discouraged, I am disappointed. We will keep working. Even if the President once again vetoes health care for kids, we will work to get it done.

We are still left with a good bill before us. It is a better bill than the one the President vetoed. Before us today is a bill that addresses many of the concerns Senators expressed with the first CHIP bill. The bill before us today focuses more on kids. It focuses more on low-income families. It is a good bill.

There is no reason why anyone who supported the first bill on September 27 would not do so again today. It is improved. There is every reason why those who objected to the first bill would support this bill today.

I urge my colleagues to join in voting for cloture and then voting for the bill. I urge them to do so because this is still about health care for kids. That is what this is all about, it is for kids. We have a lot of peripheral issues, but they are peripheral; it is noise. We say: Keep our eyes on the ball. It is about helping low-income kids, health care for kids and working families. Measures such as this are why we came to work in public service. Measures such as this are why people for whom we work sent us here. Let us not let them down.

Madam President, I yield 3 minutes to my friend from Connecticut.

Mr. LIEBERMAN. Madam President, I say to the Senator from Montana, that is good of him. I may not have to ask for it—I believe the minority will yield me such time as I need, but if I need more time, I will come back. I thank my friend for his graciousness.

Madam President, I rise to speak as in morning business.

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

NOMINATION OF MICHAEL MUKASEY

Mr. LIEBERMAN. Madam President, I rise to speak on the pending nomination of Judge Michael Mukasey to be the Attorney General of the United States. I rise to urge my colleagues on the Judiciary Committee to favorably consider this nomination because I fear we are in danger of treating this judge very unjustly, of doing something that is not fair to him personally.

I wish to state at the outset that I did not just meet Judge Mukasey since he was nominated for Attorney General by the President; I actually met him 43 years ago this fall when we both entered Yale Law School together. We were in the same small group in contracts. The occupant of the chair will appreciate the intimacy and how well you get to know somebody when you are in a small group together with a demanding contracts professor.

The Mike Mukasey I met 43 years ago was honorable, he was bright, he was not presumptuous, he had a great sense of humor, and he had a strong sense of values—what I would call honor—to him. I have kept in touch with Mike over the years. I can't say we have seen each other a lot, but I have watched his career grow with great pride. He was a private practitioner, a distinguished and successful assistant U.S. attorney, a judge who has been extremely well regarded by all who have come before him, as was testified to before the Judiciary Committee on his nomination. He handled some very difficult cases, ruled in cases regarding alleged terrorists and did so to his own personal risk. He had a security detail with him for

some period of time because of the threats he received after one of these cases.

I am honored to say Judge Mukasey asked me to introduce him to the Judiciary Committee, alongside Senator SCHUMER of New York. I said then what I will say here. The man I met 43 years ago is today essentially the same man—honorable, intelligent, with a real sense of values, a commitment to public service, a man of the law, not a man of politics, exactly the kind of person America always needs as Attorney General, but particularly needs at this moment.

I thought he handled his nomination hearing extremely well. Now there is rising opposition to this nomination based on Judge Mukasey's answer to a single question, which is whether he would say that waterboarding technique of interrogation is torture. Judge Mukasey has preferred to give the easy, I might say politically correct, answer—and he has argued with us, he has educated us, I add, to understand that his answer is not about whether we are for or against waterboarding.

He says, to himself the technique described—I am reading from a letter of October 30, 2007, from Judge Mukasey to members of the Judiciary Committee who had written to him:

> I was asked at the hearing and in your letter questions about the hypothetical use of certain coercive interrogation techniques. As described in your letter, these techniques seem over the line or, on a personal basis, repugnant to me. . . .

This is not to say Judge Mukasey is for waterboarding. That is not what is at issue, and we should not allow it to become so. He is responding as a man of the law, as a judge, as a man who would be, if we allow him, exactly the kind of Attorney General we need. He says:

> But hypotheticals are different from real life, and in any legal opinion the actual facts and circumstances are critical. As a judge, I tried to be objective in my decision-making and to put aside even strongly held personal beliefs when assessing a legal question because legal questions must be answered based solely on the actual facts, circumstances, and legal standards presented. A legal opinion based on hypothetical facts and circumstances may be of some limited academic appeal but has scant practical effect or value.

Bottom line, the judge is saying waterboarding is repugnant but I cannot say as a matter of law that it is torture under the law because I don't know exactly what waterboarding is and how it is used, and I have not seen the prevailing legal memos that have governed, because they are classified interrogations by employees of our Government.

He says in the letter of October 30:

> I have not been briefed on techniques used in any classified interrogation program conducted by any government agency.

He is saying: How can you expect me to essentially issue a legal opinion when I don't know the facts and I can't know the facts until and unless you allow me to be Attorney General?

Then he says something I think is very important in his letter. He writes to the Judiciary Committee members:

> I do know, however, that ''waterboarding'' cannot be used by the United States military because its use by the military would be a clear violation of the Detainee Treatment Act. That is because ''waterboarding'' and certain other coercive interrogation techniques are expressly prohibited by the Army Field Manual on Intelligence and Interrogation, and Congress specifically legislated in the [Detainee Treatment Act of 2005] that no person in the custody or control of the Department of Defense or held in a DOD facility may be subject to any interrogation techniques not authorized and listed in the Manual.

So there is a law and he has made clear that because there is a law, he definitely believes waterboarding cannot be used by Department of Defense personnel.

The fact is that the Detainee Treatment Act of 2005 did not explicitly ban waterboarding or other specific techniques of interrogation as used by other employees of the Federal Government, including presumably and particularly employees of our intelligence agencies.

The Detainee Treatment Act banned ''cruel, inhuman, and degrading treatment.'' Judge Mukasey says in his letter:

> In the absence of legislation expressly banning certain interrogation techniques in all circumstances, one must consider whether a particular technique complies with relevant legal standards.

He simply cannot do this in the absence of a clear legislative expression by Congress that waterboarding constitutes torture without seeing the documents, without understanding the definition of waterboarding, as applied in particular cases. He is a man of the law. He is saying, as he said in his testimony and in this letter, no one, including the President, is above the law.

It would be very easy to remove any doubts and opposition to his confirmation if he just said in his letter: Waterboarding is torture. But he responds to a higher authority. It is the law in a nation that claims to be governed by the rule of law.

In his testimony before the Judiciary Committee, he was repeatedly questioned in regard to his independence, and following Attorney General Gonzales's close relationship with the White House, members of the committee were clearly interested in whether Judge Mukasey would be independent of the White House, of the President. He said he would do what the law required him to do. No one is above the law, including the President.

In refusing to tell questioning members of the Judiciary Committee, colleagues of ours, what they want to hear in this case, he is also showing his independence. He is saying he will not be pressured by Members of the Senate, including those who will determine whether he is confirmed. He will not simply tell them what they want to hear if he thinks it is not the legally responsible thing to do. That is exactly the kind of man I want and I believe we all should want as Attorney General of the United States.

So he is putting his confirmation as Attorney General at risk because he believes it would not be justified as a matter of law for him to conclude, without benefit of documents that he cannot see now, that waterboarding is torture. And for this will we reward this good man, this public servant, this distinguished judge, this man of the law, by rejecting his nomination?

Here is the kind of independence, the kind of allegiance to the public interest and the rule of law the American people want to see more of and not less in Washington. It is why I repeat what I said at the beginning. To reject the nomination of Judge Michael Mukasey because he refuses to say what some Members want him to say on this question and he refuses as a matter of sincerely held legal belief what his legal responsibility is would be grossly unfair and an unjust act to this judge.

May I suggest an alternative course to my friends on the Judiciary Committee and Members of the Senate who hopefully will get to consider this nomination? Confirm Judge Mukasey based on his overall record of service, his obvious intelligence, honor and integrity, the extent to which he will raise the morale of the Department of Justice. Look at his entire record. Don't turn him down and deprive the Nation of his service as our chief law enforcer because of one legal opinion he has reached that is different from yours.

Confirm him. And then, as Attorney General, he will have access to the documents about waterboarding. He will have access to the people who may or may not have been involved in it. He will have access to the prevailing legal memos, and then demand he issue a legal opinion and respond to your question. But don't reject a man of the law, exactly the kind of man America needs today, as our Attorney General.

I thank the Chair, and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, we have tried hard to arrive at another compromise. I do not know how—it would be physically impossible for us—to do any more than what I have suggested. I have said, when told that the negotiators needed more time, we will wait until after the farm bill and go after this issue. Objected to. I was called by my friends on the other side of the aisle yesterday, who said: Can we have a little more time? I said: Sure.

I came today and said let's finish this matter this coming Monday. Let's finish it after the farm bill. And both times there was an objection.

I have met with Senators HATCH and GRASSLEY on many occasions. On every occasion I can think of Senator BAUCUS has been there, and in some of those meetings Senator ROCKEFELLER has been present. The four of us have had a significant number of meetings with the Speaker, with Chairman DINGELL, and Chairman RANGEL.

I went down at 20 after 2 today and met with a number of Republican House Members, relaying to them—and I have no doubt that they would acknowledge this—that we have tried to work with them in coming up with something.

Now, I explained to them the Senate rules. If I wanted to not have this cloture vote, I couldn't stop it. It takes unanimous consent to move from our doing this. I explained that to them. But I did tell them this, and I will say to you and those within the sound of my voice what I told those freshmen. I believe the negotiations that have taken place in this matter have been in good faith. There has been no bad faith by the participants.

The burden has been borne by the chairman of the Finance Committee, Senator BAUCUS, and the ranking member, Senator GRASSLEY. Senator HATCH, who was the original sponsor of this bill, with Senator KENNEDY, has been involved from the very beginning. Senator HATCH was at the meeting where I met with House Republicans. Senator BAUCUS was there, and I repeat what I told them. If we can't do something now, and we send the bill to the President and he vetoes it, I don't think we should rush forward and try to override his veto. I think we should just let things simmer a little while.

I told them if they could come up with something that we can work with—I spoke to the Speaker this morning, and I said: I am not sure we can move much further.

She said: You should see the changes they want to make. There is very little. There isn't much that they want—which was comforting to me. And that is what the House Members told me today when I met with them this afternoon.

So I would hope people understand that good-faith negotiations have taken place on a bipartisan, bicameral basis on this most important piece of legislation. I am not happy with the President on this issue. I think he is making a big mistake. I think he is hurting some of his House Members, who could be in a very precarious position as a result of voting no to overriding his veto, but that is the decision they have made. And I am willing to try to get them out of the hole I think some of them are in.

Yesterday the President came from left field. Talk about a sucker punch. He suddenly said: I don't like the way this is paid for.

We are paying for it. It is not deficit spending. We are taking care of this with a relatively small tax on cigarettes and cigars. That surprised everybody. It surprised everybody that the President now, when he learned that we had changed things—got adults off the program, changed its to limit waivers, tightened down the immigration issue. We did everything he asked us to do, and now he changes the program again.

We are at a point now where the President does not become relevant to this issue because in the bipartisan, bicameral work that we have done between the House and the Senate, we want to do this ourselves, so that when we come to a decision on what we can do, and I think we are within days of doing that, we will bring this bill back. The Speaker said she would do it; I said I would do it.

I express my appreciation to the courtesies extended to me by Senators GRASSLEY and HATCH on the Republican side and the extreme patience of Senator BAUCUS for allowing the many different diversions that we have had in getting to the point where we are today. With the understanding and the hope that we can move forward on this bill, and even though some of these programs are going to change drastically by March because there will be as many as 11 States that will run out of money, hopefully in the next few weeks we can change this legislation and still insure 10 million children and maintain a program that is reasonable for the States and certainly the children we are trying to protect.

So I again express my appreciation to the participants of the many involved in the negotiations, and I want to also reach out my hand in friendship to the Speaker. There isn't a Democrat or Republican, including Senators GRASSLEY and HATCH, who would not say publicly how willing she has been to try to work to come to some reasonable conclusion of this legislation. She has been great, as has Chairman RANGEL and Chairman DINGELL.

Madam President, I yield the floor. Is there anyone on the floor who wants to take the remaining time? Good.

I yield to my friend, the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. I thank the Chair.

Madam President, I commend our leadership for working out the fact that we can start to bring some closure on children's health insurance. We have had experience in Florida of doing a health insurance program before the Federal program ever started, 10 years ago, and it was tremendously successful and popular in getting to families who were just over the income level of Medicaid but who were still too limited in their income to provide health insurance for their children.

As a result, thousands of children in Florida, before CHIP ever came along, were provided for. But then the Federal program came along and made it available to so many more. Yet even today, with Florida's program and the Federal program, there are still 700,000 children in the State of Florida who do not have health insurance. What we are hoping is that with the expansion of the CHIP program, we will be able to include 400,000 of those 700,000 who do not have health insurance.

(The remarks of Senator NELSON of Florida pertaining to the introduction of S. 2295 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. NELSON of Florida.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 450, H.R. 3963, Childrens' Health Insurance Program Reauthorization Act of 2007.

Max Baucus, Harry Reid, Benjamin L. Cardin, S. Whitehouse, Robert Menendez, Daniel K. Inouye, Jack Reed, Barbara Boxer, Pat Leahy, Bernard Sanders, Ken Salazar, Kent Conrad, Ron Wyden, Byron L. Dorgan, Debbie Stabenow, Bill Nelson, Robert P. Casey, Jr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived. The question is, Is it the sense of the Senate that debate on H.R. 3963, an act to amend title XII of the Social Security Act to extend and improve the Children's Health Insurance Program, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

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

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

The yeas and nays resulted—yeas 65, nays 30, as follows:

[Rollcall Vote No. 402 Leg.]

YEAS—65

Akaka	Cardin	Feingold
Alexander	Carper	Feinstein
Baucus	Casey	Grassley
Bayh	Coleman	Harkin
Biden	Collins	Hatch
Bingaman	Conrad	Hutchison
Bond	Corker	Inouye
Boxer	Dodd	Johnson
Brown	Domenici	Kennedy
Byrd	Dorgan	Kerry
Cantwell	Durbin	Klobuchar

Kohl	Murkowski	Schumer
Landrieu	Murray	Smith
Lautenberg	Nelson (FL)	Snowe
Leahy	Nelson (NE)	Specter
Levin	Pryor	Stabenow
Lieberman	Reed	Stevens
Lincoln	Reid	Sununu
Lugar	Roberts	Tester
McCaskill	Rockefeller	Webb
Menendez	Salazar	Whitehouse
Mikulski	Sanders	

NAYS—30

Allard	Craig	Isakson
Barrasso	Crapo	Kyl
Bennett	DeMint	Lott
Brownback	Dole	Martinez
Bunning	Ensign	McConnell
Burr	Enzi	Sessions
Chambliss	Graham	Shelby
Coburn	Gregg	Thune
Cochran	Hagel	Vitter
Cornyn	Inhofe	Voinovich

NOT VOTING—5

Clinton	Obama	Wyden
McCain	Warner	

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Madam President, we are going to have a vote in just a few minutes. I know people have things to do. This will be the last vote this week. But I alert all Members, we have had a number of meetings today with Senator MCCONNELL. We are trying to work it out so we do not have to have cloture on the motion to proceed to the farm bill.

I understand that the minority has to take a look at the amendment to the bill that has come out of the committee and was all ready to go and the Finance Committee needed to make some changes on it. That should be back from Legislative Counsel in just a matter of minutes—at least we hope that is the case.

If we do not have to do cloture on the motion to proceed, there will be no votes on Monday. If we do have to do a vote on the motion to proceed, there will be a noon vote on the motion to proceed on Monday, and we will have to do that; otherwise, we will come in and go to the farm bill Tuesday around 2 o'clock in the afternoon so the managers can give their opening statements, and anyone who wants to speak on the bill. There are going to be lots of opening statements on the farm bill, so I would hope people would come early and get those out of the way.

There are a number of people who have expressed to me—who have warned me that there are going to be some amendments on that bill. We are going to have to make sure we do this the right way. We want to make sure there are amendments that are offered. We will have to take a look at them because it is late in the session and the farm bill is a tax bill. So we have to make sure we do not get into any issues we do not need to get into. But we will be as fair as we can possibly be on the farm bill. It is a bill we have to complete.

Also during the next 2 weeks, we have to get the first appropriations bill to the President. I had a very constructive conversation with Josh Bolton today regarding what will happen when we get that bill to him. We also have other important business to do, such as making sure the Government is funded after November 16.

So we have a very busy week. The President has indicated that probably tomorrow he is going to veto WRDA. We will have to take a look at that.

If there is no cloture vote, we will be on the bill Monday for opening statements, as I indicated. We have a productive farm bill.

I wish to express my appreciation to everyone for the work on the children's health bill. I will repeat what I said before the vote: There has been bicameral, bipartisan work on the CHIP bill—bicameral, bipartisan work. At 2:20 today, I went and met with a number of House Republicans trying to move forward on the children's health initiative. It is my recommendation that this bill will be sent to the President. If he vetoes the bill, it is my recommendation—I will express my feelings to the Speaker—that we not even attempt a veto override.

My Republican colleagues—this is difficult for me to be talking about: I should not say ''difficult.'' It is unusual for me to be talking about my Republican House colleagues. But they indicated that would be the very best step forward. We are very close to being able to do a bipartisan, bicameral children's health bill. I think we can really do that. I have spoken to the Speaker. She believes that is the case, also. If we can do that, at the earliest opportunity, we will bring that back for consideration of the Senators.

I express my appreciation to Senator BAUCUS, Senator ROCKEFELLER, Senator GRASSLEY, Senator HATCH, and many others. This has been a very difficult but rewarding process for me. It indicates to me that there is the ability of this Congress to work on a bipartisan, bicameral basis, and until we accept that as a truth, we are going to have trouble moving these many bills we have bouncing around here to completion.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, with regard to the schedule for Monday, the farm bill has not been printed yet but, as the majority leader indicated, we expect it momentarily. I am optimistic we will not end up having to invoke cloture on the motion to proceed Monday and that we will, as the majority leader suggested, not have to be back until Tuesday morning. I can't announce that right now, but I am optimistic we will be able to get that cleared up in the very near future.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, the question is on passage of the bill.

The yeas and nays have not been ordered.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) 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 64, nays 30, as follows:

[Rollcall Vote No. 403 Leg.]

YEAS—64

Akaka	Feinstein	Murray
Alexander	Grassley	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Hatch	Pryor
Biden	Hutchison	Reed
Bingaman	Inouye	Reid
Bond	Johnson	Roberts
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Coleman	Levin	Stabenow
Collins	Lieberman	Stevens
Conrad	Lincoln	Sununu
Corker	Lugar	Tester
Domenici	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	
Feingold	Murkowski	

NAYS—30

Allard	Craig	Isakson
Barrasso	Crapo	Kyl
Bennett	DeMint	Lott
Brownback	Dole	Martinez
Bunning	Ensign	McConnell
Burr	Enzi	Sessions
Chambliss	Graham	Shelby
Coburn	Gregg	Thune
Cochran	Hagel	Vitter
Cornyn	Inhofe	Voinovich

NOT VOTING—6

Clinton	McCain	Warner
Dodd	Obama	Wyden

The bill (H.R. 3963) was passed.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

Mr. BROWNBACK. Mr. President, thank you very much.

NOMINATION OF JUDGE MICHAEL MUKASEY

Mr. BROWNBACK. Mr. President, I will not take that much time, but I do want to draw my colleagues' attention to an issue that is going to be in front of the Judiciary Committee and my colleague, the Presiding Officer, this next week, and that is the nomination of Judge Michael Mukasey to be Attorney General of the United States.

Judge Mukasey is an outstanding nominee, highly qualified by anybody's definition, a consensus nominee who has now drawn fire. It strikes me as a situation of ignoring the forest for a tree. I want to talk about the specific tree that is here in the way, but I want to also point out the forest we have.

Judge Mukasey is an outstanding, qualified nominee, strongly supported, warmly put forward by Republicans and Democrats alike. He is not an ideologue by any means.

Senator SCHUMER said, at the outset:

[H]e could get a unanimous vote out of this committee.

Senator SCHUMER had previously discussed Judge Mukasey as a possible appointee to the U.S. Supreme Court—a lifetime appointment to the U.S. Supreme Court.

Here again, Senator SCHUMER's words:

Let me say, if the president were to nominate somebody, albeit a conservative, but somebody who put the rule of law first, someone like a . . . Mike Mukasey, my guess is that they would get through the Senate very, very quickly.

Well, it has now been 41 days that the nomination has been pending. That is longer than any other nominee for Attorney General in over 20 years. He is a consensus nominee.

I have my problems with Judge Mukasey on narrow issues. But if we look at the central issue of our day, which is the war on terrorism, the war we are having with militant Islamists that we are likely to be in for a generation, you could not ask for a more qualified Attorney General nominee than Judge Mukasey.

He is a gentleman who, as a judge, has handled some of the most difficult terrorism cases we have had in the country. He is an outstanding jurist. He is highly qualified. He handled the blind sheik case that came in front of his court. He has handled others. This is a nominee who is going to be in position for, well, the rest of this year and next year, and that is it, as Attorney General. I think he is so highly qualified he could well proceed into a next administration if he could get in in this administration. Yet he is not being put forward.

I want to quote—and this is an extraordinary quote. This is the Second Circuit Court of Appeals praising his work as a trial court judge in some of these difficult cases. I have not read before where a circuit court has praised the work of a trial court judge to such an extraordinary degree as they did of Judge Mukasey where they noted this. This is the Second Circuit saying this about him: ''extraordinary skill and patience.'' Further continuing to quote: ''outstanding achievement in the face of challenges far beyond those normally endured by a trial judge.'' That is the Second Circuit Court of Appeals about Judge Mukasey. This is an outstanding individual.

Now, he was sailing along, doing well as a nominee, going through a tough confirmation process, handling the hearings well, dealing with the issues, and then an issue came up about torture, and waterboarding in particular. Then there seemed to be some confusion being declared about this, so he has cleared up the record on that issue.

I want to read what he has stated on the record about this particular issue. And I want to say at the outset, it cannot be clearer that Judge Mukasey does not approve of waterboarding. He does not approve of it. He has called the procedure ''repugnant to me.'' He wrote to the Judiciary Committee Democrats that ''nothing . . . in my testimony should be read as an approval of the interrogation techniques presented to me at the hearing or in your letter, or any comparable technique.''

''[N]othing . . . in my testimony should be read as an approval of [this] interrogation technique. . . .''

He has pledged, if confirmed, he will examine interrogation programs thoroughly, and he has promised that ''if, after such a review, [he] determine[s] that any technique is unlawful, [he] will not hesitate to so advise the President and . . . rescind or correct any legal opinion of the Department of Justice that supports use of the technique.''

Now, do my colleagues doubt Judge Mukasey, whom they roundly praised just weeks ago, is a man of his word? Do they believe he would permit an illegal program to go forward? I do not think so. He will not. This is a straight-shooter. He is not a yes-man. He is not a yes-man to anybody. He has been on the bench for years. He has handled tough terrorism cases. He recognizes the threat terrorism is to this country. He also recognizes that the United States must stand for what is right. If we don't, that will be used against us in other places around the world, and it doesn't flow to the best image and it doesn't flow to the heart of what America is: a rule-of-law nation that stands up for what is right. He is going to do that. He has done that. He will do that.

He is not a yes-man to anybody. He is not a yes-man to people who would oppose him in this body. He is not a yes-man to the President. He has far too distinguished a career to be a yes-man, with less than 14 months left in an administration, for him to say: OK, I am just going to roll over and approve something I disagree with, in the final 14 months of an administration.

We need an Attorney General. We need an Attorney General in this country. This one has been pending far too long. I ask my colleagues who are seeking to oppose him—I think primarily on the grounds that they just want to oppose the Attorney General nominee of the United States or oppose the President—to back up and to take a second look at this gentleman and his great qualifications, his integrity he has conducted his entire life with, what he has specifically said about waterboarding, and find it in themselves to do the right thing and support him. This is an outstanding nominee who doesn't deserve this sort of treatment. We need to get this vote up and approved.

I believe the chairman of the Judiciary Committee, whom I have worked with a great deal and whom I have a great deal of respect and admiration for, is going to hold hearings on Judge Mukasey on Tuesday, and a vote. I am hopeful we can vote him out of committee and vote him through the Senate, clearly before the Thanksgiving Day break. We need to. We need an Attorney General. This is the right man at the right time for this job.

I thank you very much, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader is recognized.

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

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

SCHIP

Mr. REID. Mr. President, in my remarks dealing with the CHIP bill, I spoke profusely about the cooperation of the distinguished Speaker. She has been wonderful on this issue.

Sometimes, you leave out your friends. Steny Hoyer and I have known each other for many years. We have served in Congress together for 25 years. I failed to mention his work on this bill. He has been vigilant and with us every step of the way, and I should have mentioned his name.

I also want to say that in speaking—my staff, frankly, has spoken to him; I have not in the last hour or so. One of the things that very well could happen is that the House may not send the bill to the President for a while—the bill he says he is going to veto—to give the negotiators more time to see if they can come up with something. That is certainly something I think would be a wise thing for the House to do. Since we got the suggestion from Steny Hoyer, I am sure it is very wise. So that is one thing the House may do.

Again, everyone has cooperated. I appreciate very much the work and the stage where we are.

MORNING BUSINESS

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 301 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that reauthorizes the State Children's Health

Insurance Program, SCHIP. Section 301 authorizes the revisions provided that certain conditions are met, including that the legislation not result in more than $50 billion in outlays for SCHIP over the period of fiscal years 2007 through 2012 and that the legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, satisfies the conditions of the deficit-neutral reserve fund for SCHIP legislation. Therefore, pursuant to section 301, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,022.051
FY 2009	2,121.498
FY 2010	2,176.932
FY 2011	2,357.661
FY 2012	2,495.039
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−28.745
FY 2009	14.572
FY 2010	13.211
FY 2011	−36.889
FY 2012	−102.057
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,505.209
FY 2009	2,523.853
FY 2010	2,579.438
FY 2011	2,697.839
FY 2012	2,735.357
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,469.858
FY 2009	2.570.742
FY 2010	2,607.644
FY 2011	2,703.359
FY 2012	2,716.559

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In millions of dollars]

Current Allocation to Senate Finance Committee	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,078,905
FY 2008 Outlays	1,079,914
FY 2008–2012 Budget Authority	6,017,379
FY 2008–2012 Outlays	6,021,710
Adjustments	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	9,332
FY 2008 Outlays	2,386
FY 2008–2012 Budget Authority	49,711
FY 2008–2012 Outlays	35,384
Revised Allocation to Senate Finance Committee	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,088,237
FY 2008 Outlays	1,082,300
FY 2008–2012 Budget Authority	6,067,090
FY 2008–2012 Outlays	6,057,094

HONORING OUR ARMED FORCES

STAFF SERGEANT LARRY I. ROUGLE

Mr. HATCH. Mr. President, I rise in remembrance of SSG Larry I. Rougle of West Valley City. It is my privilege to speak regarding the tremendous sacrifice of this honored soldier.

On October 23, 2007, in the Kunar Province in Afghanistan, Sergeant Rougle died when his battalion encountered enemy fire. He was assigned to the 2nd Battalion, 503rd Airborne Infantry Regiment, 173rd Airborne Brigade. At the time of his death, he was only 25 years old. However, the sergeant had already given seven honorable years of service to the U.S. Army and been deployed on several tours of duty to Afghanistan and Iraq.

Graduating early from high school at the age of 17, Sergeant Rougle told his father that he had made the important decision to enter into military service. The sergeant's family said that he loved what he did, and that his main purpose was to help the poor people in war-torn countries.

He followed a great family military legacy. His father Ismael Rougle served in the Army for 25 years, which included a tour in Vietnam, and his son wanted to follow in his father's footsteps from a very young age. As a child, Sergeant Rougle would emulate his father by dressing up in his father's uniforms.

Sergeant Rougle was scheduled to come home for a midtour leave to celebrate his father's birthday and planned to take his 3-year-old daughter Carmin to Disneyland. By all accounts, he loved his daughter more than anything. Over the years, young Carmin will learn that her father was not just a great man—he was a hero.

It is our responsibility to never forget heroes like Sergeant Rougle. May his sacrifice always solemnly echo within us.

REQUEST FOR SEQUENTIAL REFERRAL

Mr. LEAHY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated October 31, 2007, from myself and Senator SPECTER to the majority leader.

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

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 31, 2007.

HON. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR REID: Pursuant to paragraph 3(b) of Senate Resolution 400 of the 94th Congress, I request that S. 2248, the FISA Amendments Act of 2007, which was filed by the Select Committee on Intelligence on October 26, 2007, be sequentially referred to the Judiciary Committee for a period of 10 days, as calculated under S. Res. 400. The basis for this request is that the bill contains matters within the jurisdiction of the Committee.

Thank you for your assistance.

Sincerely,

PATRICK LEAHY,
Chairman.
ARLEN SPECTER,
Ranking Member.

IRAQ

Mr. KYL. Mr. President, I rise today to call the attention of the Senate to the most-underreported story of the year: the continuing success of our troops in Iraq. In particular, I would like to call my colleagues' attention to an article by the American Enterprise Institute's Fred Kagan in this week's Weekly Standard, which articulately speaks to the magnitude of the change in direction that has taken place in Iraq.

The article reports how our soldiers and marines turned an imminent victory for al-Qaida in Iraq into a humiliating defeat for them and thereby created an opportunity for further progress not only in Iraq but also in the global struggle against terror. In the past 5 months we have seen stunning results from the Petraeus strategy: terrorist operations in and around Baghdad have dropped by 59 percent; car bomb deaths are down by 81 percent; casualties from enemy attacks dropped 77 percent; and, violence during the just-completed season of Ramadan—traditionally a peak of terrorist attacks was the lowest in 3 years.

However, Mr. President, winning a battle is not the same as winning a war. Our commanders and soldiers are continuing the fight to ensure that al-Qaida does not recover even as they turn their attention to the next battle: the fight against Shia militias sponsored by Iran.

What's more, these victories are not irreversible. Al-Qaida is a resourceful organization. If we let up, they can still recover. That is why our strategy on the ground must be based on the advice and experience of our generals and not the political necessities of the majority party here in Washington. We must resist politically-motivated maneuvering, whether it be in the form of artificial timelines for withdrawal or efforts to have politicians in Congress change the mission that has been delivering results.

I ask unanimous consent that the attached article be printed in the RECORD.

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

[From the Weekly Standard, Nov. 5, 2007]

WINNING ONE BATTLE, FIGHTING THE NEXT: AMERICA NEEDS TO BE HEARTENED BY OUR SUCCESS IN IRAQ, AND SEIZE A VICTORY

(By Frederick W. Kagan)

America has won an important battle in the war on terror. We turned an imminent

victory for Al Qaeda In Iraq into a humiliating defeat for them and thereby created an opportunity for further progress not only in Iraq, but also in the global struggle. In the past five months, terrorist operations in and around Baghdad have dropped by 59 percent. Car bomb deaths are down by 81 percent. Casualties from enemy attacks dropped 77 percent. And violence during the just-completed season of Ramadan—traditionally a peak of terrorist attacks—was the lowest in three years.

Winning a battle is not the same as winning a war. Our commanders and soldiers are continuing the fight to ensure that al Qaeda does not recover even as they turn their attention to the next battle: against Shia militias sponsored by Iran. Beyond Iraq, battles in Afghanistan and elsewhere demand our attention. But let us properly take stock of what has been accomplished.

At the end of 2006, the United States was headed for defeat in Iraq. Al Qaeda and Sunni insurgent leaders proclaimed their imminent triumph. Our own intelligence analysts and commanders agreed that our previous strategies had failed. The notion that a ''surge'' of a few brigades and a change of mission could transform the security situation in Iraq was ridiculed. Many experts and politicians proclaimed the futility of further military effort in Iraq. Imagine if they had been heeded.

Had al Qaeda been allowed to drive us from Iraq in disgrace, it would control safe havens throughout Anbar, in Baghdad, up the Tigris River valley, in Baquba, and in the ''triangle of death.'' Al Qaeda In Iraq had already proclaimed a puppet state, the Islamic State of Iraq, and was sending money and fighters to the international al Qaeda movement even as it was supplied with foreign suicide bombers and leaders by that movement. The boasts of Osama bin Laden that his movement had defeated the Soviet Union were silly—al Qaeda did not exist when the Soviet Union fell—but they were still a powerful recruiting tool. How much more powerful a tool would have been the actual defeat of the United States, the last remaining superpower, at the hands of Al Qaeda In Iraq? How much more dangerous would have been a terrorist movement with bases in an oil-rich Arab country at the heart of al Qaeda's mythical ''Caliphate'' than al Qaeda was when based in barren, poverty-stricken Afghanistan, a country where Arabs are seen as untrustworthy outsiders?

Instead, Al Qaeda In Iraq today is broken. Individual al Qaeda cells persist, in steadily shrinking areas of the country, but they can no longer mount the sort of coherent operations across Iraq that had become the norm in 2006. The elimination of key leaders and experts has led to a significant reduction in the effectiveness of the al Qaeda bombings that do occur, hence the steady and dramatic declines in overall casualty rates.

Al Qaeda leaders seem aware of their defeat. General Ray Odierno noted in a recent briefing that some of al Qaeda's foreign leaders have begun to flee Iraq. Documents recovered from a senior Al Qaeda In Iraq leader, Abu Usama al-Tunisi, portray a movement that has lost the initiative and is steadily losing its last places to hide. According to Brigadier General Joseph Anderson, chief of staff for the multinational coalition in Iraq, al-Tunisi wrote that ''he is surrounded, communications have been cut, and he is desperate for help.''

How did we achieve this success? Before the surge began, American forces in Iraq had attempted to fight al Qaeda primarily with the sort of intelligence-driven, targeted raids that many advocates of immediate withdrawal claim they want to continue. Those efforts failed. Our skilled soldiers captured and killed many al Qaeda leaders, including Abu Musab al Zarqawi, but the terrorists were able to replace them faster than we could kill them. Success came with a new strategy.

Al Qaeda excesses in Anbar Province and elsewhere had already begun to generate local resentment, but those local movements could not advance without our help. The takfiris—as the Iraqis call the sectarian extremists of al Qaeda—brutally murdered and tortured any local Sunni leaders who dared to speak against them, until American troops began to work to clear the terrorist strongholds in Ramadi in late 2006. But there were not enough U.S. forces in Anbar to complete even that task, let alone to protect local populations throughout the province and in the Sunni areas of Iraq. The surge of forces into Anbar and the Baghdad belts allowed American troops to complete the clearing of Ramadi and to clear Falluja and other takfiri strongholds.

The additional troops also allowed American commanders to pursue defeated al Qaeda cells and prevent them from reestablishing safe-havens. The so-called ''water balloon effect,'' in which terrorists were simply squeezed from one area of the country to another, did not occur in 2007 because our commanders finally had the resources to go after the terrorists wherever they fled. After the clearing of the city of Baquba this year, al Qaeda fighters attempted to flee up the Diyala River valley and take refuge in the Hamrin Ridge. Spectacular bombings in small villages in that area, including the massive devastation in the Turkmen village of Amerli, roughly 100 miles north of Baghdad, that killed hundreds, were intended to provide al Qaeda with the terror wedge it needed to gain a foothold in the area. But with American troops in hot pursuit, the terrorists had to stay on the run, breaking their movement into smaller and more disaggregated cells. The addition of more forces, the change in strategy to focus on protecting the population, both Sunni and Shia, and the planning and execution of multiple simultaneous, and sequential operations across the entire theater combined with a shift in attitudes among the Sunni population to revolutionize the situation.

Some now say that, although America's soldiers were successful in this task, the next battle is hopeless. We cannot control the Shia militias, they say. The Iraqis will never ''reconcile.'' The government will not make the decisions it must make to sustain the current progress, and all will collapse. Perhaps. But those who now proclaim the hopelessness of future efforts also ridiculed the possibility of the success we have just achieved. If one predicts failure long enough, one may turn out to be right. But the credibility of the prophets of doom—those who questioned the veracity and integrity of General David Petraeus when he dared to report progress—is at a low ebb.

There is a long struggle ahead in Iraq, in Afghanistan, and elsewhere against al Qaeda and its allies in extremism. We can still lose. American forces and Afghan allies defeated al Qaeda in Afghanistan in 2001 as completely as we are defeating it in Iraq. But mistakes and a lack of commitment by both the United States and the NATO forces to whom we handed off responsibility have allowed a resurgence of terrorism in Afghanistan. We must not repeat that mistake in Iraq where the stakes are so much higher. America must not try to pocket the success we have achieved in Iraq and declare a premature and meaningless victory. Instead, let us be heartened by success. We have avoided for the moment a terrible danger and created a dramatic opportunity. Let's seize it.

50TH ANNIVERSARY OF THE MACKINAC BRIDGE

Mr. LEVIN. Mr. President, the State of Michigan today celebrates the 50th anniversary of the bridging of Michigan's two peninsulas through the engineering feat known as the Mackinac Bridge. A suspension bridge spanning a 5 mile stretch of the Straits of Mackinac, the Mighty Mac or Big Mac has become an icon of Michigan.

Although dreams of connecting the Upper and Lower Peninsula by bridge began in the 1880s, it would take more than 70 years for that dream to become a reality. In the meantime, ideas for crossing the straits ranged from the improbable—a floating tunnel to the impractical—a series of bridges and causeways—to the doable—a ferry service.

In 1923, Michigan began car ferry service across the Straits of Mackinac between Mackinaw City and St. Ignace. Traffic on the car ferries became so heavy within just five years that another option—a bridge—needed to be seriously considered. The State Highway Department undertook a feasibility study that reported favorably on a bridge.

Although the need and the know-how were there, the money was not. The Mackinac Straits Bridge Authority of Michigan, established in 1934 by the State legislature, tried twice that decade to obtain Federal funds from the federal Public Works Administration but was refused. World War II stopped further progress on a bridge.

In January 1951, the Mackinac Straits Bridge Authority issued a favorable feasibility study. Legislation to finance and build the bridge passed in early 1952. The Authority was ready to offer bonds for sale by March 1953, but the money market had weakened. Later that spring, the Michigan Legislature passed a bill to pay for the annual operating and maintenance costs of the bridge from gasoline and license plate taxes. The market strengthened by the end of the year and almost $1 billion worth of Mackinac Bridge bonds were sold.

Prentiss M. Brown, a former U.S. Senator and chairman of the board of Detroit Edison Company, served as the first chairman of the Mackinac Bridge Authority and shepherded the process of securing financing for the Mackinac Bridge. In the words of Jack Carlisle, an announcer for WWJ radio in Detroit, Brown ''refused to accept defeat when it seemed inevitable. Prentiss M. Brown just wouldn't stay licked.''

Construction of the bridge officially began on May 7 and 8, 1954, with ceremonies in St. Ignace and Mackinaw City. Designed by Dr. David B. Steinman, building the Mackinac Bridge required a complex choreography of engineering detail and construction skill as evidenced by the 4,000 engineering drawings and 85,000 blueprints. Over 11,000 people worked on the bridge including 350 engineers, 3,500 workers on site and 7,500 workers at quarries, mills, and shops elsewhere.

On November 1, 1957, the Mighty Mac opened to traffic with the formal dedication taking place the following June. The dream of bridging the Upper and Lower Peninsula had finally become a reality.

At 552 feet above the water, the main towers of Big Mac are almost exactly as high as the Washington Monument, which stands at 555 feet. When measured by its total length of 26,372 feet, the Mackinac Bridge qualifies as the longest suspension bridge in the United States, but falls to third place behind the Golden Gate Bridge and Verrazano Narrows Bridge if only the suspended portion of the bridge is counted.

Once a year, the Big Mac opens its span to the oldest form of transportation—walking. Begun in 1958, the annual Mackinac Bridge Walk has become a Labor Day tradition for Michigan families on both peninsulas. The bridge's beautiful silhouette beckons thousands with the promise of an exhilarating 5-mile walk and spectacular views of shoreline and water from 200 feet above the Straits of Mackinac.

Over the past 50 years, the Mackinac Bridge has become an elegant landmark for our State and a source of pride for all of us. Today Michigan commemorates the 50th anniversary of the Mackinac Bridge with a celebration at Bridge View Park in St. Ignace. My heart is with all the people who are there celebrating, and I wish the rest of me were there too. Congratulations, Big Mac.

ENERGY AND NATURAL RESOURCES COMMITTEE, EN BLOC HOTLINES

Mr. COBURN. Mr. President, I wish to share my concerns regarding the process currently being utilized by the Energy and Natural Resources Committee to pass legislation on the Senate floor. As many of my colleagues know, I am currently objecting to unanimous consent on two en bloc packages reported by the committee, containing more than 40 bills.

I want to make clear to my colleagues that I do not object to all of the bills contained in the two packages. In fact, I have offered to give consent to all those bills where I have no fiscal or policy concerns. Unfortunately, the committee is insisting on passing all of the legislation en bloc and will not allow the noncontroversial bills to be released for passage. These bills are in effect being held hostage by the committee.

As my colleagues know, I evaluate all unanimous consent requests, in part, on whether the proposed legislation increases authorizations for spending. If it does, I also look to see whether the new cost has been offset by a corresponding reduction in another program authorization. I also review each bill for specific policy concerns.

Of most concern to me, the two packages authorize over $150 million in new spending, without a single offset. This does not include the $640 million reauthorization for the Geologic Mapping Program. I have offered to work with the committee to identify possible offsets that would allow the en bloc packages to move forward. Given the considerable program oversight performed by the committee, I am eager to hear where it believes other programs may not be working as intended or where they may have become of a lesser priority than the bills currently under consideration.

As stewards of the Federal tax dollar, I believe it is imperative we proceed with the hard but necessary work of prioritizing our spending. Every American taxpayer is forced to do this every day, and so should we. Prioritization begins with the authorization process, and so does long-term fiscal discipline.

I renew my pledge to work with any Member of this body to identify offsets, to ensure that our actions today never add to the already heavy financial burden we have placed on the next generation of Americans.

It is my hope the committee will abandon the practice of en bloc unanimous consent requests. Each bill should be considered on its merits, and if it is truly worthwhile, should be allowed to stand on its own. As an institution, this Senate is more than capable of this task.

To make the RECORD absolutely clear, I am including the list of noncontroversial bills in these packages that should be cleared and allowed to pass under unanimous consent: S. 216, S. 266, S. 241, S. 202, S. 232, S. 262, S. 220, H.R. 386, S. 320, S. 553, H.R. 497, H.R. 658, S. 1139, H.R. 235, H.R. 482, H.R. 467.

VETERANS HOSPITALS COMBAT STAPH INFECTIONS

Mr. AKAKA. Mr. President, I find it disturbing and disheartening to know that efforts to heal through modern medicine end up creating new medical problems, in addition to those that are preexisting. Unfortunately, this is what is occurring with the rise of dangerous drug-resistant forms of staph that have become prevalent as of late. I want to talk about the potential dangers of these infections, especially in a medical environment where patients are most vulnerable, and also give much-deserved praise to the Department of Veterans Affairs for their work to combat staph infections in their hospitals.

There are many types of staph bacteria. While some forms of staph are harmless, others are fatal. A recent study conducted by the Association for Professionals in Infection Control and Epidemiology suggests that as many as 1.2 million U.S. hospital patients are infected every year by a form of staph that is resistant to drugs.

Drug-resistant staph, often referred to as MRSA, Methicillin-resistant Staphylococcus aureus, has adapted in response to common antibiotics which have been used to combat these and other infections. Most staph infections arise from visits to the hospital and other health care settings.

The Department of Veterans Affairs is taking effective steps to reduce staph infections in their hospitals. Based on a successful pilot program at VA's Pittsburgh health care system, VA has instituted a staph prevention program in all 153 of their hospitals. Their prevention system is based on a strategy of enhanced hygiene and culture change among health care workers. Patients are monitored, proven precautions are followed for those affected, and close attention is paid to common sources of infection. The Pittsburgh pilot led to a 50-percent decline in staph infections, something Acting VA Secretary Gordon Mansfield referred to as ''dramatic reductions'' in staph infections, and I look forward to similarly positive outcomes across the veterans' health care system.

It is my hope that VA will continue to improve their prevention programs and share information with other health care providers. This will help VA safeguard our veterans and their families from staph infections, serve as a successful model for our country's hospitals and medical facilities, and improve the well-being of our Nation's citizens.

TAX RELIEF

Mr. ROBERTS. Mr. President, I rise today to discuss several important tax relief measures that expire this year.

As several of my colleagues have noted, these provisions are important to many of our folks back home and have a direct impact on their daily lives and pocketbook. This tax relief has put more money in taxpayers' pockets rather than the government coffers and needs to be extended.

I am pleased to introduce legislation to extend two expiring tax relief measures.

The first measure ensures that we continue to provide a 7-year depreciation schedule for motorsports complexes. This is an important tax relief provision to hundreds of race facilities across the country, both large and small.

In Kansas, more than 30 tracks can benefit from this depreciation schedule. It allows race facilities to make important safety and modernization investments under a depreciation schedule that reflects the ongoing need to maintain these facilities.

The largest track in Kansas, the Kansas Speedway, which was just completed in 2001, has been the economic driver in the revitalization of Kansas City, KS. What was once one of the most economically depressed areas in Kansas is now one of the fastest growing. The speedway alone contributed more than $150 million to the local economy in its first year, creating 3,300 new jobs and generating $10 million in property taxes and $26 million in sales taxes.

The track has spurred new investment in the area, including a 400-acre retail and entertainment center that has brought in more than 90 businesses and 5,500 jobs. Because of this growth, an additional $750 million in development in the area is underway. The area has become the largest tourist attraction in Kansas, bringing in 12 million visitors per year.

As we look at extending tax relief, I hope we will be mindful of the tremendous economic benefit that these facilities generate in our home States.

I am also pleased to introduce legislation to extend an important charitable giving provision that we initially passed last year as part of the Pension Protection Act. This provision allows individuals age 70½ or older, who must begin taking distributions from their individual retirement accounts, to donate those distributions to a charitable organization without incurring tax on the distribution. Individuals many donate up to $100,000.

I have heard from many charitable organizations in Kansas that have already seen the benefits of this legislation, including colleges and universities, that tell me that many donors are making good use of this tax relief provision.

At the University of Kansas for example, this provision has helped generate 94 gifts totaling more than $2.8 million. The gifts have ranged from $100 to $100,000—the rollover maximum.

Smaller colleges are also benefitting. Sterling College, located in central Kansas, has an enrollment of 607 students. Last year the college raised a total of $2 million dollars in unrestricted gifts. More than 10 percent of that amount, $253,000, was raised as a result of this provision. In addition, one donor who had previously given $1,000, increased her gift to over $80,000 as a direct result of the IRA charitable rollover provision.

This provision has proven to be an important incentive to encourage small donors to give, and is an important tool for charities to attract new donors. I encourage my colleagues to support an extension of this measure.

I would also like to share my support for two other measures that extend expiring tax relief. The first is the deduction for tuition and higher education expenses, introduced by Senator CORNYN. I am pleased to cosponsor this legislation.

This deduction is an important benefit for many families who are looking for ways to pay for a college education. It allows a deduction of up to $4,000 for tuition and related expenses. Nearly 49,000 Kansas taxpayers benefitted from this deduction in 2005. Across the country, more than 4.5 million taxpayers claimed the deduction.

We have taken a number of steps in Congress to help families manage the cost of a college education. This deduction is another important benefit that we need to extend to aid families paying for college.

In addition, I am pleased to cosponsor legislation introduced by Senator INHOFE that extends an important tax incentive for marginal oil and gas wells.

Recognizing the value of oil and gas wells decline over time, the tax code allows depletion deductions to recover investments in marginal oil and gas wells.

Under one method of depletion deduction—percentage depletion—15 percent of the taxpayer's gross income from an oil- or gas-producing property is allowed as a deduction in each taxable year. The amount deducted generally may not exceed 100 percent of the net income from that property in any year. However, this limitation is suspended for marginal wells prior to January 1, 2008.

Extending this provision is critical for marginal wells, which are a key source of domestic oil and gas production and create thousands of jobs.

Marginal wells account for 17 percent of the oil produced domestically and about 9 percent of natural gas. There are more than 401,000 marginal oil wells in the U.S. which comprise 80 percent of all of the Nation's oil wells. They produced more than 321 million barrels of oil in 2005. This production prevented the U.S. from spending an additional $16 billion on imported oil. Kansas ranks third among States in the number of marginal wells; and fourth in production from these wells.

The number of marginal gas wells has steadily increased over the past 10 years and production has increased accordingly. Over the past 10 years, production from the Nation's 288,000 marginal gas wells has nearly doubled. Kansas has the largest continuous natural gas reservoir in the lower 48 States and ranks eighth in the number of marginal gas wells, and second in production from these wells.

As we look to reduce reliance on foreign oil it is important we keep in mind that marginal oil and gas wells are an key source of domestic production. We need to maintain existing tax incentives to encourage these small producers.

HONORING FORMER U.S. REPRESENTATIVE PETER HOAGLAND

Mr. NELSON of Nebraska. Mr. President, I rise today to pay tribute to a good friend and great Nebraskan, former U.S. Representative Peter Hoagland, who passed away Tuesday at the age of 66. Peter was a very special friend to all who knew him. His tenure in Congress coincided with my first 4 years serving as Governor of the State of Nebraska, and I will always remember Peter's thoughtful advice and advocacy on issues important to our mutual constituents.

Peter worked to do what he believed was right for his district and our state. An Omaha native and alumnus of Omaha Central High School, Peter represented the good people of Nebraska's largest metropolitan area in one capacity or another for 14 years through two terms in the Nebraska Legislature and three representing Nebraska's Second District in the U.S. House of Representatives.

Elected to the Nebraska Unicameral in 1978, Peter later assumed a leadership role as chairman of the Judiciary Committee. This role suited him well, as he was a Yale-educated attorney, having completed his law degree in 1968 after serving our country as a U.S. Army intelligence officer. Peter was active on important topics such as ground water protection, and he spearheaded the passage of landmark drunk-driving legislation.

Peter was elected to the U.S. House of Representatives in 1988, where he served three terms. He focused his efforts on the inner workings of his committees. Peter was a workhorse, not a show horse; and he made his presence felt on many issues, particularly those pertaining to banking and the environment.

Peter Hoagland was a true leader; and while he may have left public service, he never left public life. As a tribute to his immense legacy, Nebraska Democrats honored Peter with the Hall of Fame Award at the Morrison-Exon Dinner earlier this year. I am grateful we had that opportunity to let Peter know how much he meant to all of us.

I offer my most sincere condolences to Peter's wife Barbara and their family. Peter's passion for service, his dynamic leadership, and his unwavering dedication will remain a source of inspiration to all who knew him.

ADDITIONAL STATEMENTS

COMMENDING HAWAII'S YOUTH

• Mr. AKAKA. Mr. President, I congratulate a number of young adults from Hawaii for being selected to perform on the National Public Radio, NPR, program, ''From the Top.'' ''From the Top'' is a weekly, hour-long show featuring America's most talented, young musicians. It is one of the most listened to programs on public radio with an audience of approximately 750,000 each week, over 250 stations nationwide. The show is hosted by pianist Christopher O'Riley and recorded in front of a live audience.

The young adults include those from the Hawaii Youth Opera Chorus Nä Leo Küho'okahi ensemble: Sienna Achong, Juliana Besenbruch, Olivia Borges, Ka'iulani Bowers, Karyn Castro, Hina Felmet, Pili Gardner, Makena Hamilton, Marika Ikehara, Alana Mueller, Jade Olszowka, Noe Ramirez, Erin Richardson, Sarah Sagarang, Kanoe Tjorvatjoglou, Krysti Uranaka, and Kiyoe Wellington. Also performing are: Laura Bleakley, Maile Cha, Jacob DeForest, Asia Doike, Irwin Jiang, Annie Kwok, Alda Lam, Andrew Ramos, Tyler Ramos, Yulia Sharipova, Rachel Stanton, and T.J. Tario.

The program will be produced during two performances. The first performance will be at Oahu's historic Hawaii Theatre on November 14, and the second at Maui Arts and Cultural Center on November 16. In addition to being taped, the students will be participating in assemblies at eight schools on three islands. Approximately 100 young people are chosen each year to appear on ''From the Top,'' so to have Hawaii's youth be selected is truly an honor.

The students' hard work and devotion to music has allowed them to excel in the performing arts. However, they would not have been able to succeed without the support of their family, friends, and instructors. Instructors play an essential role in guiding a student, and they need to be commended for their hard work and dedication to teaching as well.●

CONGRATULATING MISS LESLIE OSBORN

● Mr. AKAKA. Mr. President, I congratulate Leslie K. Osborn for earning Hawaii's first Silver Award in Venturing, the highest award in the Venturing program of the Boy Scouts of America. Leslie will be honored with this award at the annual Aloha Council Eagle Scout Banquet in April of 2008.

Venturing was created by the Boy Scouts of America in 1998 to provide positive experiences for young men and women and the tools needed to become responsible and caring adults.

Involvement in the Boy Scouts of America is a long-standing tradition in the Osborn family. Both Leslie's older brother, Bobby, and her younger sister, Heather, are active in the program. Parents, LTC John and Patricia Osborn, teach their children strong family values and respect for God and country. Leslie is a strong young woman who is motivated by the desire to prove that she has the same capabilities as boys. She spends much of her time building her strength in wilderness survival through such activities as camping, climbing, and hiking.

Leslie is also an exceptional student. She has maintained a 4.0 GPA at Kalaheo High School while enjoying hobbies such as dancing jazz and ballet. She is very involved in community services, both on her own time through her work at the Marine Corps commissary and through her activities in the Boy Scouts program. She has participated in numerous community outreach programs, including the annual Toys for Tots program as well as beach cleanups. She plans to attend college with the goal of becoming a veterinarian.

I look forward to hearing more about Leslie's successes as she continues to pursue her education and personal goals. Congratulations to her parents John and Patricia, who have raised their daughter to be a remarkable young lady. I wish Leslie and the rest of the Osborn family the very best in their future endeavors.●

100TH ANNIVERSARY OF CONGREGATION B'NAI ABRAHAM

● Mr. FEINGOLD. Mr. President, I am so pleased to congratulate Congregation B'nai Abraham in Beloit, WI, on their 100th anniversary. Congregation B'nai Abraham was established on November 7, 1907, and during the past 100 years it has thrived due to its outstanding leadership, a wonderful congregation, and a supportive community. I have many happy memories of my visits to this synagogue, particularly with the Beloit/Janesville BBYO.

Generations of Wisconsinites have proudly called Congregation B'nai Abraham their synagogue. Under the leadership of Rabbi Ira Youdovin, new generations will continue to flourish. Today we celebrate this outstanding achievement and the people over the last 100 years who have built this wonderful congregation. Mazel Tov on this remarkable anniversary, and I wish Congregation B'nai Abraham the best for the next 100 years.●

TRIBUTE TO LOUISIANA WWII VETERANS

● Ms. LANDRIEU. Mr. President, I would like to take a moment to pay tribute to a group of 84 World War II veterans from the Acadiana region of Louisiana that is making its way to Washington this weekend. Here the veterans will visit the World War II, Korea, Vietnam and Iwo Jima 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 sponsored by a group in Lafayette, LA, called Louisiana HonorAir. The organization is honoring each surviving World War II Louisiana veteran by giving them a chance to see the memorials dedicated to their service. So far this year, there have been four trips to these Washington landmarks, and this weekend's trip will be the final one this year.

World War II was one of the greatest achievements in American history, and was also the deadliest conflict. 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. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen, and marines. The years 1941–1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

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 the noble victory of freedom over tyranny. Veterans in this group began their service in 1940 before the bombing of Pearl Harbor, and served as late as 1957, between the Korean and Vietnam wars. They served in every branch of the military—35 members in the Army; including a Buffalo soldier based in Italy; 27 in the Navy; 16 in the Army Air Corps, now the Air Force; five in the Marines; and one in the Coast Guard. The spent their service in the European and Pacific theaters as well as stateside and participated in many famous battles, including the attack on Pearl Harbor, the Battle of Normandy and the Battle of the Bulge.

I ask the Senate to join me in honoring these 83 men and one woman, all Louisiana heroes, that we welcome to Washington this weekend and Louisiana HonorAir for making these trips a reality.●

FOUNDER'S AWARD RECIPIENTS

● Mr. THUNE. Mr. President, today I wish to recognize David Pigott, Tonya Denke, Russell Bruner, and Abbi Wells, all of whom received the Founder's Award for Outstanding Achievement from the Black Hills Workshop in Rapid City, SD. This is a prestigious award that reflects the recipients' hard work and dedication to achieving independent living. It also reflects the valuable role they have played in giving back to their local community. Also, I would like to recognize McKie Automotive group for receiving the Community Connection Award.

David Pigott is a hard-working stocker at the Ellsworth Air Force Base Commissary. He is an excellent member of their staff and has been recognized for his hard work by being named the Employee of the Month twice and Employee of the Year in 2006. Due to David's success at his job, he was chosen to travel to Washington, DC, to meet with Members of Congress to discuss employment for individuals with disabilities.

Tonya Denke is an enthusiastic food service attendant at Ellsworth Air Force Base's Bandit Inn. She is a dependable worker who is well liked by her fellow staff members and customers. Beyond her work, Tonya enjoys quilting, reading, playing the piano, and leads a very active lifestyle. Her accomplishments in the Special Olympics can be seen in her numerous gold and silver medals.

Russell Bruner stocks shelves and performs custodial work for the Ellsworth Air Force Base Commissary. He has been an excellent employee ever since he started the position in 2001 as is shown by his framed Employee of the Month award. Outside of work, Russell loves to read, especially about history, and to travel. His adventures have taken him to Seattle, Alaska, Florida and Washington, DC, just to name a few.

Abbi Wells works at the Black Hills Workshop on an assembly contract for Balanced Systems Incorporated of Sioux Falls. In 1994 she was an Easter Seals poster child. Abbi's brilliant smile and passion for life make her well liked by all the people she meets. In her spare time, she enjoys writing

short stories and volunteers at the United Blood Services, Rapid City Boys and Girls Club, National Federation of the Blind, and the Journey Museum.

McKie Automotive Group received the Community Connection Award from the Black Hills Workshop. This award is presented to an organization that has gone above and beyond in their support by providing job opportunities to people with disabilities. McKie Automotive Group currently employs five members of the Black Hills Workshop.

It gives me great pleasure to recognize David Pigott, Tonya Denke, Russell Bruner, Abbi Wells, and McKie Automotive Group and to congratulate them on receiving these well-earned awards and wish them continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY RELATIVE TO THE ACTIONS AND POLICIES OF THE GOVERNMENT OF SUDAN AS DECLARED IN EXECUTIVE ORDER 13067 OF NOVEMBER 3, 1997—PM 31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

The crisis constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency in Executive Order 13067 of November 3, 1997, and the expansion of that emergency in Executive Order 13400 of April 26, 2006, and with respect to which additional steps were taken in Executive Order 13412 of October 13, 2006, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the comprehensive sanctions against Sudan to respond to this threat.

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision I have sent the enclosed notice to the *Federal Register* for publication, stating that the Sudan emergency is to continue in effect beyond November 3, 2007.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 1, 2007.*

MESSAGES FROM THE HOUSE

At 10:06 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1236. An act to amend title 39, United States Code, to extend the authorization of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

H.R. 2787. An act to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States.

H.R. 3307. An act to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the ''Dennis P. Collins Post Office Building''.

H.R. 3446. An act to designate the facility of the Untied States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the ''Michael W. Schragg Post Office Building''.

H.R. 3867. An act to update and expand the procurement programs of the Small Business Administration, and for other purposes.

H. J. Res. 58. Joint resolution expressing support for designation of the month of October 2007 as ''Country Music Month'' and to honor country music for its long history of supporting America's armed forces and its tremendous impact on national patriotism.

At 1:06 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. OBEY, Mrs. LOWEY, Ms. DELAURO, Messrs. JACKSON of Illinois, KENNEDY, Ms. ROYBAL-ALLARD, Ms. LEE, Messrs. UDALL of New Mexico, HONDA, Ms. MCCOLLUM of Minnesota, Messrs. RYAN of Ohio, MURTHA, EDWARDS, WALSH of New York, REGULA, PETERSON of Pennsylvania, WELDON of Florida, SIMPSON, REHBERG, YOUNG of Florida, WICKER and LEWIS of California as managers of the conference on the part of the House.

ENROLLED BILLS SIGNED

At 3:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1808. An act to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

H.R. 2779. An act to recognize the Navy UDT-SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALs and their predecessors.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1236. To amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2787. An act to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3307. An act to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the ''Dennis P. Collins Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3446. An act to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the ''Michael W. Schragg Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3867. An act to update and expand the procurement programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.J. Res. 58. Joint resolution expressing support for designation of the month of October 2007 as ''Country Music Month'' and to honor country music for its long history of supporting America's armed forces and its tremendous impact on national patriotism; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2293. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax, and for other purposes.

S. 2294. A bill to strengthen immigration enforcement and border security 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–3833. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Indian Tribal Land Acquisition Program Loan Writedowns'' (RIN0560–AG87) received on October 26, 2007; to the Committee on Indian Affairs.

EC–3834. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a report relative to the views of the Department on S. 453, the ''Deceptive Practices and Voter Intimidation Prevention Act of 2007''; to the Committee on the Judiciary.

EC–3835. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''National Source Tracking of Sealed Sources; Revised Compliance Dates'' (RIN3150–AI22) received on October 25, 2007; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2284. An original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes (Rept. No. 110–214).

S. 2285. An original bill to reauthorize the Federal terrorism risk insurance program, and for other purposes (Rept. No. 110–215).

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1518. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes (Rept. No. 110–216).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 2168. A bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft.

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2286. An original bill to establish a nonpartisan commission on natural catastrophe risk management and insurance, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEAHY for the Committee on the Judiciary.

*Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. 2280. A bill to amend the Deficit Reduction Act of 2005; to the Committee on Finance.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 2281. A bill to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 2282. A bill to increase the number of full-time personnel of the Consumer Product Safety Commission assigned to duty stations at United States ports of entry or to inspect overseas production facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO:

S. 2283. A bill to preserve the use and access of pack and saddle stock animals on public land administered by the National Park Service, and Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service on which there is a historical tradition of the use of pack and saddle stock animals; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 2284. An original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. DODD:

S. 2285. An original bill to reauthorize the Federal terrorism risk insurance program, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. DODD:

S. 2286. An original bill to establish a nonpartisan commission on natural catastrophe risk management and insurance, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. FEINGOLD (for himself, Ms. CANTWELL, and Mrs. FEINSTEIN):

S. 2287. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 2288. A bill to establish portfolio quality standards, improve lender oversight by the Small Business Administration, create economic outcome and performance measurements, strengthen the loan programs under section 7(a) of the Small Business Act and title V of the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. ALEXANDER (for himself, Mr. PRYOR, Mr. KYL, Mr. NELSON of Nebraska, Mr. CORNYN, Mr. CORKER, Mr. COCHRAN, Mrs. HUTCHISON, and Mr. DOMENICI):

S. 2289. A bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2290. A bill to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the ''Beatrice E. Watson Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself, Mrs. MCCASKILL, Mr. CARPER, and Mr. LEVIN):

S. 2291. A bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 2292. A bill to amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LOTT (for himself, Mr. GRASSLEY, Mr. KYL, Mr. SMITH, Mr. BUNNING, Mr. CRAPO, Mr. ROBERTS, Mr. HATCH, Ms. SNOWE, and Mr. ENSIGN):

S. 2293. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax, and for other purposes; read the first time.

By Mr. KYL (for himself, Mr. GRAHAM, Mr. CORNYN, Mr. MARTINEZ, Mr. SESSIONS, Mr. SPECTER, and Mr. MCCONNELL):

S. 2294. A bill to strengthen immigration enforcement and border security and for other purposes; read the first time.

By Mr. NELSON of Florida (for himself and Mr. WHITEHOUSE):

S. 2295. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. SCHUMER:

S. 2296. A bill to provide for improved disclosures by all mortgage lenders at the loan approval and settlement stages of all mortgage loans; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE:

S. 2297. A bill to require the FCC to conduct an economic study on the impact that low-power FM stations will have on full-power commercial FM stations; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 2298. A bill to prohibit an applicant from obtaining a low-power FM license if an applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 2299. A bill to require the Secretary of Agriculture to establish an advisory committee to develop recommendations regarding the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 2300. A bill to improve the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. REID (for Mr. OBAMA):

S.J. Res. 23. A joint resolution clarifying that the use of force against Iran is not authorized by the Authorization for the Use of Military Force Against Iraq, any resolution previously adopted, or any other provision of law; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COLEMAN (for himself and Mr. BURR):

S. Res. 363. A resolution expressing the sense of the Senate regarding the treatment of Social Security ''notch babies''; to the Committee on Finance.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 364. A resolution commending the people of the State of Washington for showing their support for the needs of the State of Washington's veterans and encouraging residents of other States to pursue creative ways to show their own support for veterans; to the Committee on Veterans' Affairs.

By Mrs. BOXER:

S. Con. Res. 52. A concurrent resolution encouraging the Association of Southeast Asian Nations to take action to ensure a peaceful transition to democracy in Burma; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 67

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 582

At the request of Mr. SMITH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 667

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 719

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 719, a bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

S. 771

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 1003

At the request of Mr. SPECTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1132

At the request of Ms. MURKOWSKI, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1132, a bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of apparently wholesome food.

S. 1159

At the request of Mr. HAGEL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1457

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1668

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1668, a bill to assist in providing affordable housing to those affected by the 2005 hurricanes.

S. 1693

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1693, a bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1729

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1729, a bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing surcharges on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, to increase the amount of special assessments imposed upon convicted persons, to establish an Enhanced Financial Recovery Fund to enhance, supplement, and improve the debt collection activities of the Department of Justice, to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers, and for authorized purposes.

S. 1782

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1782, a bill to amend chapter 1 of title 9 of United States Code with respect to arbitration.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1858

At the request of Mr. DODD, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 1943

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1943, a bill to establish uniform standards for interrogation techniques applicable to individuals under the custody or physical control of the United States Government.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 2069

At the request of Mr. DURBIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2069, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2123

At the request of Mr. BAYH, his name was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2127

At the request of Mrs. MURRAY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2127, a bill to provide assistance to families of miners involved in mining accidents.

S. 2147

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 2147, a bill to require accountability for contractors and contract personnel under Federal contracts, and for other purposes.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2228

At the request of Mr. LUGAR, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2228, a bill to extend and improve agricultural programs, and for other purposes.

S. 2233

At the request of Mr. ENSIGN, his name was added as a cosponsor of S. 2233, a bill to provide a permanent deduction for States and local general sales taxes.

S. 2250

At the request of Mr. CRAPO, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 2250, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare Program.

S. 2257

At the request of Mr. BIDEN, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2257, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.

S. 2277

At the request of Mr. SMITH, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2277, a bill to amend the Internal Revenue Code of 1986 to increase the limitation on the issuance of qualified veterans' mortgage bonds for Alaska, Oregon, and Wisconsin and to modify the definition of qualified veteran.

S.J. RES. 22

At the request of Mr. SPECTER, his name was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. RES. 241

At the request of Mr. BROWN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 241, a resolution expressing the sense of the Senate that the United States should reaffirm the commitments of the United States to the 2001 Doha Declaration on the TRIPS Agreement and Public Health and to pursuing trade policies that promote access to affordable medicines.

S. RES. 356

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 356, a resolution affirming that any offensive military action taken against Iran must be explicitly approved by Congress before such action may be initiated.

AMENDMENT NO. 3493

At the request of Mr. VITTER, his name was added as a cosponsor of amendment No. 3493 intended to be proposed to H.R. 3963, a bill to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. 2280. A bill to amend the Deficit Reduction Act of 2005; to the Committee on Finance.

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. 2280

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

SECTION 1. REGULATIONS.

Section 6052(b) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396n note) is amended to read as follows:

''(b) FINAL REGULATIONS.—The Secretary shall promulgate final regulations to carry out the amendment made by subsection (a) consistent with the notice and comment requirements in section 553 of title 5, United States Code, except that the period of public comment on the proposed regulations shall be not less than 180 days. Consistent with the requirements of section 801(a)(1)(A) of title 5, United States Code, the final regulations shall take effect not less than 90 days after publication in the Federal Register or presentation to each House of the Congress or the Comptroller General, whichever occurs later.''.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 2281. A bill to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LEVIN. Mr. President, today, I am introducing the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act to expand the boundaries of the existing sanctuary.

Created as a unique Federal-State partnership in October 2000, the Thunder Bay National Marine Sanctuary has been a resounding success. It has preserved the proud maritime history of the Great Lakes, offered educational opportunities to children and researchers, and provided a fascinating site for divers and snorklers to explore. Expanding the sanctuary will bring even greater benefits.

When the National Oceanic and Atmospheric Administration originally considered the Sanctuary, it recommended an area that was twice as big as what was eventually established. That proposal was scaled back to address concerns raised by some state and local communities who wanted to begin cautiously. Some of the doubters and most cautious at the beginning have now become the biggest supporters of the sanctuary. Today, the expansion has broad support throughout the area.

Specifically, this bill would extend the sanctuary's boundaries to include the waters off Alcona, Alpena and Presque Isle Counties in Michigan and

would extend the sanctuary east to the International boundary. This would be a significant increase in total area. The current sanctuary includes 448 square miles of water and 115 miles of shoreline, and the expansion would include 3,722 square miles and include 226 miles of shoreline.

This expansion is needed to protect the maritime history of Michigan and the Great Lakes. Historically, this region was influenced by the demand for natural resources. Because local roads were so inadequate, the Great Lakes became an important passageway and trading route for settlement and industrialization. The geography of Thunder Bay and the weather patterns in the lakes, however, caused dozens of ships to perish in what mariners call ''Shipwreck Alley.'' Many of these shipwrecks are well-preserved because they are in freshwater and of great interest to researchers and students.

The current sanctuary holds 116 shipwrecks though many, many more shipwrecks in this area have been mentioned in historical records. In addition to shipwrecks, the sanctuary protects and interprets the remains of commercial fishing sites, historic docks, and other underwater archaeological sites.

Expanding the boundaries as provided for in this bill will protect an estimated 178 additional shipwrecks. For example, it would protect the *Cornelia B. Windiate*, which is a three-mast wooden schooner and one of the Great Lakes' most intact shipwrecks. The ship sank in December 1875 when bound from Milwaukee to Buffalo with a cargo of wheat, and was featured in an episode of Deep Sea Detectives on the History Channel. Expansion would also cover the *H.P. Bridge*, a three-mast wooden barkentine, containing many artifacts such as pottery, clothing, and ship tackle and hardware.

These shipwrecks are not only historically important, they are very popular with divers. Deep water wrecks are popular for technical divers, and because the sites are often well preserved in the cold freshwater, they contain many artifacts and provide a treasure of information about the past. Many of the shallow water wrecks are accessible by snorkelers, boaters and kayakers. These sites offer a tremendous amount of archaeological data on ship architecture and are generally easier to document.

The sanctuary is also making important contributions to research and education. Using real-time video links, students in Alpena interact with divers exploring underwater worlds with people who are thousands of miles away. In the near future, students from around the country will be able to control remote submarines that allow them to explore the *E.B. Allen* or the steamship *Montana*. Visitors to Thunder Bay can also view artifacts and interpretive exhibits and watch films about Thunder Bay and all of our Nation's Maritime Sanctuaries. Scientists from around the world dock their vessels in the Thunder Bay River as they use the facility for their research.

The sanctuary has also been a real asset for the local community, and the community has responded in kind. Since the establishment of the sanctuary, the community has worked with it to improve the Alpena County George N. Fletcher Library, to provide volunteers at festivals and outreach events, and to help digitize the Thunder Bay Sanctuary Research Collection.

The Thunder Bay National Marine Sanctuary deserves to be expanded. Doing so will preserve important maritime history and will continue the success of the current Sanctuary. It is a unique treasure that needs our support. I hope my colleagues will join me in supporting this bill.

By Ms. SNOWE:

S. 2282. A bill to increase the number of full-time personnel of the Consumer Product Safety Commission assigned to duty stations at United States ports of entry or to inspect overseas production facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, today I am introducing a bill to increase the number of full-time personnel of the Consumer Product U.S. Safety Commission assigned to duty stations at U.S. ports of entry or to inspect overseas production facilities to ensure that the Consumer Product Safety Commission has the personnel necessary to adequately address the growing problem of import safety. This bill would more than triple the current number of commission staff assigned to U.S. ports of entry, by requiring that no less than 50 full-time import inspectors be in place at the beginning of the next fiscal year. Additionally, it would expressly authorize the CPSC to send such inspectors to examine the operations at overseas factories which manufacture consumer products destined for the U.S.

This legislation is critically necessary, given that an ever-increasing number of the consumer products now sold on our shelves are manufactured in countries with appalling safety and quality control standards, such as China. Sine the year 2000, foreign imports to the U.S. have increased 67 percent by value, with imports from China nearly tripling, growing from $100 billion in 2000 to $288 billion last year. Almost 20 percent of consumer products sold in the U.S. today were made in China. Particularly troubling is that Chinese manufacturers have cornered the U.S. market on toys, with over 80 percent of all toys sold in the U.S. coming from China. Since March 2007, over 8 million pieces of these Chinese-made toys have been recalled due to lead contamination alone.

Outrageously, the number of CPSC personnel dedicated to monitoring import compliance with U.S. health and safety requirements has been slashed along with other Commission resources during the very period in which trade liberalization has allowed foreign producers greater access to our markets. With over 60 percent of CPSC staff having been cut over the past 27 years—from almost 1,000 employees in 1980 to a record low of 420 employees in 2007—there remain only 15 full-time Commission personnel assigned to inspect imports at U.S. ports. According to a September 2, 2007, New York Times article, this handful of import inspectors ''are hard pressed to find dangerous cargo before it enters the country; instead, they rely on other Federal agents, who mostly act as trademark enforcers.'' Similarly unacceptable is the fact that the CPSC lacks the staff to send a single inspector to the foreign factories making the goods that we put on our kitchen counters and in the hands of our children.

These facts unquestionably reveal, as a Consumers Union official told the Senate Committee on Finance earlier this month, that the CPSC has not kept up with the globalization of the marketplace. That is why I have proposed this bill, which would rapidly shore-up the commission's import inspection staff, who are so critical to protecting us from dangerous foreign products. I urge my colleagues to support this common-sense solution to an urgent problem.

By Mr. FEINGOLD (for himself, Ms. CANTWELL, and Mrs. FEINSTEIN):

S. 2287. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I am very pleased to be joined by Senators CANTWELL and FEINSTEIN in introducing legislation to eliminate from the Federal tax code the ''Percentage Depletion Allowance'' for hardrock minerals mined on Federal public lands. Elimination of this double subsidy will produce estimated savings of at least $500 million over 5 years, based on the most recent year for which figures are available from the Joint Committee on Taxation and the Clinton administration's fiscal year 2001 budget proposal. These savings will help fund the reclamation and restoration of abandoned mines through an Abandoned Mine Reclamation Fund, that my bill creates, and the remaining ¾ of savings will be returned to the Federal treasury.

Percentage depletion allowances were initiated by the Corporation Excise Act of 1909. That is right, these allowances were initiated nearly 100 years ago. Provisions for a depletion allowance based on the value of the mine were made under a 1912 Treasury Department regulation, but difficulty in applying this accounting principle to mineral production led to the initial codification of the mineral depletion allowance in the Tariff Act of 1913. The

Revenue Act of 1926 established percentage depletion much in its present form for oil and gas. The percentage depletion allowance was then extended to metal mines, coal, and other hardrock minerals by the Revenue Act of 1932, and has been adjusted several times since.

Percentage depletion allowances were historically placed in the tax code to reduce the effective tax rates in the mineral and extraction industries far below tax rates on other industries, providing incentives to increase investment, exploration, and output. The problem, however, is that percentage depletion also makes it possible to recover many times the amount of the original investment.

There are two methods of calculating a deduction to allow a firm to recover the costs of its capital investment: cost depletion and percentage depletion. Cost depletion allows for the recovery of the actual capital investment—the costs of discovering, purchasing, and developing a mineral reserve—over the period during which the reserve produces income. Under the cost depletion method, the total deductions cannot exceed the original capital investment.

Under percentage depletion, however, the deduction for recovery of a company's investment is a fixed percentage of ''gross income,'' namely, sales revenue from the sale of the mineral. Under this method, total deductions typically exceed the capital that the company invested. The set rates for percentage depletion are quite significant. Section 613 of the Internal Revenue Code contains depletion allowances for more than 70 metals and minerals, at rates ranging from 10 to 22 percent.

There is no restriction in the tax code to ensure that over time companies do not deduct more than the capital that a company has invested. Furthermore, a Percentage Deduction Allowance makes sense only so long as the deducting company actually pays for the investment for which it claims the deduction.

The result is a double subsidy for hardrock mining companies: first they can mine on public lands for free under the General Mining Law of 1872, and then they are allowed to take a deduction for capital investment that they have not made for the privilege to mine on public lands. My legislation would eliminate the use of the Percentage Depletion Allowance for mining on public lands, resulting in an estimated savings of $450 million over 5 years, while continuing to allow companies to recover reasonable cost depletion.

My bill would also create a new fund, called the Abandoned Mine Reclamation Fund. One-fourth of the revenue raised by the bill, or approximately $110 million, would be deposited into an interest-bearing fund in the Treasury to be used to clean up abandoned hardrock mines in states that are subject to the 1872 Mining Law. Though there is no comprehensive inventory of abandoned mines, estimates put the figure at upwards of 100,000 abandoned mines on public lands.

There are currently no comprehensive federal or state programs to address the need to clean up old mine sites. Reclaiming these sites requires the enactment of a program with explicit authority to clean up abandoned mine sites and the resources to do it. My legislation is a first step toward providing the needed authority and resources.

In today's budget climate, we are faced with the question of who should bear the costs of exploration, development, and production of natural resources: the taxpayers, or the users and producers of the resource? For more than a century, the mining industry has been paying next to nothing for the privilege of extracting minerals from public lands and then abandoning its mines. Now those mines are adding to the nation's environmental and financial burdens. We face serious budget choices this fiscal year, and one of those choices is whether to continue the special tax breaks provided to the mining industry.

The measure I am introducing is straightforward. It eliminates the Percentage Depletion Allowance for hardrock minerals mined on public lands while continuing to allow companies to recover reasonable cost depletion.

Though at one time there may have been an appropriate role for a government-driven incentive for enhanced mineral production, there is now sufficient reason to adopt a more reasonable depletion allowance that is consistent with depreciation rates given to other businesses. This corporate subsidy is simply not justified.

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. 2287

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 ''Elimination of Double Subsidies for the Hardrock Mining Industry Act of 2007''.

SEC. 2. REPEAL OF PERCENTAGE DEPLETION ALLOWANCE FOR CERTAIN HARDROCK MINES.

(a) IN GENERAL.—Section 613(a) of the Internal Revenue Code of 1986 (relating to percentage depletion) is amended by inserting ''(other than hardrock mines located on lands subject to the general mining laws or on land patented under the general mining laws)'' after ''In the case of the mines''.

(b) GENERAL MINING LAWS DEFINED.—Section 613 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(f) GENERAL MINING LAWS.—For purposes of subsection (a), the term 'general mining laws' means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 3. ABANDONED MINE RECLAMATION FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following:

''SEC. 9511. ABANDONED MINE RECLAMATION FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Abandoned Mine Reclamation Trust Fund' (in this section referred to as 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Trust Fund amounts equivalent to 25 percent of the additional revenues received in the Treasury by reason of the amendments made by section 2 of the Elimination of Double Subsidies for the Hardrock Mining Industry Act of 2007.

''(c) EXPENDITURES FROM TRUST FUND.—

''(1) IN GENERAL.—Amounts in the Trust Fund shall be available, as provided in appropriation Acts, to the Secretary of the Interior for—

''(A) the reclamation and restoration of lands and water resources described in paragraph (2) adversely affected by mineral (other than coal and fluid minerals) and mineral material mining, including—

''(i) reclamation and restoration of abandoned surface mine areas and abandoned milling and processing areas,

''(ii) sealing, filling, and grading abandoned deep mine entries,

''(iii) planting on lands adversely affected by mining to prevent erosion and sedimentation,

''(iv) prevention, abatement, treatment, and control of water pollution created by abandoned mine drainage, and

''(v) control of surface subsidence due to abandoned deep mines, and

''(B) the expenses necessary to accomplish the purposes of this section.

''(2) LANDS AND WATER RESOURCES.—

''(A) IN GENERAL.—The lands and water resources described in this paragraph are lands within States that have land and water resources subject to the general mining laws or lands patented under the general mining laws—

''(i) which were mined or processed for minerals and mineral materials or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status before the date of the enactment of this section,

''(ii) for which the Secretary of the Interior makes a determination that there is no continuing reclamation responsibility under State or Federal law, and

''(iii) for which it can be established to the satisfaction of the Secretary of the Interior that such lands or resources do not contain minerals which could economically be extracted through remining of such lands or resources.

''(B) CERTAIN SITES AND AREAS EXCLUDED.—The lands and water resources described in this paragraph shall not include sites and areas which are designated for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.) or which are listed for remedial action under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

''(3) GENERAL MINING LAWS.—For purposes of paragraph (2), the term 'general mining laws' means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161

and 162 of title 30 of the United States Code.''.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 9511. Abandoned Mine Reclamation Trust Fund.''.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 2288. A bill to establish portfolio quality standards, improve lender oversight by the Small Business Administration, create economic outcome and performance measurements, strengthen the loan programs under section 7(a) of the Small Business Act and title V of the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today with Senator KERRY to introduce the Small Business Lending Oversight and Program Performance Improvements Act of 2007. I truly appreciate Senator Kerry's leadership on small business issues and his bipartisan work with me on this bill.

Small businesses have propelled our Nation's economic growth, producing more than 50 percent of our Gross Domestic Product, GDP, and creating between 60 to 80 percent of all new jobs annually. The Small Business Administration's loan guarantee programs are a vital source of financing for many of these small start-up firms, entrepreneurs seeking working capital, and small businesses that must purchase larger office space or secure factory equipment so they can continue to expand.

At the same time, the SBA's 7(a) and 504 lending programs will not endure if careless oversight, and a lack of standards, allow scandal to tarnish the good names of these programs. The 7(a) and 504 lending programs will not survive if we cannot prove to taxpayers that the money spent to guarantee small business loans actually produces economic vitality, opportunity, and new jobs, for our Nation. Make no mistake, the only way to protect these integral programs and demonstrate their effectiveness and economic growth capacity is through the use of concrete measurements.

In order for the SBA's lending portfolios to grow and allow more small firms to secure the capital they require, the SBA must quantify both quality and performance by establishing the specific criteria it will examine and then assess changes in these factors over time. Additionally, these benchmarks must be codified and transparent so that lenders and small businesses understand what is being measured.

The problem is this: although the SBA evaluates portfolio quality, and uses these assessments to conduct lender oversight, the SBA has failed to provide participating lenders with some of the criteria or formulas the Agency uses to determine if their portfolios are sound or substandard. This lack of transparency not only hinders the SBA's lender oversight capabilities, it causes participating 7(a) and 504 lenders to be critical of the SBA's ability to accurately assess portfolio quality. Regrettably, the SBA's current oversight and portfolio quality assessment methods have not prevented recent high-profile scandals from occurring.

Currently, the SBA has roughly $60 billion in outstanding loans issued to small businesses. Yet incredulously it does not track these businesses' economic performance. While the SBA's total loan volume has increased substantially over the last 10 years, the agency has no way to show how these loans benefitted the U.S. economy. Ultimately, the SBA is unaware of how many jobs these loans have created, whether company net-sales or revenues have increased after securing capital, or how many of these companies prepay, default, or go out of business. Though the purpose of these loans is to spur economic growth, the SBA does not assess the actual economic outcomes these loans help make possible. Without these measurements, how can the SBA attest to the incredible economic lift and vitality these loans help generate?

Two recent Government Accountability Office reports, one from July of this year and one from June of 2004, recommended that the SBA improve its economic performance and portfolio quality measurements. Our bill would implement the GAO's recommendations and improve the performance measures for 7(a) and 504 loans. Among other things, the bill would require the SBA to: create standards for lenders' portfolio quality; increase the transparency of the SBA's lender oversight evaluation measures; report on borrowers' economic performance; and create a 7(a) and 504 portfolio default rate that can be compared directly to commercial lenders' default rates.

We have an obligation not only to maintain, but to strengthen and improve the SBA's key loan programs that I have heard time and again are a critical lifeline to the job generators we call small businesses. The remedies that Senator KERRY and I are proposing today are necessary for the SBA's lending programs to expand, and reach all of the small businesses that must have access to capital.

I urge my colleagues to strongly support the Small Business Lending Oversight and Program Performance Improvements Act.

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. 2228

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 ''Small Business Lending Oversight and Program Performance Improvement Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Recent reports by the Government Accountability Office have recommended that the Small Business Administration develop better measurements and methods for measuring the performance of lending programs and the effectiveness of lender oversight.

(2) A July 2007 report by the Government Accountability Office entitled ''Small Business Administration: Additional Measures Needed to Assess 7(a) Loan Program's Performance'' found the following:

(A) Determining the success of the loan programs under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) ''is difficult as the performance measures show only outputs – the number of loans provided – and not outcomes, or the fate of the businesses borrowing with the guarantee.''.

(B) ''The current measures do not indicate how well the agency is meeting its strategic goal of helping small businesses.''.

(C) ''To better ensure that the 7(a) program is meeting its mission responsibility of helping small firms succeed through guaranteed loans, we recommend that the SBA administrator complete and expand the SBA's current work on evaluating the program's performance measures. As part of that effort, at a minimum, the SBA should further utilize the loan performance information it already collects, including but not limited to defaults, prepayments, and number of loans in good standing, to better report how small businesses fare after they participate in the 7(a) program.''.

(3) A June 2004 report by the Government Accountability Office entitled ''Small Business Administration: New Services for Lender Oversight Reflect Some Best Practices but Strategy for Use Lags Behind'' found that ''Best practices dictate the need for a clear and transparent understanding of how a risk management service and the tools it provides will be used.''.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''base year'' means the year in which a covered loan recipient receives a loan under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or the 504 Loan Program;

(3) the term ''covered lender'' means—

(A) a lender participating in the guarantee loan program under section 7(a) of the Small Business Act (15 U.S.C. 636(a)); and

(B) a State or local development company participating in the 504 Loan Program;

(4) the term ''covered loan recipient'' means a person that receives a loan under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or the 504 Loan Program;

(5) the term ''economic performance evaluation measurements'' means the economic performance evaluation measurements established under section 8(a);

(6) the term ''504 Loan Program'' means the program to provide financing to small business concerns by guarantees of loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), which are funded by debentures guaranteed by the Administrator;

(7) the term ''portfolio quality evaluation standards'' means the portfolio quality evaluation standards established under section 5(a)(1); and

(8) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 4. AUTHORITY.

Section 5 of the Small Business Act (15 U.S.C. 634) is amended—

(1) in subsection (b)(14), by striking ''other lender oversight activities'' and inserting ''used to improve portfolio performance and lender oversight through technology and software programs designed to increase program loan quality, management, accuracy, and efficiency and program underwriting accuracy and efficiency''; and

(2) by adding at the end the following:

''(i) In establishing lender oversight review fees described in subsection (b)(14), the Administrator shall follow cost containment and cost control best practices that ensure that such fees are reasonable and do not become burdensome or excessive.''.

SEC. 5. PORTFOLIO QUALITY EVALUATION STANDARDS.

(a) STANDARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and publish in the Federal Register portfolio quality evaluation standards for covered lenders, which shall include portfolio quality criteria, including—

(A) a liquidation rate;

(B) a currency rate;

(C) a recovery rate;

(D) a delinquency rate; and

(E) other portfolio risk indicators.

(2) USE.—The Administration shall use the portfolio quality evaluation standards—

(A) to determine the portfolio quality of a covered lender, in comparison to the portfolio quality of all covered lenders; and

(B) for conducting lender oversight of covered lenders.

(b) IMPLEMENTATION.—The Administrator shall—

(1) rank and determine a separate score for each covered lender, on each of the portfolio quality evaluation standards;

(2) combine the portfolio quality rankings described in paragraph (1) to establish the overall lender portfolio quality score for each covered lender, based on the compliance of that covered lender with the portfolio quality evaluation standards;

(3) provide a covered lender access to—

(A) the score of that covered lender for each of the portfolio quality evaluation standards; and

(B) the overall portfolio quality score for that covered lender; and

(4) provide a written explanation of the factors affecting the score described in paragraph (3)(A) for a covered lender to that covered lender.

(c) QUARTERLY EVALUATIONS.—Not less frequently than once each quarter, the Administrator shall evaluate each covered lender to determine whether—

(1) there has been a statistically significant adverse change in the criteria evaluated under the portfolio quality evaluation standards relating to a covered lender; and

(2) the portfolio of that covered lender has a higher concentration of loans made to businesses in a specific North American Industry Classification System code (or any successor thereto) than is typical for businesses in that code, as determined by the Administrator.

(d) ADDITIONAL ONSITE REVIEW.—

(1) DETERIORATION IN LOAN PORTFOLIO.—If the Administrator determines that there is significant and sustained statistically adverse change in the loan portfolio of a covered lender, based on the quarterly evaluation of that covered lender under subsection (c), the Administrator shall—

(A) determine the reason for such deterioration;

(B) determine if the deterioration should lead to an onsite review of the loan portfolio of that covered lender;

(C) taking into consideration the opinion of the relevant district director of the Administration, determine whether it is appropriate for the Administrator to adjust the preferred lender or other loan making status of that covered lender;

(D) document the decision by the Administrator regarding whether to conduct an onsite review or adjust the loan making status of that covered lender; and

(E) inform that covered lender of any statistically adverse change in loan quality of the portfolio of that covered lender.

(2) ADVERSE CHANGES.—If the Administrator determines there has been a statistically significant adverse change in the criteria evaluated under the portfolio quality evaluation standards relating to a covered lender, the Administrator shall determine whether it is necessary to conduct an onsite review of that covered lender.

(3) SCOPE OF REVIEW.—Any onsite review of a covered lender under this subsection shall focus on—

(A) the credit quality of the loans within the portfolio of that covered lender;

(B) the soundness of the credit evaluation and underwriting processes and procedures of that covered lender;

(C) the adherence by that covered lender to the policies and procedures of the Administration; and

(D) any other measures that the Administrator determines appropriate.

(e) DEFAULTS.—The Administrator shall provide to a covered lender information relating to any indicator under the portfolio quality evaluation standards that indicate an increased risk of default for specific loans.

(f) DOCUMENT RETENTION.—The Administrator shall maintain an electronic copy of any document relating to any portfolio quality evaluation or onsite review under this section (including documents relating to any determination regarding whether to conduct such a review).

(g) DATA COLLECTION.—The Administrator shall enter into a contract with a fiscal and transfer agent of the Administration under which that fiscal and transfer agent shall provide to the Administrator the data necessary to conduct the quarterly evaluation of covered lenders using the portfolio quality evaluation standards under this section.

SEC. 6. DEFAULT RATE.

(a) IN GENERAL.—Using established industry standards for calculating loan default rates, and not later than 1 year after the date of enactment of this Act, and every year thereafter, the Administrator shall calculate a loan default rate for—

(1) loans under section 7(a) of the Small Business Act (15 U.S.C. 636(a));

(2) loans under the 504 Loan Program; and

(3) specialty loan programs under section 7(a) of the Small Business Act or the 504 Loan Program, including the Express Loan program under section 7(a)(31) of the Small Business Act and the Export Working Capital Program under section 7(a)(14) of the Small Business Act.

(b) METHODOLOGY.—Not later than 1 year after the date of enactment of this Act, the Administrator shall publish in the Federal Register the methodology the Administrator will use to calculate default rates under subsection (a).

(c) PURPOSE.—The purpose of the default rates calculated under subsection (a) is to provide a cumulative default rate for loans under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and loans under the 504 Loan Program that may be compared directly to the default rates of other commercial loans.

SEC. 7. COMPUTER MODELING.

(a) TRANSPARENCY IN RANKING CRITERIA.—The Administrator—

(1) shall provide each covered lender with the data, factors, statistical methods, ranking criteria, indicators, and other measures used to make the ranking described in section 5(b); and

(2) may not charge a fee for providing the information described in paragraph (1).

(b) FAILURE TO PROVIDE.—In ranking a covered lender under section 5(b), the Administrator may not use any data, factor, statistical method, ranking criteria, indicator, or other measure that the Administrator has not provided to that covered lender.

(c) CONTRACTS.—Before establishing or modifying any system or mechanism for evaluating the making of loans, the accounting for loans, the underwriting of loans, or otherwise overseeing loans made by covered lenders, the Administrator shall consult with relevant covered lenders.

SEC. 8. ECONOMIC PERFORMANCE EVALUATION MEASUREMENTS.

(a) MEASUREMENTS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and publish in the Federal Register economic performance evaluation measurements for evaluating the economic performance and economic outcomes of each covered loan recipient, which shall include—

(1) number of individuals employed by that covered loan recipient;

(2) the annual sales receipts of that covered loan recipient;

(3) an estimate of the total annual Federal income tax paid by that covered loan recipient;

(4) whether the covered loan recipient prepaid the covered loan;

(5) whether the covered loan recipient defaulted on the covered loan;

(6) the number of businesses operated by covered loan recipients that cease operations; and

(7) the number of covered loan recipients that establish a new business relating to the business for which that covered loan recipient received a loan under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or the 504 Loan Program.

(b) COLLECTION OF INFORMATION.—

(1) IN GENERAL.—On and after the date that is 2 years after the date of enactment of this Act, the Administrator shall electronically collect, as part of the loan application process, from the person applying for a loan under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or the 504 Loan Program—

(A) the number of individuals employed by the applicant;

(B) the annual sales receipts of the applicant for the year before the date of the application; and

(C) an estimate of the total annual Federal income tax paid by that covered loan recipient.

(2) BASE YEAR.—The Administrator shall use the information collected under paragraph (1) to establish the base year statistics for the applicant.

(3) INFORMATION COMPLIANCE.—

(A) IN GENERAL.—During the 12-year period beginning on the date that a covered loan recipient receives a loan under section 7(a) of the Small Business Act or the 504 Loan Program, as the case may be, the covered loan recipient shall provide to the Administrator information relating to the economic performance evaluation measurements upon requested.

(B) FREQUENCY.—The Administrator shall request information from a covered loan recipient under subparagraph (A) not less frequently than once every 4 years.

(c) REPORTING.—

(1) IN GENERAL.—Not later than 6 years after the date of enactment of this Act, and every 4 years thereafter, the Administrator shall publish a report assessing the information relating to the economic performance evaluation measurements submitted by covered loan recipients during the period described in paragraph (2), including an evaluation of the aggregate changes, if any, in the economic performance evaluation measurements since the relevant base years for such covered loan recipients.

(2) PERIOD.—The period described in this paragraph is—

(A) for the first report submitted under this subsection, not shorter than the 4-year period before the date of that report;

(B) for the second report submitted under this subsection, not shorter than the 8-year period before the date of that report; and

(C) for the third report submitted under this subsection, and each report submitted thereafter, not shorter than the 12-year period before the date of that report.

SEC. 9. PRIVACY.

In collecting data and preparing reports under this Act, the Administrator shall ensure that the privacy and information of covered loan recipients is protected.

SEC. 10. EXECUTIVE COMPENSATION.

Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended by adding at the end the following:

''(j) EXECUTIVE COMPENSATION.—

''(1) IN GENERAL.—Except as provided in paragraph (4), a State or local development company shall have a written contract with each executive or highly paid employee of that development company relating to the employment of that executive or highly paid employee, which shall include, for that executive or employee, the amount of compensation, benefits, and any transfer of anything of value to that executive or highly paid employee, including any rental or sale.

''(2) APPROVAL BY BOARD OF DIRECTORS.—

''(A) IN GENERAL.—A written contract described in paragraph (1) shall be approved by the board of directors of the State or local development company.

''(B) EVALUATION.—In evaluating a contract described in paragraph (1), the members of the board of directors of a State or local development company shall—

''(i) determine the fair market value of the benefits received by an executive or highly paid employee from that development company; and

''(ii) evaluate the amount paid by other State or local development companies and commercial lenders for comparable services, including, if a rental of property for that executive or highly paid employee is part of that contract, the amount of annual rent paid locally for comparable property.

''(C) DISTRIBUTION OF EVALUATION.—The board of directors of a State or local development company shall ensure that the information described in subparagraph (B) is made available to each member of that board of directors before the date of the meeting at which the board of directors will determine whether to approve the relevant contract and include the information described in subparagraph (B) in the minutes of that meeting.

''(D) PARTICIPATION.—An executive or highly paid official, and any other party with personal interest in a contract, shall not attend a meeting of the board of directors to determine whether to approve the contract with that executive or highly paid official, unless the members of the board of directors request that executive or highly paid official respond to questions.

''(E) VOTING.—An executive or highly paid official, and any other party with personal interest in a contract, shall not be present during, and shall not vote on, whether to approve the contract with that executive or highly paid official.

''(3) ANNUAL REPORTS.—A State or local development company shall report annually to the Administration regarding the terms of each contract with each executive or highly paid official of that development company.

''(4) EXCEPTION.—This subsection shall not apply to—

''(A) a small State or local development company;

''(B) a State or local development company that makes a low number of loans under the 504 Loan Program; or

''(C) a State or local development company regulated by a State or local government.

''(5) REGULATIONS.—The Administrator shall promulgate regulations to carry out this subsection, including defining the terms 'executive', 'highly paid', 'small State or local development company', and 'low number of loans'.''.

SEC. 11. STUDY AND REPORT ON EXAMINATION AND REVIEW FEES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the loan guaranty program under section 7(a) of the Small Business Act to determine—

(1) the scope of lender oversight needed by the Administration;

(2) what other entities regulate the lenders that participate in that loan guaranty program, what activities are being reviewed, and the scope of such reviews;

(3) how the amounts of examination and review fees are determined by such other regulatory entities, who pays for such fees, and how they compare with examination and review fees proposed in regulations issued by the Administration on May 4, 2007;

(4) how examination and review fees factor into the risk-adjusted return on capital (or ''RAROC'') ratings of lenders;

(5) what would be reasonable fees to be charged for Administration lender oversight;

(6) whether Administration lender oversight functions can be executed in conjunction with other lender reviews currently required by other regulatory entities, including those that review Federal banks, credit unions, or entities reviewed by the Farm Credit Administration; and

(7) the impact of lender oversight fees proposed by the Administration on lending to borrowers, including cost changes, availability of credit, and increased or decreased lender participation.

(b) REPORT.—The Comptroller General shall submit to Congress a report on the results of the study required by subsection (a) not later than 1 year after the date of enactment of this Act.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2290. A bill to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the ''Beatrice E. Watson Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, today I am joined by my colleague, Senator FEINSTEIN in introducing legislation to designate the facility of the U.S. Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the ''Beatrice E. Watson Post Office Building.''

Beatrice ''Bea'' Watson was a former city clerk and councilwoman of Fontana who volunteered tirelessly for her community. In an Inland Valley Daily Bulletin profile last year, fellow Fontana residents described Bea as a generous person who was devoted to her city, her friends, and the many organizations with which she worked.

Over the 40 years of her residence in Fontana, Bea was involved with numerous civic and community service organizations, including the Fontana Woman's Club, the Fontana Historical Society, Chamber of Commerce, the Fontana Exchange Club, Parks and Recreation and the Fontana Parent Teacher Association.

Bea also was responsible for the continued existence of the Fontana Days Parade, the annual summer celebration of the city's 1913 founding by A.B. Miller, even dipping into her own pocket at times to keep the parade going.

This August, Bea Watson, ''Mrs. Fontana,'' passed away, and I know her loss has been deeply felt by her family and the community. The Fontana City Council asked Congress to honor Bea for bringing the whole community together for the betterment of Fontana. I am proud to introduce this bill, and encourage my colleagues to join me in recognizing Bea Watson's example of dedicated service.

By Mr. AKAKA (for himself, Mrs. MCCASKILL, Mr. CARPER, and Mr. LEVIN):

S. 2291. A bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Plain Language in Government Communications Act of 2007. I am pleased that Senators CLAIRE MCCASKILL, TOM CARPER, and CARL LEVIN have joined me as original cosponsors of this bill.

Our bill is very similar to H.R. 3548, introduced by Representative BRUCE BRALEY in September, along with original co-sponsors Representatives TODD AKIN, DAN BURTON, JAMES MCGOVERN, and NANCY BOYDA.

This bill would establish plain language as the standard writing style for Government documents issued to the public. Plain language is language that the intended audience can readily understand and use because it is clear, concise, well-organized, and follows other best practices of plain language writing.

This bill would extend an initiative that President Bill Clinton and Vice President Al Gore started nearly a decade ago as part of the Reinventing Government initiative. In 1998 President Clinton directed agencies to write in plain language. Although many agencies have made progress in writing

more clearly, the requirement never was fully implemented, and in recent years, the focus on writing in plain language has flagged. This legislation will renew that focus.

The benefits of requiring the Government to write in plain language are numerous.

For example, using plain language improves customer service. Veterans, taxpayers, senior citizens, and others who need to understand Government instructions and fill out Government forms should not have to wade through complicated, bureaucratic language. Needlessly complicated Government documents waste countless hours of taxpayers' time and cause unnecessary errors. The Federal Government works best for the American people if Government documents are clear and straightforward. Filling out Government forms should not be like solving a complex crossword puzzle.

Writing in plain language also will make the Government more efficient and cost effective. Agencies that write in plain language spend less time answering customer service questions, and they obtain better compliance because people make fewer mistakes.

Furthermore, using plain language makes Government more transparent. The American people cannot hold their Government accountable if no one can understand the information that the Government provides about its actions and its requirements.

Numerous organizations have called on Congress to require the Federal Government to use plain language. For example, the AARP wrote a letter in support of this legislation stating that every day AARP members contact AARP staff because they do not understand letters that they received from the Federal Government. The confusion is not the readers' fault. It is because many Federal Government letters are written in dense, complicated language that few people who are not lawyers could be expected to understand. Certainly, anyone who has ever filled out their own tax forms can sympathize.

Additionally, several small business organizations—including the National Small Business Association, the Small Business Legislative Council, and Women Impacting Public Policy—support the need for plain language. The reason is simple. Small businesses waste considerable time, effort, and money trying to decipher what the Federal Government requires of them.

This bill addresses two important elements for ensuring that use of plain language becomes standard in Federal agencies: training and oversight.

Each agency will report their plans to train employees to write in plain language. Writing in plain, clear, concise, and easily understandable language is a skill that Congress and Federal agencies must foster. As Thomas Jefferson once said, ''The most valuable of all talents is that of never using two words when one will do.'' As a former teacher and principal, I understand that even very smart people must be trained to write plainly.

Additionally, strong congressional oversight will ensure that agencies implement the plain language requirements. Agencies will be required to designate a senior official responsible for implementing plain language requirements. Each agency will be required to report to Congress how it will ensure compliance with the plain language requirement and on its progress.

A few examples of the documents that will be covered by the plain language requirement are Federal tax forms; veterans' benefit forms; information for workers about Federal health, safety, overtime pay, and medical leave laws; Social Security and Medicare benefit forms; and Federal college aid applications. These documents help the American people obtain important Government benefits and improve their quality of life.

To avoid imposing an unmanageable burden on agencies, agencies will not be required to re-write existing documents in plain language. Only new or substantially revised documents will be covered. Similarly, this bill does not cover regulations, so that agencies can focus first on improving their every day communications with the American people. We recognize that it will be more challenging to write regulations—which by their nature often will be complex and technical—in plain language.

Requiring agencies to write in plain language is an important step in improving the way the Federal Government communicates with the American people.

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. 2291

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 ''Plain Language in Government Communications Act of 2007''.

SEC. 2. PURPOSE.

The purpose of this Act is to improve the effectiveness and accountability of Federal agencies to the public by promoting clear Government communication that the public can understand and use.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY.—The term ''agency'' means an Executive agency, as defined under section 105 of title 5, United States Code.

(2) COVERED DOCUMENT.—The term ''covered document''—

(A) means any document (other than a regulation) issued by an agency to the public that—

(i) provides information about any Federal Government requirement or program; or

(ii) is relevant to obtaining any Federal Government benefit or service; and

(B) includes a letter, publication, form, notice, or instruction.

(3) PLAIN LANGUAGE.—The term ''plain language'' means language that the intended audience can readily understand and use because that language is clear, concise, well-organized, and follows other best practices of plain language writing.

SEC. 4. RESPONSIBILITIES OF FEDERAL AGENCIES.

(a) REQUIREMENT TO USE PLAIN LANGUAGE IN NEW DOCUMENTS.—Not later than 1 year after the date of enactment of this Act, each agency shall use plain language in any covered document of the agency issued or substantially revised after the date of enactment of this Act.

(b) GUIDANCE.—

(1) IN GENERAL.—

(A) DEVELOPMENT.—Not later than 6 months after the date of enactment of this Act, the Office of Management and Budget shall develop guidance on implementing the requirements of subsection (a).

(B) ISSUANCE.—The Office of Management and Budget shall issue the guidance developed under subpargraph (A) to agencies as a circular.

(2) INTERIM GUIDANCE.—Before the issuance of guidance under paragraph (1), agencies may follow the guidance of—

(A) the Plain English Handbook published by the Securities and Exchange Commission;

(B) the plain language guidelines developed by the Plain Language Action and Information Network; or

(C) guidance provided by the head of the agency that is consistent with the guidelines referred to under subparagraph (B).

SEC. 5. REPORTS TO CONGRESS.

(a) INITIAL REPORT.—Not later than 6 months after the date of enactment of this Act, the head of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that describes how the agency intends to meet the following objectives:

(1) Communicating the requirements of this Act to agency employees.

(2) Training agency employees to write in plain language.

(3) Meeting the requirement under section 4(a).

(4) Ensuring ongoing compliance with the requirements of this Act.

(5) Designating a senior official to be responsible for implementing the requirements of this Act.

(b) ANNUAL AND OTHER REPORTS.—

(1) AGENCY REPORTS.—

(A) IN GENERAL.—The head of each agency shall submit reports on compliance with this Act to the Office of Management and Budget.

(B) SUBMISSION DATES.—The Office of Management and Budget shall notify each agency of the date each report under subparagraph (A) is required for submission to enable the Office of Management and Budget to meet the requirements of paragraph (2).

(2) REPORTS TO CONGRESS.—The Office of Management and Budget shall review agency reports submitted under paragraph (1) using the guidance issued under section 4(b)(1)(B) and submit a report on the progress of agencies to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of Representatives—

(A) annually for the first 2 years after the date of enactment of this Act; and

(B) once every 3 years thereafter.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 2292. A bill to amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to address terrorist explosive threats, and

for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President. I rise to introduce the National Bombing Prevention Act of 2007, an important measure to strengthen our domestic defenses against terrorist attacks using explosives.

Terror bombings have a long and bloody history around the world and here in the United States. In 1920, for example, an anarchist bombing in front of the New York Stock Exchange killed 38 people and wounded hundreds more. More recently, the 1990s bombings of the World Trade Center and the Murrah Federal Building in Oklahoma City, and attacks in Indonesia, Spain, and Great Britain remind us of the vicious and indiscriminate threat posed by bombs. As Secretary of Homeland Security Michael Chertoff has noted, they are the weapon of choice for terrorists.

The FBI and the Department of Homeland Security tell us that threat from these devices is not only real, but growing. Furthermore, the National Intelligence Estimate has identified improvised explosive devices or IEDs as a significant homeland-security threat.

As recent years' bombings demonstrate, the costs of inadequate precautions can be horrendous. And as the threat of bomb attacks by home-grown terrorist rises—witness the plot to bomb the JFK airport in New York—we must be increasingly on guard. Much effort and much funding has been directed to train and equip law-enforcement and other personnel to detect and disrupt bomb plots, yet we still lack a formal, full-fledged national strategy to coordinate and improve the effectiveness of those efforts.

The legislation I introduce today will improve our defenses against these weapons. I am proud to be working again with the bill's chief co-sponsor, Senator JOE LIEBERMAN, on this new effort to protect our nation.

The bill has also won the support of people directly involved in the fight against the threat of terrorist bombings. They include the U.S. Department of Homeland Security; the National Bomb Squad Commanders Advisory Board; the National Tactical Officers Association; the International Association of Bomb Technicians and Investigators; the Maine Emergency Management Agency; and the police departments of Bangor and Portland, Maine.

The National Bombing Prevention Act of 2007 has three main elements: First, the bill will clarify the responsibilities of the DHS Office of Bombing Prevention and authorize $25 million funding in both FY 2009 and 2010, up from the current Senate-passed funding level of $10 million in the Homeland Security Appropriations bill now pending at conference.

Our national fight against terrorist bombings is a large and multi-faceted undertaking. It includes screening airline passengers, checking cargo, securing dangerous chemicals, protecting critical infrastructure, promoting research and development of anti-IED technology, and sharing information among Government and private-sector partners. The DHS Office of Bombing Prevention is a leader in this fight.

The Collins-Lieberman bill builds on the Office's past efforts. Among other things, the bill designates the Office of Bombing Protection as the lead agency in DHS for combating terrorist explosive attacks; tasks OBP with coordinating national and intergovernmental bombing-prevention activities; and assigns it responsibility for assisting state and local governments and cooperating with the private sector.

A key element of Federal assistance is training. Last week, for example, members of several Maine and Connecticut police departments received DHS training and briefings here in Washington, as well as an FBI update, and fresh information on improvised explosive devices. My bill will bring more of that training to the States and make it more accessible to local law-enforcement officers.

Second, the bill directs the President to accelerate the release of the National Strategy for Bombing Prevention and to update it every four years. As terrorists' tactics change, we must review and adjust our counter-measures to defeat them.

Third, the bill will promote more research and development of counter-explosive technologies and facilitate the transfer of military technologies for domestic anti-terror use.

My legislation is badly needed. We need to make sure that bomb squads have the latest and most accurate information on bombing threats. We need to raise awareness of the signs of possible threats, including purchases of pre-cursor materials and other suspicious activities. We need to improve information sharing and coordination of activities among all levels of government as well as the private sector.

Under my legislation, the Department of Homeland Security will have the legal authority, the responsibility, and the resources to ensure that state and local law-enforcement personnel receive the training and information they need to protect us.

The National Bombing Prevention Act of 2007 will give our country important new protections. The need for that protection has been amply demonstrated by repeated acts of savagery, and the threat of terrorist bombs continues to grow. I urge my colleagues to support this measure.

Mr. LIEBERMAN. Mr. President, I rise today to join my Ranking Member on the Homeland Security and Governmental Affairs Committee, Senator COLLINS, in introducing bipartisan legislation to strengthen our Nation's ability to deter, detect, prevent, and respond to attacks using improvised explosive devices, IED, in the U.S.

As we have seen in Iraq, London, and Germany, IEDs are a weapon of choice for terrorists. The reality is that an IED is relatively easy and inexpensive to make and can cause mass casualties, even to armored military personnel. IEDs are a global threat, and the American public, here at home, is not immune.

Federal efforts to address this threat, however, have not been adequate. The Department of Homeland Security, Office of Bombing Prevention, which is the Department's lead agent for IED countermeasure coordination, is currently operating with a substantially reduced budget of $5 million, down from the $14 million it received in fiscal years 2005 and 2006. Only $6 million has been requested for 2008. By contrast, the DHS Office of Health Affairs, which has a similar coordination responsibility for biosecurity and medical preparedness, has a proposed budget for personnel and coordination activities of $28 million for 2008. Given the likelihood of an IED attack, we need to make a comparable commitment in this area. As Secretary Chertoff said in an October 19 speech, ''although we can conceive of a terrorist attack that would be focused on a biological infection or some kind of a chemical spray, the reality is the vast majority of terrorist attacks are conducted with bombs. And of those, the vast majority are improvised explosive devices.''

The National Bombing Prevention Act of 2007, NBPA, would formally authorize the Office of Bombing Prevention, OBP, and increase its budget to $25 million. In addition to leading bombing prevention activities within DHS, OBP would be directed to coordinate with other Federal, State, and local agencies and fill the existing gaps that are not covered by another Federal agency's current bombing prevention efforts. For example, OBP would work with state and local officials to conduct a national analysis of bomb squad capabilities. This type of comprehensive assessment does not currently exist at any level of government, yet it is integral to understanding what resources are available in the event of an explosion and where we should invest in order to better prepare the Nation as a whole. OBP would also improve information sharing with state and local bomb squads by providing regular updates on terrorist tactics, techniques, and procedures.

The NBPA would require the President to deliver a long awaited National Strategy for Improvised Explosive Devices. This Strategy was supposed to be delivered to Congress by DHS in January 2007 but was then reassigned to the Department of Justice by presidential directive. Turf battles have caused further delay. This is simply unacceptable. Regardless of who takes the lead, the Nation must have a coherent strategy guiding its counter IED efforts that will clarify the roles and responsibilities of all Federal agencies.

Finally, our legislation would require DHS to establish a program expediting

the transfer of counter IED technology to first responders. Under this program, the Department would work with other Federal agencies, including the Department of Defense, the private sector, and state and local bomb experts to identify existing technologies that could help deter, detect, prevent, or respond to an explosive attack. Often, there is a significant lag time between the research and development of such technologies and deployment by the end user. This bill would hold DHS accountable for seeing products through to the deployment phase. Specifically, DHS would be required to develop an electronic countermeasures capability to disable radio controlled bombs. Radio ''jammers'' have been developed by DoD for Iraq and Afghanistan, but that technology needs to be significantly modified for the civilian environment.

Improvised explosive devices are one of the most popular weapons terrorists are using today. They can be easily assembled from instructions available on the Internet with readily available chemicals such as peroxide or ammonium nitrate. And, most importantly, terrorists all over the world have demonstrated their intent and ability to use these weapons to kill and maim large numbers of people. If DHS is to plan effectively for future attacks here at home, it must have a cohesive and robust defense against the most likely threats. I ask my colleagues to join us in ensuring DHS and its partners have the necessary tools to protect the U.S. from an improvised explosive device.

By Mr. LOTT (for himself, Mr. GRASSLEY, Mr. KYL, Mr. SMITH, Mr. BUNNING, Mr. CRAPO, Mr. ROBERTS, Mr. HATCH, Ms. SNOWE, and Mr. ENSIGN):

S. 2293. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax, and for other purposes; read the first time.

Mr. LOTT. 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 placed in the RECORD, as follows:

S. 2293

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 ''Individual Alternative Minimum Tax Repeal Act of 2007''.

SEC. 2. REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55(a) of the Internal Revenue Code of 1986 (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

''For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2006, shall be zero.''.

(b) MODIFICATION OF LIMITATION ON USE OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—Subsection (c) of section 53 of the Internal Revenue Code of 1986 (relating to credit for prior year minimum tax liability) is amended to read as follows:

''(c) LIMITATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part, over

''(B) the tentative minimum tax for the taxable year.

''(2) TAXABLE YEARS BEGINNING AFTER 2006.—In the case of any taxable year beginning after 2006, the credit allowable under subsection (a) to a taxpayer other than a corporation for any taxable year shall not exceed 90 percent of the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. ONE-TIME ESTIMATED TAX SAFE HARBOR FOR ALTERNATIVE MINIMUM TAX LIABILITY.

For purposes of any taxable year beginning in 2006, in the case of any individual with respect to whom there was no liability for the tax imposed under section 55 of the Internal Revenue Code of 1986 for the preceding taxable year—

(1) the tax shown on the return under section 6654(d)(1)(B)(i) of such Code shall be reduced (but not below zero) by the amount of tax imposed by such section 55 shown on the return,

(2) the tax for the taxable year under section 6654(d)(2)(B)(i) of such Code (before multiplication by the applicable percentage) shall be reduced (but not below zero) by the tax imposed by such section 55, and

(3) the amount of tax for the taxable year for purposes of section 6654(e)(1) of such Code shall be reduced (but not below zero) by the amount of tax imposed by such section 55.

By Mr. NELSON of Florida (for himself and Mr. WHITEHOUSE):

S. 2295. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

Mr. NELSON of Florida. Mr. President, today, joined by Senator WHITEHOUSE, I am introducing the Voter Confidence and Increased Accessibility Act of 2007. As we enter the month of November, next year's national election is just one year away, and we must act now to ensure that the next time Americans go to the polls nationwide, they have the chance to cast their vote and have their vote counted as intended.

Our bill will require all voting machines—beginning in the 2008 election—to produce a paper record of each ballot that can be verified by the voter before a ballot is submitted to be counted. This also is the first bill to propose a nationwide ban, by 2012, on the use of touch-screen voting machines in Federal elections.

We are introducing this bill to address the problems that have plagued the accuracy and integrity of our voting systems. We know all too well the problems that have occurred in Florida—in the 2000 election and, most recently in the 2006 congressional election in the 13th Congressional District—but my State is not alone. Recent studies in California and elsewhere have demonstrated that touch-screen voting machines are unreliable and vulnerable to error.

The bottom line is we have to ensure that every vote is counted—and counted properly. Citizens must have confidence in the integrity of their elections.

Florida, under the leadership of Governor Charlie Crist and Secretary of State Kurt Browning, has acted decisively, and on a bipartisan basis, to require the replacement of paperless touch-screen voting machines throughout the State with optical scan equipment. By using op-scan machines, voters will have the opportunity to complete a paper ballot that will be verified by the voter before it is electronically counted. By 2012, touchscreen voting machines will be a thing of the past in Florida. Using Florida's model, the bill I am filing today will phase out touch-screen voting machines in Federal elections nationwide by 2012.

This morning I met with Secretary Browning to discuss my intent to file legislation modeled on Florida's initiative. Secretary Browning indicated his support for a ban on touch-screen voting machines.

In addition to banning touch-screen machines by 2012, and requiring a voter-verified paper ballot for every vote that is cast, beginning in November 2008, other highlights of the bill are as follows.

It will require and fund routine random audits to be conducted by hand count in 3 percent of precincts in all Federal elections. If the vote is very close, that percentage goes up to 5 or 10 percent. On the other hand, if the winning candidate received more than 80 percent of the vote, no audit of that race will be necessary.

The bill will authorize adequate funding—$1 billion—for replacing and upgrading voting equipment.

Our legislation will require that every voter has the opportunity to vote by paper ballot if the voting machine in their precinct is broken, and beginning in 2012, for any reason.

Finally, the bill will establish an arms-length relationship between test labs and voting machine vendors, to prevent any efforts, malicious or otherwise, to compromise the accuracy and integrity of voting machines.

A companion version of our bill was introduced in the House by Representative RUSH HOLT of New Jersey, and was passed out of Committee. The bill now awaits a vote by the full Chamber. I hope my colleagues in the House will act to pass this important legislation, and I invite my colleagues in the Senate to join me by co-sponsoring our bill in the Senate. Florida not only provides a model for what can be done to increase our confidence in the integrity of elections, it provides a model for

how to do it—on a bipartisan basis, with the support of election officials, voting integrity groups and, most importantly, the millions of voters in my state who have a constitutional right to vote and want to be sure that their votes are counted—and counted accurately.

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 placed in the RECORD, as follows:

S. 2295

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 ''Voter Confidence and Increased Accessibility Act of 2007''.

SEC. 2. PROMOTING ACCURACY, INTEGRITY, AND SECURITY THROUGH VOTER-VERIFIED PERMANENT PAPER BALLOT.

(a) BALLOT VERIFICATION AND AUDIT CAPACITY.—

(1) IN GENERAL.—Section 301(a)(2) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(2)) is amended to read as follows:

''(2) BALLOT VERIFICATION AND AUDIT CAPACITY.—

''(A) VOTER-VERIFIED PAPER BALLOTS.—

''(i) VERIFICATION.—(I) The voting system shall require the use of or produce an individual, durable, voter-verified, paper ballot of the voter's vote that shall be created by or made available for inspection and verification by the voter before the voter's vote is cast and counted. For purposes of this subclause, the term 'individual, durable, voter-verified, paper ballot' includes (but is not limited to) a paper ballot marked by the voter for the purpose of being counted by hand or read by an optical scanner or other similar device, a paper ballot prepared by the voter to be mailed to an election official (whether from a domestic or overseas location), a paper ballot created through the use of a nontabulating ballot marking device or system, or, in the case of an election held before 2012, a paper ballot produced by a direct recording electronic voting machine, so long as in each case the voter is permitted to verify the ballot in a paper form in accordance with this subparagraph.

''(II) The voting system shall provide the voter with an opportunity to correct any error made by the system in the voter-verified paper ballot before the permanent voter-verified paper ballot is preserved in accordance with clause (ii).

''(III) The voting system shall not preserve the voter-verified paper ballots in any manner that makes it possible, at any time after the ballot has been cast, to associate a voter with the record of the voter's vote.

''(ii) PRESERVATION.—The individual, durable, voter-verified, paper ballot produced in accordance with clause (i) shall be used as the official ballot for purposes of any recount or audit conducted with respect to any election for Federal office in which the voting system is used, and shall be preserved—

''(I) in the case of votes cast at the polling place on the date of the election, within the polling place in a secure manner; or

''(II) in any other case, in a secure manner which is consistent with the manner employed by the jurisdiction for preserving paper ballots in general.

''(iii) MANUAL AUDIT CAPACITY.—(I) Each paper ballot produced pursuant to clause (i) shall be suitable for a manual audit equivalent to that of a paper ballot voting system, and shall be counted by hand in any recount or audit conducted with respect to any election for Federal office.

''(II) In the event of any inconsistencies or irregularities between any electronic vote tallies and the vote tallies determined by counting by hand the individual, durable, voter-verified, paper ballots produced pursuant to clause (i), and subject to subparagraph (B), the individual, durable, voter-verified, paper ballots shall be the true and correct record of the votes cast.

''(B) SPECIAL RULE FOR TREATMENT OF DISPUTES WHEN PAPER BALLOTS HAVE BEEN SHOWN TO BE COMPROMISED.—

''(i) IN GENERAL.—In the event that—

''(I) there is any inconsistency between any electronic vote tallies and the vote tallies determined by counting by hand the individual, durable, voter-verified, paper ballots produced pursuant to subparagraph (A)(i) with respect to any election for Federal office; and

''(II) it is demonstrated by clear and convincing evidence (as determined in accordance with the applicable standards in the jurisdiction involved) in any recount, audit, or contest of the result of the election that the paper ballots have been compromised (by damage or mischief or otherwise) and that a sufficient number of the ballots have been so compromised that the result of the election could be changed,

the determination of the appropriate remedy with respect to the election shall be made in accordance with applicable State law, except that the electronic tally shall not be used as the exclusive basis for determining the official certified vote tally.

''(ii) RULE FOR CONSIDERATION OF BALLOTS ASSOCIATED WITH EACH VOTING MACHINE.—For purposes of clause (i), only the paper ballots deemed compromised, if any, shall be considered in the calculation of whether or not the result of the election could be changed due to the compromised paper ballots.''.

(2) CONFORMING AMENDMENT CLARIFYING APPLICABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—Section 301(a)(4) of such Act (42 U.S.C. 15481(a)(4)) is amended by inserting ''(including the paper ballots required to be produced under paragraph (2) and the notices required under paragraphs (7) and (13)(C)'' after ''voting system''.

(3) OTHER CONFORMING AMENDMENTS.—Section 301(a)(1) of such Act (42 U.S.C. 15481(a)(1)) is amended—

(A) in subparagraph (A)(i), by striking ''counted'' and inserting ''counted, in accordance with paragraphs (2) and (3)'';

(B) in subparagraph (A)(ii), by striking ''counted'' and inserting ''counted, in accordance with paragraphs (2) and (3)'';

(C) in subparagraph (A)(iii), by striking ''counted'' each place it appears and inserting ''counted, in accordance with paragraphs (2) and (3)''; and

(D) in subparagraph (B)(ii), by striking ''counted'' and inserting ''counted, in accordance with paragraphs (2) and (3)''.

(b) ACCESSIBILITY AND BALLOT VERIFICATION FOR INDIVIDUALS WITH DISABILITIES.—

(1) IN GENERAL.—Section 301(a)(3)(B) of such Act (42 U.S.C. 15481(a)(3)(B)) is amended to read as follows:

''(B)(i) satisfy the requirement of subparagraph (A) through the use of at least one voting system equipped for individuals with disabilities, including nonvisual and enhanced visual accessibility for the blind and visually impaired, at each polling place; and

''(ii) meet the requirements of subparagraph (A) and paragraph (2)(A) by using a system that—

''(I) allows the voter to privately and independently verify the permanent paper ballot through the presentation, in accessible form, of the printed or marked vote selections from the same printed or marked information that would be used for any vote counting or auditing;

''(II) ensures that the entire process of ballot verification and vote casting is equipped for individuals with disabilities, including nonvisual and enhanced visual accessibility for the blind and visually impaired; and

''(III) does not preclude the supplementary use of Braille or tactile ballots; and''.

(2) SPECIFIC REQUIREMENT OF STUDY, TESTING, AND DEVELOPMENT OF ACCESSIBLE BALLOT VERIFICATION MECHANISMS.—

(A) STUDY AND REPORTING.—Subtitle C of title II of such Act (42 U.S.C. 15381 et seq.) is amended—

(i) by redesignating section 247 as section 248; and

(ii) by inserting after section 246 the following new section:

''SEC. 247. STUDY AND REPORT ON ACCESSIBLE BALLOT VERIFICATION MECHANISMS.

''(a) STUDY AND REPORT.—The Director of the National Institute of Standards and Technology shall study, test, and develop best practices to enhance the accessibility of ballot verification mechanisms for individuals with disabilities, for voters whose primary language is not English, and for voters with difficulties in literacy, including best practices for the mechanisms themselves and the processes through which the mechanisms are used. In carrying out this section, the Director shall specifically investigate existing and potential methods or devices, including non-electronic devices, that will assist such individuals and voters in creating voter-verified paper ballots and presenting or transmitting the information printed or marked on such ballots back to such individuals and voters.

''(b) COORDINATION WITH GRANTS FOR TECHNOLOGY IMPROVEMENTS.—The Director shall coordinate the activities carried out under subsection (a) with the research conducted under the grant program carried out by the Commission under section 271, to the extent that the Director and Commission determine necessary to provide for the advancement of accessible voting technology.

''(c) DEADLINE.—The Director shall complete the requirements of subsection (a) not later than December 31, 2008.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a) $3,000,000, to remain available until expended.''.

(B) CLERICAL AMENDMENT.—The table of contents of such Act is amended—

(i) by redesignating the item relating to section 247 as relating to section 248; and

(ii) by inserting after the item relating to section 246 the following new item:

''Sec. 247. Study and report on accessible ballot verification mechanisms.''.

(3) CLARIFICATION OF ACCESSIBILITY STANDARDS UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In adopting any voluntary guidance under subtitle B of title III of the Help America Vote Act with respect to the accessibility of the paper ballot verification requirements for individuals with disabilities, the Election Assistance Commission shall include and apply the same accessibility standards applicable under the voluntary guidance adopted for accessible voting systems under such subtitle.

(c) ADDITIONAL VOTING SYSTEM REQUIREMENTS.—

(1) REQUIREMENTS DESCRIBED.—Section 301(a) of such Act (42 U.S.C. 15481(a)) is amended by adding at the end the following new paragraphs:

''(7) INSTRUCTION REMINDING VOTERS OF IMPORTANCE OF VERIFYING PAPER BALLOT.—

''(A) IN GENERAL.—The appropriate election official at each polling place shall cause to be placed in a prominent location in the polling place which is clearly visible from the voting booths a notice, in large font print accessible to the visually impaired, advising voters that the paper ballots representing their votes shall serve as the vote of record in all audits and recounts in elections for Federal office, and that they should not leave the voting booth until confirming that such paper ballots accurately record their vote.

''(B) SYSTEMS FOR INDIVIDUALS WITH DISABILITIES.—All voting systems equipped for individuals with disabilities shall present or transmit in accessible form the statement referred to in subparagraph (A), as well as an explanation of the verification process described in paragraph (3)(B)(ii).

''(8) PROHIBITING USE OF UNCERTIFIED ELECTION-DEDICATED VOTING SYSTEM TECHNOLOGIES; DISCLOSURE REQUIREMENTS.—

''(A) IN GENERAL.—A voting system used in an election for Federal office in a State may not at any time during the election contain or use any election-dedicated voting system technology—

''(i) which has not been certified by the State for use in the election; and

''(ii) which has not been deposited with an accredited laboratory described in section 231 to be held in escrow and disclosed in accordance with this section.

''(B) REQUIREMENT FOR AND RESTRICTIONS ON DISCLOSURE.—An accredited laboratory under section 231 with whom an election-dedicated voting system technology has been deposited shall—

''(i) hold the technology in escrow; and

''(ii) disclose technology and information regarding the technology to another person if—

''(I) the person is a qualified person described in subparagraph (C) who has entered into a nondisclosure agreement with respect to the technology which meets the requirements of subparagraph (D); or

''(II) the laboratory is required to disclose the technology to the person under State law, in accordance with the terms and conditions applicable under such law.

''(C) QUALIFIED PERSONS DESCRIBED.—With respect to the disclosure of election-dedicated voting system technology by a laboratory under subparagraph (B)(ii)(I), a 'qualified person' is any of the following:

''(i) A governmental entity with responsibility for the administration of voting and election-related matters for purposes of reviewing, analyzing, or reporting on the technology.

''(ii) A party to pre- or post-election litigation challenging the result of an election or the administration or use of the technology used in an election, including but not limited to election contests or challenges to the certification of the technology, or an expert for a party to such litigation, for purposes of reviewing or analyzing the technology to support or oppose the litigation, and all parties to the litigation shall have access to the technology for such purposes.

''(iii) A person not described in clause (i) or (ii) who reviews, analyzes, or reports on the technology solely for an academic, scientific, technological, or other investigation or inquiry concerning the accuracy or integrity of the technology.

''(D) REQUIREMENTS FOR NONDISCLOSURE AGREEMENTS.—A nondisclosure agreement entered into with respect to an election-dedicated voting system technology meets the requirements of this subparagraph if the agreement—

''(i) is limited in scope to coverage of the technology disclosed under subparagraph (B) and any trade secrets and intellectual property rights related thereto;

''(ii) does not prohibit a signatory from entering into other nondisclosure agreements to review other technologies under this paragraph;

''(iii) exempts from coverage any information the signatory lawfully obtained from another source or any information in the public domain;

''(iv) remains in effect for not longer than the life of any trade secret or other intellectual property right related thereto;

''(v) prohibits the use of injunctions barring a signatory from carrying out any activity authorized under subparagraph (C), including injunctions limited to the period prior to a trial involving the technology;

''(vi) is silent as to damages awarded for breach of the agreement, other than a reference to damages available under applicable law;

''(vii) allows disclosure of evidence of crime, including in response to a subpoena or warrant;

''(viii) allows the signatory to perform analyses on the technology (including by executing the technology), disclose reports and analyses that describe operational issues pertaining to the technology (including vulnerabilities to tampering, errors, risks associated with use, failures as a result of use, and other problems), and describe or explain why or how a voting system failed or otherwise did not perform as intended; and

''(ix) provides that the agreement shall be governed by the trade secret laws of the applicable State.

''(E) ELECTION-DEDICATED VOTING SYSTEM TECHNOLOGY DEFINED.—For purposes of this paragraph:

''(i) IN GENERAL.—The term 'election-dedicated voting system technology' means the following:

''(I) The source code used for the trusted build and its file signatures.

''(II) A complete disk image of the pre-build, build environment, and any file signatures to validate that it is unmodified.

''(III) A complete disk image of the post-build, build environment, and any file signatures to validate that it is unmodified.

''(IV) All executable code produced by the trusted build and any file signatures to validate that it is unmodified.

''(V) Installation devices and software file signatures.

''(ii) EXCLUSION.—Such term does not include 'commercial-off-the-shelf' software and hardware defined under under the 2005 voluntary voting system guidelines adopted by the Commission under section 222.

''(9) PROHIBITION OF USE OF WIRELESS COMMUNICATIONS DEVICES IN VOTING SYSTEMS.—No voting device upon which ballots are programmed or votes are cast or tabulated shall contain, use, or be accessible by any wireless, power-line, or concealed communication device, except that enclosed infrared communications devices which are certified for use in such device by the State and which cannot be used for any remote or wide area communications or used without the knowledge of poll workers shall be permitted.

''(10) PROHIBITING CONNECTION OF SYSTEM OR TRANSMISSION OF SYSTEM INFORMATION OVER THE INTERNET.—

''(A) IN GENERAL.—No voting device upon which ballots are programmed or votes are cast or tabulated shall be connected to the Internet at any time.

''(B) RULE OF CONSTRUCTION.—Nothing contained in this paragraph shall be deemed to prohibit the Commission from conducting the studies under section 242 or to conduct other similar studies under any other provision of law in a manner consistent with this paragraph.

''(11) SECURITY STANDARDS FOR VOTING SYSTEMS USED IN FEDERAL ELECTIONS.—

''(A) IN GENERAL.—No voting system may be used in an election for Federal office unless the manufacturer of such system and the election officials using such system meet the applicable requirements described in subparagraph (B).

''(B) REQUIREMENTS DESCRIBED.—The requirements described in this subparagraph are as follows:

''(i) The manufacturer and the election officials shall document the secure chain of custody for the handling of all software, hardware, vote storage media, ballots, and voter-verified ballots used in connection with voting systems, and shall make the information available upon request to the Commission.

''(ii) The manufacturer shall disclose to an accredited laboratory under section 231 and to the appropriate election official any information required to be disclosed under paragraph (8).

''(iii) After the appropriate election official has certified the election-dedicated and other voting system software for use in an election, the manufacturer may not—

''(I) alter such software; or

''(II) insert or use in the voting system any software not certified by the State for use in the election.

''(iv) At the request of the Commission—

''(I) the appropriate election official shall submit information to the Commission regarding the State's compliance with this subparagraph; and

''(II) the manufacturer shall submit information to the Commission regarding the manufacturer's compliance with this subparagraph.

''(C) DEVELOPMENT AND PUBLICATION OF BEST PRACTICES ON DOCUMENTATION OF SECURE CHAIN OF CUSTODY.—Not later than August 1, 2008, the Commission shall develop and make publicly available best practices regarding the requirement of subparagraph (B)(i).

''(D) DISCLOSURE OF SECURE CHAIN OF CUSTODY.—The Commission shall make information provided to the Commission under subparagraph (B)(i) available to any person upon request.

''(12) DURABILITY AND READABILITY REQUIREMENTS FOR BALLOTS.—

''(A) DURABILITY REQUIREMENTS FOR PAPER BALLOTS.—

''(i) IN GENERAL.—All voter-verified paper ballots required to be used under this Act (including the paper ballots provided to voters under paragraph (13)) shall be marked, printed, or recorded on durable paper.

''(ii) DEFINITION.—For purposes of this Act, paper is 'durable' if it is capable of withstanding multiple counts and recounts by hand without compromising the fundamental integrity of the ballots, and capable of retaining the information marked, printed, or recorded on them for the full duration of a retention and preservation period of 22 months.

''(B) READABILITY REQUIREMENTS FOR MACHINE-MARKED OR PRINTED PAPER BALLOTS.—All voter-verified paper ballots completed by the voter through the use of a marking or printing device shall be clearly readable by the voter without assistance (other than eyeglasses or other personal vision enhancing devices) and by a scanner or other device equipped for individuals with disabilities.

''(13) MANDATORY AVAILABILITY OF PAPER BALLOTS AT POLLING PLACES.—

''(A) REQUIRING BALLOTS TO BE OFFERED AND PROVIDED.—

''(i) IN GENERAL.—The appropriate election official at each polling place in any election for Federal office shall offer each individual

who is eligible to cast a vote in the election at the polling place the opportunity to cast the vote using a blank pre-printed paper ballot which the individual may mark by hand and which is not produced by the direct recording electronic voting machine. The official shall provide the individual with the ballot and the supplies necessary to mark the ballot.

''(ii) SPECIAL RULE FOR LOCATIONS USING DRE VOTING SYSTEMS.—In the case of a polling place that uses a direct recording electronic voting device, if the individual accepts the offer to cast the vote using a paper ballot, the official shall ensure (to the greatest extent practicable) that the waiting period for the individual to cast a vote is not greater than the waiting period for an individual who does not agree to cast the vote using such a paper ballot under this paragraph.

''(B) TREATMENT OF BALLOT.—Any paper ballot which is cast by an individual under this paragraph shall be counted and otherwise treated as a regular ballot for all purposes (including by incorporating it into the final unofficial vote count (as defined by the State) for the precinct) and not as a provisional ballot, unless the individual casting the ballot would have otherwise been required to cast a provisional ballot.

''(C) POSTING OF NOTICE.—The appropriate election official shall ensure there is prominently displayed at each polling place a notice that describes the obligation of the official to offer individuals the opportunity to cast votes using a pre-printed blank paper ballot.

''(D) TRAINING OF ELECTION OFFICIALS.—The chief State election official shall ensure that election officials at polling places in the State are aware of the requirements of this paragraph, including the requirement to display a notice under subparagraph (C), and are aware that it is a violation of the requirements of this title for an election official to fail to offer an individual the opportunity to cast a vote using a blank pre-printed paper ballot.''.

(2) REQUIRING LABORATORIES TO MEET STANDARDS PROHIBITING CONFLICTS OF INTEREST AS CONDITION OF ACCREDITATION FOR TESTING OF VOTING SYSTEM HARDWARE AND SOFTWARE.—

(A) IN GENERAL.—Section 231(b) of such Act (42 U.S.C. 15371(b)) is amended by adding at the end the following new paragraphs:

''(3) PROHIBITING CONFLICTS OF INTEREST; ENSURING AVAILABILITY OF RESULTS.—

''(A) IN GENERAL.—A laboratory may not be accredited by the Commission for purposes of this section unless—

''(i) the laboratory certifies that the only compensation it receives for the testing carried out in connection with the certification, decertification, and recertification of the manufacturer's voting system hardware and software is the payment made from the Testing Escrow Account under paragraph (4);

''(ii) the laboratory meets such standards as the Commission shall establish (after notice and opportunity for public comment) to prevent the existence or appearance of any conflict of interest in the testing carried out by the laboratory under this section, including standards to ensure that the laboratory does not have a financial interest in the manufacture, sale, and distribution of voting system hardware and software, and is sufficiently independent from other persons with such an interest;

''(iii) the laboratory certifies that it will permit an expert designated by the Commission to observe any testing the laboratory carries out under this section; and

''(iv) the laboratory, upon completion of any testing carried out under this section, discloses the test protocols, results, and all communication between the laboratory and the manufacturer to the Commission.

''(B) AVAILABILITY OF RESULTS.—Upon receipt of information under subparagraph (A), the Commission shall make the information available promptly to election officials and the public.

''(4) PROCEDURES FOR CONDUCTING TESTING; PAYMENT OF USER FEES FOR COMPENSATION OF ACCREDITED LABORATORIES.—

''(A) ESTABLISHMENT OF ESCROW ACCOUNT.—The Commission shall establish an escrow account (to be known as the 'Testing Escrow Account') for making payments to accredited laboratories for the costs of the testing carried out in connection with the certification, decertification, and recertification of voting system hardware and software.

''(B) SCHEDULE OF FEES.—In consultation with the accredited laboratories, the Commission shall establish and regularly update a schedule of fees for the testing carried out in connection with the certification, decertification, and recertification of voting system hardware and software, based on the reasonable costs expected to be incurred by the accredited laboratories in carrying out the testing for various types of hardware and software.

''(C) REQUESTS AND PAYMENTS BY MANUFACTURERS.—A manufacturer of voting system hardware and software may not have the hardware or software tested by an accredited laboratory under this section unless—

''(i) the manufacturer submits a detailed request for the testing to the Commission; and

''(ii) the manufacturer pays to the Commission, for deposit into the Testing Escrow Account established under subparagraph (A), the applicable fee under the schedule established and in effect under subparagraph (B).

''(D) SELECTION OF LABORATORY.—Upon receiving a request for testing and the payment from a manufacturer required under subparagraph (C), the Commission shall select at random (to the greatest extent practicable), from all laboratories which are accredited under this section to carry out the specific testing requested by the manufacturer, an accredited laboratory to carry out the testing.

''(E) PAYMENTS TO LABORATORIES.—Upon receiving a certification from a laboratory selected to carry out testing pursuant to subparagraph (D) that the testing is completed, along with a copy of the results of the test as required under paragraph (3)(A)(iv), the Commission shall make a payment to the laboratory from the Testing Escrow Account established under subparagraph (A) in an amount equal to the applicable fee paid by the manufacturer under subparagraph (C)(ii).

''(5) DISSEMINATION OF ADDITIONAL INFORMATION ON ACCREDITED LABORATORIES.—

''(A) INFORMATION ON TESTING.—Upon completion of the testing of a voting system under this section, the Commission shall promptly disseminate to the public the identification of the laboratory which carried out the testing.

''(B) INFORMATION ON STATUS OF LABORATORIES.—The Commission shall promptly notify Congress, the chief State election official of each State, and the public whenever—

''(i) the Commission revokes, terminates, or suspends the accreditation of a laboratory under this section;

''(ii) the Commission restores the accreditation of a laboratory under this section which has been revoked, terminated, or suspended; or

''(iii) the Commission has credible evidence of significant security failure at an accredited laboratory.''.

(B) CONFORMING AMENDMENTS.—Section 231 of such Act (42 U.S.C. 15371) is further amended—

(i) in subsection (a)(1), by striking ''testing, certification,'' and all that follows and inserting the following: ''testing of voting system hardware and software by accredited laboratories in connection with the certification, decertification, and recertification of the hardware and software for purposes of this Act.'';

(ii) in subsection (a)(2), by striking ''testing, certification,'' and all that follows and inserting the following: ''testing of its voting system hardware and software by the laboratories accredited by the Commission under this section in connection with certifying, decertifying, and recertifying the hardware and software.'';

(iii) in subsection (b)(1), by striking ''testing, certification, decertification, and recertification'' and inserting ''testing''; and

(iv) in subsection (d), by striking ''testing, certification, decertification, and recertification'' each place it appears and inserting ''testing''.

(C) DEADLINE FOR ESTABLISHMENT OF STANDARDS, ESCROW ACCOUNT, AND SCHEDULE OF FEES.—The Election Assistance Commission shall establish the standards described in section 231(b)(3) of the Help America Vote Act of 2002 and the Testing Escrow Account and schedule of fees described in section 231(b)(4) of such Act (as added by subparagraph (A)) not later than January 1, 2008.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Election Assistance Commission such sums as may be necessary to carry out the Commission's duties under paragraphs (3) and (4) of section 231 of the Help America Vote Act of 2002 (as added by subparagraph (A)).

(3) SPECIAL CERTIFICATION OF BALLOT DURABILITY AND READABILITY REQUIREMENTS FOR STATES NOT CURRENTLY USING DURABLE PAPER BALLOTS.—

(A) IN GENERAL.—If any of the voting systems used in a State for the regularly scheduled 2006 general elections for Federal office did not require the use of or produce durable paper ballots, the State shall certify to the Election Assistance Commission not later than 90 days after the date of the enactment of this Act that the State will be in compliance with the requirements of sections 301(a)(2) and 301(a)(12) of the Help America Vote of 2002, as added or amended by this subsection, in accordance with the deadlines established under this Act, and shall include in the certification the methods by which the State will meet the requirements.

(B) CERTIFICATIONS BY STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to carry out an activity covered by any certification submitted under this paragraph, the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted and such State shall submit an additional certification once such legislation is enacted.

(4) GRANTS FOR RESEARCH ON DEVELOPMENT OF ELECTION-DEDICATED VOTING SYSTEM SOFTWARE.—

(A) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following new part:

"PART 7—GRANTS FOR RESEARCH ON DEVELOPMENT OF ELECTION-DEDICATED VOTING SYSTEM SOFTWARE

"SEC. 297. GRANTS FOR RESEARCH ON DEVELOPMENT OF ELECTION-DEDICATED VOTING SYSTEM SOFTWARE.

''(a) IN GENERAL.—The Director of the National Science Foundation (hereafter in this

part referred to as the 'Director') shall make grants to not fewer than 3 eligible entities to conduct research on the development of election-dedicated voting system software.

''(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Director (at such time and in such form as the Director may require) an application containing—

''(1) certifications regarding the benefits of operating voting systems on election-dedicated software which is easily understandable and which is written exclusively for the purpose of conducting elections;

''(2) certifications that the entity will use the funds provided under the grant to carry out research on how to develop voting systems that run on election-dedicated software and that will meet the applicable requirements for voting systems under title III; and

''(3) such other information and certifications as the Director may require.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section $1,500,000 for each of fiscal years 2008 and 2009, to remain available until expended.''.

(B) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to subtitle D of title II the following:

''PART 7—GRANTS FOR RESEARCH ON DEVELOPMENT OF ELECTION-DEDICATED VOTING SYSTEM SOFTWARE

''Sec. 297. Grants for research on development of election-dedicated voting system software.''.

(d) AVAILABILITY OF ADDITIONAL FUNDING TO ENABLE STATES TO MEET COSTS OF REVISED REQUIREMENTS.—

(1) EXTENSION OF REQUIREMENTS PAYMENTS FOR MEETING REVISED REQUIREMENTS.—Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by adding at the end the following new paragraph:

''(4) For fiscal year 2008, $1,000,000,000, except that any funds provided under the authorization made by this paragraph shall be used by a State only to meet the requirements of title III which are first imposed on the State pursuant to the amendments made by section 2 of the Voter Confidence and Increased Accessibility Act of 2007, or to otherwise modify or replace its voting systems in response to such amendments.''.

(2) USE OF REVISED FORMULA FOR ALLOCATION OF FUNDS.—Section 252(b) of such Act (42 U.S.C. 15402(b)) is amended to read as follows:

''(b) STATE ALLOCATION PERCENTAGE DEFINED.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the 'State allocation percentage' for a State is the amount (expressed as a percentage) equal to the quotient of—

''(A) the voting age population of the State (as reported in the most recent decennial census); and

''(B) the total voting age population of all States (as reported in the most recent decennial census).

''(2) SPECIAL RULE FOR PAYMENTS FOR FISCAL YEAR 2008.—

''(A) IN GENERAL.—In the case of the requirements payment made to a State for fiscal year 2008, the 'State allocation percentage' for a State is the amount (expressed as a percentage) equal to the quotient of—

''(i) the sum of the number of noncompliant precincts in the State and 50% of the number of partially noncompliant precincts in the State; and

''(ii) the sum of the number of noncompliant precincts in all States and 50% of the number of partially noncompliant precincts in all States.

''(B) NONCOMPLIANT PRECINCT DEFINED.—In this paragraph, a 'noncompliant precinct' means any precinct (or equivalent location) within a State for which the voting system used to administer the regularly scheduled general election for Federal office held in November 2006 did not meet either of the requirements described in subparagraph (D).

''(C) PARTIALLY NONCOMPLIANT PRECINCT DEFINED.—In this paragraph, a 'partially noncompliant precinct' means any precinct (or equivalent location) within a State for which the voting system used to administer the regularly scheduled general election for Federal office held in November 2006 met only one of the requirements described in subparagraph (D).

''(D) REQUIREMENTS DESCRIBED.—The requirements described in this subparagraph with respect to a voting system are as follows:

''(i) The primary voting system required the use of or produced durable paper ballots (as described in section 301(a)(12)(A)) for every vote cast.

''(ii) The voting system provided that the entire process of paper ballot verification was equipped for individuals with disabilities.''.

(3) REVISED CONDITIONS FOR RECEIPT OF FUNDS.—Section 253 of such Act (42 U.S.C. 15403) is amended—

(A) in subsection (a), by striking ''A State is eligible'' and inserting ''Except as provided in subsection (f), a State is eligible''; and

(B) by adding at the end the following new subsection:

''(f) SPECIAL RULE FOR FISCAL YEAR 2008.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part, a State is eligible to receive a requirements payment for fiscal year 2008 if, not later than 90 days after the date of the enactment of the Voter Confidence and Increased Accessibility Act of 2007, the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official—

''(A) certifies to the Commission the number of noncompliant and partially noncompliant precincts in the State (as defined in section 252(b)(2)); and

''(B) files a statement with the Commission describing the State's need for the payment and how the State will use the payment to meet the requirements of title III (in accordance with the limitations applicable to the use of the payment under section 257(a)(4)).

''(2) CERTIFICATIONS BY STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to carry out any activity covered by any certification submitted under this subsection, the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted and such State shall submit an additional certification once such legislation is enacted.''.

(4) PERMITTING USE OF FUNDS FOR REIMBURSEMENT FOR COSTS PREVIOUSLY INCURRED.—Section 251(c)(1) of such Act (42 U.S.C. 15401(c)(1)) is amended by striking the period at the end and inserting the following: '', or as a reimbursement for any costs incurred after November 2004 in meeting the requirements of title III which are imposed pursuant to the amendments made by section 2 of the Voter Confidence and Increased Accessibility Act of 2007 or in otherwise upgrading or replacing voting systems in a manner consistent with such amendments (so long as the voting systems meet any of the requirements that apply with respect to elections for Federal office held in 2012 and each succeeding year).''.

(5) RULE OF CONSTRUCTION REGARDING STATES RECEIVING OTHER FUNDS FOR REPLACING PUNCH CARD, LEVER, OR OTHER VOTING MACHINES.—Nothing in the amendments made by this subsection or in any other provision of the Help America Vote Act of 2002 may be construed to prohibit a State which received or was authorized to receive a payment under title I or II of such Act for replacing punch card, lever, or other voting machines from receiving or using any funds which are made available under the amendments made by this subsection.

(6) RULE OF CONSTRUCTION REGARDING USE OF FUNDS RECEIVED IN PRIOR YEARS.—

(A) IN GENERAL.—Nothing contained in this Act or the Help America Vote Act of 2002 may be construed to prohibit a State from using funds received under title I or II of the Help America Vote Act of 2002—

(i) to purchase or acquire by other means a voting system that meets the requirements of paragraphs (2) and (3) of section 301 of the Help America Vote Act of 2002 (as amended by this Act); or

(ii) to retrofit a voting system so that it will meet such requirements,

in order to replace or upgrade (as the case may be) voting systems purchased with funds received under the Help America Vote Act of 2002 that do not require the use of or produce paper ballots.

(B) WAIVER OF NOTICE AND COMMENT REQUIREMENTS.—The requirements of subparagraphs (A), (B), and (C) of section 254(a)(11) of the Help America Vote Act of 2002 shall not apply to any State using funds received under such Act for the purposes described in clause (i) or (ii) of subparagraph (A).

(7) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to fiscal years beginning with fiscal year 2008.

(e) RESTRICTION ON USE OF DIRECT RECORDING ELECTRONIC VOTING SYSTEMS.—Section 301 of such Act (42 U.S.C. 15481), as amended by this section, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) through (d), respectively; and

(2) by inserting after subsection (a) the following new subsection:

''(b) RESTRICTION ON USE OF DIRECT RECORDING ELECTRONIC VOTING SYSTEMS.—A direct recording electronic voting system may not be used to administer any election for Federal office held in 2012 or any subsequent year.''

(f) EFFECTIVE DATE FOR NEW REQUIREMENTS.—Section 301(d) of such Act (42 U.S.C. 15481(d)), as redesignated by subsection (e), is amended to read as follows:

''(d) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

''(2) SPECIAL RULE FOR CERTAIN REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of this section which are first imposed on a State and jurisdiction pursuant to the amendments made by section 2 of the Voter Confidence and Increased Accessibility Act of 2007 shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each succeeding election for Federal office.

''(B) DELAY FOR JURISDICTIONS USING CERTAIN PAPER BALLOT PRINTERS OR CERTAIN PAPER BALLOT-EQUIPPED ACCESSIBLE MACHINES IN 2006.—

''(i) DELAY.—In the case of a jurisdiction described in clause (ii), subparagraph (A) shall apply to the jurisdiction as if the reference in such subparagraph to 'the regularly scheduled general election for Federal

office held in November 2008 and each succeeding election for Federal office' were a reference to 'elections for Federal office occurring during 2012 and each succeeding year', but only with respect to the following requirements of this section:

''(I) Paragraph (3)(B)(ii)(I) and (II) of subsection (a) (relating to access to verification from the durable paper ballot).

''(II) Paragraph (12) of subsection (a) (relating to durability and readability requirements for ballots).

''(ii) JURISDICTIONS DESCRIBED.—A jurisdiction described in this clause is—

''(I) a jurisdiction which used thermal reel-to-reel voter verified paper ballot printers attached to direct recording electronic voting machines for the administration of the regularly scheduled general election for Federal office held in November 2006 and which will continue to use such printers (or other printers which meet the requirements of paragraph (3)(B)(ii)(I) and (II) of subsection (a)) attached to such voting machines for the administration of elections for Federal office held in years before 2012; or

''(II) a jurisdiction which used voting machines which met the accessibility requirements of paragraph (3) of subsection (a) (as in effect with respect to such election) for the administration of the regularly scheduled general election for Federal office held in November 2006 and which used or produced a paper ballot, and which will continue to use such voting machines (or other voting machines which meet the requirements of this section) for the administration of elections for Federal office held in years before 2012.''.

SEC. 3. ENHANCEMENT OF ENFORCEMENT OF HELP AMERICA VOTE ACT OF 2002.

Section 401 of such Act (42 U.S.C. 15511) is amended—

(1) by striking ''The Attorney General'' and inserting ''(a) IN GENERAL.—The Attorney General''; and

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

''(b) FILING OF COMPLAINTS BY AGGRIEVED PERSONS.—

''(1) IN GENERAL.—A person who is aggrieved by a violation of section 301, 302, or 303 which has occurred, is occurring, or is about to occur may file a written, signed, notarized complaint with the Attorney General describing the violation and requesting the Attorney General to take appropriate action under this section. The Attorney General shall immediately provide a copy of a complaint filed under the previous sentence to the entity responsible for administering the State-based administrative complaint procedures described in section 402(a) for the State involved.

''(2) RESPONSE BY ATTORNEY GENERAL.—The Attorney General shall respond to each complaint filed under paragraph (1), in accordance with procedures established by the Attorney General that require responses and determinations to be made within the same (or shorter) deadlines which apply to a State under the State-based administrative complaint procedures described in section 402(a)(2). The Attorney General shall immediately provide a copy of the response made under the previous sentence to the entity responsible for administering the State-based administrative complaint procedures described in section 402(a) for the State involved.

''(c) CLARIFICATION OF AVAILABILITY OF PRIVATE RIGHT OF ACTION.—Nothing in this section may be construed to prohibit any person from bringing an action under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) (including any individual who seeks to enforce the individual's right to a voter-verified paper ballot, the right to have the voter-verified paper ballot counted in accordance with this Act, or any other right under subtitle A of title III) to enforce the uniform and nondiscriminatory election technology and administration requirements under sections 301, 302, and 303.

''(d) NO EFFECT ON STATE PROCEDURES.—Nothing in this section may be construed to affect the availability of the State-based administrative complaint procedures required under section 402 to any person filing a complaint under this subsection.''.

SEC. 4. REQUIREMENT FOR MANDATORY MANUAL AUDITS BY HAND COUNT.

(a) MANDATORY MANUAL AUDITS.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by adding at the end the following new subtitle:

''Subtitle C—Mandatory Manual Audits

''SEC. 321. REQUIRING AUDITS OF RESULTS OF ELECTIONS.

''(a) REQUIRING AUDITS.—

''(1) IN GENERAL.—In accordance with this subtitle, each State shall administer, without advance notice to the precincts selected, audits of the results of elections for Federal office held in the State (and, at the option of the State or jurisdiction involved, of elections for State and local office held at the same time as such election) consisting of random hand counts of the voter-verified paper ballots required to be produced and preserved pursuant to section 301(a)(2).

''(2) EXCEPTION FOR CERTAIN ELECTIONS.—A State shall not be required to administer an audit of the results of an election for Federal office under this subtitle if the winning candidate in the election—

''(A) had no opposition on the ballot; or

''(B) received 80% or more of the total number of votes cast in the election, as determined on the basis of the final unofficial vote count.

''(b) DETERMINATION OF ENTITY CONDUCTING AUDITS; APPLICATION OF GAO INDEPENDENCE STANDARDS.—The State shall administer audits under this subtitle through an entity selected for such purpose by the State in accordance with such criteria as the State considers appropriate consistent with the requirements of this subtitle, except that the entity must meet the general standards established by the Comptroller General and as set forth in the Comptroller General's Government Auditing Standards to ensure the independence (including the organizational independence) of entities performing financial audits, attestation engagements, and performance audits.

''(c) REFERENCES TO ELECTION AUDITOR.—In this subtitle, the term 'Election Auditor' means, with respect to a State, the entity selected by the State under subsection (b).

''SEC. 322. NUMBER OF BALLOTS COUNTED UNDER AUDIT.

''(a) IN GENERAL.—Except as provided in subsection (b), the number of voter-verified paper ballots which will be subject to a hand count administered by the Election Auditor of a State under this subtitle with respect to an election shall be determined as follows:

''(1) In the event that the unofficial count as described in section 323(a)(1) reveals that the margin of victory between the two candidates receiving the largest number of votes in the election is less than 1 percent of the total votes cast in that election, the hand counts of the voter-verified paper ballots shall occur in at least 10 percent of all precincts or equivalent locations (or alternative audit units used in accordance with the method provided for under subsection (b)) in the Congressional district involved (in the case of an election for the House of Representatives) or the State (in the case of any other election for Federal office).

''(2) In the event that the unofficial count as described in section 323(a)(1) reveals that the margin of victory between the two candidates receiving the largest number of votes in the election is greater than or equal to 1 percent but less than 2 percent of the total votes cast in that election, the hand counts of the voter-verified paper ballots shall occur in at least 5 percent of all precincts or equivalent locations (or alternative audit units used in accordance with the method provided for under subsection (b)) in the Congressional district involved (in the case of an election for the House of Representatives) or the State (in the case of any other election for Federal office).

''(3) In the event that the unofficial count as described in section 323(a)(1) reveals that the margin of victory between the two candidates receiving the largest number of votes in the election is equal to or greater than 2 percent of the total votes cast in that election, the hand counts of the voter-verified paper ballots shall occur in at least 3 percent of all precincts or equivalent locations (or alternative audit units used in accordance with the method provided for under subsection (b)) in the Congressional district involved (in the case of an election for the House of Representatives) or the State (in the case of any other election for Federal office).

''(b) USE OF ALTERNATIVE MECHANISM.—Notwithstanding subsection (a), a State may adopt and apply an alternative mechanism to determine the number of voter-verified paper ballots which will be subject to the hand counts required under this subtitle with respect to an election, so long as the alternative mechanism uses the voter-verified paper ballots to conduct the audit and the National Institute of Standards and Technology determines that the alternative mechanism will be at least as statistically effective in ensuring the accuracy of the election results as the procedure under this subtitle.

''SEC. 323. PROCESS FOR ADMINISTERING AUDITS.

''(a) IN GENERAL.—The Election Auditor of a State shall administer an audit under this section of the results of an election in accordance with the following procedures:

''(1) Within 24 hours after the State announces the final unofficial vote count (as defined by the State) in each precinct in the State, the Election Auditor shall determine and then announce the precincts or equivalent locations (or alternative audit units used in accordance with the method provided under section 322(b)) in the State in which it will administer the audits.

''(2) With respect to votes cast at the precinct or equivalent location on or before the date of the election (other than provisional ballots described in paragraph (3)), the Election Auditor shall administer the hand count of the votes on the voter-verified paper ballots required to be produced and preserved under section 301(a)(2)(A) and the comparison of the count of the votes on those ballots with the final unofficial count of such votes as announced by the State.

''(3) With respect to votes cast other than at the precinct on the date of the election (other than votes cast before the date of the election described in paragraph (2)) or votes cast by provisional ballot on the date of the election which are certified and counted by the State on or after the date of the election, including votes cast by absent uniformed services voters and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, the Election Auditor shall administer the hand count of the votes on the applicable voter-verified paper ballots required to be produced and preserved under section 301(a)(2)(A) and the comparison of the count of the votes on those ballots with

the final unofficial count of such votes as announced by the State.

''(b) USE OF PERSONNEL.—In administering the audits, the Election Auditor may utilize the services of the personnel of the State or jurisdiction, including election administration personnel and poll workers, without regard to whether or not the personnel have professional auditing experience.

''(c) LOCATION.—The Election Auditor shall administer an audit of an election—

''(1) at the location where the ballots cast in the election are stored and counted after the date of the election or such other appropriate and secure location agreed upon by the Election Auditor and the individual that is responsible under State law for the custody of the ballots; and

''(2) in the presence of the personnel who under State law are responsible for the custody of the ballots.

''(d) SPECIAL RULE IN CASE OF DELAY IN REPORTING ABSENTEE VOTE COUNT.—In the case of a State in which the final count of absentee and provisional votes is not announced until after the expiration of the 7-day period which begins on the date of the election, the Election Auditor shall initiate the process described in subsection (a) for administering the audit not later than 24 hours after the State announces the final unofficial vote count for the votes cast at the precinct or equivalent location on or before the date of the election, and shall initiate the administration of the audit of the absentee and provisional votes pursuant to subsection (a)(3) not later than 24 hours after the State announces the final unofficial count of such votes.

''(e) ADDITIONAL AUDITS IF CAUSE SHOWN.—

''(1) IN GENERAL.—If the Election Auditor finds that any of the hand counts administered under this section do not match the final unofficial tally of the results of an election, the Election Auditor shall administer hand counts under this section of such additional precincts (or equivalent jurisdictions) as the Election Auditor considers appropriate to resolve any concerns resulting from the audit and ensure the accuracy of the results.

''(2) ESTABLISHMENT AND PUBLICATION OF PROCEDURES GOVERNING ADDITIONAL AUDITS.—Not later than August 1, 2008, each State shall establish and publish procedures for carrying out the additional audits under this subsection, including the means by which the State shall resolve any concerns resulting from the audit with finality and ensure the accuracy of the results.

''(f) PUBLIC OBSERVATION OF AUDITS.—Each audit conducted under this section shall be conducted in a manner that allows public observation of the entire process.

''SEC. 324. SELECTION OF PRECINCTS.

''(a) IN GENERAL.—Except as provided in subsection (c), the selection of the precincts in the State in which the Election Auditor of the State shall administer the hand counts under this subtitle shall be made by the Election Auditor on an entirely random basis using a uniform distribution in which all precincts in a Congressional district have an equal chance of being selected, in accordance with procedures adopted by the National Institute of Standards and Technology, except that at least one precinct shall be selected at random in each county.

''(b) PUBLIC SELECTION.—The random selection of precincts under subsection (a) shall be conducted in public, at a time and place announced in advance.

''(c) MANDATORY SELECTION OF PRECINCTS ESTABLISHED SPECIFICALLY FOR ABSENTEE BALLOTS.—If a State establishes a separate precinct for purposes of counting the absentee ballots cast in an election and treats all absentee ballots as having been cast in that precinct, and if the state does not make absentee ballots sortable by precinct and include those ballots in the hand count administered with respect to that precinct, the State shall include that precinct among the precincts in the State in which the Election Auditor shall administer the hand counts under this subtitle.

''(d) DEADLINE FOR ADOPTION OF PROCEDURES BY COMMISSION.—The National Institute of Standards and Technology shall adopt the procedures described in subsection (a) not later than March 31, 2008, and shall publish them in the Federal Register upon adoption.

''SEC. 325. PUBLICATION OF RESULTS.

''(a) SUBMISSION TO COMMISSION.—As soon as practicable after the completion of an audit under this subtitle, the Election Auditor of a State shall— submit to the Commission the results of the audit, and shall include in the submission a comparison of the results of the election in the precinct as determined by the Election Auditor under the audit and the final unofficial vote count in the precinct as announced by the State and all undervotes, overvotes, blank ballots, and spoiled, voided, or cancelled ballots, as well as a list of any discrepancies discovered between the initial, subsequent, and final hand counts administered by the Election Auditor and such final unofficial vote count and any explanation for such discrepancies, broken down by the categories of votes described in paragraphs (2) and (3) of section 323(a).

''(b) PUBLICATION BY COMMISSION.—Immediately after receiving the submission of the results of an audit from the Election Auditor of a State under subsection (a), the Commission shall publicly announce and publish the information contained in the submission.

''(c) DELAY IN CERTIFICATION OF RESULTS BY STATE.—

''(1) PROHIBITING CERTIFICATION UNTIL COMPLETION OF AUDITS.—No State may certify the results of any election which is subject to an audit under this subtitle prior to—

''(A) to the completion of the audit (and, if required, any additional audit conducted under section 323(e)(1)) and the announcement and submission of the results of each such audit to the Commission for publication of the information required under this section; and

''(B) the completion of any procedure established by the State pursuant to section 323(e)(2) to resolve discrepancies and ensure the accuracy of results.

''(2) DEADLINE FOR COMPLETION OF AUDITS OF PRESIDENTIAL ELECTIONS.—In the case of an election for electors for President and Vice President which is subject to an audit under this subtitle, the State shall complete the audits and announce and submit the results to the Commission for publication of the information required under this section in time for the State to certify the results of the election and provide for the final determination of any controversy or contest concerning the appointment of such electors prior to the deadline described in section 6 of title 3, United States Code.

''SEC. 326. PAYMENTS TO STATES.

''(a) PAYMENTS FOR COSTS OF CONDUCTING AUDITS.—In accordance with the requirements and procedures of this section, the Commission shall make a payment to a State to cover the costs incurred by the State in carrying out this subtitle with respect to the elections that are the subject of the audits conducted under this subtitle.

''(b) CERTIFICATION OF COMPLIANCE AND ANTICIPATED COSTS.—

''(1) CERTIFICATION REQUIRED.—In order to receive a payment under this section, a State shall submit to the Commission, in such form as the Commission may require, a statement containing—

''(A) a certification that the State will conduct the audits required under this subtitle in accordance with all of the requirements of this subtitle;

''(B) a notice of the reasonable costs incurred or the reasonable costs anticipated to be incurred by the State in carrying out this subtitle with respect to the elections involved; and

''(C) such other information and assurances as the Commission may require.

''(2) AMOUNT OF PAYMENT.—The amount of a payment made to a State under this section shall be equal to the reasonable costs incurred or the reasonable costs anticipated to be incurred by the State in carrying out this subtitle with respect to the elections involved, as set forth in the statement submitted under paragraph (1).

''(3) TIMING OF NOTICE.—The State may not submit a notice under paragraph (1) until candidates have been selected to appear on the ballot for all of the elections for Federal office which will be the subject of the audits involved.

''(c) TIMING OF PAYMENTS.—The Commission shall make the payment required under this section to a State not later than 30 days after receiving the notice submitted by the State under subsection (b).

''(d) RECOUPMENT OF OVERPAYMENTS.—No payment may be made to a State under this section unless the State agrees to repay to the Commission the excess (if any) of—

''(1) the amount of the payment received by the State under this section with respect to the elections involved; over

''(2) the actual costs incurred by the State in carrying out this subtitle with respect to the elections involved.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for fiscal year 2008 and each succeeding fiscal year $100,000,000 for payments under this section.

''SEC. 327. EXCEPTION FOR ELECTIONS SUBJECT TO RECOUNT UNDER STATE LAW PRIOR TO CERTIFICATION.

''(a) EXCEPTION.—This subtitle does not apply to any election for which a recount under State law will commence prior to the certification of the results of the election, including but not limited to a recount required automatically because of the margin of victory between the 2 candidates receiving the largest number of votes in the election, but only if each of the following applies to the recount:

''(1) The recount commences prior to the determination and announcement by the Election Auditor under section 323(a)(1) of the precincts in the State in which it will administer the audits under this subtitle.

''(2) If the recount would apply to fewer than 100% of the ballots cast in the election—

''(A) the number of ballots counted will be at least as many as would be counted if an audit were conducted with respect to the election in accordance with this subtitle; and

''(B) the selection of the precincts in which the recount will be conducted will be made in accordance with the random selection procedures applicable under section 324.

''(3) The recount for the election meets the requirements of section 323(f) (relating to public observation).

''(4) The State meets the requirements of section 325 (relating to the publication of results and the delay in the certification of results) with respect to the recount.

''(b) CLARIFICATION OF EFFECT ON OTHER REQUIREMENTS.—Nothing in this section may be construed to waive the application of any other provision of this Act to any election (including the requirement set forth in section 301(a)(2) that the voter verified paper

ballots serve as the vote of record and shall be counted by hand in all audits and recounts, including audits and recounts described in this subtitle).

"SEC. 328. EFFECTIVE DATE.

''This subtitle shall apply with respect to elections for Federal office beginning with the regularly scheduled general elections held in November 2008.''.

(b) AVAILABILITY OF ENFORCEMENT UNDER HELP AMERICA VOTE ACT OF 2002.—Section 401 of such Act (42 U.S.C. 15511), as amended by section 3, is amended—

(1) in subsection (a), by striking the period at the end and inserting the following: '', or the requirements of subtitle C of title III.'';

(2) in subsection (b)(1), by striking ''303'' and inserting ''303, or subtitle C of title III,''; and

(3) in subsection (c)—

(A) by striking ''subtitle A'' and inserting ''subtitles A or C'', and

(B) by striking the period at the end and inserting the following: '', or the requirements of subtitle C of title III.''.

(c) GUIDANCE ON BEST PRACTICES FOR ALTERNATIVE AUDIT MECHANISMS.—

(1) IN GENERAL.—Not later than May 1, 2008, the Director of the National Institute for Standards and Technology shall establish guidance for States that wish to establish alternative audit mechanisms under section 322(b) of the Help America Vote Act of 2002 (as added by subsection (a)). Such guidance shall be based upon scientifically and statistically reasonable assumptions for the purpose of creating an alternative audit mechanism that will be at least as effective in ensuring the accuracy of election results and as transparent as the procedure under subtitle C of title III of such Act (as so added).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1) $100,000, to remain available until expended.

(d) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to title III the following:

''Subtitle C—Mandatory Manual Audits

''Sec. 321. Requiring audits of results of elections.
''Sec. 322. Number of ballots counted under audit.
''Sec. 323. Process for administering audits.
''Sec. 324. Selection of precincts.
''Sec. 325. Publication of results.
''Sec. 326. Payments to States.
''Sec. 327. Exception for elections subject to recount under State law prior to certification.
''Sec. 328. Effective date.''.

SEC. 5. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE COMMISSION FROM CERTAIN GOVERNMENT CONTRACTING REQUIREMENTS.

(a) IN GENERAL.—Section 205 of the Help America Vote Act of 2002 (42 U.S.C. 15325) is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into by the Election Assistance Commission on or after the date of the enactment of this Act.

SEC. 6. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall apply with respect to the regularly scheduled general election for Federal office in November 2008 and each succeeding election for Federal office.

By Ms. SNOWE:

S. 2297. A bill to require the FCC to conduct an economic study on the impact that low-power FM stations will have on full-power commercial FM stations; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that would require the Federal Communications Commission to fulfill its obligation of conducting an economic study on the impact low-power FM stations have on full-power commercial stations. The reason it is imperative the FCC perform this study is because we don't have a comprehensive understanding as to the effect that low-power FM stations have on their full-power counterparts.

When Congress imposed the three-adjacent-channel restriction on low-power licensees in 2001, we tasked the FCC with conducting two studies because we were concerned about the interference LPFM stations could cause with being too close in frequency to full-power commercial stations. The two studies were to determine the impact that the presence of a low-power channel would have with respect to interference with a nearby full-power station and the economic impact the presence of low power stations would bring to the commercial licensees. However, the FCC completed only one study—the interference analysis.

My legislation calls for the FCC to complete an economic study on the impact LPFM stations have on full-power commercial radio stations within 18 months and report its findings to Congress.

Volunteer, non-profit LPFM stations have found a niche but they also provide competition to full-power stations without having to incur the same costs as those commercial stations, particularly with the absence of licensing fees and employees' salaries. Most of us have raised serious concerns about the continued media consolidation that is occurring and negatively affecting localism and diversity.

Part of the reason for this consolidation is because local, independently owned stations are seeing lower profit margins, which are making it more and more difficult to continue broadcasting. Due to shrinking profit, these stations either go out of business or are sold out to larger, nationwide companies. The buy-out of local stations by out-of-town firms does more to harm diverse and locally oriented broadcasting than anything else. So we must actively investigate this trend and determine what is contributing to the diminishing returns of independently owned stations.

Some may question why perform this study since Mitre Corporation, the company that performed the initial interference study, recommended the FCC should not undertake the additional expense of a formal listener test program or a Phase II economic analysis. The reason is because the Phase II economic analysis was only on the potential radio interference impact of LPFM on incumbent full-power stations and did not take into account other economic impacts that were outside the scope of that effort. The Government must ensure that by opening up low-power FM broadcast opportunities we are not causing any undue harm to the full-power radio stations, which we have obligations to as the issuer of their licenses.

I hope my colleagues join me in supporting the critical legislation.

By Ms. SNOWE:

S. 2298. A bill to prohibit an applicant from obtaining a low-power FM license if an applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that would preserve the Federal Communications Commission's right to deny a low-power FM license if the applicant has run afoul of basic, longstanding Federal restrictions on the transmission of radio waves, such as if the applicant has been previously fined for running an unlicensed ''pirate'' radio station.

Before the issuance of low-power licenses, numerous individuals and entities operated low-power FM stations without a broadcast license. These ''pirate'' stations many times broadcasted in open defiance of the Commission's initial ban on LPFM broadcasts. From January 1998 to February 2000, the Commission shut down, on average, more than a dozen unlicensed radio stations each month. On several separate occasions, these unlicensed radio stations actually disrupted air traffic control communications.

Congress, through the enactment of the Radio Broadcast Preservation Act of 2000, directed the FCC to modify its low-power FM rules to ''prohibit any applicant from obtaining a low-power FM license if the applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934'' so the Commission could curtail these pirate stations and disruption occurrence.

My concern is by completely repealing section 632, which pending legislation proposes, it hinders the ability of the FCC to prohibit applicants from receiving low-power FM licenses. The Commission is responsible for making sure broadcasters follow the basic rules and regulations that are inherently essential to having a broadcast service that serves public interest since broadcasters are utilizing public spectrum. This legislation retains a targeted response to the problem of pirate broadcasting.

The commission is to grant a broadcast license only if the ''public interest, convenience, and necessity would be served.'' Completely repealing Section 632 could hinder the FCC from upholding this responsibility with respect to low-power FM broadcasters. For this

reason, we must act to preserve the FCC's authority to be able to prohibit low-power FM licenses to applicants that have violated basic tenets of broadcast policy—it is only logical that we do this to ensure businesses that use the public spectrum, in any capacity, adhered to laws government has put in place to serve and protect the public interest.

I hope my colleagues join me in supporting the critical legislation.

By Ms. SNOWE:

S. 2299. A bill to require the Secretary of Agriculture to establish an advisory committee to develop recommendations regarding the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that I believe is vital to the prosperity and competitiveness of an element of agriculture that is often overlooked: American aquaculture. Some experts estimate that to meet the demand for healthy, fresh aquacultural products, global production will have to double in the next 40 years. Yet in spite of this skyrocketing demand, America is at risk of being left behind by other nations who have thus far exhibited greater foresight than we have; putting into place a comprehensive infrastructure for sustainable seafood. While it is true that American aquaculture sales exceeded an impressive one billion dollars in 2005, this was a pittance when compared to the $70 billion market worldwide. In fact, in 2006 the U.S. had a trade deficit in seafood production of $9.1 billion. With demand rising so dramatically globally and, in particular, here at home, we cannot afford to fall behind any further.

That is why I have taken this opportunity to introduce the National Aquatic Animal Health Act. This legislation will begin the process of creating a national infrastructure that will attract investment, protect the valuable stocks of our aquaculture farmers from disease, and create a unique, flexible partnership between the Federal Government, State agencies, and industry groups. Dedicated to proactively monitoring seafood stocks for disease, this program will employ the resources and vast field experience of the Animal and Plant Health Inspection Service, or APHIS, coupled with experts on disease at various State agriculture and marine agencies and industry professionals to certify the health of all participating aquaculture species.

Modeled after similar animal monitoring programs already in place at APHIS, this program will provide a nationwide set of standards, the kind of uniformity that is currently absent in the aquaculture community. Instead, a myriad of jurisdictional conflicts and competing regulations among various states creates uncertainty and erects impediments to interstate commerce. But this bill is not a set of onerous regulations imposed upon the private sector by a federal agency; under the legislation, states are required to opt-in to the program. They must choose to utilize the assets available in this legislation to assist in preserving that state's particular aquaculture products.

My home State of Maine has tremendously benefited from aquaculture. There are nearly three dozen hatcheries in the State, handling both finfish and shellfish. Our 3,500 miles of coastline has served as an ideal incubator for the expansion of the aquaculture industry. The total economic activity generated from the industry State-wide was over $130 million last year, providing jobs for over 1,000 hard-working Mainers. This sort of productivity was not always the case. In 2001, nearly all the salmon stocks in Maine had to be eliminated due to an outbreak of a crippling, infectious disease known as ISA. It took the industry years to recover. Now, the Great Lakes face the threat of the virulent pathogen known as VHS. It is my hope that with swift passage of this legislation, we will no longer have to fear this kind of widespread disease and the subsequent containment costs that could cause inestimable damage to an industry that is struggling to catch up to its global competitors. I urge my colleagues to support this legislation as we move forward on debating Federal farm policy.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 2300. A bill to improve the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, I am pleased today to be introducing legislation, the Small Business Contracting Revitalization Act of 2007, designed to protect the interests of small businesses in the Federal marketplace.

As the Chairman of the Senate Committee on Small Business and Entrepreneurship, I have focused a considerable amount of energy promoting the interests of small businesses in the Federal marketplace. The legislation that we are introducing today marks a critical step forward in this process.

It is no secret that the Committee on Small Business and Entrepreneurship places a great deal of importance on moving legislation forward in a bipartisan manner, the members of my Committee understand we represent the interests of all of our Nation's small businesses, the most important and dynamic segment of our economy. And nowhere is the bipartisan consensus stronger than in the area of Federal procurement and ensuring that our Nation's small businesses receive their fair share of procurement opportunities. I am pleased to once again be introducing bipartisan legislation with the Committee's ranking member, Senator OLYMPIA SNOWE. Regardless of who has chaired the Committee during our tenure together, we have both worked hard to improve small business Federal procurement opportunities.

The legislation we are introducing today has one ultimate purpose, to expand opportunities for small businesses to contract with the Federal government. And the reality is that small businesses need all the help they can get with respect to accessing the Federal marketplace. In fiscal year 2006 according to Eagle Eye Publishing, the Federal Government missed its 23 percent contracting goal by 3 percent. That 3 percent represents more than $12 billion in lost contracting dollars for small businesses. Service-disabled veterans fared the worst when it came to Federal contracting with only 0.87 percent of Federal dollars going to their firms. Women-owned firms only took in 2.57 percent of Federal dollars while they make up more than 30 percent of all privately held firms. Minority-owned firms continue to face barriers to Federal contracting. The SDB and 8(a) program only accounted for 6.75 percent of Federal contracting. These numbers tell the stark story of why this legislation is so important. If small business is the engine that drives our economy when it comes to Federal procurement that engine needs an overhaul. Our bill looks to make that overhaul as we look at making improvements in five key areas.

The first area we attempt to make improvements in is the area of contract bundling. Although contracting bundling may have started out as a good idea it has now become the prime example of the old saying that too much of a good thing can be very, very bad. The proliferation of bundled contracts coupled with a decimation of contracting professionals within the Government threatens to kill small businesses' ability to compete for Federal contracts. In our hearing on July 18, 2007, on contracting, we heard testimony about the damage to opportunities for small businesses because of the lack of oversight and contract bundling.

Our bill looks to address those issues by ensuring: accountability of senior agency management for all incidents of bundling; timely and accurate reporting of contract bundling information by all Federal agencies; and improved oversight of bundling regulation compliance by the Small Business Administration.

The bill also ensures that contract consolidation decisions made by a department or agency, other than the Defense Department and its agencies, provide small businesses with appropriate opportunities to participate as prime contractors and subcontractors.

The second area that this bill attempts to address is subcontracting. The Committee heard in the July 18 hearing and in a May 22, 2007, hearing on minority business about the challenges that many small business subcontractors face when dealing with

prime contractors. Witnesses related that the way subcontracting compliance is calculated creates opportunity for abuse. They also related that many small businesses will spend time, money and effort preparing bid proposals to be a part of a bid team and that once the contract is won they never hear from the prime contractor again. Many also complain about lack of timely payments after they have completed work.

This bill attempts to deal with some of these issues by including provisions designed to prevent misrepresentations in subcontracting by prime contractors. To accomplish this, the bill: provides guidelines and procedures for reviewing and evaluating subcontractor participation in prime contracts; authorizes agency pilot programs that will grant contractual incentives to prime contractors who exceed their small business goals; and requires prime contractors who fail to comply with subcontracting plans to fund mentor-protégé assistance programs for small businesses.

The third area that our legislation attempts to address is the updating of the socioeconomic programs administered by the SBA. In our first hearing of the year on January 31, 2007, we heard veterans with service connected disabilities speak about the difficulty that they are having accessing the Federal marketplace. It is clear that the Government is not doing enough. In fiscal year 2006, service-disabled veteran-owned businesses only got 0.87 percent of all Federal procurement—well short of the 3 percent statutory goal.

Our bill will assist service-disabled veteran-owned small businesses in obtaining Government contract and subcontract opportunities by expanding the authority for sole-source awards to SDV firms. In addition, the bill will allow: the surviving spouse of a service-disabled veteran to retain the business's SDV designation for up to 10 years following the veteran's death; the SBA to accept SDV firm certifications from the Department of Veterans Affairs; and the establishment of an SDV mentor-protégé program by the SBA. Our veterans are returning from Iraq and Afghanistan, and we owe it to them to give them every opportunity at fulfilling the dream of entrepreneurship.

We heard from women business owners in our September 20, 2007, hearing, on women's entrepreneurship that the time has come to implement the women's procurement program. The administration has continually postponed implementing a women's procurement program that became law 7 years ago. This bill tells SBA to get it done within 90 days.

Another program sorely needing our attention is the 8(a) program. This program was created to assist socially and economically disadvantaged small businesses, but, as we heard during the May 22, 2007, hearing, the financial threshold for inclusion in the program is out-dated and too restrictive. The net-worth thresholds have not been updated since 1989. This bill allows for an inflationary adjustment to be made to the threshold and it excludes qualified retirement accounts from consideration while calculating the threshold so that businesses that belong in this program won't be shut out.

This bill also makes a number of changes to the HUBZone program. The bill would expand HUBZones to areas adjacent to military installations affected by BRAC. It will also make other changes that will expand the HUBZone program to subcontracting as well as creating a mentor protege program. I understand the stated goal of this program is to develop areas of poverty through government contracting. And while I agree that this is a laudable goal I also remember the controversy that surrounded the creation of this program in 1996. I am keenly aware that the HUBZone program was created to supplant race-conscious programs like 8(a) and the small disadvantaged business program. I fought hard to preserve those programs then and I will continue to preserve and strengthen those programs in the future. In the interests of moving this bill forward and improving all of the programs I have agreed to include these priorities for Ranking Member SNOWE. I look forward to working with her to move the priorities that are important to all of the socio-economic groups in this legislation.

The fourth area that we intend to update is the acquisition process. This bill aims to increase the number of small business contracting opportunities by including additional provisions to reduce bundled contracts and by reserving more contracts for small business concerns. The bill accomplishes this by: authorizing small business set-asides in multiple-award, multi-agency contracting vehicles; and requiring that agencies include advance plans on small business spending in their budgets and submit a report describing the impact of each bundled contract awarded by an agency. The bill also directs the SBA to annually report to Congress on small business participation in overseas Government contracts.

The last area that we tackle in this legislation is small business size and status integrity. The Committee has heard from a number of small businesses about large businesses parading as small businesses. During our July hearing we looked at the list of the top 25 small businesses doing Federal contracting. On that list at least six clearly recognizable multi-billion dollar corporations were among the top 25 small businesses listed including SAIC at number two. I have been adamant that small business contracts must go to small businesses. Small businesses are losing billions of dollars in opportunities because of these size standard loopholes.

This bill attempts to address these issues by adding a new section, Sec. 38, to the Small Business Act that is designed to strengthen the Government's ability to enforce the size and status standards for small business certification. To achieve this, the new section establishes procedures for protests, through the SBA, of small business set-aside awards made to large businesses; requires the development of training programs for small business size standards; requires a government-wide policy on prosecutions of size and status fraud; and requires a detailed review of the size standards for small businesses by the SBA within 1 year.

In closing, I want to reiterate that this has been a truly bi-partisan effort and we look forward to working with the rest of the Senate as we move this legislation forward. It is well past time to provide greater opportunities for the thousands of small business owners who wish to do business with the Federal government. I believe that this legislation is a good step toward opening those doors of opportunity.

I hope all of my colleagues will join us in supporting this bill Mr. President, 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. 2300

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 ''Small Business Contracting Revitalization Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—CONTRACT BUNDLING

Sec. 101. Leadership and oversight.
Sec. 102. Removal of impediments to contract bundling database implementation.
Sec. 103. Contract consolidation.
Sec. 104. Small business teams.

TITLE II—SUBCONTRACTING INTEGRITY

Sec. 201. GAO recommendations on subcontracting misrepresentations.
Sec. 202. Small business subcontracting improvements.
Sec. 203. Evaluating subcontracting participation.
Sec. 204. Pilot program.

TITLE III—SMALL BUSINESS PROCUREMENT PROGRAMS IMPROVEMENT

Subtitle A—Service-Disabled Veteran-Owned Small Business Program

Sec. 321. Certification.
Sec. 322. Transition period for surviving spouses or permanent care givers.
Sec. 323. Mentor-protege program.
Sec. 324. Improving opportunities for service disabled veterans.

Subtitle B—Women-Owned Small Business Program

Sec. 341. Implementation deadline.
Sec. 342. Certification.

Subtitle C—Small Disadvantaged Business Program

Sec. 361. Certification.
Sec. 362. Net worth threshold.

Sec. 363. Extension of socially and economically disadvantaged business program.

Subtitle D—Historically Underutilized Business Zones Programs

Sec. 381. HUBZone small business concerns.
Sec. 382. Military base closings.

Subtitle E—BusinessLINC Program

Sec. 391. BusinessLINC Program.

TITLE IV—ACQUISITION PROCESS

Sec. 401. Procurement improvements.
Sec. 402. Reservation of prime contract awards for small businesses.
Sec. 403. GAO study of reporting systems.
Sec. 404. Micropurchase guidelines.
Sec. 405. Reporting on overseas contracts.
Sec. 406. Agency accountability.

TITLE V—SMALL BUSINESS SIZE AND STATUS INTEGRITY

Sec. 501. Policy and presumptions.
Sec. 502. Annual certification.
Sec. 503. Meaningful protests of small business size and status.
Sec. 504. Training for contracting and enforcement personnel.
Sec. 505. Updated size standards.
Sec. 506. Small business size and status for purpose of multiple award contracts.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms ''service-disabled veteran'', ''small business concern'', and ''small business concern owned and controlled by service-disabled veterans'' have the same meanings as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the terms ''small business concern owned and controlled by socially and economically disadvantaged individuals'' and ''small business concern owned and controlled by women'' have the same meanings as in section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

TITLE I—CONTRACT BUNDLING

SEC. 101. LEADERSHIP AND OVERSIGHT.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

''(q) BUNDLING ACCOUNTABILITY MEASURES.—

''(1) GOVERNMENTWIDE ACCOUNTABILITY ON BUNDLING.—

''(A) REINSTATEMENT OF REPORTING REQUIREMENTS.—In addition to submitting such annual reports on all incidents of bundling to the Administrator as may be required under Federal law, the head of each Federal agency shall submit an annual report on all incidents of bundling to the Administrator for Federal Procurement Policy.

''(B) REPORT TO CONGRESS.—The Administrator shall promptly review and annually report to Congress information on any discrepancies between the reports on bundled contracts from Federal agencies to the Administration, the Office of Federal Procurement Policy, and the Federal procurement data system described in subsection (c)(5).

''(2) TEAMING REQUIREMENTS.—Each Federal agency shall include in each solicitation for any contract award above the substantial bundling threshold of such agency a provision soliciting small business teams and joint ventures.

''(3) IMPLEMENTATION OF COMPTROLLER GENERAL'S RECOMMENDATIONS.—Not later than 270 days after the date of enactment of this subsection, the Administrator, with the concurrence of the Administrator for Federal Procurement Policy, shall ensure that, in response to the recommendations of the Comptroller General of the United States contained in Report No. GAO–04–454, titled 'Contract Management: Impact of Strategy to Mitigate Effects of Contract Bundling Is Uncertain'—

''(A) modifications are made to the Federal procurement data system described in subsection (c)(5) to capture information concerning the impact of bundling on small business concerns;

''(B) the Administrator receives from each Federal agency an annual report containing information concerning—

''(i) the number and dollar value of bundled contract actions and contracts;

''(ii) benefit analyses (including the total dollars saved) to justify why contracts are bundled;

''(iii) the number of small business concerns losing Federal contracts because of bundling;

''(iv) how contractors awarded bundled contracts complied with the agencies subcontracting plans; and

''(v) how mitigating actions, such as teaming arrangements, provided increased contracting opportunities to small business concerns.

''(4) GOVERNMENTWIDE REVIEW OF BUNDLING INTERPRETATIONS.—

''(A) IN GENERAL.—The Administrator, with the concurrence of the Chief Counsel for Advocacy and the Inspector General, shall conduct a governmentwide review of the Federal agencies legal interpretations of antibundling statutory and regulatory requirements.

''(B) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall submit to Congress a report containing the findings of the review conducted under subparagraph (A).

''(5) AGENCY POLICIES ON REDUCTION OF CONTRACT BUNDLING.—Not later than 180 days after the date of enactment of this subsection, the head of each Federal agency shall, with concurrence of the Administrator, issue a policy on the reduction of contract bundling.

''(6) BEST PRACTICES ON CONTRACT BUNDLING REDUCTION AND MITIGATION.—Not later than 60 days after the date of the enactment of this subsection, the Administrator shall publish a guide on best practices to reduce contract bundling, as directed by the Strategy and Report on Contract Bundling issued by the Office of Management and Budget on October 29, 2002.

''(7) CONTRACT BUNDLING MITIGATION THROUGH SUBCONTRACTING.—

''(A) IN GENERAL.—The Administrator shall ensure that each State is assigned a commercial market representative to provide services for that State.

''(B) ASSIGNMENT.—A commercial market representative may not be assigned by the Administrator to provide services for more than 2 States.

''(8) CONTRACT BUNDLING OVERSIGHT.—

''(A) POLICY.—It is the policy of Congress that the Administrator shall take appropriate actions to remedy contract bundling oversight problems identified by the Inspector General of the Administration in Report No. 5–14, titled 'Audit of the Contract Bundling Program'.

''(B) CORRECTIVE ACTION.—

''(i) ASSIGNMENT OF PROCUREMENT CENTER REPRESENTATIVES.—

''(I) IN GENERAL.—The Administrator shall assign not fewer than 1 procurement center representative to each major procurement center, as designated by the Administrator under section 8(l)(6).

''(II) REPORTING.—The Administrator shall annually submit to Congress a report—

''(aa) containing a list of designations of major procurement centers in effect during the relevant fiscal year;

''(bb) detailing the criteria for designations; and

''(cc) including a trend analysis concerning the impact of reviews and placements of procurement center representatives and breakout procurement center representatives.

''(ii) TIMELY REVIEW OF BUNDLED CONTRACTS.—Not later than 30 days after receiving a submission from a Federal agency, the Administrator shall review any potential bundled contract submitted to the Administrator for review by any Federal agency.''.

(b) TECHNICAL CORRECTION.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking ''Administrator of the Office of Federal Procurement Policy'' each place such term appears and inserting ''Administrator for Federal Procurement Policy''.

(c) PROCUREMENT CENTER REPRESENTATIVES.—Section 15(l) of the Small Business Act (15 U.S.C. 644(l)) is amended—

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

''(1)(A) A procurement center representative shall carry out the activities described in paragraph (2), and shall be an advocate for the maximum practicable utilization of small business concerns, whenever appropriate.

''(B) A procurement center representative is authorized to assist contracting officers in the performance of market research in order to locate small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by veterans, and HUBZone small business concerns capable of satisfying agency needs.

''(C) Any procurement center representative assigned under this paragraph shall be in addition to the representative referred to in subsection (k).'';

(2) in paragraph (2)—

(A) by striking ''breakout'' each place that term appears;

(B) in subparagraph (F), by striking ''and'' at the end;

(C) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(H)(i) identify and review solicitations that involve contract consolidations for potential bundling of contract requirements; and

''(ii) recommend small business concern participation as contractors, including small business concern teams, whenever appropriate, prior to the issuance of a solicitation described in clause (i);

''(I) manage the activities of the breakout procurement center representative, commercial marketing representative, and technical assistant; and

''(J) submit an annual report to the Administrator containing—

''(i) the number of proposed solicitations reviewed;

''(ii) the contract recommendations made on behalf of small business concerns;

''(iii) the number and total amount of contracts broken out from bundled or consolidated contracts for full and open competition or small business concern set-aside; and

''(iv) the number and total amount of contract dollars awarded to small business concerns as a result of actions taken by the procurement center office.'';

(3) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(4) by striking paragraph (3) and inserting the following:

''(3)(A) The Administrator may assign a breakout procurement center representative, which shall be in addition to any representative assigned under paragraph (1).

''(B) A breakout procurement center representative—

''(i) shall be an advocate for the breakout of items for procurement through full and open competition or small business concern set-aside, whenever appropriate, from new, existing, bundled, or consolidated contracts; and

''(ii) is authorized—

''(I) to recommend small business concern participation in existing contracts that were previously not reviewed for small business concern participation;

''(II) to perform the duties described in paragraph (2), as necessary to perform the due diligence required for a breakout recommendation; and

''(III) to appeal the failure to act favorably on any recommendation made under subclause (I).

''(C) Any appeal under subparagraph (B)(ii)(III) shall be filed and processed in the same manner and subject to the same conditions and limitations as an appeal filed by the Administrator under subsection (a).

''(4)(A) The Administrator may assign a commercial marketing representative to identify and market small business concerns to large prime contractors and assist small business concerns in identifying and obtaining subcontracts.

''(B) A commercial marketing representative assigned under this paragraph shall—

''(i) conduct compliance reviews of prime contractors;

''(ii) counsel small business concerns on how to obtain subcontracts;

''(iii) conduct matchmaking activities to facilitate subcontracting to small business concerns;

''(iv) work in coordination with local small business development centers, technical assistance centers, and other regional economic development entities to identify small business concerns capable of competing for Federal contracts; and

''(v) provide orientation and training on the subcontracting assistance program under section 8(d)(4)(E) for both large and small business concerns.

''(C) Any commercial marketing representative assigned under this paragraph shall be in addition to any procurement center representative assigned under paragraph (1) or (3).'';

(5) in paragraph (5), as so designated by this section—

(A) in the second sentence, by inserting ''the procurement center representative and'' before ''the breakout procurement''; and

(B) in the third sentence, by striking ''(6)'';

(6) in paragraph (6), as so designated by this section—

(A) in subparagraph (A), by striking ''The breakout procurement center representative'' and inserting the following: ''The procurement center representative, breakout procurement center representative, commercial marketing representative,'';

(B) by striking subparagraph (B); and

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

(7) in paragraph (7), as so designated by this section, by striking ''other than commercial items'' and all that follows through the end of the paragraph and inserting the following: ''commercial items for authorized resale, or other than commercial items, and which has the potential to incur significant savings or create significant procurement opportunities for small business concerns as the result of the placement of a breakout procurement center representative.''; and

(8) in paragraph (8), as so designated by this section—

(A) by striking ''breakout'' each place the term appears; and

(B) by adding at the end the following:

''(C) The procurement center representative shall conduct training sessions to inform procurement staff at Federal agencies about the reporting requirements for bundled contracts and potentially bundled contracts, and how to work effectively with the procurement center representative assigned to such agencies to locate capable small business concerns to meet the needs of the agencies.''.

SEC. 102. REMOVAL OF IMPEDIMENTS TO CONTRACT BUNDLING DATABASE IMPLEMENTATION.

Section 15(p)(5)(B) of the Small Business Act (15 U.S.C. 644(p)(5)(B) is amended by striking ''procurement information'' and all that follows through the end of the subparagraph and inserting the following: ''any relevant procurement information as may be required to implement this section, and shall perform, at the request of the Administrator, any other action necessary to enable completion of the contract bundling database authorized by this section by not later than 270 days after the date of enactment of the Small Business Contracting Revitalization Act of 2007.''.

SEC. 103. CONTRACT CONSOLIDATION.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 as section 39; and

(2) by inserting after section 36 the following:

''SEC. 37. CONTRACT CONSOLIDATION.

''(a) POLICY.—Except for the Department of Defense and any agency of that department, the head of each Federal department or agency shall ensure that the decisions made by that department or agency regarding consolidation of contract requirements of that department or agency are made with a view to providing small business concerns with appropriate opportunities to participate in the procurements of that department or agency as prime contractors and appropriate opportunities to participate in such procurements as subcontractors.

''(b) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—

''(1) IN GENERAL.—Except for the Department of Defense and any agency of that department, the head of a Federal department or agency may not execute an acquisition strategy that includes a consolidation of contract requirements of that department or agency with a total value in excess of $2,000,000, unless the senior procurement executive concerned first—

''(A) conducts market research;

''(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

''(C) determines that the consolidation is necessary and justified.

''(2) DETERMINATION THAT CONSOLIDATION IS NECESSARY AND JUSTIFIED.—A senior procurement executive may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under subparagraph (B) of that paragraph. However, savings in administrative or personnel costs alone do not constitute, for such purposes, a sufficient justification for a consolidation of contract requirements in a procurement unless the total amount of the cost savings is expected to be substantial in relation to the total cost of the procurement.

''(3) BENEFITS TO BE CONSIDERED.—Benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

''(A) quality;

''(B) acquisition cycle;

''(C) terms and conditions; and

''(D) any other benefit.

''(c) DEFINITIONS.—In this section—

''(1) the terms 'consolidation of contract requirements' and 'consolidation', with respect to contract requirements of a Federal department or agency, mean a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of that department or agency for goods or services that have previously been provided to, or performed for, that department or agency under 2 or more separate contracts smaller in cost than the total cost of the contract for which the offers are solicited;

''(2) the term 'multiple award contract' means—

''(A) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

''(B) any other indeterminate delivery, indeterminate quantity contract that is entered into by the head of a Federal department or agency with 2 or more sources pursuant to the same solicitation; and

''(3) the term 'senior procurement executive concerned' means, with respect to a Federal department or agency, the official designated under section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) as the senior procurement executive for that department or agency.''.

SEC. 104. SMALL BUSINESS TEAMS.

If more than 1 business concern that is a small business concern based on the size standards established under section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is participating in a contract that is subject to section 125.6 of title 13, Code of Federal Regulations (or any successor thereto), the portion of that contract performed by each such small business concern may be aggregated in determining whether the performance of that contract is in compliance with that section if—

(1) the head of the Federal department or agency concerned makes a determination in the solicitation that such aggregation will improve contracting opportunities for such small business concerns; and

(2) the Administrator does not object to such aggregation.

TITLE II—SUBCONTRACTING INTEGRITY

SEC. 201. GAO RECOMMENDATIONS ON SUBCONTRACTING MISREPRESENTATIONS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

''(o) PREVENTION OF MISREPRESENTATIONS IN SUBCONTRACTING; IMPLEMENTATION OF COMPTROLLER GENERAL'S RECOMMENDATIONS.—

''(1) STATEMENT OF POLICY.—It is the policy of Congress that the recommendations of the Comptroller General of the United States in Report No. 05–459, concerning oversight improvements necessary to ensure maximum practicable participation by small business concerns in subcontracting, shall be implemented governmentwide, to the maximum extent possible.

''(2) CONTRACTOR COMPLIANCE.—Compliance of Federal prime contractors with small

business subcontracting plans shall be evaluated as a percentage of obligated prime contract dollars, as well as a percentage of subcontracts awarded.

''(3) ISSUANCE OF AGENCY POLICIES.—Not later than 180 days after the date of enactment of this subsection, the head of each Federal agency shall issue a policy on small business subcontracting compliance, including assignment of compliance responsibilities between contracting, small business, and program offices and periodic oversight and review activities.''.

SEC. 202. SMALL BUSINESS SUBCONTRACTING IMPROVEMENTS.

(a) CERTIFICATIONS REQUIRED.—Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end, the following:

''(G) certification that the offeror or bidder will acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from small business concerns in the amount and quality used in preparing and submitting to the contracting agency the bid or proposal, unless such small business concerns are no longer in business or can no longer meet the quality, quantity, or delivery date.''.

(b) PENALTIES FOR FALSE CERTIFICATIONS.—Section 16(f) of the Small Business Act (15 U.S.C. 645(f)) is amended by striking ''of this Act'' and inserting ''or the reporting requirements of section 8(d)(11)''.

SEC. 203. EVALUATING SUBCONTRACTING PARTICIPATION.

(a) SIGNIFICANT FACTORS.—Section 8(d)(4)(G) of the Small Business Act (15 U.S.C. 637(d)(4)(G)) is amended by striking ''a bundled'' and inserting ''any''.

(b) EVALUATION REPORTS.—Section 8(d)(10) of the Small Business Act (15 U.S.C. 637(d)(10)) is amended—

(1) by striking ''is authorized to'' and inserting ''shall'';

(2) in subparagraph (B), by striking ''and'' at the end;

(3) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(D) report the results of each evaluation under subparagraph (C) to the appropriate contracting officers.''.

(c) CENTRALIZED DATABASE; PAYMENTS PENDING REPORTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) by redesignating paragraph (11) as paragraph (14); and

(2) by inserting after paragraph (10) the following:

''(11) CERTIFICATION.—A report submitted by the prime contractor under paragraph (6)(E) to determine the attainment of a subcontract utilization goal under any subcontracting plan entered into with a Federal agency under this subsection shall contain the name and signature of the president or chief executive officer of the contractor, certifying that the subcontracting data provided in the report are accurate and complete.

''(12) CENTRALIZED DATABASE.—The results of an evaluation under paragraph (10)(C) shall be included in a national centralized governmentwide database.

''(13) PAYMENTS PENDING REPORTS.—Each Federal agency having contracting authority shall ensure that the terms of each contract for goods and services includes a provision allowing the contracting officer of an agency to withhold an appropriate amount of payment with respect to a contract (depending on the size of the contract) until the date of receipt of complete, accurate, and timely subcontracting reports in accordance with paragraph (11).''.

SEC. 204. PILOT PROGRAM.

Section 8 of the Small Business Act (15 U.S.C. 637), as amended by this Act, is amended by adding at the end the following:

''(p) SUBCONTRACTING INCENTIVES AND REMEDIAL ASSISTANCE.—

''(1) PILOT PROGRAM ON INCENTIVES AND MENTOR-PROTÉGÉ REMEDIAL ASSISTANCE.—

''(A) IN GENERAL.—Each Federal agency is authorized to operate a pilot program to provide contractual incentives to prime contractors that exceed their small business subcontracting goals and to direct prime contractors that fail to comply with their small business subcontracting plans to fund mentor-protégé assistance for small business concerns (in this subsection referred to as the 'program').

''(B) TERMINATION.—The authority under this paragraph shall terminate on September 30, 2010.

''(2) ASSESSMENT OF MENTOR-PROTÉGÉ ASSISTANCE FUNDING.—The mentor-protégé assistance funding assessed by an agency under the terms of the program shall be determined in relation to the dollar amount by which the prime contractor failed its small business subcontracting goals.

''(3) EXPENDITURE OF MENTOR-PROTÉGÉ ASSISTANCE FUNDING.—The prime contractor shall expend the mentor-protégé assistance funding assessed by the agency under the terms of the program on mentor-protégé assistance to small business concerns, as provided by a mentor-protégé agreement approved by the relevant Federal agency.

''(4) ANNUAL REPORT REQUIRED.—Each Federal agency described in paragraph (1) shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives containing a detailed description of the pilot program, as carried out by that agency, including the number of participating companies, any incentives provided to prime contractors, as appropriate, and the amounts and types of mentor-protégé assistance provided to small business concerns.''.

TITLE III—SMALL BUSINESS PROCUREMENT PROGRAMS IMPROVEMENT

Subtitle A—Service-Disabled Veteran-Owned Small Business Program

SEC. 321. CERTIFICATION.

(a) CONGRESSIONAL INTENT.—It is the intent of Congress that the Administrator should accept certifications by the Department of Veterans Affairs, under such criteria as the Administrator may prescribe, by regulation or order, in certifying small business concerns owned and controlled by service-disabled veterans

(b) REGULATIONS.—Before implementing subsection (a), the Administrator shall promulgate regulations or orders ensuring appropriate certification safeguards to be implemented by the Administration and the Department of Veterans Affairs.

(c) REGISTRATION PORTAL.—The Administrator and the Secretary of Veterans Affairs shall ensure that small business concerns owned and controlled by service-disabled veterans may apply to participate in all programs for such small business concerns of the Administrator or the Secretary through a single process.

SEC. 322. TRANSITION PERIOD FOR SURVIVING SPOUSES OR PERMANENT CARE GIVERS.

Section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) the management and daily business operations of which are controlled—

''(i) by 1 or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent care giver of such veteran; or

''(ii) for a period of not longer than 10 years after the death of a service-disabled veteran, by a surviving spouse or permanent caregiver thereof.''.

SEC. 323. MENTOR-PROTEGE PROGRAM.

The Administrator may establish a mentor-protege program for small business concerns owned and controlled by service-disabled veterans, modeled on the mentor-protege program of the Administration for small businesses participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

SEC. 324. IMPROVING OPPORTUNITIES FOR SERVICE DISABLED VETERANS.

Section 36(a) of the Small Business Act (15 U.S.C. 657f(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''may'' and inserting ''shall''; and

(2) in paragraph (1), by striking ''and the contracting officer'' and all that follows through ''contracting opportunity''.

Subtitle B—Women-Owned Small Business Program

SEC. 341. IMPLEMENTATION DEADLINE.

Not later than 90 days after the date of enactment of this Act, the Administrator shall implement the procurement program for small business concerns owned and controlled by women under section 8(m) of the Small Business Act (15 U.S.C. 637(m)).

SEC. 342. CERTIFICATION.

(a) CONGRESSIONAL INTENT.—It is the intent of Congress that the Administrator should accept certifications by other Federal agencies and State and local governments and certifications from responsible national certifying entities, under such criteria as the Administrator may prescribe, by regulation or order, in certifying small business concerns owned and controlled by women for purposes of the program under section 8(m) of the Small Business Act (15 U.S.C. 637(m)).

(b) REGULATIONS.—Prior to implementing subsection (a), the Administrator shall promulgate regulations ensuring appropriate certification safeguards to be implemented by the Administration and the agencies and entities described in subsection (a).

Subtitle C—Small Disadvantaged Business Program

SEC. 361. CERTIFICATION.

(a) CONGRESSIONAL INTENT.—It is the intent of Congress that the Administrator should accept certifications by other Federal agencies and State and local governments and certifications from responsible national certifying entities, under such criteria as the Administrator may prescribe, by regulation or order, in certifying small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) REGULATIONS.—Prior to implementing subsection (a), the Administrator shall promulgate regulations or orders ensuring appropriate certification safeguards to be implemented by the Administration and the agencies and entities described in subsection (a).

SEC. 362. NET WORTH THRESHOLD.

Section 8(a)(6)(A) of the Small Business Act (15 U.S.C. 637(a)(6)(A)) is amended—

(1) by inserting ''(i)'' after ''(6)(A)'';

(2) by striking ''In determining the degree of diminished credit'' and inserting the following:

''(ii)(I) In determining the degree of diminished credit'';

(3) by striking ''In determining the economic disadvantage'' and inserting the following:

''(iii) In determining the economic disadvantage''; and

(4) by inserting after clause (ii)(I), as so designated by this section, the following:

''(II) In determining the assets and net worth of a socially disadvantaged individual under this subparagraph, the Administrator shall not consider any assets of such individual in a qualified retirement plan, as that term is defined in section 4974(c) of the Internal Revenue Code of 1986.

''(III) The Administrator shall establish procedures that—

''(aa) account for inflationary adjustments to, and include a reasonable assumption of, the average income and net worth of market dominant competitors; and

''(bb) require an annual inflationary adjustment to the average income and net worth requirements under this subsection.''.

SEC. 363. EXTENSION OF SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESS PROGRAM.

(a) IN GENERAL.—Section 7102(c) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note) is amended by striking ''September 30, 2003'' and inserting ''September 30, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 30 days after the date of enactment of this Act.

Subtitle D—Historically Underutilized Business Zones Programs

SEC. 381. HUBZONE SMALL BUSINESS CONCERNS.

Section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3) is amended—

(1) in subparagraph (D), by striking ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(F) a small business concern owned and controlled by an organization described in section 8(a)(15).''.

SEC. 382. MILITARY BASE CLOSINGS.

(a) HUBZONE STATUS.—

(1) IN GENERAL.—Section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D)) is amended—

(A) by redesignating clauses (i), (ii), (iii), and (iv) as subclauses (I), (II), (III), and (IV), respectively, and adjusting the margin accordingly;

(B) by striking ''means lands'' and inserting the following ''means—

''(i) lands''; and

(C) by striking the period at the end and inserting the following: ''; and

''(ii) during the 5-year period beginning on the date that a military installation is closed or leased space is vacated under an authority described in clause (i), areas adjacent to or within a reasonable commuting distance of lands described in clause (i) (which shall not include any area that is more than 15 miles from the exterior boundary of that military installation) that are detrimentally, substantially, and directly economically affected by the closing of that military installation, as determined by the Secretary of Housing and Urban Development.''.

(2) FEASIBILITY STUDY.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall conduct a study of the feasibility of, and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding, designating as a HUBZone (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act) any area that does not qualify as a HUBZone solely because that area is located within a county located within a metropolitan statistical area (as defined by the Office of Management and Budget). The report submitted under this paragraph shall include any legislative recommendations relating to the findings of the feasibility study conducted under this paragraph.

(b) SUBCONTRACTING GOAL.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended by inserting ''and subcontract'' after ''not less than 3 percent of the total value of all prime contract''.

(c) MENTOR-PROTEGE PROGRAM.—The Administrator may establish a mentor-protege program for HUBZone small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) and small business concerns owned and controlled by women, modeled on the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

Subtitle E—BusinessLINC Program

SEC. 391. BUSINESSLINC PROGRAM.

Section 8(n) of the Small Business Act (15 U.S.C. 637(n)) is amended to read as follows:

''(n) BUSINESS GRANTS AND COOPERATIVE AGREEMENTS.—

''(1) IN GENERAL.—In accordance with this subsection, the Administrator shall make grants available to enter into cooperative agreements with any coalition of private entities, not-for-profit entities, public entities, or any combination of private, not-for-profit, and public entities—

''(A) to expand business-to-business relationships between large and small business concerns; and

''(B) to provide, directly or indirectly, with online information and a database of companies that are interested in mentor-protégé programs or community-based, statewide, or local business development programs.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for each of fiscal years 2008 through 2010, to remain available until expended.

''(3) REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than April 30, 2009, and annually thereafter, the Associate Administrator of Business Development of the Administration shall collect data on the BusinessLINC Program and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the BusinessLINC Program.

''(B) CONTENTS.—Each report submitted under subparagraph (A) shall include, for the year covered by the report—

''(i) the number of programs administered in each State under the BusinessLINC Program;

''(ii) the number of grant awards under each program described in clause (i) and the date of each such award;

''(iii) the number of participating large businesses and participating small business concerns;

''(iv) the number and dollar amount of the contracts in effect in each State as a result of the programs run by each grant recipient under the BusinessLINC Program; and

''(v) the number of mentor-protégé, teaming relationships, or partnerships created as a result of the BusinessLINC Program.

''(4) DEFINITION.—In this subsection, the term 'BusinessLINC Program' means the grant program authorized under paragraph (1).''.

TITLE IV—ACQUISITION PROCESS

SEC. 401. PROCUREMENT IMPROVEMENTS.

Section 15 of the Small Business Act (15 U.S.C. 644), as amended by this Act, is amended by adding at the end the following:

''(r) BUNDLING DATA FIELDS.—For each contract (including task or delivery orders against governmentwide or other multiple award contracts, indefinite quantity or indefinite delivery contracts, and blanket purchase agreements) that is bundled or consolidated, an agency shall report publicly, not later than 7 days after the date of the award, by means of the Federal governmentwide procurement data system described in subsection (c)(5)—

''(1) the number of contracts involving small business concerns that were displaced by the bundled or consolidated action;

''(2) the number of small business concerns that the contracting officer identified as able to bid on all or part of requirements; and

''(3) the projected cost savings anticipated as a result of bundling or consolidating the requirements.

''(s) GOVERNMENTWIDE SMALL BUSINESS TRAINING.—The Administrator, in conjunction with the head of any other appropriate Federal agency, shall coordinate the development of governmentwide training courses on small business contracting and subcontracting with small business concerns, with special focus on the role of the small business specialist as a vital part of the acquisition team.''.

SEC. 402. RESERVATION OF PRIME CONTRACT AWARDS FOR SMALL BUSINESSES.

Section 15 of the Small Business Act (15 U.S.C. 644), as amended by this Act, is amended by adding at the end the following:

''(t) MULTIPLE AWARD CONTRACTS.—Not later than 180 days after the date of enactment of this subsection, the head of each Federal agency, with the concurrence of the Administrator, shall, by regulation, establish criteria for such agency—

''(1) setting aside part or parts of a multiple award contract for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2);

''(2) setting aside multiple award contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2); and

''(3) reserving 1 or more contract awards for small business concerns under full and open multiple award procurements, including the subcategories of small business concerns identified in subsection (g)(2).''.

SEC. 403. GAO STUDY OF REPORTING SYSTEMS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of—

(1) the accuracy and timeliness of data collected under the Small Business Act (15 U.S.C. 631 et seq.) in the CCR database of the Administration, or any successor database, the Federal procurement data system described in section 15(c)(5) of the Small Business Act (15 U.S.C. 644(c)(5)), and the Subcontracting Reporting System; and

(2) the availability of small business information in these computer-based systems to Congress, Federal agencies, and the public.

(b) MATTERS COVERED.—The study conducted under subsection (a) shall include—

(1) an assessment of the accuracy and timeliness of the information provided by the data collection systems described in subsection (a)(1) and recommendations as to how any deficiencies in such systems can be eliminated;

(2) a review of the system manuals for such systems and a determination of the adequacy of such manuals in assisting proper operation and administration of the systems;

(3) a review of the user manuals for such systems and a determination of the clarity and ease of use of such manuals in assisting those reporting into such systems and those obtaining information from such systems;

(4) the adequacy of the training given to individuals responsible for reporting into such systems and recommendations for any necessary improvements;

(5) an assessment of the adequacy of any safeguards in such systems against the reporting of inaccurate and untimely data and the need for any additional safeguards; and

(6) the system architecture, Internet access, user-friendly characteristics, flexibility to add new data fields, ability to provide structured and unstructured reports, range of information necessary to meet user needs, and adequacy of system and user manuals and instructions of such systems.

(c) REPORT.—Not later than November 30, 2008, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of the study under this section.

SEC. 404. MICROPURCHASE GUIDELINES.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Federal Procurement Policy shall issue guidelines regarding the analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in micropurchases, consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micropurchases.

SEC. 405. REPORTING ON OVERSEAS CONTRACTS.

Not later than 180 days after the end of each fiscal year, the Administrator shall submit to Congress a report identifying what portion of contracts and subcontracts awarded for performance outside of the United States were awarded to small business concerns.

SEC. 406. AGENCY ACCOUNTABILITY.

(a) IN GENERAL.—Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) in the first sentence, by striking ''shall, after consultation'' and inserting the following: ''shall—

''(i) after consultation'';

(3) by striking ''agency. Goals established'' and inserting the following: ''agency;

''(ii) identify a percentage of the procurement budget of the agency to be awarded to small business concerns, in consultation with the Office of Small and Disadvantaged Business Utilization of the agency, which information shall be included in the strategic plan required under section 306 of title 5, United States Code, and the annual budget submission to Congress by that agency, and, upon request, in any testimony provided by that agency before Congress in connection with the budget process; and

''(iii) report, as part of its annual performance plan, the extent to which the agency achieved the goals referred to in clause (ii), and appropriate justification for any failure to do so.

''(B) Goals established'';

(4) by striking ''Whenever'' and inserting the following:

''(C) Whenever'';

(5) by striking ''For the purpose of'' and inserting the following:

''(D) For the purpose of'';

(6) in the last sentence—

(A) by striking ''(A) contracts'' and inserting ''(i) contracts''; and

(B) by striking ''(B) contracts'' and inserting ''(ii) contracts''; and

(7) by adding at the end the following:

''(E)(i) Each procurement employee described in clause (ii)—

''(I) shall communicate to their subordinates the importance of achieving small business goals; and

''(II) shall have as a significant factor in the annual performance evaluation of that procurement employee, where appropriate, the success of that procurement employee in small business utilization, in accordance with the goals established under this subsection.

''(ii) A procurement employee described in this clause is a senior procurement executive, senior program manager, or small and disadvantaged business utilization manager of a Federal agency having contracting authority.''.

(b) ANNUAL REPORTS.—Section 10(d) of the Small Business Act (15 U.S.C. 639(d)) is amended—

(1) by inserting ''and each agency that is a member of the President's Management Council (or any successor thereto)'' after ''Department of Defense'' the first place that term appears; and

(2) by inserting ''or that agency'' after ''Department of Defense'' the second place that term appears.

TITLE V—SMALL BUSINESS SIZE AND STATUS INTEGRITY

SEC. 501. POLICY AND PRESUMPTIONS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(s) PRESUMPTION.—

''(1) IN GENERAL.—In every contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant which is set aside, reserved, or otherwise classified as intended for award to small business concerns, there shall be a presumption of loss to the United States based on the total dollars expended on such contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant whenever it is established that a business concern other than a small business concern willfully sought and received the award by misrepresentation.

''(2) DEEMED CERTIFICATIONS.—The following actions shall be deemed affirmative, willful, and intentional certifications of small business size and status:

''(A) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement reserved, set aside, or otherwise classified as intended for award to small business concerns.

''(B) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement which in any way encourages a Federal agency to classify such bid or proposal, if awarded, as an award to a small business concern.

''(C) Registration on any Federal electronic database for the purpose of being considered for award of a Federal grant, contract, subcontract, cooperative agreement, or cooperative research agreement, as a small business concern.

''(3) PAPER-BASED CERTIFICATION BY SIGNATURE OF RESPONSIBLE OFFICIAL.—

''(A) IN GENERAL.—Each solicitation, bid, or application for a Federal contract, subcontract, or grant shall contain a certification concerning the small business size and status of a business concern seeking such Federal contract, subcontract, or grant.

''(B) CONTENT OF CERTIFICATIONS.—A certification that a business concern qualifies as a small business concern of the exact size and status claimed by such business concern for purposes of bidding on a Federal contract or subcontract, or applying for a Federal grant, shall contain the signature of a director, officer, or counsel on the same page on which the certification is contained.

''(4) REGULATIONS.—The Administrator shall promulgate regulations to provide adequate protections to individuals and business concerns from liability under this subsection in cases of unintentional errors, technical malfunctions, and other similar situations.''.

SEC. 502. ANNUAL CERTIFICATION.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act, is amended by adding at the end the following:

''(t) ANNUAL CERTIFICATION.—

''(1) IN GENERAL.—Each business certified as a small business concern under this Act shall annually certify its small business size and, if appropriate, its small business status, by means of a confirming entry on the CCR database of the Administration, or any successor thereto.

''(2) REGULATIONS.—Not later than 120 days after the date of enactment of this subsection, the Administrator, in consultation with the Inspector General and the Chief Counsel for Advocacy of the Administration, shall promulgate regulations to ensure that—

''(A) no business concern continues to be certified as a small business concern on the CCR database of the Administration, or any successor thereto, without fulfilling the requirements for annual certification under this subsection; and

''(B) the requirements of this subsection are implemented in a manner presenting the least possible regulatory burden on small business concerns.

''(3) DETERMINATION OF SIZE STATUS.—Small business size or status for purposes of this Act shall be determined at the time of the award of a Federal—

''(A) contract, provided that, in the case of interagency multiple award contracts, small business size, or status shall be determined annually, except for purposes of the award of each task or delivery order set aside or reserved for small business concerns;

''(B) subcontract;

''(C) grant;

''(D) cooperative agreement; or

''(E) cooperative research and development agreement.''.

SEC. 503. MEANINGFUL PROTESTS OF SMALL BUSINESS SIZE AND STATUS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 37, as added by this Act, the following:

''SEC. 38. SMALL BUSINESS SIZE AND STATUS PROTEST SYSTEM.

''(a) DEFINITIONS.—In this section:

''(1) PROTEST.—The term 'protest' means a written objection by an interested party to a violation of any small business size or status requirement established under any provision of law, including section 3, in connection with—

''(A) a solicitation or other request by a Federal agency for offers for a contract for the procurement of property or services;

''(B) the cancellation of such a solicitation or other request;

''(C) an award or proposed award of such a contract; or

''(D) a termination or cancellation of an award of such a contract, if the written objection contains an allegation that the termination or cancellation is based in whole or in part on improprieties concerning the award of the contract.

''(2) INTERESTED PARTY.—

''(A) IN GENERAL.—The term 'interested party', with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of

the contract or by failure to award the contract.

''(B) INCLUSIONS.—The term 'interested party' includes the official responsible for submitting the Federal agency tender in a public-private competition conducted under Office of Management and Budget Circular A–76 (or any successor thereto) regarding an activity or function of a Federal agency performed by more than 65 full-time equivalent employees of the Federal agency.

''(3) FEDERAL AGENCY.—The term 'Federal agency' has the same meaning as in section 102 of title 40, United States Code.

''(b) REVIEW OF PROTESTS; EFFECT ON CONTRACTS PENDING DECISION.—

''(1) IN GENERAL.—Under procedures established under subsection (d), the Administrator shall decide a protest submitted to the Administrator by an interested party.

''(2) RECEIPTS OF PROTESTS.—

''(A) IN GENERAL.—Not later than 1 day after the receipt of a protest, the Administrator shall notify the Federal agency involved of the protest.

''(B) AGENCIES.—Except as provided in subparagraph (C), a Federal agency receiving a notice of a protested procurement under subparagraph (A) shall submit to the Administrator a complete report (including all relevant documents) on the small business size or status aspects of the protested procurement—

''(i) not later than 30 days after the date of the receipt of that notice by the agency;

''(ii) if the Administrator, upon a showing by the Federal agency, determines (and states the reasons in writing) that the specific circumstances of the protest require a longer period, within the longer period determined by the Administrator; or

''(iii) in a case determined by the Administrator to be suitable for the express option under subsection (c)(1)(B), not later than 20 days after the date of the receipt of that determination by the agency.

''(C) EXCEPTIONS.—A Federal agency need not submit a report to the Administrator under subparagraph (B) if the agency is notified by the Administrator before the date on which such report is to be submitted that the protest concerned has been dismissed under subsection (c)(1)(D).

''(3) AWARD OF CONTRACTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a contract may not be awarded in any procurement after the Federal agency has received notice of a protest with respect to such procurement from the Administrator and while the protest is pending.

''(B) EXCEPTIONS.—The head of the procuring activity responsible for award of a contract may authorize the award of the contract (notwithstanding a protest of which the Federal agency has notice under this section)—

''(i) upon a written finding that urgent and compelling circumstances which significantly affect interests of the United States will not permit waiting for the decision of the Administrator under this section; and

''(ii) after the Administrator is advised of that finding.

''(C) URGENT AND COMPELLING CIRCUMSTANCES.—A finding may not be made under subparagraph (B)(i), unless the award of the contract is otherwise likely to occur within 30 days after the making of such finding.

''(4) PERFORMANCE.—

''(A) IN GENERAL.—A contractor awarded a Federal agency contract may, during the period described in subparagraph (D), begin performance of the contract and engage in any related activities that result in obligations being incurred by the United States under the contract, unless the contracting officer responsible for the award of the contract withholds authorization to proceed with performance of the contract.

''(B) AUTHORIZATION WITHHELD.—The contracting officer may withhold an authorization to proceed with performance of the contract during the period described in subparagraph (D) if the contracting officer determines in writing that—

''(i) a protest is likely to be filed with the Administrator alleging a violation of a small business size or status requirement; and

''(ii) the immediate performance of the contract is not in the best interests of the United States.

''(C) NOTICE OF PROTEST.—

''(i) IN GENERAL.—If the Federal agency awarding the contract receives notice of a protest in accordance with this subsection during the period described in subparagraph (D)—

''(I) the contracting officer may not authorize performance of the contract to begin while the protest is pending; or

''(II) if authorization for contract performance to proceed was not withheld in accordance with subparagraph (B) before receipt of the notice, the contracting officer shall immediately direct the contractor to cease performance under the contract and to suspend any related activities that may result in additional obligations being incurred by the United States under that contract.

''(ii) PERFORMANCE.—Performance and related activities suspended under clause (i)(II) by reason of a protest may not be resumed while the protest is pending.

''(iii) EXCEPTIONS.—The head of the procuring activity may authorize the performance of the contract (notwithstanding a protest of which the Federal agency has notice under this section)—

''(I) upon a written finding that—

''(aa) performance of the contract is in the best interests of the United States; or

''(bb) urgent and compelling circumstances that significantly affect interests of the United States will not permit waiting for the decision of the Administrator concerning the protest; and

''(II) after the Administrator is notified of that finding.

''(D) TIME PERIOD.—The period described in this subparagraph, with respect to a contract, is the period beginning on the date of the contract award and ending on the later of—

''(i) the date that is 10 days after the date of the contract award; or

''(ii) the date that is 5 days after the debriefing date offered to an unsuccessful offeror for any debriefing that is requested and, when requested, is required.

''(5) NONDELEGATION.—The authority of the head of the procuring activity to make findings and to authorize the award and performance of contracts under paragraphs (3) and (4) may not be delegated.

''(6) PROVISION OF DOCUMENTS.—

''(A) IN GENERAL.—Within such deadlines as the Administrator prescribes, and upon request, each Federal agency shall provide to an interested party any document relevant to a protested procurement action (including the report required by paragraph (2)(B)) that would not give that party a competitive advantage and that the party is otherwise authorized by law to receive.

''(B) PROTECTIVE ORDERS.—

''(i) IN GENERAL.—The Administrator may issue protective orders which establish terms, conditions, and restrictions for the provision of any document to a party under subparagraph (A), that prohibit or restrict the disclosure by the party of information described in clause (ii) that is contained in such a document.

''(ii) TYPES OF INFORMATION.—Information referred to in clause (i) is procurement sensitive information, trade secrets, or other proprietary or confidential research, development, or commercial information.

''(iii) INFORMATION TO THE FEDERAL GOVERNMENT.—A protective order under this subparagraph shall not be considered to authorize the withholding of any document or information from Congress or an executive agency.

''(7) INTERESTED PARTIES.—If an interested party files a protest in connection with a public-private competition described in subsection (a)(2)(B), a person representing a majority of the employees of the Federal agency who are engaged in the performance of the activity or function subject to the public-private competition may intervene in protest.

''(c) DECISIONS ON PROTESTS.—

''(1) IN GENERAL.—

''(A) INEXPENSIVE AND EXPEDITIOUS RESOLUTION.—To the maximum extent practicable, the Administrator shall provide for the inexpensive and expeditious resolution of protests under this section. Except as provided under subparagraph (B), the Administrator shall issue a final decision concerning a protest not later than 100 days after the date on which the protest is submitted to the Administration.

''(B) EXPRESS OPTION.—The Administrator shall, by regulation established under subsection (d), establish an express option for deciding those protests which the Administrator determines suitable for resolution, not later than 65 days after the date on which the protest is submitted.

''(C) AMENDMENTS.—An amendment to a protest that adds a new ground of protest, if timely made, should be resolved, to the maximum extent practicable, within the time limit established under subparagraph (A) for final decision of the initial protest. If an amended protest cannot be resolved within such time limit, the Administrator may resolve the amended protest through the express option under subparagraph (B).

''(D) FRIVOLOUS PROTESTS.—The Administrator may dismiss a protest that the Administrator determines is frivolous or which, on its face, does not state a valid basis for protest.

''(2) COMPLIANCE WITH LAW.—

''(A) IN GENERAL.—With respect to a solicitation for a contract, or a proposed award or the award of a contract, protested under this section, the Administrator may determine whether the solicitation, proposed award, or award complies with statutes and regulations regarding small business size or status. If the Administrator determines that the solicitation, proposed award, or award does not comply with a statute or regulation, the Administrator shall recommend that the Federal agency—

''(i) refrain from exercising any of its options under the contract;

''(ii) recompete the contract immediately;

''(iii) issue a new solicitation;

''(iv) terminate the contract;

''(v) award a contract consistent with the requirements of such statutes and regulations; or

''(vi) implement such other recommendations as the Administrator determines to be necessary in order to promote compliance with procurement statutes and regulations.

''(B) BEST INTERESTS OF UNITED STATES.—If the head of the procuring activity responsible for a contract makes a finding described in subsection (b)(4)(C)(iii)(I)(aa), the Administrator shall make recommendations under this paragraph without regard to any cost or disruption from terminating, recompeting, or reawarding the contract.

''(C) IMPLEMENTATION.—If the Federal agency fails to implement fully the recommendations of the Administrator under this paragraph with respect to a solicitation for a contract or an award or proposed award of a contract by the date that is 60 days after the date on which the agency received the recommendations, the head of the procuring activity responsible for that contract shall report such failure to the Administrator not later than 5 days after the end of such 60-day period.

''(3) PAYMENT OF COSTS.—

''(A) IN GENERAL.—If the Administrator determines that a solicitation for a contract or a proposed award or the award of a contract does not comply with a statute or regulation, the Administrator may recommend that the Federal agency conducting the procurement pay to an appropriate interested party the costs of—

''(i) filing and pursuing the protest, including reasonable attorney's fees and consultant and expert witness fees; and

''(ii) bid and proposal preparation.

''(B) COSTS NOT INCLUDED.—No party (other than a small business concern) may be paid, under a recommendation made under the authority of subparagraph (A)—

''(i) costs for consultant and expert witness fees that exceed the highest rate of compensation for expert witnesses paid by the Federal Government; or

''(ii) costs for attorney's fees that exceed $300 per hour, unless the agency determines, based on the recommendation of the Administrator on a case by case basis, that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

''(C) RECOMMENDATION TO PAY COSTS.—If the Administrator recommends under subparagraph (A) that a Federal agency pay costs to an interested party, the Federal agency shall—

''(i) pay the costs promptly; or

''(ii) if the Federal agency does not make such payment, promptly report to the Administrator the reasons for the failure to follow the Administrator's recommendation.

''(D) AGREEMENT ON AMOUNT.—If the Administrator recommends under subparagraph (A) that a Federal agency pay costs to an interested party, the Federal agency and the interested party shall attempt to reach an agreement on the amount of the costs to be paid. If the Federal agency and the interested party are unable to agree on the amount to be paid, the Administrator may, upon the request of the interested party, recommend to the Federal agency the amount of the costs that the Federal agency should pay.

''(4) DECISIONS.—Each decision of the Administrator under this section shall be signed by the Administrator or a designee for that purpose. A copy of the decision shall be made available to the interested parties, the head of the procuring activity responsible for the solicitation, proposed award, or award of the contract, and the senior procurement executive of the Federal agency involved.

''(5) REPORTS.—

''(A) FAILURE TO IMPLEMENT RECOMMENDATIONS.—

''(i) IN GENERAL.—The Administrator shall report promptly to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives any case in which a Federal agency fails to implement fully a recommendation of the Administrator under paragraph (2) or (3).

''(ii) CONTENTS.—Each report under clause (i) shall include—

''(I) a comprehensive review of the pertinent procurement, including the circumstances of the failure of the Federal agency to implement a recommendation of the Administrator; and

''(II) a recommendation regarding whether, in order to correct an inequity or to preserve the integrity of the procurement process, Congress should consider—

''(aa) private relief legislation;

''(bb) legislative rescission or cancellation of funds;

''(cc) further investigation by Congress; or

''(dd) other action.

''(B) ANNUAL REPORTS.—Not later than January 31 of each year, the Administrator shall transmit to Congress a report containing a summary of each instance in which a Federal agency did not fully implement a recommendation of the Administrator under subsection (b) or this subsection during the preceding year. The report shall also describe each instance in which a final decision in a protest was not rendered within 100 days after the date on which the protest was submitted to the Administrator.

''(d) REGULATIONS; AUTHORITY OF ADMINISTRATOR TO VERIFY ASSERTIONS.—

''(1) IN GENERAL.—The Administrator shall establish such procedures as may be necessary for the expeditious decision of protests under this section, including procedures for accelerated resolution of protests under the express option authorized by subsection (c)(1)(B). Such procedures shall provide that the protest process may not be delayed by the failure of a party to make a filing within the time provided for the filing.

''(2) COMPUTATION OF TIME.—The procedures established under paragraph (1) shall provide that, in the computation of any period described in this section—

''(A) the day of the act, event, or default from which the designated period of time begins to run not be included; and

''(B) the last day after such act, event, or default be included, unless—

''(i) such last day is a Saturday, a Sunday, or a legal holiday; or

''(ii) in the case of a filing of a paper at the Administration or another Federal agency, such last day is a day on which weather or other conditions cause the closing of the Administration or other Federal agency, in which event the next day that is not a Saturday, Sunday, or legal holiday shall be included.

''(3) ELECTRONIC FILING.—The Administrator may prescribe procedures for the electronic filing and dissemination of documents and information required under this section. In prescribing such procedures, the Administrator shall consider the ability of all parties to achieve electronic access to such documents and records.

''(e) ENFORCEMENT.—The Administrator may use any authority available under this Act or any other provision of law to verify assertions made by parties in protests under this section.

''(f) REGULATIONS.—The Administrator may issue regulations regarding the use of the protest authority to consider small business size or status challenges under this section in matters involving any other program for small business concerns.''.

SEC. 504. TRAINING FOR CONTRACTING AND ENFORCEMENT PERSONNEL.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the head of each appropriate Federal agency or entity shall, in consultation with the Administrator or the Inspector General of the Administration, as appropriate, develop courses concerning proper classification of business concerns and small business size and status for purposes of Federal contracts, subcontracts, grants, cooperative agreements, and cooperative research and development agreements.

(b) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act, is amended by adding at the end the following:

''(u) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Not later than 180 days after the date of enactment of this subsection, the head of each relevant Federal agency and the Inspector General of the Administration shall issue a Governmentwide policy on prosecution of small business size and status fraud.''.

SEC. 505. UPDATED SIZE STANDARDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

(1) conduct a detailed review of the size standards for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)); and

(2) if determined appropriate by the Administrator, promulgate revised size standards under that section.

(b) PUBLICATION.—Not later than 1 year after the date of enactment of this Act, the Administrator shall make publically available information regarding—

(1) the factors evaluated as part of the review conducted under subsection (a)(1); and

(2) the criteria used for any revised size standards promulgated under subsection (a)(2).

SEC. 506. SMALL BUSINESS SIZE AND STATUS FOR PURPOSE OF MULTIPLE AWARD CONTRACTS.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act, is amended by adding at the end the following:

''(w) SMALL BUSINESS SIZE AND STATUS FOR PURPOSE OF MULTIPLE AWARD CONTRACTS.—

''(1) IN GENERAL.—A business concern that enters a multiple award contract of any kind with the Federal Government shall in any year in which such a contract is in effect, submit an annual statement at the end of its fiscal year recertifying its small business size and status to the Federal agency which awarded the contract.

''(2) RELATION TO OTHER LAWS.—Compliance with paragraph (1) shall not affect the obligation of a business concern to comply with other provisions of law concerning small business size or status.''.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I rise today to introduce, with Chairman KERRY, the Small Business Contracting Revitalization Act of 2007. This critical legislation is a product of consensus-building and compromise over the past few years and truly reflects the bipartisan nature of our Committee. Thank you, Chairman KERRY, for working to make this a truly bipartisan bill.

This legislation addresses the numerous barriers facing small businesses in securing their fair share of Federal contracting dollars. Currently, small businesses are eligible for $340 billion in Federal contracting dollars, yet receive only $77 billion. Regrettably, the Federal Government consistently fails to satisfy its 23 percent small business goal resulting in small businesses losing billions of dollars in contracting opportunities.

I am dismayed by the myriad ways that Government agencies have time and again egregiously failed to achieve

most of their small business statutory ''goaling'' requirements. For example, in fiscal year 2006, the Historically Underutilized Business Zone, HUBZone, program met only 2.1 percent of its three percent goal, while our Nation's service-disabled, veteran-owned small businesses received a Government-wide, paltry total of only 0.9 percent of its three percent small business goal. This longstanding area of concern is coupled with a litany of deficiencies that include ''contract bundling,'' subcontracting misrepresentations, inaccurate small business size determinations, flawed reporting data, and under-utilization of key small business contracting programs.

As the Chairman is well aware, these problems are not new, and our Committee has held countless hearings on various contracting concerns throughout the years. Business opportunities through Federal contracts provide vital economic benefits for small businesses, which is why last year, my Small Business Administration Reauthorization Bill, which passed our Committee unanimously, contained a robust package of small business contracting initiatives.

Our legislation builds on the contracting provisions of that bill, by improving all of the small business contracting programs—including the HUBZone, small disadvantaged business, women-owned small business, and service-disabled veteran-owned small business programs. It equips the SBA with additional tools to meet the demands of an ever-changing 21st century contracting environment.

This bipartisan measure also includes several other priorities that I have long championed—most notably, enhancing the HUBZone program. In my home state of Maine, only 118 of 41,026 small businesses are qualified HUBZone businesses. HUBZones represent a tremendous tool for replacing lost jobs for our Nation's declining manufacturing and industrial sectors—clearly, this program should be better utilized.

I look forward to working with my colleagues in the Senate to pass this bipartisan small business contracting legislation to ensure that all small business ''goals'' are not only met—but exceeded.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 363—EXPRESSING THE SENSE OF THE SENATE REGARDING THE TREATMENT OF SOCIAL SECURITY ''NOTCH BABIES''

Mr. COLEMAN (for himself and Mr. BURR) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 363

Whereas the Social Security Amendments of 1977, legislation designed to correct the Social Security benefit formula, resulted in a discrepancy in benefits – a ''notch'' – between individuals born in the years immediately following 1916 and other beneficiaries;

Whereas Senate legislation introduced in the 105th through 108th Congresses sought to correct the ''notch baby'' problem;

Whereas those born during the ''notch'' years are the same Americans who fought and sacrificed during World War II;

Whereas the ''notch babies'' who receive lower Social Security benefits than those individuals born between 1911 and 1916 are at the same time among the seniors hit hardest by rising health care costs; and

Whereas those affected by the ''notch'' are leaving us at a rapid rate, with the youngest ''notch babies'' now over 80 years old: Now, therefore, be it

Resolved, That the Senate—

(1) honors the sacrifice of those born in the ''notch'' years of 1917 through 1926;

(2) recognizes the difference in Social Security benefits calculated for those born in 1917 and the years following, as compared with those born between 1911 and 1916;

(3) expresses regret that there has been no resolution to the satisfaction of the millions of seniors born from 1917 through 1926; and

(4) should consider corrective legislation similar to bills introduced in the Senate in the 105th through 108th Congresses, to address the ''notch'' benefit disparity.

SENATE RESOLUTION 364—COMMENDING THE PEOPLE OF THE STATE OF WASHINGTON FOR SHOWING THEIR SUPPORT FOR THE NEEDS OF THE STATE OF WASHINGTON'S VETERANS AND ENCOURAGING RESIDENTS OF OTHER STATES TO PURSUE CREATIVE WAYS TO SHOW THEIR OWN SUPPORT FOR VETERANS

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was referred to the Committee on Veterans' Affairs:

S. RES. 364

Whereas every day, American men and women risk their lives serving the country in the Armed Forces;

Whereas it is important to many Americans to be able to donate money directly to causes about which they care;

Whereas it is important for residents to have a tangible way to demonstrate their support for veterans;

Whereas despite Government funding for the Nation's veterans, many important needs of veterans remain unmet;

Whereas citizens in the State of Washington have banded together in a grassroots effort to create a Veterans Family Fund Certificate of Deposit;

Whereas any bank in the State of Washington can choose to offer a Veterans Family Fund Certificate of Deposit;

Whereas the Bank of Clark County has become the first institution to offer these Certificates of Deposit;

Whereas the Governor of the State of Washington and the Washington State Veterans Affairs Department have expressed the State's support for this program;

Whereas when a person buys a Veterans Family Fund Certificate of Deposit from a participating bank, half of the interest is automatically donated to the State of Washington's Veterans Innovation Program to address the unmet needs of the State of Washington's veterans and their families;

Whereas the Veterans Innovation Program provides emergency assistance to help current or former Washington National Guard or Reserve service members cope with financial hardships, unemployment, educational needs, and many basic family necessities; and

Whereas the Veterans Family Fund Certificate of Deposit will be officially launched on November 8, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) commends the people of the State of Washington for showing their support for the needs of the State of Washington's veterans; and

(2) encourages residents of other States to pursue creative ways to show their own support for veterans.

SENATE CONCURRENT RESOLUTION 52—ENCOURAGING THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS TO TAKE ACTION TO ENSURE A PEACEFUL TRANSITION TO DEMOCRACY IN BURMA

Mrs. BOXER submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 52

Whereas hundreds of thousands of citizens of Burma have risked their lives in demonstrations to demand a return to democracy and respect for human rights in their country;

Whereas the repressive military Government of Burma has conducted a brutal crackdown against demonstrators, which has resulted in mass numbers of killings, arrests, and detentions;

Whereas Burma has been a member of the Association of Southeast Asian Nations (ASEAN) since 1997;

Whereas foreign ministers of other ASEAN member nations, in reference to Burma, have ''demanded that the government immediately desist from the use of violence against demonstrators'', expressed ''revulsion'' over reports that demonstrators were being suppressed by violent and deadly force, and called for ''the release of all political detainees including Daw Aung San Suu Kyi'';

Whereas the foreign ministers of ASEAN member nations have expressed concern that developments in Burma ''had a serious impact on the reputation and credibility of ASEAN'';

Whereas Ibrahim Gambari, the United Nations (UN) Special Envoy to Burma, has called on the member nations of ASEAN to take additional steps on the Burma issue, saying, ''Not just Thailand but all the countries that I am visiting, India, China, Indonesia, Malaysia and the UN, we could do more'';

Whereas the ASEAN Security Community Plan of Action adopted October 7, 2003, at the ASEAN Summit in Bali states that ASEAN members ''shall promote political development . . . to achieve peace, stability, democracy, and prosperity in the region'', and specifically says that ''ASEAN Member Countries shall not condone unconstitutional and undemocratic changes of government'';

Whereas the Government of Singapore, as the current Chair of ASEAN, will host ASEAN's regional summit in November 2007 to approve ASEAN's new charter;

Whereas the current Foreign Minister of Singapore, George Yeo, has publicly expressed, ''For some time now, we had stopped trying to defend Myanmar internationally because it became no longer credible'';

Whereas, according to the chairman of the High Level Task Force charged with drafting

the new ASEAN Charter, the Charter ''will make ASEAN a more rules-based organization and . . . will put in place a system of compliance monitoring and, most importantly, a system of compulsory dispute settlement for noncompliance that will apply to all ASEAN agreements'';

Whereas upon its accession to ASEAN, Burma agreed to subscribe or accede to all ASEAN declarations, treaties, and agreements;

Whereas 2007 marks the 30th anniversary of the relationship and dialogue between the United States and ASEAN;

Whereas the Senate passed legislation in the 109th Congress that would authorize the establishment of the position of United States Ambassador for ASEAN Affairs, and the President announced in 2006 that an Ambassador would be appointed; and

Whereas ASEAN member nations and the United States share common concerns across a broad range of issues, including accelerated economic growth, social progress, cultural development, and peace and stability in the Southeast Asia region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) joins the foreign ministers of member nations of the Association of Southeast Asian Nations (ASEAN) that have expressed concern over the human rights situation in Burma;

(2) encourages ASEAN to take more substantial steps to ensure a peaceful transition to democracy in Burma;

(3) welcomes steps by ASEAN to strengthen its internal governance through the adoption of a formal ASEAN charter;

(4) urges ASEAN to ensure that all member nations live up to their membership obligations and adhere to ASEAN's core principles, including respect for and commitment to human rights; and

(5) would welcome a decision by ASEAN, consistent with its core documents and its new charter, to review Burma's membership in ASEAN and to consider appropriate disciplinary measures, including suspension, until such time as the Government of Burma has demonstrated an improved respect for and commitment to human rights.

Mrs. BOXER. Mr. President, I rise today to introduce a resolution to encourage the Association of Southeast Asian Nations, ASEAN, to take action to ensure a peaceful transition to democracy in Burma.

In late September, tens of thousands of Burmese citizens, including thousands of Buddhist monks, took to the streets to demand a return to democracy in Burma. Tragically, the world watched in horror as Burma's military junta implemented a brutal and ruthless crackdown resulting in the death of hundreds and the detention of thousands.

The current Burmese government, the State Peace and Development Council, SPDC, is a military dictatorship that refused to relinquish power even after the Burmese people voted them out in a democratic election in 1990. The winner of that election, the National League for Democracy was not allowed to take power, and its leader, Daw Aung San Suu Kyi, was placed under house arrest, where she remains today.

The world must not stay silent while the people of Burma struggle for democracy and basic human rights. We have a moral responsibility to speak out for the Burmese people who have been silenced by the junta.

The events of the last several weeks are reminiscent of the crackdown on a similar uprising in the summer of 1988, in which an estimated 3,000 people were killed. Today, the remaining leaders of that uprising, known as ''The 88 Generation Students,'' issued a letter to the Chairman of the Association of Southeast Asian Nations, asking that it ''consider suspending the SPDC's membership in ASEAN if it continues to ignore the requests of the international community.'' This resolution echos that suggestion.

ASEAN has expressed ''revulsion'' over reports that the SPDC is using deadly force to suppress demonstrators. I appreciate this strong statement. Unfortunately, it is clear that words alone are not enough to force change within Burma. Later this month, ASEAN will hold its regional summit—a prime opportunity for ASEAN to back its words with concrete action.

Yesterday, it was reported that the Buddhist monks were again marching in the streets of Burma in clear defiance of the military junta. It is time for Burma's neighbors to apply real pressure on the military government so that future violence can be avoided. I urge my colleagues to stand with the people of Burma and support this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3497. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 3963, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table.

SA 3498. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3963, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3497. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 3963, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 117. TREATMENT OF UNBORN CHILDREN.

(a) CODIFICATION OF CURRENT REGULATIONS.—Section 2110(c)(1) (42 U.S.C. 1397jj(c)(1)) is amended by striking the period at the end and inserting the following: '', and includes, at the option of a State, an unborn child. For purposes of the previous sentence, the term 'unborn child' means a member of the species Homo sapiens, at any stage of development, who is carried in the womb.''.

(b) CLARIFICATIONS REGARDING COVERAGE OF MOTHERS.—Section 2103 (42 U.S.C. 1397cc) is amended by adding at the end the following new subsection:

''(g) CLARIFICATIONS REGARDING AUTHORITY TO PROVIDE POSTPARTUM SERVICES AND MATERNAL HEALTH CARE.—Any State that provides child health assistance to an unborn child under the option described in section 2110(c)(1) may continue to provide such assistance to the mother, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends, in the same manner as such assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.''.

SA 3498. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3963, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 110. REQUIREMENT THAT INDIVIDUALS WHO ARE ELIGIBLE FOR CHIP AND EMPLOYER-SPONSORED COVERAGE USE THE EMPLOYER-SPONSORED COVERAGE INSTEAD OF CHIP.

Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 601(a)(1), is amended by adding at the end the following new paragraph:

''(13) REQUIREMENT REGARDING EMPLOYER-SPONSORED COVERAGE.—

''(A) IN GENERAL.—Subject to subparagraph (B), on and after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, no payment may be made under this title with respect to an individual who is eligible for coverage under a group health plan or health insurance coverage offered through an employer, either as an individual or as part of family coverage.

''(B) STATE OPTION TO OFFER PREMIUM ASSISTANCE FOR HIGH-COST PLANS.—

''(i) IN GENERAL.—In the case of an individual who is otherwise eligible for coverage under this title but for the application of subparagraph (A) and who is eligible for high-cost heath insurance coverage, a State may elect to offer a premium assistance subsidy for such coverage.

''(ii) AMOUNT.—The amount of a premium assistance subsidy under this paragraph shall be determined by the State but in no case shall exceed the lesser of—

''(I) an amount equal to the value of the coverage under this title that would otherwise apply with respect to the individual but for the application of subparagraph (A); or

''(II) an amount equal to the difference between—

''(aa) the amount of the employee's share of the premium costs for the high-cost health insurance coverage (for the family or the individual, as the case may be); and

''(bb) an amount equal to 20 percent of the total premium costs for such coverage, including both the employer and employee share, (for the family or the individual, as the case may be).

''(C) HIGH-COST HEALTH INSURANCE COVERAGE.—For purposes of this paragraph, the term 'high cost health insurance coverage' means a group health plan or health insurance coverage offered through an employer in which the employee is required to pay more than 20 percent of the premium costs.

''(D) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies under this paragraph shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, November 1, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to consider pending nominations.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the Session of the Senate in order to conduct a hearing on the nominations of Gregory Jacob, of New Jersey, to be Solicitor of Labor for the U.S. Department of Labor, and the nomination of Howard Radzely, of Maryland, to be Deputy Secretary of Labor for the U.S. Department of Labor. The hearing will commence on Thursday, November 1, 2007, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, November 1, 2007, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in order to conduct an oversight hearing on the Impact of the Flood Control Act of 1944 on Indian Tribes along the Missouri River.

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

COMMITTEE ON THE JUDICIARY

Mr. MENENDEZ. 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, November 1,2007, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

Agenda

I. Bills: S. 1946, Public Corruption Prosecution Improvements Act (Leahy, Cornyn, Sessions); S. 2168, Identity Theft Enforcement and Restitution Act (Leahy, Specter, Durbin, Grassley); and S. 352, Sunshine in the Courtroom Act of 2007 (Grassley, Schumer, Leahy, Specter, Graham, Feingold, Cornyn, Durbin).

II. Nominations: John Daniel Tinder, to be United States Circuit Judge for the Seventh Circuit and Julie L. Myers, of Kansas, to be an Assistant Secretary of Homeland Security.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 1, 2007 at 2:30 p.m. in order to hold a closed hearing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, November 1, 2007, at 2 p.m. in order to conduct a hearing entitled ''Small Business Administration: Is the 7 (a) Program Achieving Measurable Outcomes?''

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

SUBCOMMITTEE ON PRIVATE SECTOR AND CONSUMER SOLUTIONS TO GLOBAL WARMING AND WILDLIFE PROTECTION

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Private Sector and Consumer Solutions to Global Warming and Wildlife Protection, be authorized to meet during the session of the Senate on Thursday, November 1, 2007, at 9 a.m. in room 406 of the Dirksen Senate Office Building in order to hold a business meeting to consider the America's Climate Security Act of 2007, S. 2191.

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

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

APOLOGIES

Mr. REID. Mr. President, first of all, let me apologize to everyone for having a little downtime. I have been in a meeting for a couple hours with the Speaker and other Members and it was fairly intense and I could not break away to do this. I apologize for keeping everyone waiting.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2419

Mr. REID. Mr. President, I ask unanimous consent that on Monday, November 5, following the period of morning business, the Senate proceed to the consideration of Calendar No. 339, H.R. 2419, the farm bill.

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

EVENT FOR SENATORS AND SPOUSES

Mr. REID. Mr. President, there will be no vote on Monday. I remind everyone we do have an event—and people have spent a lot of time on this event—for Senators and their spouses Monday night. I would hope people would be considerate and keep that in mind. People have gone to a lot of trouble for that event, and I hope people will not let this no-vote day that is relatively new on the horizon stand in the way of attending this event and disappointing a lot of people who have worked hard to make this event for the spouses of Members. We do not get together that often. It will be a very nice evening for all of us.

CHARLES GEORGE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 2546 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2546) to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the ''Charles George Department of Veterans Affairs Medical Center.''

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The bill (H.R. 2546) was ordered to a third reading, was read the third time, and passed.

MEASURES READ THE FIRST TIME—S. 2293 AND S. 2294

Mr. REID. Mr. President, it is my understanding there are two bills at the desk, and I ask unanimous consent for their first reading en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 2293) to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax, and for other purposes.

A bill (S. 2294) to strengthen immigration enforcement and border security and for other purposes.

Mr. REID. Mr. President, I now ask for a second reading and, in order to place the bills on the calendar under rule XIV of the Senate, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider calendar Nos. 152, 357 through 370, and all nominations on the Secretary's desk; that the nominations be confirmed with the exception of the National Oceanic and Atmospheric Administration nominations; 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 en bloc are as follows:

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. section 601:

To be lieutenant general

Maj. Gen. Edward A. Rice, Jr., 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Glenn F. Spears, 0000

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Carroll F. Pollett, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Benjamin R. Mixon, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David H. Huntoon, Jr., 0000

The following named officer for appointment as the Surgeon General, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3036:

To be lieutenant general

Maj. Gen. Eric B. Schoomaker, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

To be major general

Brig. Gen. David A. Rubenstein, 0000

IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Samuel T. Helland, 0000

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Bernard J. McCullough, III, 0000

MOETROPOLITAN WASHINGTON AIRPORTS AUTHORITY

Robert Clarke Brown, of Ohio, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.

IN THE COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Capt. Steven E. Day, 0000

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Capt. Kevin S. Cook, 0000
Capt. Daniel A. Neptun, 0000
Capt. Thomas P. Ostebo, 0000
Capt. Steven H. Ratti, 0000
Capt. Keith A. Taylor, 0000
Capt. James A. Watson, 0000

INTERNATIONAL MONETARY FUND

Daniel D. Heath, of New Hampshire, to be United States Alternate Executive Director of the International Monetary Fund.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Sean R. Mulvaney, of Illinois, to be an Assistant Administrator of the United States Agency for International Development.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN965 AIR FORCE nomination of Ernest Valdez, which was received by he Senate and appeared in he Congressional Record of September 27, 2007.

PN966 AIR FORCE nominations (3) beginning LAURA M. HUNTER, and ending GEORGE W. RYAN JR., which nominations were received by the Senate and appeared in the Congressional Record of September 27, 2007.

PN999 AIR FORCE nomination of Cheryl A. Kearney, which was received by the Senate and appeared in the Congressional Record of October 18, 2007.

PN1000 AIR FORCE nomination of Noel P. Kornett, which was received by the Senate and appeared in the Congressional Record of October 18, 2007.

PN1001 AIR FORCE nomination of Michael Maine Jr., which was received by the Senate and appeared in the Congressional Record of October 18, 2007.

PN1002 AIR FORCE nominations (2) beginning MICHAEL P BUTLER, and ending ROBERT CANNON, which nominations were received by the Senate and appeared in the Congressional Record of October 18, 2007.

IN THE ARMY

PN967 ARMY nomination of Max B. Bullen, which was received by the Senate and appeared in the Congressional Record of September 27, 2007.

PN969 ARMY nominations (4) beginning JOHN A. MCHENRY, and ending ALAN S. WALLER, which nominations were received by the Senate and appeared in the Congressional Record of September 27, 2007.

PN970 ARMY nominations (2) beginning EDWARD F. FREDERICK, and ending GREGORY CHARLTON, which nominations were received by the Senate and appeared in the Congressional Record of September 27, 2007.

IN THE COAST GUARD

PN981 COAST GUARD nominations (158) beginning ALBERT R. AGNICH, and ending Michael B. Zamperini, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2007.

IN THE MARINE CORPS

PN393–2 MARINE CORPS nomination of KEVIN M GONZALEZ, which was received by the Senate and appeared in the Congressional Record of March 22, 2007.

PN957 MARINE CORPS nomination of Thomas J. Keating, which was received by the Senate and appeared in the Congressional Record of September 20, 2007.

PN971 MARINE CORPS nomination of Gerald R. Brown, which was received by the Senate and appeared in the Congressional Record of September 27, 2007.

IN THE NAVY

PN974 NAVY nomination of Stephen T. Vargo, which was received by the Senate and appeared in the Congressional Record of October 1, 2007.

PN1003 NAVY nominations (4) beginning GARY TABACH, and ending KELVIN L. REED which nominations were received by the Senate and appeared in the Congressional Record of October 18, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR FRIDAY, NOVEMBER 2, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until tomorrow morning at 10 a.m.; that on Friday, following the prayer and the 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 that

there then be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:48 p.m., adjourned until Friday, November 2, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

CARL T. JOHNSON, OF VIRGINIA, TO BE ADMINISTRATOR OF THE PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, VICE THOMAS J. BARRETT.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. JOSEPH R. CASTILLO, 0000
CAPT. DANIEL R. MAY, 0000
CAPT. PETER V. NEFFENGER, 0000
CAPT. CHARLES W. RAY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) WILLIAM D. BAUMGARTNER, 0000
REAR ADM. (LH) MANSON K. BROWN, 0000
REAR ADM. (LH) CYNTHIA A. COOGAN, 0000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be ensign

LLIAN G. K. BREEN
KYLE A. BYERS
PAUL M. CHAMBERLAIN
ANDREW R. COLEGROVE
JULIE L. EARP
HAROLD B. EMMONS III
LOREN M. EVORY
LAURA T. GALLANT
PATRICK B. K. JORGENSEN
COLIN T. KLIEWER
NICHOLAS C. MORGAN
MICHAEL W. O'NEAL
ANDREW J. OSTAPENKO
JEFFREY G. PEREIRA
PATRICK M. SWEENEY
ANNA-ELIZABETH B. VILLARD-HOWE

FOREIGN SERVICE

THE FOLLOWING NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JEFFERY A. LIFUR, OF NEVADA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

SABINUS FYNE ANAELE, OF TEXAS
YOHANNES A. ARAYA, OF VIRGINIA
JEFF RICHARD BRYAN, OF FLORIDA
SAMUEL CARTER, JR., OF VIRGINIA
THADDEUS S. CORLEY, OF NEVADA
LINDA S. CRAWFORD, OF FLORIDA
MATTHEW R. DRAKE, OF CALIFORNIA
STEVEN DEVANE EDMINSTER, OF MARYLAND
STEVEN M. FONDRIEST, OF THE DISTRICT OF COLUMBIA
WAYNE A. FRANK, OF HAWAII
JEFFERY T. GOEBEL, OF THE DISTRICT OF COLUMBIA
DAVID GOSNEY, OF CALIFORNIA
STEPHEN F. HERBALY, OF MONTANA
NICHOLAS B. HIGGINS, OF THE DISTRICT OF COLUMBIA
HUSSAIN WAHEED IMAM, OF VIRGINIA
MICHELLE A. JENNINGS, OF CALIFORNIA
MELISSA A. JONES, OF CALIFORNIA
TERENCE ERNEST JONES, OF FLORIDA
JESSICA J. JORDAN, OF FLORIDA
ERIN AUSTIN KRASIK, OF OHIO
AKUA N. KWATENG-ADDO, OF MARYLAND
LISA MAGNO, OF VIRGINIA
MICHAEL RICHARD MCCORD, OF MARYLAND
ERIN NICHOLSON PACIFIC, OF THE DISTRICT OF COLUMBIA
SHEILA R. ROQUITTE, OF WASHINGTON
DANIEL SANCHEZ-BUSTAMANTE, OF MARYLAND
NANCY M. SHALALA, OF NEW JERSEY
JEFFRY B. SHARP, OF ILLINOIS
JASON KENNEDY SINGER, OF THE DISTRICT OF COLUMBIA
KATHYRINE R. SOLIVEN, OF MARYLAND
MICHAEL B. STEWART, OF SOUTH DAKOTA
AYE AYE THWIN, OF VIRGINIA
SARA R. WALTER, OF KANSAS
JAMES MATTHEW PYE WEATHERILL, OF NEW JERSEY

THE FOLLOWING NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

THOMAS P. CASSIDY III, OF TEXAS
TANYA COLE, OF CALIFORNIA
NASIR KHAN, OF VIRGINIA
ASHLEY MILLER, OF MARYLAND
BRIAN D. ADKINS, OF OHIO
NUSHIN SADIK ALLOO, OF CALIFORNIA
LAURA E. ANDERSON, OF SOUTH CAROLINA
KATHLEEN N. ASTORITA, OF VIRGINIA
ALFREDO AYUSO, OF VIRGINIA
ADAM CHRISTOPHER BACON, OF VIRGINIA
ALEXANDER M. BAILEY, OF VIRGINIA
JENNIFER M. BAILEY, OF VIRGINIA
STEVEN C. BARLOW, OF VIRGINIA
JOSEPH GEORGE BERGEN, OF SOUTH CAROLINA
JAMES T. BERRY, OF VIRGINIA
SARAH E BOBBIN, OF VIRGINIA
DARREN PAUL BOLOGNA, OF VIRGINIA
BRIAN ANDREW BRESNAN, OF VIRGINIA
KENDRICK BENNETT BROWN, OF VIRGINIA
MARCY S BROWN, OF NEW YORK
MATTHEW CRANE BUFFINGTON, OF UTAH
MEAGAN CALL, OF NEW MEXICO
ANNE M. CAMUS, OF VIRGINIA
LINDSAY K. CAMPBELL, OF MARYLAND
DEAN D. CARAS, OF THE DISTRICT OF COLUMBIA
JAMES MICHAEL CICHON, OF VIRGINIA
WILLIAM PERCY COBB, JR., OF THE DISTRICT OF COLUMBIA
HENRY CLAY CONSTANTINE IV, OF VIRGINIA
CHRISTOPHER L. COOK, OF TEXAS
L.A. CORDERO, OF CALIFORNIA
ANDREA D. COREY, OF COLORADO
BRIAN F. CORTEVILLE, OF MICHIGAN
JEFFREY A. COURTEMANCHE, OF VIRGINIA
ANGELA VERNET DALRYMPLE, OF NEW YORK
RALPH DIXON III, OF VIRGINIA
MEERA DORAISWAMY, OF VIRGINIA
DAMON DUBORD, OF THE DISTRICT OF COLUMBIA
KHASHAYAR GHASHGHAI, OF TEXAS
FONTA J. GILLIAM, OF NORTH CAROLINA
SANDRINE SUSAN GOFFARD, OF FLORIDA
ANDREA LAUREN GOTTLICH, OF KANSAS
TERESA L. GRANTHAM, OF ARIZONA
ANDREA G. HALL, OF VIRGINIA
THOMAS NEAL HALPHEN, OF LOUISIANA
HARRY J. HANDLIN, OF MARYLAND
KATHRYN HARTMERE, OF MARYLAND
BRENDAN KYLE HATCHER, OF TENNESSEE
HEIDI S. HATTENBACH, OF COLORADO
CRISTIN HEINBECK, OF MICHIGAN
PRASHANT HEMADY, OF PENNSYLVANIA
JACQUELYN E. HENDERSON, OF INDIANA
ANNALIS HERMANN, OF VIRGINIA
NORMA C. HERNANDEZ, OF CALIFORNIA
ROY ARTURO HINES, OF CALIFORNIA
WINIFRED LOOP HOFSTETTER, OF COLORADO
MARK W. HOPKINS, OF VIRGINIA
CHARLES PHILLIP HORNBOSTEL, OF VIRGINIA
MATTHEW LANE HORNER, OF OREGON
ERIC S. HUGULEY, OF MARYLAND
FRANCINE I. KALNOSKE, OF MARYLAND
ZORAIDA TARIFA KELLEY, OF VIRGINIA
JAMES SEAN KENNEDY, OF CALIFORNIA
COLLEEN M. KENNING, OF THE DISTRICT OF COLUMBIA
ANNA M. KLIMASZEWSKA, OF VIRGINIA
RACHEL R KUTZLEY, OF OHIO
TYE M. LAGEMAN, OF VIRGINIA
JAMES G. LANKFORD, OF TEXAS
ERIC JAMES LEGALLAIS, OF VIRGINIA
MARIA DEL CARMEN LIAUTAUD, OF VIRGINIA
BRIAN JAY LUSTER, OF VIRGINIA
MARGARET GRACE MACLEOD, OF NEW YORK
DENISE M. MALONE, OF FLORIDA
JEFF D. MALSAM, OF VIRGINIA
AMANDA JOY MANSOUR, OF THE DISTRICT OF COLUMBIA
SARA ELIZABETH MARTZ, OF VIRGINIA
PAMELA S. MILLER, OF VIRGINIA
JAMES ALEXANDER MOORE, OF VIRGINIA
MATTHEW A. MORROW, OF OHIO
VICTOR G. MYERS, OF MARYLAND
VICTORIA A. NESTOR, OF PENNSYLVANIA
TYLER ROSS NICHOLES, OF VIRGINIA
SIOBHAN COLBY OAT-JUDGE, OF CONNECTICUT
CRAIG P. OSTH, OF VIRGINIA
STEVEN LYNN OVARD, OF UTAH
MATTHEW R. PETERSEN, OF VIRGINIA
GARRY PIERROT, OF FLORIDA
SHARON L. POLLARD, OF VIRGINIA
KATHRYN E. PORTER, OF ALABAMA
BRANDON POSSIN, OF WISCONSIN
RACHEL E. QUIROGA, OF VIRGINIA
AMY J. REARDON, OF WASHINGTON
RICHARD N. REILLY, OF FLORIDA
CHARLES A. REYNOLDS, OF GEORGIA
DAVID REYNOLDS, OF RHODE ISLAND
KRISTIN MARIE ROBERTS, OF VIRGINIA
MICHAEL ROSENTHAL, OF THE DISTRICT OF COLUMBIA
LINDSEY L. ROTHENBERG, OF THE DISTRICT OF COLUMBIA
SAMUEL FLOM ROTHENBERG, OF THE DISTRICT OF COLUMBIA
SARAH A. SADOW, OF VIRGINIA
ALEXANDER RAFAEL SCHAPER, OF VIRGINIA
JACOB TAYLOR SCHULTZ, OF FLORIDA
FRANK ERICK SELLIN, OF VIRGINIA
AMI U. SHAH, OF NEW JERSEY
PHILIP LEE SHAW, OF VIRGINIA
DAVID C. SHIAO, OF VIRGINIA
BETH NICHOLE SKUBIS, OF VIRGINIA
RHONDA LYNN SLUSHER, OF KANSAS
LACHRISHA D. SMITH, OF MARYLAND
JOHN STEVEN SOLTYS, OF VIRGINIA
JONATHAN W. SPITZER, OF VIRGINIA
KIMBERLY M STROLLO, OF FLORIDA
NIKHIL P. SUDAME, OF CONNECTICUT
ERIN P. SWEENEY, OF NEW JERSEY
MICHAEL J. SWEET, OF VIRGINIA
JUSTEN ALLEN THOMAS, OF WISCONSIN
SCOTT VANBEUGE, OF WASHINGTON
NANCY TAYLOR VANHORN, OF TEXAS
MARLAN C. WALKER, OF UTAH
DINEEN B. WILLATS, OF VIRGINIA
TIMOTHY LEE WITKIEWICZ, OF VIRGINIA
DANIEL WALLACE WRIGHT, OF VIRGINIA
KEVIN S. YATES, OF NORTH CAROLINA
ZAINAB ZAID, OF MARYLAND
MARWA ZEINI, OF FLORIDA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS F. METZ, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1211:

To be captain

MICHAEL V. SIEBERT, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

BRIAN D. ONEIL, 0000
MARK D. ROSE, 0000
FRANK R. VIDAL, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ANTHONY BARBER, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

TIM C. LAWSON, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD D. FOX II, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOHN G. GOULET, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DAVID L. PATTEN, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

MARK J. BENEDICT, 0000

REBECCA CARTER, 0000
KEVIN R. CASEY, 0000
RICHARD H. COOPER, 0000
RONALD D. DANIEL, 0000
JAMES V. DICROCCO III, 0000
LISTON L. EDGE, 0000
ORLANDO GUZMAN, 0000
ROGER L. HALL, 0000
MICHELLE HAMMOND, 0000
CHARLES E. JENKINS, 0000
ALAN S. KLYAP, 0000
JAMES W. MARSHALL III, 0000
GREGORY C. MCMAHAN, 0000
DANA M. MONTGOMERY, 0000
EDWIN MOTT, 0000
TOMMY L. NORRIS, 0000
JIMMY W. ORRICK, 0000
DAVID F. RITTER, 0000
GREGORY B. RIZZO, 0000
DAVID RUFF, 0000
NOAH K. STRONG, 0000

To be major

CYNTHIA J. BLEVINS, 0000
CHRISTOPHER S. BOU, 0000
RICARDO A. BRAVO, 0000
JAMES F. CARLISLE, 0000
COLEEN CARR, 0000
MICHELLE F. CLARK, 0000
ERIC J. DUCKWORTH, 0000
SHAWN F. FERNANDEZ, 0000
DONALD L. GROOM, 0000
DWAYNE H. HAMASAKI, 0000
ROBERT J. HOBBS, 0000
JACQUELINE E. HUBBARD, 0000
WANDA I. HUDDLESTON, 0000
BYRON K. JACKSON, 0000
WILLIE J. JACKSON, 0000
BRENT A. KAUFFMAN, 0000
ROBERT E. KJELDEN, 0000
MERRELL D. KNIGHT, 0000
ERIC D. LITTLE, 0000
ANDREW J. OLMSTED, 0000
MATTHEW J. OPALINSKI, 0000
GROVER W. PRICE, 0000
GEORGE M. SELF, 0000
STEVEN E. SEXTON, 0000
DAVID L. SOERGEL, 0000
TIMOTHY R. TEAGUE, 0000
JOSEPH M. TORRES, 0000
SCOTT D. VERVISCH, 0000
GUSTAV D. WATERHOUSE, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MELVIN L. CHATTMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

To be major

DANA R. BROWN, 0000
JOSEPH E. CLEARY, 0000
BYRON W. LAWSON, 0000
JOHN J. LYNCH II, 0000
DAVID T. MIHOCKO, 0000
RICHARD E. NUTT, 0000
MARK R. REID, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

JULIAN D. ARELLANO, 0000
MATTHEW T. ARMSTRONG, 0000
JOSEPH A. BAGGETT, 0000
ROBERTO A. BARBOSA, 0000
JASON BIRCH, 0000
JOHN R. BOWEN, 0000
LEE C. BROWN, 0000
RUSSELL D. BROWN, 0000
MILTON BUTLER III, 0000
DAVID C. CHEVRETTE, 0000
SCOTT M. CHIEREPKO, 0000
GILBERT E. CLARK, JR., 0000
CHRISTINA L. DALMAU, 0000
SEAN P. DONAGHAY, 0000
JARROD D. DONALDSON, 0000
PAUL S. DORRIS, 0000
DARREN T. DUGAN, 0000
ROGER C. FERGUSON, 0000
CHRISTOPHER J. GOELZE, 0000
ERIC C. GREIFENBERGER, 0000
GARY A. HARRINGTON II, 0000
GEORGE A. HOWELL, 0000
JOHN M. JONES, 0000
ALAN D. KENEIPP, 0000
VINCENT S. KING, 0000
GEORGE S. KOONS, 0000
KARL W. KRAUT, 0000
WILLIAM LAMPING III, 0000
JOSEPH L. LEPPO, 0000
CHRISTOPHER E. MARVIN, 0000
KEVIN P. MEEHAN, 0000
JOSHUA M. MENZEL, 0000
STEVEN F. MILGAZO, 0000
JASON L. MILLER, 0000
DIOMEDES L. MIRANDA, 0000
JAY J. MOORE, 0000
MARK OCONNELL, 0000
DAVID M. OLIVER, 0000
CHAD A. PARVIN, 0000
AARON C. PETERSON, 0000
CHRISTOPHER RIERSON, 0000
DARYL ROBBIN, 0000
MARTIN L. ROBERTSON, 0000
CRAIG R. SADRACK, 0000
BRIAN M. SANTIROSA, 0000
JUSTIN A. SARLESE, 0000
JON P. SCHAFFNER, 0000
MARTIN D. SHARPE, 0000
COLBY W. SHERWOOD, 0000
CHARLES A. SMITH, JR., 0000
JOHN A. STAHLEY II, 0000
BRETT J. STERNECKERT, 0000
SETH A. STONE, 0000
MARK J. STROMBERG, 0000
MEGAN A. THOMAS, 0000
MATTHEW A. WIENS, 0000
WILLIAM H. WILEY, 0000
SHAWN T. WILLIAM, 0000
JOHN C. WITTE, 0000
JARED W. WYRICK, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, November 1, 2007:

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

CHARLES DARWIN SNELLING, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING MAY 30, 2012.

ROBERT CLARKE BROWN, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING NOVEMBER 22, 2011.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. STEVEN E. DAY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. KEVIN S. COOK, 0000
CAPT. DANIEL A. NEPTUN, 0000
CAPT. THOMAS P. OSTEBO, 0000
CAPT. STEVEN H. RATTI, 0000
CAPT. KEITH A. TAYLOR, 0000
CAPT. JAMES A. WATSON, 0000

INTERNATIONAL MONETARY FUND

DANIEL D. HEATH, OF NEW HAMPSHIRE, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

SEAN R. MULVANEY, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

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.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EDWARD A. RICE, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GLENN F. SPEARS, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. CARROLL F. POLLETT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BENJAMIN R. MIXON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID H. HUNTOON, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3036:

To be lieutenant general

MAJ. GEN. ERIC B. SCHOOMAKER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major general

BRIG. GEN. DAVID A. RUBENSTEIN, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. SAMUEL T. HELLAND, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. BERNARD J. MCCULLOUGH III, 0000

IN THE AIR FORCE

AIR FORCE NOMINATION OF ERNEST VALDEZ, 0000, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH LAURA M. HUNTER AND ENDING WITH GEORGE W. RYAN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 27, 2007.

AIR FORCE NOMINATION OF CHERYL A. KEARNEY, 0000, TO BE COLONEL.

AIR FORCE NOMINATION OF NOEL P. KORNETT, 0000, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF MICHAEL MAINE, JR., 0000, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL T. BUTLER AND ENDING WITH ROBERT CANNON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 18, 2007.

IN THE ARMY

ARMY NOMINATION OF MAX B. BULLEN, 0000, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JOHN A. MCHENRY AND ENDING WITH ALAN S. WALLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 27, 2007.

ARMY NOMINATIONS BEGINNING WITH EDWARD F. FREDERICK AND ENDING WITH GREGORY CHARLTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 27, 2007.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH ALBERT R. AGNICH AND ENDING WITH MICHAEL B. ZAMPERINI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2007.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF KEVIN M. GONZALEZ, 0000, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF THOMAS J. KEATING, 0000, TO BE COLONEL.

MARINE CORPS NOMINATION OF GERALD R. BROWN, 0000, TO BE LIEUTENANT COLONEL.

IN THE NAVY

NAVY NOMINATION OF STEPHEN T. VARGO, 0000, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH GARY TABACH AND ENDING WITH KELVIN L. REED, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 18, 2007.

EXTENSIONS OF REMARKS

CONGRATULATING THE HONORABLE ANN BEDSOLE OF THE ANN SMITH BEDSOLE LIBRARY AT THE ALABAMA SCHOOL OF MATH AND SCIENCE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. BONNER. Madam Speaker, it is a personal pleasure and distinct privilege to rise today to recognize one of my state's most outstanding citizens, former Alabama State Senator Ann Bedsole, for being honored by the Alabama School of Math and Science (ASMS) with the recent dedication of the new Ann Smith Bedsole Library.

For over three decades, Ann has been one of South Alabama's most trusted and respected leaders. In 1978, she became the first Republican woman to be elected to the Alabama House of Representatives. At the next state election, she became the first woman ever elected to the Alabama State Senate and, in 1994, she was a candidate for governor. To say she has been a political pioneer, as well as personal inspiration to many of us, would be a considerable understatement.

During her career in the Alabama Legislature, Senator Bedsole was instrumental in the creation of the Alabama School of Math and Science in Mobile. Working closely with fellow legislators and members of various agencies in state government, she was able to secure support for the institution and has provided a great deal of assistance to the school since it opened in 1991.

In recent years, Senator Bedsole has served as both vice president and president of the ASMS Foundation Board of Directors.

A successful businesswoman, Ann is the owner and operator of Bedsole Farms and president and chairman of the Board of White Smith Land Co. She is also involved in many charitable organizations including serving on the boards of the Sybil Smith Charitable Trust and the J. L. Bedsole Foundation. She has also served on the board of trustees of Spring Hill College and Huntingdon College.

Ann Bedsole's efforts in the fields of volunteerism and fundraising have also led to significant recognition in previous years, and she has been honored as First Lady of Mobile in 1972, Mobilian of the Year in 1993, and Philanthropist of the Year in 1998. She also served as president of Mobile's Tricentennial celebration.

Ann has received the Meritorious Public Service Award from both the Montgomery Advertiser and the Alabama Journal. She also received Honorary Doctor of Law degrees from Mobile College and Huntingdon College.

In 2002, Senator Bedsole was inducted into the Alabama Academy of Honor. Created in 1965, the Alabama Academy of Honor was established to recognize living Alabamians for their accomplishments and service that greatly benefit or reflect credit on the state of Alabama. Ten members may be elected annually by the Academy of Honor with no greater than 100 living members at a time.

Madam Speaker, Ann Bedsole has spent practically her entire adult life giving to others, and I ask my colleagues to join with me in thanking her for her commitment to so many wonderful missions.

I know her family and friends join with me in praising her accomplishments. On behalf of all who have benefited from her good heart and generous spirit, permit me to extend thanks for her many efforts over the past three decades in making Mobile and the state of Alabama a better place to live and work.

THE 86TH BIRTHDAY OF FORMER GOVERNOR WILLIAM DONALD SCHAEFER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. HOYER. Madam Speaker, I rise today to pay tribute to one of the most dynamic and important figures in Maryland's history as he prepares to celebrate yet another milestone in a life full of them.

Tomorrow (November 2), William Donald Schaefer, the former Governor and Comptroller of the State of Maryland, former Mayor of Baltimore, and distinguished public servant will celebrate his 86th birthday. I urge all of my colleagues to join with me in saluting Governor Schaefer on this momentous occasion.

Throughout his 86 years—nearly 50 of which were spent in public office—William Donald Schaefer has been driven by a burning desire to improve the lives of his fellow citizens. I am confident that this was instilled in him at a young age by his parents, William and Tululu.

Following his service in the U.S. Army during World War II, Schaefer returned to his beloved Baltimore and embarked on what was to become one of the most successful political careers Maryland has ever witnessed.

In 1955, Governor Schaefer first entered public office when he was elected to the Baltimore City Council from the city's 5th District. He served on the council for 16 years, including four years as its president. During his term as President of the City Council, Schaefer was a steadying force during turbulent times, helping direct the National Guard in quelling the riots following the assassination of the Reverend Dr. Martin Luther King, Jr.

In 1971, Schaefer was elected as Mayor of the City of Baltimore, succeeding Mayor Thomas D'Alesandro III, brother of the current Speaker of the House, NANCY PELOSI. Schaefer was subsequently re-elected three times, never receiving less than 85 percent of the vote.

Schaefer's dedication to his hometown was unmatched then, as it is now. He served as something of a "Motivator in Chief," reigniting a sense of pride in the city's residents. His philosophy was simple—"Do It Now"—cut through the red tape and provide citizens with the basic services they expect: clean neighborhoods, filled potholes, and plowed streets.

His accomplishments as mayor are many and have had a long and lasting impact on the city. He led the redevelopment of Baltimore's Inner Harbor, including the building of the National Aquarium, helping to transform the Harbor into a city center and establishing Baltimore as a significant tourist destination. He oversaw the construction of the Baltimore City Convention Center and the establishment of a subway system in the city. It is not hard to understand why he was repeatedly named the "Best Mayor in America."

In 1986, Schaefer demonstrated a commitment to the entire state when he decided to run to become the 58th Governor of Maryland. He was elected by a landslide and was reelected by a wide margin four years later.

As governor, he worked to improve Maryland's public education system, established the Maryland Department of the Environment, made headway in the efforts to restore the Chesapeake Bay, improve transportation infrastructure, including the establishment of the MTA's Light Rail Line. He also led the push to establish Oriole Park at Camden Yards and laid the groundwork for what became M&T Bank Stadium, home of the Baltimore Ravens.

When forced by term-limits to retire as governor, newspapers and citizens alike heralded the end of the so-called Schaefer era. But, much to our good fortune, it was not to be. The desire to serve was too strong.

Energetic and as enthusiastic as ever about helping the people of his state, William Donald Schaefer came out of a well deserved retirement in 1998, to be elected as the 32nd Comptroller of the State of Maryland, a position to which he was overwhelmingly reelected in 2002.

Governor Schaefer has now embarked on his second retirement, but we all know that such a man can never truly retire. He cares too much for his fellow Marylanders and continues to serve as an inspiration to all of us for his continued commitment to service.

I think the Baltimore Sun captured it best at the conclusion of his second term as governor. The final paragraph of the paper's editorial reads:

"Mr. Schaefer is no shrinking violet. His larger-than-life personality can be alternately endearing and enraging. But he cares deeply about people. That's the bottom line for him. Helping people. You couldn't ask for more from a public servant."

No you couldn't.

TRIBUTE TO UNDER SECRETARY FOR PUBLIC DIPLOMACY AND PUBLIC AFFAIRS, KAREN HUGHES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. WOLF. Madam Speaker, I rise today to commend the important work of Under Secretary for Public Diplomacy and Public Affairs, Karen Hughes, in light of the announcement that she is resigning. Under Secretary Hughes has led efforts to improve the image of the United States overseas by changing the way the United States engages with the Muslim world.

Under Secretary Hughes has worked tirelessly to build a strong organization within the State Department that future administrations can rely upon. She has dramatically increased the number of Arabic language interviews, created three rapid response centers overseas to respond to news events, and nearly doubled the public diplomacy budget to combat negative perceptions of the United States abroad.

During her time as head of our government's public diplomacy efforts, Under Secretary Hughes has shown a deep commitment to promoting freedom and to encouraging confidence in speaking out about the values we hold dear. I wish her the best in her future endeavors.

I am inserting for the RECORD Under Secretary Hughes's remarks today at the announcement of her resignation.

UNDER SECRETARY KAREN P. HUGHES

DEPARTMENT OF STATE, TREATY ROOM

First, I want to thank President Bush and Secretary Rice for giving me the great privilege of representing our country abroad and reaching out to the people of the world in a spirit of respect and friendship.

It's been a special honor to work for Secretary Rice, who is both a great friend and a great role model. I also want to thank my outstanding team in public diplomacy—all that we have been able to accomplish has been due to their work—and all the people of the State Department—foreign service, civil service, foreign service nationals, and presidential appointees. I've learned so much from them and I've been honored to serve with them in representing America across the world.

Later this year, in mid-December, I will be returning home to Texas. I feel that I have done what Secretary Rice and President Bush asked me to do by transforming public diplomacy and making it a national security priority, central to everything we do in government—while also engaging the private sector more extensively than ever before.

I have spent almost nine of the last 12 years of my career in government service and after commuting between Washington and Austin not nearly as often as I would like for the last two-and-a-half years, I'm looking forward to returning to private life and living in the same city with my husband.

When I look back at the last couple of years, I'm very proud of what our public diplomacy team has accomplished.

We've aggressively expanded our programs, fought for and won increased funding and put in place many innovations and institutional reforms.

They include aggressive and significantly expanded media outreach. We've created new regional media hubs, which put language qualified foreign service officers on television in key regional media markets of Dubai, Brussels and London. A new rapid response unit monitors international television and blogs and issues a daily report to inform policy makers about what is driving international news, then provides the U.S. government's position on those issues. We've transformed the Bureau of International Information programs into a high tech hub with web sites in English and six languages, created a digital outreach team that counters misinformation and myths on blogs in Arabic (soon to add Farsi and Urdu)—and stood up a new video production unit. Our ambassadors are now empowered and expected to engage with the media, and every foreign service officer is evaluated on public diplomacy activities.

We've put in place extensive new outreach to young people, teaching English to thousands of high school students in more than 40 Muslim majority countries. Last summer, we started a new program to reach an even younger audience—8 to 14-year-olds, with a summer program teaching English, computer, arts and sports activates and leadership training. English teaching gives young people a skill they desire, a marketable skill, while opening a window to a wider world of knowledge.

I'll never forget meeting a young man in one of our English programs in Morocco. I asked him what difference it had made in his life, and he said: ''I have a job and none of my friends do.'' He was from the same neighborhood that produced the Casablanca suicide bombers. In addition to a job, he now has a hope, a reason to live rather than kill himself and others in a suicide bombing.

We've engaged Muslim populations through a new program called citizen dialogue, which sends Muslim Americans overseas to dialogue with Muslim communities—and we've brought more than 600 religious clerics scholars and community leaders from Muslim countries to America to get to know us better.

We've engaged the private sector more extensively than ever before—leveraging more than $800 million in partnerships ranging from disaster relief to education and health programs to working to make our airports and embassies more welcoming.

We've significantly expanded outreach to women, with a new breast cancer initiative in the Middle East and Latin America and a number of business women's mentoring initiatives.

A new partnership with U.S. higher education helped attract a record number of international students to study in America and reversed the trend of decline that began in the years after September 11th. We issued an all time high of 591,000 student visas in 2006 and traveled with university presidents across the world to encourage international students to come to America.

Our flagship programs like Fulbright at record highs, we've restarted exchanges with Iran for the first time since 1979 and participation in our education and exchange programs—people-to-people diplomacy—has grown from 27,000 in 2004 to nearly 40,000 today.

I've worked to set a more strategic direction for USG broadcasting and recruit new leadership for the Broadcasting Board of Governors and its entities.

We launched a new Global Cultural initiative, expanded sports programming, sent musical groups like the fusion funk group Ozomatli abroad with a message of respect for diversity. We started a new public diplomacy envoy program, enlisting well known Americans including Olympic skater Michelle Kwan and baseball Hall of Famer Cal Ripken Jr. to represent America overseas.

We have implemented a majority of the recommendations from more than 30 studies of U.S. public diplomacy, including the comprehensive Djerejian report, and developed the first inter-agency strategic communications plan for the U.S. government.

I'm very proud of what we've started, and I will continue to be a champion of public diplomacy. I will advocate for more funding and more programs, because I believe it's vitally important for the future of our increasingly interconnected world—and especially for the future of our children. I want to encourage my fellow Americans to engage with the world, to study abroad, to travel—one of my own goals in the years ahead is to improve my Spanish.

Secretary Rice, thank you for this opportunity; it's been an honor and privilege to work for you and with you, and I thank my great public diplomacy team.

CONGRATULATING STANDARD EQUIPMENT CO. INC. OF MOBILE ON ITS RECOGNITION AS AN ALABAMA CENTENNIAL RETAILER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. BONNER. Madam Speaker, today I rise to honor Standard Equipment Co. Inc., located in Mobile, Alabama, for being recognized by the Alabama Retail Association as an Alabama Centennial Retailer.

The Alabama Retail Association, in conjunction with the University of Alabama at Birmingham, sponsors the Retailer of the Year program. Awarded in three categories based on annual sales volume, the awards are presented at the association's annual Retailing Day luncheon.

The designation of Alabama Centennial Retailer by the Alabama Retail Association recognizes century-old retail businesses for their contributions to Alabama's past, present, and future. I am proud to recognize that two of the honorees are located in Alabama's First Congressional District.

One of this year's honorees, Standard Equipment Co. Inc., was founded in 1906 by Richard A. Christian. A distributor of industrial, construction and marine supplies, Standard was originally located at Commerce and St. Anthony streets, but for almost 50 years, the company has operated at Beauregard and Water streets near the state docks. A major supplier of maintenance, repair, and operating products, the company is now owned by E. Burnley Davis Sr. and Robert D. Wilkins.

Madam Speaker, I ask my colleagues to join with me in congratulating Standard Equipment Co. Inc. for being recognized as an Alabama Centennial Retailer by the Alabama Retail Association. I know Burnley Davis, the company president, along with the company employees, their friends, families, and members of the community also join with me in praising Standard Equipment Co. Inc. for their many accomplishments and for extending thanks for their continued service to the Alabama business community and the First Congressional District.

TRIBUTE TO GERALDINE GENNET

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. HOYER. Madam Speaker, I rise today to honor and express thanks to Geraldine Gennet for her dedicated service as General Counsel of the House of Representatives.

Under the rules of the House, the Office of the General Counsel should provide legal advice and assistance to all Members of Congress, committees, officers, and employees without regard to political affiliation. Since her 1997 appointment by Speaker Newt Gingrich to lead that office, Ms. Gennet has dutifully fulfilled that obligation. Despite the unfortunate partisan tenor within Congress over the past 10 years, the Office of the General Counsel unfailingly has been a professional, nonpartisan advocate for individuals across the ideological spectrum—this is a testament to Ms. Gennet and to her ability to place the long term interests of the institution before parochial concerns and partisanship.

In addition to providing general legal guidance to Members and staff on issues related to subpoenas, requests for information, and tort claims, Ms. Gennet also worked tirelessly to uphold the institutional privileges and immunities of the House of Representatives. Upon my election as Democratic Whip, I became a member of the Bipartisan Legal Advisory Group, otherwise known as BLAG. This body is comprised of both Democratic and Republican leadership and is responsible for directing the Office of the General Counsel to file amicus briefs on behalf of the House of Representatives. During my work with BLAG, I had the opportunity to observe first-hand the deep respect Ms. Gennet has for the House of Representatives. Ms. Gennet is a firm believer in the separation of powers and in the speech or debate clause of the Constitution. When it may have been more expedient to relent on these issues, Ms. Gennet fought to preserve the powers and prerogatives of the Congress.

On behalf of myself and the members of my Caucus, I again want to extend my deepest thanks to Geraldine Gennet for her service and I wish her the best with her future endeavors.

WHAT MAKES NEBRASKA GREAT

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. SMITH of Nebraska. Madam Speaker, today I rise not in honor of one person, but of many. Today I rise in honor of a small slice of what makes Nebraska great.

When Gary Lindstrom, a farmer outside of Holdrege, Nebraska, was sidelined by a heart attack during harvest season, his neighbors and fellow Nebraskans showed what it truly means to be a community.

Farmers from Wilcox, Holdrege, Loomis, Ash Grove, Funk, and Ragan, eight combines, 12 grain cars and 20 trucks rallied to take care of a friend who was in need.

I think one of the volunteers, Wade Johnson of Holdrege, said it best when he said, ''It's what we all do when somebody needs some help. You help out.''

I was touched by the generosity of the community. For Mr. Lindstrom, I thank everyone who lent a helping hand. And I thank all Nebraskans who come to the aid of their neighbors whenever and wherever it may be.

HONORING ROBERT W. LEE ON THE OCCASION OF HIS BEING HONORED WITH THE INAUGURAL BCA CHAIRMAN'S AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. BONNER. Madam Speaker, it is with great pride and personal pleasure that I rise today to honor and congratulate Mr. Robert W. ''Bubba'' Lee for receiving the Business Council of Alabama (BCA) inaugural Chairman's Award for Leadership and Distinguished Service. Make no mistake, Mr. Lee is most deserving of this high honor; his dedication and service to the business community throughout Alabama has rightly earned him this prestigious award.

Bubba, as he is affectionately known to his family and friends, was honored with this award at the 2007 BCA Governmental Affairs Conference held earlier this year at the Grand Hotel in Point Clear, Alabama. A shining example of volunteer leadership, Bubba has always been known to go above and beyond in everything he does. He has devoted countless hours of his life to making Alabama a better place to live and work.

In recognizing him for this very special award, the Business Council of Alabama chose Bubba because he not only has given unselfishly of his time and resources to the Business Council, but he has also been invaluable to the organization as a leader, visionary, and advisor. Early on, Bubba was one of the original architects of BCA's political structure and the results have been obvious. Thanks in no small part to RCA's leadership over the past 21 years, Alabama has truly become a great place to do business.

Bubba served as chairman of the BCA board of directors from 1995–96 and as chairman of the board of directors of ProgressPAC, BCA's political action committee, from 1992–94. He remains a key member of BCA's Regional Advisory Committee 1.

Madam Speaker, I recognize Bubba today for not only his dedication to BCA but for his leadership at Vulcan, Inc. Serving as president of Vulcan, Inc. since 1986 and as CEO since 1996, Bubba has been—and continues to be—a solid leader in his professional career. A loving husband, father, and grandfather, as well as a leader in his church, Bubba Lee is a friend upon which you can always depend.

I ask my colleagues to join with me in congratulating Bubba Lee for both the great success he has enjoyed in his life and his outstanding service to the city of Foley and the state of Alabama. I know his wife, Cheryl; his daughters, Martha Ann and Beth; his two granddaughters; and his many friends and colleagues are also proud of him. I wish Bubba and his entire family much health and success in the years ahead.

CONGRATULATING MR. JOE LOUGHREY, PRESIDENT AND COO, CUMMINS INC.

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. PENCE. Madam Speaker, I rise today to congratulate Joe Loughrey, who was recently honored for his contribution to business and social responsibility by the Ireland Chamber of Commerce at the American Celtic Ball, held annually in New York City.

As the grandson of an Irish immigrant, I am proud of Joe's Irish heritage and the important role it has played in his life. I also want to thank Joe for his work in support of technical and vocational education.

It also happens that Joe is president and chief operating officer of Cummins Inc., a very important company to the Sixth Congressional District of Indiana. Under Joe's leadership, Cummins has continued to take innovative steps from its headquarters in Columbus, Indiana, to build a skilled, robust workforce that is succeeding in the face of increasing global competition. In fact, Cummins has so much confidence in its local workforce initiatives and the quality of Hoosier workers that it has announced the location of a new light-duty diesel engine plant in Indiana when it could have been located elsewhere.

Joe joined Cummins in 1974 and has held a number of leadership roles in the company during his tenure. A Holyoke, Massachusetts, native and Columbus resident, Joe graduated from the University of Notre Dame in 1971 with a bachelor's degree in economics and African studies. He is a member of the board of the Cummins Foundation, the National Association of Manufacturers, Tower Automotive Inc., Sauer-Danfoss Inc. and the Columbus Learning Center Management Corp. He also serves on the Advisory Council for the College of Arts & Letters at the University of Notre Dame.

HONORING THE LOUISIANA HONORAIR VETERANS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. BOUSTANY. Madam Speaker, I rise today to recognize and honor a very special group from South Louisiana.

On November 3, 2007 a group of 84 veterans and their guardians will fly to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these veterans from my home State of Louisiana to visit Washington, DC on a chartered flight free of charge. During their visit, they will visit Arlington National Cemetery and the World War II Memorial. For many, this will be their first and only opportunity to see these sights dedicated to the great service they have provided for our Nation.

Today I ask my colleagues to join me in honoring these great Americans and thanking them for their unselfish service.

CONGRATULATIONS TO LOXLEY ELEMENTARY SCHOOL ON BEING NAMED STATE CHAMPION SCHOOL BY THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. BONNER. Madam Speaker, today I rise to offer congratulations to Loxley Elementary School for being named a State Champion school for 2006–2007 by the President's Council on Physical Fitness and Sports.

With the motto, ''EveryBODY is a winner in activity and fitness,'' the President's Challenge Physical Activity and Fitness Awards program offers presidential recognition and awards for physical activity and fitness participation to children ages 6 to 17. The State Champion award is presented annually to three schools in each State having the highest number of students scoring at or above the 85th percentile on the President's Challenge Physical Fitness Test.

As a State Champion, Loxley Elementary School is a role model for other schools because of its dedication to helping students encourage physical activity and gain fitness skills along with an understanding of the health benefits of being regularly active. Encouraging adequate amounts of daily physical activity is an excellent way to instill healthy lifestyle habits at an early age.

The five assessments of the President's Challenge Physical Fitness Test measure four components of physical fitness: a one-mile run/walk for heart and lung endurance; curl-ups for abdominal strength and endurance; a ''sit and reach'' stretch for muscular flexibility; pull-ups for upper body strength and endurance; and a shuttle run for agility.

Madam Speaker, I ask my colleagues to join me in congratulating Loxley Elementary School in Loxley, Alabama, for this honor. This school deserves public recognition and our appreciation for their concerted efforts to instill healthy lifestyle habits in the children of south Alabama.

ORGAIN, BELL, & TUCKER—TEXAS LAWYERS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. POE. Madam Speaker, today I am honored to recognize a Texas institution, the Orgain, Bell, and Tucker law firm, on its 100th anniversary. Orgain, Bell, and Tucker is located in many cities throughout Texas and was founded in Beaumont, TX.

William Edmund Orgain, the initial founding partner, was lured to Beaumont from his native Bastrop, TX by the need for land litigation that sprung from the Spindletop Gusher and the Texas oil boom in 1901. With the onset of the second oil boom the firm's second partner Major T. Bell joined Mr. Orgain's firm in 1925 to help with business generated by the second major oil unearthing in Beaumont. John G. Tucker joined the firm in 1933 and the firm was coined Orgain, Bell, and Tucker.

Orgain, Bell, and Tucker has, for the past 100 years, served clients with integrity in the areas of insurance defense, commercial litigation, utility law, labor law, and medical and legal malpractice.

Community service, starting with Mr. Orgain's service on the Texas Supreme Court Committee, which wrote the Texas Rules for Civil Procedure, and Major Bell's service as President of the State Bar of Texas in 1942, has always been a core philosophy of Orgain, Bell, and Tucker. Through service to the great State of Texas and to their local community Orgain, Bell, and Tucker's history of service has influenced generations of attorneys and community leaders.

And that's just the way it is.

PERSONAL EXPLANATION

HON. BRAD MILLER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. MILLER of North Carolina. Madam Speaker, on Wednesday, October 31, 2007, I missed rollcall vote No. 1026 a motion to instruct the conferees on H.R. 3034. Had I been present, I would have voted ''nay.''

HONORING MIKE LOWELL: THE 2007 WORLD SERIES MOST VALUABLE PLAYER

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise to honor the accomplishments of one of my constituents, Mike Lowell of the World Champion Boston Red Sox, for being named the 2007 World Series Most Valuable Player.

Mike grew up in Miami where he was a high school baseball star at Coral Gables Senior High School. He made the All-Dade First Team and was an All-State/All-Star in 1992. He did all this while maintaining a 4.0 GPA.

Mike was offered a full scholarship by Florida International University, FIU, where he excelled both as a student and an athlete and was honored as an Academic All-American.

In 1995, he was drafted by the New York Yankees and quickly moved up the minor league system. His parents, Carl and Beatriz, always stressed the importance of a good education, and after being drafted, he returned to FIU. He graduated magna cum laude in 1996 with a degree in finance.

In 1999, he was traded back home to play for the Florida Marlins. However, less than three weeks later, Mike's plans were put on hold by a startling discovery. While undergoing a regular physical examination, Mike was diagnosed with testicular cancer. The surgery and three weeks of radiation were successful. Mike recovered with the love and support of his family, including his lovely wife Bertica, and today he remains cancer-free.

Mike created the Mike Lowell Foundation, which helps raise funds for cancer research and helps pay for medical care to low income cancer patients.

While a member of the Marlins, he was a key contributor to their exciting 2003 World Series Championship. Mike was a 2002 and 2003 All-Star and won the 2003 National League Silver Slugger Award, which is given to the top offensive players at each position. In 2005, he won his first Rawlings Gold Glove Award for his ''superior fielding performance'' at third base.

On November 21, 2005, the Marlins traded Mike to the Boston Red Sox. He was voted onto the 2007 American League All-Star Team by his peers. In the 2007 season, he had a .324 batting average, hit 21 home runs and was the Red Sox team leader with 120 RBIs.

In the post-season, Mike was truly ''El Señor Octubre''. In the American League Divisional Series and the American League Championship Series, Mike batted in 11 runs for Boston as they defeated the Los Angeles Angels of Anaheim and the Cleveland Indians.

But it was on baseball's grandest stage that Mike Lowell shined brightest. During the World Series, Mike batted .400, scored 6 runs and drove in 4, including a home run in the decisive Game 4 against the Colorado Rockies. For his extraordinary performance, he was named the 2007 World Series Most Valuable Player.

I wish to congratulate Mike for his extraordinary accomplishments. He has earned the profound respect and affection of millions of baseball fans, and shown the entire Nation what the south Florida community has known for a long time, that Mike Lowell is an extremely talented, intelligent, and decent man. I am truly honored to be able to call Mike Lowell my friend.

CONGRATULATING JULIUS GOLDSTEIN & SON INC. OF MOBILE ON ITS RECOGNITION AS AN ALABAMA CENTENNIAL RETAILER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. BONNER. Madam Speaker, today I rise to honor Julius Goldstein & Son Inc. located in Mobile, Alabama, for being recognized by the Alabama Retail Association as an Alabama Centennial Retailer.

The Alabama Retail Association, in conjunction with the University of Alabama at Birmingham, sponsors the Retailer of the Year program. Awarded in three categories based on annual sales volume, the awards are presented each year at the association's Retailing Day luncheon.

The designation of Alabama Centennial Retailer by the Alabama Retail Association recognizes century-old retail businesses for their contributions to Alabama's past, present, and future. I am proud to recognize that two of the honorees are located in Alabama's First Congressional District.

One of this year's honorees, Julius Goldstein & Son Inc., which does business as Goldstein's Jewelry, was founded in 1879 by Julius Goldstein. One of the South's leading fine jewelry stores, it is now owned by Richard Frank Jr., whose family purchased the business in the 1950s. Originally located on Dauphin Street in downtown Mobile, Goldstein's moved to Royal Street in 1905. Relocating to

Bel Air Mall in 1967, Goldstein's was the first of Mobile's jewelry stores to "move west." In 1974, Goldstein's built a second location in the mall, where it stayed until moving to its current location on Hillcrest Road in 2002.

Madam Speaker, I ask my colleagues to join me in congratulating Goldstein's Jewelry for being recognized as an Alabama Centennial Retailer by the Alabama Retail Association. I know Richard Frank Jr., along with the company employees, their friends, families, and members of the community also join with me in praising Goldstein's Jewelry for their many accomplishments and for extending thanks for their continued service to the Alabama business community and the First Congressional District.

RECOGNIZING THE PONTIFICAL VISIT OF HIS HOLINESS KAREKIN II TO MICHIGAN

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. KNOLLENBERG. Madam Speaker, I want to recognize his Holiness Karekin II, the supreme patriarch and catholicos of all Armenians, as he visits St. John Armenian Church in Southfield, MI, during his second tour of the United States.

Catholicos Karekin II was born Ktrich Nersessian in Voskehat, Armenia on August 21, 1951. He graduated from the seminary of Holy Echmiadzin with honors in 1971, and was ordained a deacon in 1970 and a monk in 1972. It was then that he received the priestly name "Karekin." In the late 1970s, His Holiness Vasken I encouraged Karekin to continue his theological studies abroad, where he spent time in Vienna, Austria and Zagorsk, Russia; eventually returning to Armenia.

On October 23, 1983, Karekin was consecrated as a bishop in Echmiadzin. After the Spitak Earthquake in 1988, Karekin took an active role in helping the victims overcome the devastation. His leadership is evidenced by the many schools and churches erected after the tragedy. In addition, after the fall of the Soviet Union, Karekin nurtured the usage of modern technology and telecommunications to help bring new life to his churches as well as dealing with the legacies of the Soviet era.

In 1999, Karekin was elected catholicos of Armenia and of all Armenians at Echmiadzin, succeeding His Holiness Karekin I. Since his election, his holiness has fostered relations with religious leaders around the world including Pope John Paul II and Ecumenical Patriarch Bartholomew I. Furthermore, on October 10, 2007, he courageously stood on the floor of the House of Representatives and prayed for the victims of the Armenian genocide.

Today his holiness visits Michigan and its over 100,000 citizens of Armenian descent. His message of "bringing faith home" is exemplified by Michigan's involvement and contributions to Habitat for Humanity here and abroad. Their willingness to support one another during difficult and troubling times is truly an inspiration to us all.

Madam Speaker, I commend His Holiness Karekin II for all of his work for his faith, followers, and people of Armenia. I am proud of the many accomplishments of those he has inspired in Michigan and around the world.

TRIBUTE TO THE 302ND AIRLIFT WING OF PETERSON AIR FORCE BASE

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. LAMBORN. Madam Speaker I rise today to honor the elite airmen and women of the 302nd Airlift Wing, who are stationed at Peterson Air Force Base. These experienced reservists have again answered the call to duty by entering harm's way to support their fellow Americans in battling the raging fires in Southern California.

The 302nd launched two C–130 Hercules aircraft equipped with the sophisticated Modular Airborne Fire Fighting Systems to support massive emergency response efforts.

Maneuvering their C–130s dangerously close to the flames to help contain these violent fires, the battle-tested firefighting planes are led by aviators from the Forest Service.

The 302nd trains tirelessly in preparation for any situation and recruits only the finest, most experienced aircrews so as to ensure the best possible protection against loss of life to these fierce fires.

I recently accompanied the 302nd on a test run, and can honestly say that these men and women risk their lives each and every time they go up against a deadly fire.

I would like to thank the members of the 302nd Airlift Wing MAFFS crew, who helped save lives and property during these historic fires in Southern California: LTC David Condit, team leader; LTC Edward Strickland, director of operations; LTC Corey Steinbrink; LTC Harold Treffeisen; LTC Ronald Wilt; MAJ Robert Fairbanks; LTC Brian Thomas; SMSgt Kenneth Kunkel; MSgt Daniel Landers; TSgt Scott Agenbroad; MSgt Thomas Freeman; MSgt Darrell Biggs; TSgt Lamont Wood; SMSgt James Crain; TSgt Jimmy Felts; TSgt Steven Blaskowsky; SSgt Mark Shykes; SrA Allen Clutter; SSgt Michael McDonald; TSgt Brian McAmis; TSgt Steven Cisneros; SMSgt Glen Blackmann; MSgt Kenneth Lohle; TSgt Herbert Lehr; SSgt Yvonda Lefebvre; TSgt Kenneth Maness; MSgt Gerald Tuttle; MSgt Jose Gonzalez; MSgt Pamela Ammon.

These men and women are true heroes, who deserve to be recognized for their courage and bravery. It is my great honor to acknowledge their service to our Nation.

HONORING THE LITTLE RIVER DRAINAGE DISTRICT'S 100TH ANNIVERSARY

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mrs. EMERSON. Madam Speaker, I rise today to honor the Little River Drainage District on its 100th anniversary. This district oversees and maintains critical drainage facilities which keep low-lying Southeast Missouri free from flooding and swamp-like conditions. It is the largest drainage district in the United States, covering 540,000 acres, which protects 1.2 million acres from unwanted water. This complicated system of drainage outlets, levees, and water detention basins is crucial to the safety and livability of communities along the Mississippi River, the St. Francois River and their tributaries.

Before this land was cleared and construction commenced, less than 10 percent of Missouri's Bootheel was clear of water. Today, 96 percent of the land is free from water year-round. This enormous change has enabled Southeast Missouri to grow and to expand. Agricultural and industrial businesses that predominate the region's economy are possible today because of the work of the Little River Drainage District over the past 100 years. Even more important, the Little River Drainage District is committed to the future protection of this beautiful region of the country and the people who live there.

If not for the Little River Drainage District, children would go to school on tractor trailers, homes would fill with water after every heavy rain, and a surge in the Mississippi River would be a devastating event to whole communities. Without the men and women who work through the Little River Drainage District to advocate and maintain flood protection measures, life in Southeast Missouri would be very different.

The individuals of the Little River Drainage District are responsible for keeping the ground dry beneath countless businesses, farms, factories and families. They do an outstanding job as advocates for every citizen of Southeast Missouri. I commend them for their work and congratulate them on 100 years of service to our district, State and Nation.

THE PRIVATE SECTOR WHISTLEBLOWER PROTECTION STREAMLINING ACT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Ms. WOOLSEY. Madam Speaker, employees who expose illegal practices benefit us all. But when they blow the whistle, they are often retaliated against. They are demoted, lose their jobs, and are blacklisted. Congress has established broad protections for Federal government employees and contractors who speak out. But when it comes to the private sector, there are large gaps in coverage.

Last spring, the Subcommittee on Workforce Protections, which I chair, held a hearing on private sector whistleblowers. What we heard at the hearing made it clear that these brave employees who put their jobs and lives on the line by coming forward to report violations of the law need more protection.

The Private Sector Whistleblower Streamlining Act of 2007 is designed to fill the gaps for private sector whistleblowers. First, it establishes whistleblower protections for workers who report violations of Federal law related to health and health care, environmental protection, food and drug safety, consumer protection, transportation safety, working conditions and benefits, energy, homeland and community security, building and construction-related requirements and financial transactions.

Second, it provides for reinstatement, compensatory damages, and in egregious cases, punitive damages for workers who have been retaliated against. In addition, the bill requires

that the same well-tested principles used in determining whether or not a complaint is valid for Federal employees and contractors (and some private sector employees) who blow the whistle is used for private sector workers.

Third, the Act establishes a new office within the Department of Labor, which will be dedicated solely to administering whistleblower complaints. Following an investigation by this office, the Act provides an opportunity for hearings before a Department of Labor administrative law judge and final review by the Office of the Secretary. Complainants would also have the right to take their cases to court.

Since the substantive whistleblower protections under OSHA and MSHA are well-established, the Act takes a different approach for those who blow the whistle on safety and health violations. Procedurally, the Miner Act functions at an acceptable level, but the procedures of the OSHA Act badly need an overhaul. So the Streamlining Act would provide complainants under the OSHA Act with the same hearing, final review, and court opportunities as for others. For practical reasons, it would leave the initial investigations to OSHA.

Finally, the bill requires the National Academies to study why some persons or communities are reluctant to step forward and report illegal violations.

We want to encourage workers to come forward and report violations of law. The Private Sector Whistleblower Streamlining Act of 2007 will make it easier for them to do so.

RECOGNIZING ANNIVERSARIES OF MASS MOVEMENT FOR SOVIET JEWISH FREEDOM AND FREEDOM SUNDAY RALLY FOR SOVIET JEWRY

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. HASTINGS of Florida. Mr. Speaker, it gives me great pleasure to rise in support of H. Res. 759, which recognizes two of the most important events in the area of human rights in the twentieth century: Recognizing the 40th Anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th Anniversary of the Freedom Sunday Rally on the Mall in Washington, DC.

I would like to specifically touch on one of the most important aspects of the Jewish struggle for freedom—the right to emigrate.

A few months ago, the travel plans of many Americans were disrupted when they were unable to acquire within a reasonable period of time U.S. passports that would allow them to travel abroad to certain regions. It was an inconvenience, but fortunately, the State Department with great effort cleared up the backlog and the waiting period is now back to around two months.

Now imagine waiting five, ten, or even fifteen years for a passport allowing you to leave the country.

Imagine not filling out an application and dropping it into the mail, but instead trudging from office to educational institution to police station seeking signatures from employers and various officials, without which the emigration office would not even consider the application to emigrate.

Imagine being told you can't leave, but not given any rational reason as to why not. Or being told that you cannot emigrate because of military service—in a construction unit!

Imagine taking to the streets with a sign demanding the right to reunify with one's family and loved ones abroad, as stipulated in the U.N. Convention on Civil and Political Rights, and being set upon by police and perhaps winding up in a forced labor camp or in internal exile in some tiny village in Siberia.

It may be hard to imagine, but this is what thousands of Soviet Jews faced when they wanted to emigrate to Israel from the former Soviet Union.

And why did Soviet Jews want to emigrate? Many of them were tired of the government anti-semitism that permeated the Soviet system, including a quota system for educational institutions. Understandably, they did not want their children to face these obstacles.

Many wished to practice their Jewish faith, to be able to attend a synagogue—if they could find one that hadn't been closed by the Communists—without having to worry that some Communist Party hack would see them and report them to their employers or teachers. Others were tired of the constant stream of anti-Semitic articles in the Soviet press parading as opposition to Zionism.

In 1967, with the Soviet press spewing tirades against Israel and alleged Zionist misdeeds in the wake of Israel's victory in the Six Day War, the Jewish emigration movement in the Soviet Union began in earnest. Many applicants, to be sure, were allowed to leave, but others were refused time and time again. The word "refusenik" was coined. Members of the Jewish community in the United States and throughout the world took up their cause. Others who cherished basic human rights, including Members of this body, joined in solidarity. Activists took part in demonstrations, wrote letters to Soviet officials, visited refuseniks in the Soviet Union, sent packages to imprisoned refuseniks, and never quit working on their behalf. It was an impressive demonstration of determination and unity.

And as this resolution notes, almost twenty years ago, on December 6, 1987, an estimated 250,000 persons demonstrated on the National Mall here in Washington on behalf of Soviet Jewish emigration as President Reagan prepared for a summit meeting with General Secretary Gorbachev. African Americans joined the rally in large numbers due in part to the active Jewish participation in the civil rights movement in the United States. One of these African American leaders eloquently expressed why so many non-Jews were there. He said, "As long as one Jew is kept against his will in the Soviet Union, we are all Jews."

A few years later, as the Soviet Union was collapsing and perestroika and glasnost became the watchwords, the barriers to Soviet Jewish emigration were lifted. Justice had at last prevailed.

Mr. Speaker, this resolution recognizes both the brave individuals who stood up to tyranny and demanded their right to freedom of movement, and those who vigorously campaigned on their behalf.

As Chairman of the U.S. Commission on Security and Cooperation in Europe, I am honored to stand with my colleague and good friend, HENRY WAXMAN, in support of this resolution, and I urge my colleagues to do the same.

HURRICANES KATRINA AND RITA RECOVERY FACILITATION ACT OF 2007

SPEECH OF

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I rise in support of H.R. 3247, the Hurricanes Katrina and Rita Recovery Facilitation Act of 2007. This bill directs the President to increase to 90 percent the amount of Federal contributions for replacing any State or local government property damaged by the hurricanes. Enactment of this bill is critical if we are going to finally rebuild the historic and vital infrastructure in Mississippi and Louisiana.

This bill also addresses a variety of other issues of importance toward rebuilding communities in Mississippi and Louisiana including temporary housing for volunteers, debris removal program eligibility for Mississippi and Louisiana, providing for respectful care and interment of human remains damaged during the hurricanes, restoring certain public facilities and providing incentives for certain hazard mitigation projects. All of these are important steps toward rebuilding our vibrant Gulf Coast communities.

Madam Speaker, this bill is welcomed, as both Louisiana and Mississippi are still rebuilding from the damages caused by the storms. The Government Accountability Office (GAO) reported in August that some communities are still without basic needs—such as schools, hospitals, and other infrastructure. In addition to these basic community needs, many are still without jobs because the doors of many businesses remain closed. Estimates from the Congressional Budget Office put, capital losses resulting from both hurricanes in the range of $70 to $130 billion. The GAO report further found that a substantial portion of the billions of dollars in assistance to the Gulf Coast was directed to short-term needs, leaving a smaller portion for long-term rebuilding. To date, the Federal government has provided most long-term rebuilding assistance to the Gulf Coast states through two key programs: FEMA's Public Assistance Program and the Department of Housing and Urban Development's Community Development Block Grant program (CDBG). Both States allocated a bulk of their CDBG funds to homeowner assistance, thus, creating a need for supplemental public assistance funds to focus on rebuilding and restoring critical infrastructure, such as government facilities, which funding this bill provides.

The increased assistance from the Federal government to Louisiana and Mississippi to rebuild their infrastructure through FEMA's public assistance program will help with the financial burden they face and will allow the process, which has thus far been daunting, to proceed more rapidly. This legislation is a step forward because it increases Federal assistance toward the rebuilding process and provides needed changes to the Stafford Act.

And, as we focus on rebuilding infrastructure in Louisiana and Mississippi, we must not forget that many of the child care facilities were damaged and even destroyed, while parents struggled to find a safe place to leave

their children while regrouping. Many child care facility owners are still waiting to hear from FEMA about financial assistance. Because I recognize the importance of emergency child care after a disaster, I introduced H.R. 2479, the Emergency Child Care Services Act, which was referred to the Transportation and Infrastructure Committee. This bill would amend the Stafford Act to designate emergency child care as a ''critical service'' that is eligible to receive disaster assistance from FEMA. Recently, I have received calls from colleagues who represent areas affected by the California wildfires, inquiring about the bill's status. I am disappointed that the Emergency Child Care bill was not included in the bill debated on the floor today. It is my hope that my bill will be successfully passed out of Committee in the near future.

As Chairman of the Homeland Security Committee with oversight of the Department of Homeland Security (DHS), of which FEMA is a part, our Committee works diligently to ensure that DHS and all of its components are prepared to respond to acts of terrorism, natural disasters and other emergencies. This bill will help rebuild our communities in both Louisiana and Mississippi and help with preparedness efforts for future incidents.

In closing, let me thank my colleagues on the Transportation and Infrastructure Committee for their leadership on this legislation, and in particular, Ms. NORTON, who is also a member of the Committee on Homeland Security, for spearheading this effort. I look forward to working with Chairman OBERSTAR, Ms. NORTON and others on the Transportation and Infrastructure Committee to assure that our Federal disaster and post-terrorism response capabilities are at the level that the American people deserve. I encourage my colleagues to support this legislation.

CONGRATULATING MR. ROBERT A. REYNOLDS, JR.

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. AKIN. Madam Speaker, I rise today to recognize Mr. Robert A. Reynolds, Jr., an exceptional leader from my district in St. Louis, Missouri. Since 2000, Bob has served as President and CEO of Graybar Electric Co., Inc, a Fortune 500 company employing nearly 8,000 men and women at more than 250 distribution centers in the U.S., Canada, Mexico, and Puerto Rico.

Prior to his election as Chairman of the Board at Graybar in 2001, Bob served in various capacities at the company. He joined Graybar in 1972 as an office salesman, was transferred to the Philadelphia unit as a sales representative in 1977 and was later appointed manager of the national consumer products accounts at corporate headquarters in 1979. After serving as a branch manager in New York and Connecticut, he was appointed district manager in Seattle. Bob eventually became Vice President of Communications Markets and Vice President of Communication and Data Business before he was named Senior Vice President of Electrical Business in 2000. During his tenure as President and CEO, Graybar was on the Fortune America's Most Admired Companies list for six consecutive years.

Bob's leadership over the years has proven invaluable not only to Graybar, but to the community as a whole. He currently serves on the boards of the National Association of Electrical Distributors, the Boy Scouts of Greater Saint Louis, the United Way of Greater Saint Louis, the Saint Louis Club, the Log Cabin Club, Civic Progress of Saint Louis, and the Saint Louis Regional Commerce and Growth Association. He is the former Chairman of the Board at the National Association of Wholesaler-Distributors (NAW) and now serves as Past Chairman of the Board.

I am pleased to be able to honor Robert A. Reynolds, Jr. today. He is a remarkable example of the great leadership we have in Missouri and I know all of my colleagues join me in wishing he and his family the very best as he finishes his service at NAW.

FUND OUR VETERANS

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mrs. DRAKE. Madam Speaker, this is day 32. That is 32 days, so far, that our veterans have not had the use of the increased funding for their benefits and health care. That is $18.5 million a day not able to be used. And why? Because the Democratic leadership has decided to not complete this bill and send it to the President, who has agreed to sign it.

In June this House passed this appropriation bill with a $6 billion increase in a bipartisan manner. We were proud of our work and grateful to our veterans.

On September 6, the Senate completed their bill.

This work is done. Our veterans are not pawns in a political game. They are heroes.—Their sacrifices should not be used for more spending & more partisanship here in DC.

America expects us to get the job done. America expects us to provide the best care to our veterans.

Please join me in calling upon the Democratic leadership to put our veterans first and send this bill to the President now.

TRIBUTE TO NORTH FORT MYERS ELKS LODGE #2742

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. MACK. Madam Speaker, I rise today to honor the North Fort Myers Elks Lodge # 2742 for their tireless and dedicated service to Southwest Florida's veterans.

The Elks are committed to the ideals of charity and patriotism and have a long tradition of supporting service projects throughout their local communities. No lodge fits this ideal better than the North Fort Myers Elks Lodge #2742, who will be recognized for their service to the Southwest Florida veterans community next week at the Florida Elks' State Convention in Orlando.

Since 1917, the Order of Elks has pledged to never forget our nation's veterans. The men and women of the North Fort Myers Elks have taken the Elks' pledge to heart. Their record of service to the veterans of Southwest Florida is inspiring and worthy of commendation.

Over the last several years, the North Fort Myers Elks have served over 14,000 hot meals and provided over $107,000 in food items, necessities and clothing to the region's homeless veterans; have logged over 90,000 miles transporting veterans to the Bay Pines VA Medical Center in Bay Pines, Florida; and have repeatedly been recognized by the national Elks organization for their service to veterans, taking first place four years in a row.

We all owe a tremendous debt of gratitude to those who have served our country valiantly, and the North Fort Myers Elks have shown their community what compassion and service to our nation's veterans truly means.

I'm honored to represent these caring and hardworking individuals in Congress, and thank them for their efforts in making Southwest Florida a great place to live, work and visit.

HONORING DR. TERRY L. MARIS, OHIO VETERANS HALL OF FAME INDUCTEE

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. JORDAN of Ohio. Madam Speaker, a ceremony in Columbus next week will mark the induction of 20 distinguished Ohioans into the Ohio Veterans Hall of Fame. I am honored to commend to the House one of these inductees: Dr. Terry L. Maris of Hardin County.

Dr. Maris is an Army Special Operations veteran who served two combat tours in Vietnam. A Purple Heart recipient, he was awarded the Bronze Star, the Army Commendation Medal with Valor Device, the Vietnam Gallantry Cross with Gold Star, and numerous other decorations for his valorous service.

Following his distinguished Army career, Dr. Maris put the leadership skills he honed in Vietnam to good use in the private sector, where he has compiled an admirable record in the fields of business research and teaching. As Dean of the College of Business at Ohio Northern University for 15 years, he oversaw the implementation of new instructional methods and cutting-edge teaching technologies to ensure that his students would best be prepared to succeed. He continues to serve as Executive Director of the Center for Cuban Business Studies, which he created to help people across the hemisphere lay the groundwork for relations with Cuba after the Castro regime.

Madam Speaker, selection for the Hall of Fame is a high honor accorded to only 20 Ohioans per year. To be considered for induction, individuals must not only serve the Nation honorably in the military, but also reflect the high value of service to others in their post-military careers.

In a letter recommending Dr. Maris for inclusion in the Hall, American Veterans Institute President Mike Jackson called him a ''quiet hero'' who has dedicated himself to educating future generations for the betterment of people everywhere. I am pleased to join in the accolades for Dr. Maris and his inestimable record

of service to our Nation as he is inducted into the Ohio Veterans Hall of Fame.

HONORING MRS. DOROTHY CHIERO, RECIPIENT OF THE CHARLES E. PIPER AWARD

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor Mrs. Dorothy Chiero, recipient of the 2007 Charles E. Piper Award for exceptional business achievement. Dorothy Chiero has worked for Bellair Expediting Service for the last 31 years and currently oversees 23 offices through the United States as a corporate office manager. Her outstanding leadership has greatly impacted the local community and its businesses.

As a long-time resident and proud member of the Berwyn business community, Dorothy Chiero has been very active in promoting local businesses. Dorothy played an essential role in the formulation of the Historic Depot District Special Events Committee of the Berwyn Development Corporation. This committee has hosted a number of successful events which have brought attention and notoriety to the business district in the Depot area.

Dorothy's leadership in the community also extends to the two area businesses that she owns with her husband, Cabin Fever and AWESOME Pest Service, as well as her participation in many other local organizations. She is currently serving on The Berwyn Development Corporation's Ogden/Depot District TIF Committee and the Transit Oriented Development Steering Committee and is an active member of the Democratic Citizens of Berwyn and the Women's Club of Berwyn.

I rise today to congratulate Dorothy Chiero, recipient of the 2007 Charles E. Piper Award, for her efforts and positive influence on the Berwyn business community. It is my privilege and pleasure to congratulate Mrs. Chiero on this award and acknowledge her contributions to the community. Her unique approach, dedication, and determination serve as an inspiration to the business community, as well as all citizens.

TRIBUTE TO PAT KERR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. SKELTON. Madam Speaker, let me take this moment to recognize the selfless acts of Pat Kerr. Mrs. Kerr has tirelessly advocated on behalf of service members and their families.

After her daughter, CPT. Kat Numerick, was deployed to Iraq, Pat Kerr organized successful events at the Capitol to raise support for our troops. Mrs. Kerr has earned the reputation of refusing to turn down any soldier or family member. She regularly works late into the night, spending her own time and money to resolve each family's problems. Recently, Mrs. Kerr testified to Congress on the care of wounded servicemen.

Due to her relentless work to improve conditions for our troops, Mrs. Kerr has been recognized by Traditional Home magazine as a 2007 Classic Woman. She will be commended at an award ceremony in New York and will be featured in an article in Traditional Home's Classic Woman issue. This prestigious distinction comes with a $2,500 contribution from Traditional Home, which will be awarded to The Military Family Relief Fund.

Currently, Mrs. Kerr continues her career at the Missouri State Veterans' Commission. She and her husband, John, care for their grandson while Captain Numerick serves her third tour of duty. I trust that Members of the House will join me in thanking Pat Kerr for her devotion to the brave men and women in our military.

IN HONOR OF JERRY SMITH

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. FARR. Madam Speaker, I rise today to honor a great American, Monterey County Supervisor, Jerry Smith, on the occasion of his recognition as one of Monterey County's outstanding veterans of the year by the Monterey County Veterans Services Advisory Commission. I am honored to have this opportunity to recognize Supervisor Smith not only because of his long public service in the California Central Coast community that I represent, but also because I consider Jerry and Byrl, the love of his life and wife of forty years, as friends.

Jerry Smith was born in 1945 and raised in Monterey County, California. He is the descendant of a pioneer family that arrived on the Monterey Peninsula in 1889. His great grandfather, William Niblett, first settled in Pacific Grove. The Niblett family lived there until 1937 and later moved to what was then the unincorporated community of Seaside. In the 1950s, Jerry's family was active in the successful efforts to incorporate this area as the City of Seaside. My own family's connection to Jerry's family begins at that time through my father Fred Farr's Seaside based law practice and his own involvement in the Seaside incorporation efforts.

After college, Jerry served a tour of duty in Vietnam with the Army's 4th Infantry Division. Following his return to Seaside in 1968, Jerry worked in a variety of fields including hotel management, banking, and auto sales. That is where I first met him, when in 1978 he sold me a Volkswagen Rabbit. Later that year following a service visit, I pulled into traffic while leaving Jerry's Wester Volkswagen dealership and into the path of a fast moving cement truck. I have joked with Jerry over the years that had this accident actually been fatal, rather than simple near fatal, he would have been the last person on Earth that I had any contact with.

In 1982, Jerry launched a public service career in law enforcement. He served over twenty years as a peace officer at the California State Correctional Training Facility in Soledad, where he rose to the position of Community Resources Manager. In 1998, Jerry won his first of three terms as Mayor of his home town. Under his leadership, the City of Seaside started its rebirth following the 1993 closure of the adjacent Fort Ord Army base. In 2004, Jerry became the first African American elected to the Monterey County Board of Supervisors to represent the Fourth District. In his capacity as County Supervisor, Jerry serves on numerous Committees and Boards, including the Monterey County Voting Rights Committee, the Fort Ord Reuse Authority, the Transportation Agency of Monterey County, the Natividad Medical Center Board of Trustees, and many others. In all of this work, Jerry has kept the interest of veterans at the forefront both in his official capacity and as an active member of American Legion Post 591 and the Veterans of Foreign Wars.

Jerry has also been an active member of his community beyond his official duties as Mayor and Supervisor. He attends St. Francis Xavier Church and is a member of numerous charitable organizations throughout Monterey County, such as St. Francis Xavier Knights of Columbus, Monterey County NAACP, United Way, and the Monterey County Crime Prevention Association, to name a few.

Madam Speaker, in addition to his record of public service in general, and for veterans in particular, Jerry is also a shining role model for comity and decorum in public discourse. He is unfailingly gracious. Even in heated disagreement, of which we have had our share over the years, Jerry is always at pains to treat the other participants in the discourse with dignity. I know that I speak for the whole House in offering Jerry and Byrl our congratulations and best wishes for the future.

A TRIBUTE TO SISTERS OF MERCY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Ms. MATSUI. Madam Speaker, I rise today in recognition of the Sisters of Mercy and their 150 years of service in Sacramento. One and a half centuries ago an extraordinary group of women traveled from Ireland to California to improve the lives of the poor, sick and uneducated. Their spirit and dedication still lives on in the work of today's Sisters of Mercy. I ask all my colleagues to join me in honoring some of Sacramento's finest citizens.

The Sisters of Mercy were founded in 1831 by Catherine McAuley in Dublin Ireland. In 1854, eight sisters arrived in San Francisco to begin their ''Mercy mission.'' On the morning of October 2, 1857, at the request of Bishop Joseph Alemany of San Francisco, the Sisters of Mercy arrived in Sacramento. Led by Mary Baptist Russell, four sisters traveled to a new community. They immediately established a school, cared for orphans and assisted the poor.

Over the past 150 years, the Sisters have cared for countless Sacramentans and expanded their services in hopes of reaching the entire community. They established the Catholic Orphanage of Sacramento and provided social services for those in need. In 1875, the Sisters opened St. Joseph's Academy, offering women an education, employment trainings and boarding school accommodations. At a time when women were often shut out of the public sphere, the academy was dedicated to expanding women's contributions in society. The Sisters of Mercy have since grown to include over fourteen elementary schools and

four high schools, as well as the Mercy Educational Resource Center Sacramento which opened in 1992. This center offers services to all in need, especially those who are emotionally distressed and educationally disadvantaged due to learning disabilities and societal circumstances. It is a comfortable environment that offers students a wonderful place to learn.

Coming to Sacramento as teachers, the Sisters of Mercy also became the first visiting nurses in the region. In times of need, including the devastating floods in December of 1861 that kept parts of Sacramento under water for six months, the Sisters treated malaria, typhoid fever and tuberculosis. Their contributions did not go unnoticed as members of the medical community encouraged the Sisters to open a hospital in hopes of expanding their efforts. In 1896, the sisters added a hospital ministry. In 1897, to strengthen this new ministry, the sisters opened the first private hospital in Sacramento, the Mater Misericordiae Hospital, which also was known as the Sister's Hospital. Following the hospital's opening, a nursing school was added to train others.

The Sisters of Mercy's mission has been preserved and strengthened throughout the years. In 1925, the sisters opened the new Misericordiae Hospital, now known as Mercy Hospital in Sacramento. In 1950, Mercy Children's Hospital was opened. This hospital focuses on the special needs of the community's youth. Today there are four local Mercy hospitals, Mercy General Hospital, Methodist Hospital of Sacramento, Mercy Hospital of Folsom, and Mercy San Juan Medical Center, as well as five free healthcare clinics that continue to assist those who cannot pay for their medical care. The sisters have also created Mercy Housing, which develops affordable housing and support services for those in need. They have since created hundreds of affordable housing units across Sacramento.

Madam Speaker, I am honored to pay tribute to the Sisters of Mercy's distinguished commitment to the well-being of the Sacramento community. Their dedication has withstood both physical and financial hardships. Over the last 150 years, the Sisters have expanded their mission with the changing of times and have been true champions of the needy. As the Sisters of Mercy's colleagues, supporters, families and friends gather together at the 150th gala celebration, I ask all my colleagues to join me in wishing them continued good fortune.

TRADE AND GLOBALIZATION ASSISTANCE ACT OF 2007

SPEECH OF

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 2007

Ms. SOLIS. Mr. Speaker, I rise today in strong support of H.R. 3920, the Trade and Globalization Assistance Act of 2007. This bill will provide American workers displaced by globalization and trade policy with the necessary tools and assurance to compete in the global economy.

Created in 1962, the Trade Adjustment Assistance (TAA) program offers trade-displaced workers up to two years of job training and income support while they transition to different jobs often in new sectors. Unfortunately, for too long, thousands of our workers have been denied services they are otherwise eligible to receive because of a lack of funding or restrictive interpretations of current law. H.R. 3920 bridges this gap, by not only doubling training funds to $440 million but also by providing states with funds for vital outreach to ensure that our workers are not lost or forgotten in this increasing global age. Eighty percent of all workers in the United States work in the service sector industry and I am proud that for the first time they will be fully eligible for coverage through this legislation.

H.R. 3920 also intends to protect our most vulnerable workers—women and minorities. While Latinos represent 12.6 percent of the total U.S. workforce, they account for 26 percent of textile and apparel industry workers. In California, Latinos make up an estimated 80 percent of the California garment industry, which has been especially hard-hit by NAFTA's impact. As a result, Latino workers have been significantly hurt by poorly crafted trade policy. According to the Department of Labor, 47 percent of individuals that applied for NAFTA's TAA program due to lay offs were Latino.

Unfortunately, President Bush is threatening to veto this legislation, continuing his policy of favoring wealthy Americans over middle-class workers. I believe that it is well past time to acknowledge the hard fact that trade policy has had a negative impact on our nation's workers and it is our job to give them the support they need to be active members of our workforce. I urge my colleagues to support this legislation, so we can provide displaced workers with the tools and resources necessary to compete in the 21st century, and I urge President Bush to reconsider his callous threat and stand with us to support American workers and American jobs.

TRIBUTE TO CASA

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. McDERMOTT. Madam Speaker, I am enormously proud to rise in celebration of the 30th anniversary of one of Seattle's finest start-ups, one that is valued throughout the country today. You may initially think I am speaking of Boeing, or UPS, REI or Starbucks. Rather, I refer to the CASA movement—Court Appointed Special Advocates.

Every year more than 800,000 children enter the court system after being removed from their homes and placed in foster care. They have not committed any crime, instead, they are simply child victims of abuse, neglect, or abandonment. It is up to a judge to decide their futures—what healing services they will receive, where they should live and with whom, and if they can be safe. In order to reach such critical decisions, judges need to be fully informed about the child's situation.

In 1977, King County Superior Court Judge David W. Soukup of Seattle, Washington believed that he was not getting all of the facts he needed to make well-informed decisions affecting the futures of children coming before him in child welfare cases. The judge convened a meeting of community representatives to discuss his idea for recruiting citizen volunteers to do the detailed research that judges could not. Judge Soukup envisioned trained volunteers who would speak to the children and their teachers, therapists, foster parents, and family members, then write reports for the court including the volunteer's recommendations for the child's best interests. This vision was the impetus for the first CASA program.

Before coming to Congress, I sometimes had occasion to testify as an expert witness in Judge Soukup's courtroom. He was both a thorough and caring jurist. He explained that he founded the CASA movement because he wanted someone in his courtroom whose only job was to provide a voice for the children. Caseworkers are obligated to their agency, the parent, and others. An attorney appointed as the child's legal representative cannot testify about privileged, and potentially harmful, information that the child may have revealed. Attorney guardians ad litem simply could not afford the time to do a thorough investigation of all the facts, interview significant adults in the child's life, and advocate for the mental and social needs of the child.

Judge Soukup's innovative vision has grown to become a strong and respected national program of advocacy for children. It is estimated that CASA volunteers serve 30 percent of children who are in foster care and court systems because of abuse and neglect. This year marks the 30th anniversary of the founding of that first CASA program in Seattle—it is also the year in which the two millionth child will be served by a CASA volunteer.

Many of my colleagues are equally proud and supportive of the remarkable work that CASA volunteers perform within their districts to assure that a child's needs are recognized and addressed by the courts and social service systems. There are more than 900 CASA programs in 49 states. Nearly 60,000 CASA and volunteer guardians ad litem served 220,000 children in 2006 alone.

Several studies demonstrate the effectiveness of CASA advocacy for children. Judges appoint CASA volunteers to their most difficult cases, in which children face an even higher-than-normal factor of risk. In spite of the difficulty of their cases, children with a CASA volunteer are substantially less likely to spend more than three years in foster care or ever to re-enter foster care. A greater number of targeted services are ordered for children and their families when the child has a volunteer. In four out of five cases, all or almost all of the CASA volunteers' recommendations are accepted by the court. Judges today identify a great need for more volunteers to be assigned to children's cases.

I thank Judge Soukup for his inspiration. He must feel enormously rewarded by the knowledge that his idea has helped provide better outcomes for two million children today. Congratulations to the King County Dependency CASA Program on this 30th anniversary. I applaud the National CASA Association for its leadership in expanding that single program in Seattle to more than 900 offices in 49 states today. I salute Washington State CASA, also located in Seattle, for undertaking the largest expansion of CASA within the state. Finally, I congratulate and thank the hundreds of thousands of citizens who have served as CASA volunteers over these last 30 years for their steadfast advocacy to assure that the interests

and needs of the children remain the focus of our child welfare and court systems.

SMALL BUSINESS CONTRACTING PROGRAM IMPROVEMENTS ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3867) to update and expand the procurement of the Small Business Administration, and for other purposes:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of H.R. 3867, the "Small Business Contracting Program Improvements Act." I support this legislation because it provides for much needed contracting opportunities for small businesses that would otherwise escape them. H.R. 3867 encourages participation by qualified small businesses, particularly veteran owned businesses, in the appropriate contracting programs offered under the supervision of the Small Business Administration. The Act aims to assist small business participation, prevent fraud and bring consistency to the operation of the main contract assistance programs. While I applaud the efforts to increase opportunities to veteran-owned small businesses, I believe that it is particularly important that doing so does not adversely affect contracting opportunities for women and HUBZones.

H.R. 3867 ensures government contract opportunities for small businesses owned and controlled by service-disabled veterans. The least that we can do is provide our veterans with opportunities to fulfill their dreams of owning successful businesses so that they can support themselves in an ever-growing, competitive business arena. By expanding procurement opportunities for service-disabled veteran-owned businesses, a group that currently receives only a small fraction of their contracting goal, we say thank you to those brave heroes who sacrificed much so that all Americans can enjoy the fruits of their labor, freedom and security. The bill also protects those veterans for whom the opportunities are created by establishing penalties for misrepresentation of a service-disabled veteran owned business classification and adopts a roadmap for providing information, advice and training to service-disabled veterans as prescribed by the President.

Finally, it provides discretion to contracting officers in cases that must now be set aside for HUBZones but that could, with these amendments be used for service-disable veteran-owned businesses. But as I stated at the outset, the exercise of such discretion must be judicious so as not to frustrate the purpose set out in the Small Business Act to provide for opportunities for HUBZones.

Mr. Chairman, this bill has safeguards to ensure that the benefits provided reach the intended recipients. Under H.R. 3867 provides that the Administrator perform the necessary checks on applicants for participation in the various contracting assistance programs to ensure their business integrity and qualifications. Most programs already require this but this makes it uniform.

The Small Business Contracting Program Improvements Act also expands opportunities for women entrepreneurs. The bill establishes requirements for the SBA to implement the Women's Procurement Program immediately. Because it has taken too much time for the SBA to implement the Women's Procurement Program, this bill is intended to provide agencies with sufficient information to immediately begin competing contracts among women business owners. Seven years is far too long for the women who have been waiting for these business opportunities. As a result of this unwarranted delay, women have lost tens of billions of dollars in contracting opportunities but thanks to H.R. 3867 they will not have to wait any longer. I am particularly pleased to know that women small business owners will finally receive the long anticipated contracting opportunities that were intended for them under the Small Business Act.

Mr. Chairman, this bill will also strengthen Community Development. Title IV strengthens the HUBZone program by verifying that small businesses receiving contracts under its authority are qualified. It further requires construction contracts to be performed within a reasonable distance of the particular HUBZone the contractor is to benefit.

This legislation has bipartisan support within the Small Business Contracting Program Improvements Act Committee and includes the input from a number of Members. There is remarkably broad support on this legislation, ranging from the National Black Chamber of Commerce to the National Federation of Independent Business and the Associated General Contractors of America. Also supporting the legislation are the American Legion, the Veterans of Foreign Wars, and AMVETS. The United States Hispanic Chamber of Commerce, the U.S. Women's Chamber of Commerce and the National Defense Industrial Association also.

While this bill goes a long way to provide much needed contracting opportunities for small businesses, my amendment would have greatly enhanced such opportunities. My amendment to H.R. 3867, which updates and expands the procurement programs of the Small Business Administration. My amendment provides that it is the sense of Congress that the Administrator should encourage the components of the administration, as well as appropriate State and local government agencies, to competitively bid and negotiate contracts and prices for services, including debris clearance, distribution of supplies, reconstruction and other assistance, in advance of an act of terrorism, natural disaster, or other emergency; and work toward a goal of awarding to qualified firms located in a county, parish, or other unit of local government within the affected area, but only to the extent that the goal does not interfere with the ability of the Administrator to provide timely and effective assistance.

Mr. Chairman, we have learned from the devastation of Hurricanes Katrina, Rita and Wilma that severe consequences can result from not having the proper disaster recovery plans in place prior to such a disaster. We also know that having in place a comprehensive written response plan to give support to small businesses so that they may rebuild their businesses and in turn help to rebuild the affected areas is an essential component of a good recovery plan.

In the aftermath of Hurricanes Katrina, Rita, and Wilma small businesses and in particular minority and disadvantaged businesses, in the affected areas were severely and negatively impacted because they did not receive financial support necessary to rebuild their businesses and participate in the rebuilding of the affected community.

I understand that a major purpose of H.R. 3867 is to encourage participation by qualified small businesses, particularly veteran owned businesses, in the appropriate contracting programs offered under the supervision of the Small Business Administration. The Act also aims intend to assist small business participation, prevent fraud and bring consistency to the operation of the main contract assistance programs. My amendment would further support the goal to support small businesses by encouraging SBA to establish a program that provides for pre-negotiated contracts with small businesses, in advance of an act of terrorism, natural disaster, or other emergency. Thus, the small business owners from the affected areas will not only be included in the recovery and rebuilding process but also maintain viability in a competitive economic environment.

I hope that in the future we will consider the devastating impact that disasters can have on small businesses as well as the affected communities. I urge my colleagues to support small businesses by supporting H.R. 3867.

A TRIBUTE TO SAMUEL J. CORNELIUS

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. CLAY. Madam Speaker, I rise today to pay tribute to Samuel J. Cornelius. His longstanding commitment to the citizens of Missouri has earned his place among the ranks of past inductees into the Missouri Walk of Fame.

Mr. Cornelius has been passionately devoted to promoting minority businesses and being engaged in the political process. A graduate of Anderson University, Mr. Cornelius got his start in business when he organized the Sacramento Street Businessmen's Association in Berkeley, California. During his time with the Businessmen's Association, he developed cooperative buying, promotion, and advertising programs for minority business owners.

Mr. Cornelius has been remarkably persistent in developing minority business leaders. After taking leave from his privately-owned business, he implemented the Economic Development Assistance Center for Opportunities Industrialization Centers of America. There he administered three national programs: The Anti-Poverty Program, the Minority Business Program, and the $16.5 Billion Feeding Program.

Mr. Cornelius has served as Vice-President of the NAACP Board of Directors and a member of the United Way, the United Black Fund and the Boys and Girls Club of America. In addition, he is listed in Who's Who in Black America. He is married, a proud father of four and a Veteran of the United States Navy.

Madam Speaker, it is with great privilege that I recognize Samuel J. Cornelius today before Congress. His life and his career are

steeped with dedication to the well-being, of not just Missouri residents, but to the entire nation. I urge my colleagues to join me in honoring Samuel J. Cornelius.

HONORING BILL AND LUCY KORTUM

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Ms. WOOLSEY. Madam Speaker, it is with great pleasure that I join you here today to honor Bill and Lucy Kortum for their outstanding contributions to Sonoma County, the State of California and the Nation. Having made significant changes to the environmental consciousness in California and beyond, among other good works, Bill and Lucy have changed the world permanently—for the better.

Bill's priorities were clear from the time he was young, growing up in Sonoma County where he could hike or travel anywhere in the county. His father told him, ''Enjoy it now, because when you grow up, it will be gone.''

Determined that wouldn't happen, Bill has contributed in many ways to protect the valued lifestyle of the community. That work has had lasting effect around the world, and resulted in a long list of notable accomplishments. For example, as co-founder of COAAST (Californians Organized to Acquire Access to State Tidelands), Bill led the fight to ensure the public's right to use California's 1,300 miles of coastline. Out of that came the California Coastal Protection Initiative, a ground-breaking measure that created the Coastal Commission to regulate development along the State's coast.

''That's not only a gift to the people of California,'' says Professor John Kramer of Sonoma State University, ''but that bill was instrumental and served as a model for environmentalists around the globe of how you could value coast with the notion that it's a common value. And it has been re-affirmed by the Supreme Court over and over.''

Among Bill's other contributions were the idea of triple use for urban wastewater, the selection and securing of land for the campus of Sonoma State University, and the idea of a hiking trail along the length of California, now called the California Coastal Trail—which includes a part named after the Kortums.

Because of his steadfast dedication, Bill is considered the dean of Sonoma County environmentalists. As such, he was the first to serve as a Sonoma County supervisor. He was also one of the founders of Sonoma County Conservation Action, an organization that has been instrumental in electing environmentally minded local officials, and is now a leader in transportation issues, as well.

Bill's ideas were always backed by Lucy's actions, says Kramer. ''Bill would get an idea and Lucy would type it up on an old Underwood.''

While her husband led the charge and attended meetings, Lucy organized papers and photos, typed documents and maintained computer files. It has been said of the couple's partnership that ''he runs around and she organizes it.''

But Lucy has contributed more than administrative support. ''While Bill was preserving our environmental heritage, Lucy was preserving our architecture,'' Kramer notes.

Her love of history motivated her to earn a master's degree at Sonoma State University in the subject. Her meticulous research about historic sites resulted in more than a dozen Petaluma buildings being named to the National Register of Historic Places.

It was Lucy who was responsible for the research of every one of the 144 California Carnegie libraries, Kramer notes. The thesis she wrote from this research, entitled ''Carnegie Library Development in California and the Architecture it Produced, 1899–1921'' served as the multiple property nomination that resulted in 10 California Carnegie libraries being added to the National Register of Historic Places. In fact, the paper still sets the standards by which such libraries achieve the National Register designation.

In recognition of her dedicated volunteer service and scholastic achievements in the field of historic preservation and research, the Sonoma County Historical Society awarded Lucy the Jeanne Thurlow Miller Individual Award in 2005. The next year, she was named Petaluma's ''Good Egg'' and chosen to lead the town's annual parade, an acknowledgment of her volunteer work for the Petaluma Historical Library and Museum. She still serves as a board member of the Petaluma Historical Society and Friends of the Petaluma Library.

In addition to her own accomplishments, Lucy worked tirelessly alongside her husband to bring about the coastal trail, the coastal commission and the California League of Conservation Voters, among others.

''They've been such incredible individuals,'' Kramer notes. ''Beyond just living a good life [and raising a family of three], they've given to their community in extraordinarily wonderful ways.''

Madam Speaker, I ask you to join me in acknowledging two amazing people who have made a difference. Thank you, Bill and Lucy, for your contributions to the betterment of Sonoma County and the world.

HONORING TEMPLE BRITH ACHIM

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. SESTAK. Madam Speaker, I rise today to commemorate the groundbreaking of Temple Brith Achim's new Life Long Learning Center.

Temple Brith Achim, a reform synagogue affiliated with the Union for Reform Judaism, began in 1971 as a small group of families who dreamed of building a place to worship, celebrate, mourn, teach, learn and grow. In the 36 years since this ''covenant of brothers'' was formed, Temple Brith Achim has flourished into a community of more than 280 families.

This past April, as part of its 36th Anniversary celebration, Temple Brith Achim honored its founders and builders for their contributions, and reflected upon the congregation's strong tradition of community sharing and caring.

Temple Brith Achim continues to provide a welcoming atmosphere rich with religious and cultural traditions, beliefs, and rituals. Beyond worship, members of the congregation engage in charitable community outreach activities, employing social activism to improve local, national and global communities.

This weekend, the community marked the beginning of a new phase in the Temple's life with a ceremonial groundbreaking for the new Center for Life Long Learning and for modernization of its existing facility. These improvements and additions will further the Temple's commitment to educating and instilling Jewish values in both its younger congregation and its adult congregants through its Religious School and Adult Education.

Madam Speaker, I ask you to join me in recognizing this important milestone, and in congratulating the members of Temple Brith Achim for their continuing contributions to society. Their spirit of community and giving serves as an example to us all.

THE MARINE CORP MARATHON

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mrs. SCHMIDT. Madam Speaker, it is with great pride I rise today to congratulate the 20,630 brave souls who finished the Marine Corp Marathon this past Sunday, October 28, and to thank all the Marines, and Soldiers, Sailors, and Airmen that have sacrificed and continue to sacrifice for this Country.

Anyone that participated in the Marine Corp Marathon as a runner or a spectator should be very aware of the inherent good in humanity. The entire course was filled with Marine volunteers handing out water, friends and family of those running, and countless well-wishers who just came to cheer the runners on, and pay respect to those that have given so much.

There are 20,630 stories of why this marathon was important, and 20,630 reasons why it was special. I would like to take a minute to share just a few of these compelling and heartwarming stories.

I am told that 1st Lt. Travis Manion was excited to run the Marine Corp Marathon with his father, Colonel Thomas Manion, also an active duty Marine. Being active duty Marines they were accepted before general registration began. Unfortunately a sniper's bullet cut Travis's life short on April 29, 2007 in Al Anbar province. He was serving his second tour in support of Operation Iraqi Freedom. In his honor, his father ran with both their bib numbers, and nearly 100 others ran the marathon as a part of ''Team Travis.'' All members of ''Team Travis'' should be proud of their hard work to honor this hero whose life was tragically cut short.

The United States Naval Academy Class of 1995 graduated a little over a decade ago just like generations of Sailors and Marines before them, ready to spread out over the world, and serve our country. This past weekend, nearly 100 members of that graduating class ran in the Marine Corp marathon to ''Run to Honor'' six members of their graduating class who have died in military operations from 1998 and 2007. Their fallen comrades, Marine Major Douglas Zembiec, Marine Major Megan McClung, Navy Lt. Cmdr. Erik Kristensen, Navy Lt. Richard Pugh, Navy Lt. Bruce Donald, and Navy Lt. j.g. Brendan Duffy, constitute

the highest operations related loss of any Naval Academy class since the Vietnam War. Anyone present on Sunday saw their many classmates carrying the yellow signs that read ''Run to Honor,'' and carried the names of those heroes who have given so much.

Steve Penrose and his wife Brenna Penrose ran the marathon to raise money for the Matt Maupin Foundation. Matt Maupin, a native of Clermont County, Ohio, has been missing in Iraq since April 2004, and the Matt Maupin Foundation gives scholarships in his honor. The Penroses run raised at least $1000 for the foundation. Madam Speaker, I pray for Matt's safe return every day, and we are all grateful for the sacrifices of Steve and Brenna.

Finally, I would like to congratulate all the members of the Capitol Hill Running Club for their hard work meeting at the Capitol at 6 a.m. to train. I would like to congratulate the coaches, Major Ben Venning, Colonel Ray Celeste, Staff Sergeant Juan Carrasco, Sergeant Shane Cooley, Gunnery Sergeant Ramses Cypress, first time marathoners Natosha Prolago and Caitlin Short from Representative PRYCE's office, and second time marathoner Chris Vieson who serves us all as a member of the Republican Whip's floor staff. Other members of the club who ran the marathon are: Bernadette Arellano, Mark Baker, Martin Bayr, Danielle Behler, Kern Briggs, Clay Brockman, Diane Cihota, Christine Clapp, Fletcher Cork, Kelly Anne Creazzo, Katrina Eagle, Jim Faucett, Kirtley Fisher, Liza Fornaciari, Jeremy Glauber, Molly Gray, Shane Hagerman, Robert Hartmans, Richard Hayden Jr., Mark Hayes, Hanz Heinrichs, Alicia Herrmann, Wallace Hsueh, Kelley Huemoeller, Timothy Joyce, Amy Judge, Katy Kale, Garrett Keeler, Andrew Kermick, Vanessa Kermick, Max Kidalov, Speros Koumparakis, Kevin Lawlor, Fitzhugh Lee, Christopher Lee, Angelical Martinez, Christopher Meyers, Mariah Moncecchi, Kenneth Monroe, Philip Moore, Iffat Nawaz, Alexander Newcome, Timothy O'Rourke, Katherine Pattillo, Jeff Pickett, Gary Pinkerton, Susan Pinkerton, Rebeccah Ramey, Helen Robbins, Charles Roman, Matthew Shaffer, Royce Shields, Joshua Shields, Glee Smith, Tom Stallings, Caroline Stephens, Jeff Stephens, Amy Sterling, Zachary Stone, Jade Stone, Andrew Tabler, Gerald Thomas, Steve Vahson, Jonathon Van Arsdell, Sheila Venning, Jacob Watts, Sandra Weiss, Lynn Williams, Daniel Wolf, and Justin Yee. Congratulations to you all.

I also wanted to mention several other groups equally worthy of recognition who had many dedicated runners, running for great causes: The Scraper Fi Fund, The Fisher House Foundation, the Achilles Track Club, Hope for the Warriors, Operation Homefront, USO of North Carolina, the Temporary Assistance Program for Survivors (T.A.P.S.), and the many more that I failed to mention.

TRIBUTE TO BOOKWALTER UNITED METHODIST CHURCH

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. DUNCAN. Madam Speaker, I rise today to honor Bookwalter United Methodist Church of Knoxville, Tennessee.

On November 4, many people from East Tennessee will join together to recognize Bookwalter United Methodist Church as they celebrate 125 years of ministry.

Bookwalter United Methodist Church has an exciting history that started back in 1881 when Dr. Lewis Bookwalter moved his family to Knoxville, Tennessee. Dr. Bookwalter contacted another minister by the name of Louis Bookwalter and a man by the name of John Worth. Together they learned that many people had a great interest in establishing a church in the area. In 1882, Reverend Scott Moore held a revival in a school house, in which Reverend Bookwalter assisted. As a result of this revival, Bookwalter United Methodist Church came to be.

Since then, Bookwalter United Methodist Church has continued to grow as believers commit themselves to spreading the word of God. As a result of Louis Bookwalter's call to minister a group of believers, thousands have come to know the thriving community of believers that is Bookwalter United Methodist Church.

Madam Speaker, in closing, I urge my colleagues to join me as I salute Bookwalter United Methodist Church in Knoxville, Teneessee, and wish them another 125 years of successful ministry.

TRIBUTE TO MR. LARRY THOMAS WALTZ

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today to honor Mr. Larry Thomas Waltz, the second son of Thomas and Hazel Waltz, who was born in Harrisburg, Pennsylvania. Mr. Waltz was a credit to his family and to his nation as he heroically served his country by giving the ultimate sacrifice in defending America.

As a youngster, Mr. Waltz was a strong academic student and had a passionate love of the outdoors. He excelled in both hunting and fly fishing. He chose to enlist in the United States Navy where he planned to be trained as a sniper. After extensive testing by the Navy, Mr. Waltz decided to enter Medical School at the Philadelphia Navy Hospital to train to be a heart surgeon. However, with the escalation of the Vietnam War and a shortage of corpsmen, Larry was transferred to the Marine Corps and was shipped to Vietnam on October 19, 1968.

On November 1, 1968, Mr. Waltz gave his life in service to his country when he was killed by hostile fire while attempting to give medical treatment to a marine who received injuries from sniper fire.

On the 39th anniversary of his death, I join with Larry's family to remember him, his life and his service to this great nation. I ask my colleagues to join with me to thank the many great men and women who, like Mr. Waltz, are proudly serving our Nation in their tireless pursuit to protect our freedom.

TRIBUTE TO VICTOR BERLINE

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to my constituent, Victor Berline, who died on October 29, at the age of 92.

A well-respected Kansas City photographer, Victor Berline was born in a poor neighborhood of Paris, France, to Simon and Luba Berline on April 8, 1915. He lost his parents and beloved sister, Rissa, during the Nazi occupation. Although his formal education ended with grammar school, he was well versed in English, French and German classical music, theater, and literature. His keen intelligence and quick thinking helped him survive five years as a World War II prisoner of war in Germany.

In 1946, Victor established himself in Kansas City, the home of his sister, Cecile Berline Bortnick, and her husband Joseph. Shortly thereafter, he married Miriam Gottlieb and they had two sons: Steven and Gary [the husband of Sharon Terdeman and stepfather of Jessica Terdeman]. Victor and Miriam would have celebrated their 61st anniversary on December 29.

Victor Berline's family, friends and neighbors will remember him for his amazing ability to connect with both young and old, as well as for his sense of humor, vibrant creativity, and joie de vivre. As a former Nazi POW who immigrated to the United States, he always said that he went from hell to paradise! Madam Speaker, I know that all members of the U.S. House of Representatives join me in paying tribute to the life of this remarkable man.

RECOGNIZING THE DEDICATION AND SERVICE OF GENERAL MONTGOMERY C. MEIGS

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mrs. TAUSCHER. Madam Speaker, with the support of my colleagues on the House Armed Services Committee, I rise to recognize the outstanding service of GEN Montgomery C. Meigs, on the occasion of his upcoming retirement from the Joint Improvised Explosive Device Defeat Organization (JIEDDO).

General Meigs' leadership of JIEDDO is just the latest chapter in a storied career which has been singularly focused on protecting our nation and advancing American values at home and abroad.

General Meigs served in the Army for 35 years until January 2003. On active duty he commanded units in harm's way in the Ashau Valley in Vietnam, at Medina Ridge during Desert Storm and in Multi-National Division North in Bosnia.

From October 1998 to December 2002, he commanded U.S. Army Europe (USAREUR) where he led over 57,000 soldiers. In the first year of this assignment and during the Kosovo Air Campaign he also commanded SFOR, NATO's peacekeeping operation in Bosnia-Herzegovina. Between 1999 and 2003,

USAREUR worked closely to forge new relationships with Russian Ground Forces and the Armies of the new NATO member nations.

In his capacity as USAREUR, General Meigs also achieved a number of unprecedented innovations in command and control capability, Blue Force Tracking among them.

The Secretary of Defense appointed General Montgomery Meigs Director of the Joint Improvised Explosive Device Defeat Organization (JIEDDO) on 16 December 2005. The Task Force has the responsibility to lead, advocate, and coordinate all Department of Defense actions in support of the Combatant Commanders' efforts to defeat improvised explosive devices (IED) as weapons of strategic influence.

In other key assignments during his military career, General Meigs specialized in leader development, military education, war planning, support and execution of contingency operations, and finding and implementing technological solutions for intelligence and command and control capability.

As Commandant of the Army's Command and General Staff College, he led the effort to write a new leadership manual for the Army and implemented case study methods in the Staff College's leadership instruction. In addition he has published a book, Slide Rules and Submarines, as well as numerous articles in professional journals.

Following his retirement, General Meigs assumed the duties as the Tom Slick Visiting Professor of World Peace at the LBJ School of Public Affairs, University of Texas at Austin. He then moved to the Louis A. Battle Chair of Business and Government Policy at the Maxwell School of Citizenship and Public Affairs at Syracuse University. He also served as a consultant for NBC News and as a member of the Board of Trustees of the MITRE Corporation.

General Meigs has served our nation as an exemplary officer, a strategic thinker, and an innovator. His leadership of our anti-IED effort is currently saving lives by bringing critical technology and training to our men and women in harm's way.

I would like to express my sincere gratitude to General Meigs and wish him continued success in his future endeavors.

IN HONOR OF BRIGADIER GENERAL PAUL W. TIBBETS, JR.

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Ms. PRYCE of Ohio. Madam Speaker, it is with a heavy heart that I rise today to honor the life and courage of the pilot of the Enola Gay, Brigadier General Paul W. Tibbets, Jr., for his heroism and service to our great nation. General Tibbets passed away today at the age of 92 in Columbus, Ohio, a city he called home for more than thirty years.

General Tibbets will forever be known for his role in piloting the Enola Gay's historic flight of August 6, 1945. No one can presume to understand the pressures Brig. Gen. Tibbets must have felt when confronted with the enormity of this mission. Having thoroughly distinguished himself by leading the first American Flying Fortress raids over occupied Europe, as well as the first bombardment missions over North Africa, it was his successful completion of the flight of the Enola Gay that would inextricably alter the course of human history.

To fully appreciate General Tibbets' accomplishments, one must understand that Paul Tibbets was not simply the pilot of the Enola Gay, but that he played a pivotal role in every facet of this critical mission, from inception to completion. He organized, selected and trained his entire crew. He significantly altered the design of the aircraft to allow the plane to fly beyond the range of anti-aircraft fire. And, perhaps most importantly, he was one of a select few entrusted with the full understanding of the implications and magnitude of our mission on August 6th, 1945.

In the sixty years that have followed, General Tibbets' legacy has been unfortunately clouded by political and philosophical debates over the consequences of dropping the bomb on Hiroshima, and of the nuclear arms race that ensued. As a pilot and patriot, General Tibbets dutifully performed his mission without passion or prejudice, and irrespective of the destructive cargo his plane stored. While academics can debate the numbers, clearly hundreds of thousands of lives—both American and Japanese—were spared by the attack on Hiroshima, and a devastating world war was ended. General Tibbets' place in history is secure, and his mission must never be obfuscated through revisionist history—he is, without qualification, an American hero.

In a rare speech on the subject in 1994, General Tibbets stated, "I am an airman, a pilot. In 1945, I was wearing the uniform of the US Army [Air Forces] following the orders of our Commander in Chief. I was, to the best of my ability, doing what I could to bring the war to a victorious conclusion—just as millions of people were doing here at home and around the world. We had a mission. Quite simply, bring about the end of World War II. I feel I was fortunate to have been chosen to command that organization and to lead them into combat. To my knowledge, no other officer has since been accorded the scope of responsibilities placed on my shoulders at that time."

General Tibbets served out his life as an exemplary American . . . a patriot, a veteran, a loving husband of more than 50 years, and a national hero whose indelible imprint on history should be forever honored and revered.

A TRIBUTE TO LAKEVIEW BIOMASS PROJECT

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. WALDEN of Oregon. Madam Speaker, I rise today to tell you about a very significant event taking place in Lakeview, OR, today. Because this event is the culmination of unselfish hard work by a dedicated group who shared a vision of a better tomorrow for Lake County, I am very proud to stand to tell you that a model for future management of our natural resources is becoming a reality today.

Three Saturdays ago, I traveled to Lakeview to tour a visionary effort, the Lakeview Biomass Project, which has become the talk of energy and natural resource organizations throughout the Nation. The dedicated people behind the Lakeview Biomass Project have found an innovative way to move us swiftly in the direction toward our rich national heritage of healthy forests, vibrant local economies, and energy independence.

As our forests become choked and overgrown to the point that they are being decimated by fire and insect infestations, the people in Lake County made a decision to reverse that downward spiral through an amazing partnership of business, Federal and State agencies, and the local community.

Madam Speaker, the word "synergy" has been used for years as a buzzword to denote a process that creates a whole that is greater than the sum of the parts. This is certainly the case in Lakeview. Although their concept was innovative, it was also founded on plain old Eastern Oregon common sense.

At the risk of minimizing the massive scope of the effort that went into this project, let me boil it down to its simplest elements. Brush and small diameter trees will be taken out of the local forests in the process of making them healthier and fire resilient. That material will either be cleanly burned in a plant that produces steam and electricity or milled into dimension lumber at the Collins Fremont Sawmill. The steam will heat the mill's kiln dryer and will turn the turbines of the generator. Jobs at the mill will be more secure, and new jobs will be generated to operate the biomass plant and to treat our forests.

Madam Speaker, I toured the new mill and was very enthused to see that small trees that likely would have burned in inevitable catastrophic wildfires can now be put to clean and productive use through state-of-the-art technology. I salute the Collins family for their vision and for their unflagging support of the Lakeview area in making a significant investment in the future, at a time when lumber producers throughout the Northwest have gone out of business.

I am very impressed with Marubeni Sustainable Energy for their commitment to build a 13 megawatt plant at the site of the mill at a cost of over $30 million. My colleagues will be pleased to know that the U.S. Forest Service and the Bureau of Land Management participated extensively in this process and worked with Lake County Resources Initiative to provide a 10-year supply through stewardship contracting, and they are working toward a 20-year memorandum of understanding that will pave the way for productive use well into the future. Madam Speaker, you can take pride in knowing that the energy incentives provided by this body and signed by the President have been a significant stimulus in making this concept work.

There are so many people to recognize for this success, but certainly I must mention the Lake County Commissioners who were so very proud to show me this project earlier this month. Jim Walls of the Lake County Resource Initiative has been tireless in his efforts to move this project forward. My friend, Governor Ted Kulongoski, saw the merit of this project early on and designated it as an Oregon Solutions Project that brought all of the stakeholders together and, with the direction of Steve Greenwood, kept the focus on target. Hal Salwasser of Oregon State University served as the driving force in his role as convener. I also want to acknowledge local leaders in the environmental movement who have worked hard to develop a project that will have

a long term beneficial impact on our federal forests.

I know, Madam Speaker, that time allows me to only mention a few of the many who made this project a success, but the most exciting part of the whole story is that this is just the beginning. The City of Lakeview and Lake County are hard at work at putting other renewable sources of energy to work. They plan to expand on their already successful use of geothermal and are working toward solar generation at a former Air Force radar site in the small community of Christmas Valley.

We can all take pride in knowing that communities like Lakeview are taking their destiny into their own hands and creating models for the future that can sustain both Northwest communities and forests.

SUPPORTING THE OBSERVANCE OF BREAST CANCER AWARENESS MONTH

SPEECH OF

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2007

Mr. SHULER. Mr. Speaker, I rise today in strong support of H. Con. Res. 230, observing Breast Cancer Awareness Month. I offer my thoughts and prayers to those who have lost family members to breast cancer, and offer hope and encouragement to those who are currently battling the disease.

Breast cancer is the leading cause of death among women aged 45 to 54, and 1 out of 8 women will be diagnosed with the disease over the course of their lifetime. It is expected that over 180,000 new cases of breast cancer will be diagnosed in 2007 alone.

Fortunately, there is hope. When breast cancer is detected at early stages the survival rate for women is over 98 percent. Annual mammograms and monthly self-examinations are essential in detecting breast cancer at early stages.

Research has significantly increased our understanding of breast cancer. While there is still no cure for breast cancer, researchers have identified key risk factors for the disease.

I applaud the national and community organizations that promote awareness of breast cancer, offer support to those that are battling the disease, and provide information about early detection. It is imperative that these organizations continue their work to educate women about the disease and encourage monthly self-exams and annual mammograms.

I ask my colleagues to join me in observing Breast Cancer Awareness Month.

CLAIBORNE E. REEDER, DISTINGUISHED PROFESSOR OF PHARMACOECONOMICS, CONCERNED ABOUT FDA POSITION ON COMPOUNDING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. TOWNS. Madam Speaker, I would like to call my colleagues' attention to an outstanding letter written by Claiborne E. Reeder, RPh, PhD, to FDA Commissioner von Eschenbach, expressing grave concern about recent FDA actions which adversely affect the compounding of medications for individual patients which is an important part of the practice of pharmacy. With 35 years of experience as a Pharmacist and educator, Dr. Reeder is a distinguished professor of Pharmacoeconomics and a nationally recognized leader in his field. In his letter, he urges Commissioner von Eschenbach to reconsider the FDA's position on compounding and comply with the federal ruling in Medical Center Pharmacy v. Gonzales which recognizes that the practice of Pharmacy is rightfully governed by the respective State Boards of Pharmacy.

Madam Speaker, I am entering Dr. REEDER's letter into the RECORD.

COLUMBIA, SC,
October 19, 2007.

ANDREW C. VON ESCHENBACH,
Food and Drug Administration,
Office of the Commissioner,
Rockville, MD.

DEAR COMMISSIONER VON ESCHENBACH: I am writing to express my concerns about the Food and Drug Administration's (FDA) recent actions regarding compounded medications prepared for individual patients as part of the practice of pharmacy. The agency's position on compounding medications, coupled with its actions against several compounding pharmacies and its intervention and influence on recent Centers for Medicare and Medicaid Services (CMS) policies on compounded medications, establishes a dangerous precedent that will affect patient access to needed medications. Compounding medicines is an essential component of the practice of pharmacy that provides physicians with the opportunity to provide patients with medicines that are prepared to the specific needs of the individual. Compounding and preparing medications pursuant to a valid prescription or physician's drug order has always been and should continue to be a professional prerogative that is governed by the pharmacy regulatory boards within each state. Governance of the practice of pharmacy is a state responsibility and should not be a matter for federal intervention,

Ignoring the recent Federal court decision Medical Center Pharmacy v. Gonzales, 451 F. Supp.2d 854, 865 (W.D. Tex. 2006), the FDA reasserted its legal position ''that all compounded drugs are unapproved new, and therefore illegal, drugs under the Federal Food, Drug and Cosmetic Act (FDCA)''. Contrary to the FDA's position, the Federal Court held that ''compounded drugs, when created for an individual patient pursuant to a prescription from a licensed practitioner, were implicitly exempt from the new drug definitions contained in the Act''. The Federal Court seems to understand the issue very clearly and recognizes that medications compounded for individual patients pursuant to a valid prescription are not ''new drugs'' and are therefore not under the purview of the FDCA or the FDA.

As a pharmacist/educator with 35 years of experience, I appreciate the FDA's concern for quality, safety and efficacy of medicines. That said, I also know that pharmacists are educated and trained in the ''art and science'' of pharmacy which includes compounding medicines for patients who need them. The broad interpretation ''that all compounded drugs are unapproved new, and therefore illegal drugs'' is a very slippery slope of regulatory intrusion on the practice of pharmacy as is FDA's practice of exercising its enforcement discretion through reliance on the 2002 Compliance Policy Guide, Section 460.200. Many patients have medication needs that are unmet by commercially available products. Patients often require a particular strength or dosage form of a drug that is not available on the market. Also, commercially available products may contain additives or excipients to which the patient is allergic or intolerant. To declare compounded medications illegal is to deny these patients access to needed medicines.

Compounding medicines is not limited to the typical community environment. Hospitals, skilled nursing facilities, and specialty pharmacy providers prepare medications to order as part of their daily practice. Do the FDA and CMS positions mean that preparation of parenteral and enteral solutions as well as other extemporaneous products, within these settings is no longer legal? If not, then a disparity is created.

To further illustrate the consequences of the Agency's position on compounding, CMS, without explanation or medical rationale, reversed its long standing policy on inhalation medications by excluding compounded inhalation medications for Medicare beneficiaries stating that they were no longer ''medically necessary''. This new CMS policy, based on FDA's position, may have far-reaching and serious consequences fur Medicare beneficiaries who rely on nebulizer medications. Eliminating compounding will severely restrict access to these and other critical medications for Medicare beneficiaries. Moreover, the policy will limit physicians' abilities to prescribe the medicines in the strengths, formulations, and routes of administration that are best for patient care.

I am asking that the FDA to reconsider its position and comply with the Federal court ruling. The practice of pharmacy is governed by the respective state Boards of Pharmacy through the powers granted by their legislatures. Compounding is an integral part of the practice of pharmacy and should thus fall under the governance of the profession at the state level.

Thank you for considering my comments in this matter. If you or anyone at the FDA would like to discuss this issue in more detail, I would be delighted to do so.

Sincerely,

CLAIBORNE E. REEDER,
Distinguished Professor of Pharmacoeconomics.

INTRODUCING A RESOLUTION ENCOURAGING INCREASED FEDERAL AND STATE SUPPORT FOR HOME AND COMMUNITY-BASED SERVICES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. HASTINGS or Florida. Madam Speaker, I rise today to introduce a resolution calling for increased funding for Federal and State home and community-based services for individuals with disabilities of any age, and especially the elderly. It is fitting that I introduce this bill today because November is National Home Care and Hospice Month.

The resolution which I am introducing today highlights the overall cost-effectiveness and improved outcomes in quality care for the elderly and disabled who are furnished health care in their homes or other community settings. By increasing financial assistance and

broadening access to home and community-based services, we can help ensure that the quality of care individuals receive in their home and community is just as accessible an option as hospital and institutional attention.

Madam Speaker, this is an important resolution for three crucial reasons. First, it endorses the efforts of the elderly and individuals with disabilities to remain independent and sustain their viability during the last years of their life. Supporting studies show that individuals who receive home and community-based care have greater life expectancies than those who are moved from everything that is familiar to them and placed in hospitals and other forms of institutional care.

Second, this resolution promotes the expansion of employment opportunities in the nursing and in-home care industries. By implementing government funded in-home care as a viable alternative to that of nursing home care, more seniors will elect to be nursed at home, creating a situation that will enhance their quality of life while also increasing job opportunities.

Finally, this resolution encourages the implementation of more unified training and supervision standards for certified nurse aides and homecare aides. Through adoption of uniformly high standards, we can ensure our citizens in need have access to qualified professionals when selecting home and community-based care.

According to the National Association for Home Care and Hospice, which I am proud to report supports this resolution, patients receiving home and community-based care are more likely to enjoy better outcomes, including a greater responsibility for healthier living, increased independence and productivity, self-esteem, family cohesion and overall contribution to their larger community.

Madam Speaker, I urge my colleagues to support this legislation. As Members of Congress, we have a great opportunity to make a positive impact on this issue, an issue that is of concern to many of our grandparents, parents, and will be of concern to us. I look forward to working with my colleagues and moving this resolution forward.

HONORING THE MINNEAPOLIS VETERANS AFFAIRS MEDICAL CENTER FOR RECEIVING THE 16TH ANNUAL ROBERT W. CAREY PERFORMANCE EXCELLENCE AWARD

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise to honor the Minneapolis Veterans Affairs Medical Center, its director Stephen Kleinglass, and the entire medical center staff, for being recognized as a 2007 award recipient at the 16th Annual Secretary's Robert W. Carey Performance Excellence Ceremony on November 1st, 2007. This Department of Veterans Affairs award acknowledges the highest levels of performance and service excellence through evaluation by rigorous criteria.

As the daughter of a WWII veteran, I feel strongly about honoring our veterans and their families. The professionalism and high quality of care provided by the staff of the Minneapolis Veterans Affairs Medical Center is evident whenever I visit.

Serving nearly 75,000 veterans each year, the Minneapolis Veterans Affairs Medical Center is among the most active in the country. Through its partnership with University of Minnesota Medical and Dental Schools, it has distinguished itself by providing the highest quality health care to veterans. Minnesota and western Wisconsin veterans and their families have long appreciated the staff commitment to serve all veterans.

The dedication of staff to provide the highest level of care is particularly visible through their work to meet the great needs of our injured veterans returning from Iraq and Afghanistan. Minneapolis is just one of four locations in the Nation with a Polytrauma Rehabilitation Center designed to provide intensive rehabilitative care to veterans and service members who experienced multiple severe injuries, including brain injuries. Construction on a new Spinal Cord Injury Center is underway, and is scheduled to open in 2008.

The success of our Nation's veterans health system depends on caring, dedicated people serving our veterans, but they cannot do the job alone. On the battlefield, the military pledges to leave no soldier behind. As a Nation, let it be our pledge that when they return home, we will leave no veteran behind.

This year, the U.S. House of Representatives passed the largest single increase in the 77-year history of the Veterans Administration—$6.7 billion. This funding is necessary to ensure that the Minneapolis Veterans Affairs Medical Center, and VA medical centers across the country have the resources they need to fund the increasing need for mental health, posttraumatic stress disorder and traumatic brain injury care, and to provide facilities maintenance, and to continue reducing the backlog of veterans benefits claims.

The Minneapolis Veterans Affairs Medical Center has a proven record of organizational excellence. The Carey Award recognition allows the leadership shown in Minnesota to serve as a model for other organizations in assessing their own transformation efforts, effectiveness and service performance. Most importantly, this award recognizes the outstanding efforts made by the staff on behalf of our veterans at the Minneapolis Veterans Affairs Medical Center.

Madam Speaker, please join me in commending the Minneapolis Veterans Affairs Medical Center staff for earning the Robert W. Carey Performance Excellence Award. These caring people exemplify the very best in public service.

LENOX HILL HOSPITAL CELEBRATES ITS 150TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Lenox Hill Hospital on the occasion of its 150th Anniversary. Lenox Hill Hospital is an accredited not-for-profit acute-care hospital and teaching affiliate of New York University Medical Center located on the Upper East Side of Manhattan in New York City. Lenox Hill Hospital has become renowned for furthering medical research and establishing a tradition of excellence in patient care. It has earned a national reputation for outstanding medical care and treatment.

Lenox Hill Hospital was established in 1857 as the German Dispensary and today provides specialty services and ground-breaking care for millions of patients each year. Approximately 45% of Lenox Hill Hospital's patients are from Manhattan. The remaining 55% come from Brooklyn, Bronx, Queens, Long Island, the Tri-State area and around the world. Lenox Hill Hospital is particularly well known for its excellence in internal medicine, cardiovascular disease, orthopedics, sports medicine, maternal/child health and medical research.

For the past 150 years, Lenox Hill Hospital has been a leading innovator in many fields of medicine, developing standards and practices that became models for other hospitals throughout the country. In 1897, the hospital installed one of the first X-ray machines in the United States. Ten years later, the hospital established the first physical therapy department in the country.

In 1938, Lenox Hill was the first hospital to perform an angiocardiogram in the nation and in 1955 it became one of the first hospitals in New York City to open a cardiac catheterization laboratory. The first coronary angioplasty in the United States was performed at Lenox Hill in 1978. In 1994, Lenox Hill Hospital surgeons pioneered minimally invasive direct coronary artery bypass surgery. In 2003, the first FDA approved drug coated stent in the nation was implemented at Lenox Hill. In 2006, Lenox Hill opened a new radiology center featuring the only SPECT–CT in the Northeast, a machine which allows physicians to see inside the body in great detail and a new 64-slice CT scanner, one of the most highly advanced computerized imaging technologies available today.

Lenox Hill is respected as a leading responder to health crises. When tuberculosis was becoming a growing public health threat, Lenox Hill Hospital was the first general hospital in the United States to open a tuberculosis division in 1908. In 1943, Lenox Hill Hospital sent its medical unit to England to maintain station hospitals for military personnel during World War II. In 1989, the hospital established the first Lyme Disease Center in New York City.

In keeping with its tradition of providing an immediate and necessary response during times of crisis, on September 11th, when terrorists struck the World Trade Center, Lenox Hill assembled a disaster team that came to the aid of hundreds of New Yorkers. The hospital set up a free walk-in Crisis Counseling Center as well as a blood donor center. Lenox Hill Hospital, as it has done in the past, provided aid to people when it was needed the most and became a beacon of hope for so many on that horrific day.

Madam Speaker, I rise to request that my colleagues join me in paying tribute to Lenox Hill Hospital and its legacy of medical innovation and excellence in patient care.

SUPPORTING THE OBSERVANCE OF BREAST CANCER AWARENESS MONTH

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2007

Mr. LARSON of Connecticut. Mr. Speaker, as this week concludes the National Breast Cancer Awareness Month of October, I rise today to reflect on some of the issues that have been brought to the country's attention over the last 30 days.

According to the National Cancer Institute there have been over 180,000 new cases of breast cancer among men and women and nearly 50,000 deaths in the United States this year. Breast Cancer disproportionately affects women and is the second leading cause of death for American women.

Mrs. Priscilla Davis from Hartford, Connecticut, a constituent as well as the mother of a member of my staff, was diagnosed with breast cancer in 2006. Her story is an all too familiar one—a story of fear and confusion on one hand, and courage, strength and hope on the other. Thankfully, Priscilla's breast cancer was detected early and treated before it was too late. Sadly, as the statistics show, many women are not as fortunate.

Research, education, and awareness are essential in curbing the mortality rates of breast cancer. I would like to commend organizations like the American Cancer Society and the Susan Komen Foundation for their commitment to making us aware of the symptoms of breast cancer and for their advocacy on behalf of the women and families who have been affected by this deadly disease.

Madam Speaker, on behalf of the women and men across the country who share Priscilla Davis's story and in honor of those who have lost their lives to the disease, I ask my colleagues to join me in carrying forward what we learned during this year's National Breast Cancer Awareness Month in the hope that during the next one we will also have cause to celebrate a cure.

TRIBUTE TO THE CITY OF HEBBRONVILLE ON ITS CELEBRATION OF THE HISTORY OF THE VAQUERO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. CUELLAR. Madam Speaker, Whereas, the Vaqueros are the true original cowboys of South Texas, and thus started the development of the ranching industry in Jim Hogg County.

Whereas, the first ranches founded in the area with the help of the vaqueros were Randado, Las Noriacitas, Las Animas, San Antonio Viejo, Las Enramadas, Las Viboritas, El Baluarte, and San Javier. Some of these ranches are still held by descendants of the original owners, such as Randado, which was visited by General Robert E. Lee during the Civil War.

Whereas, the vaqueros were renowned for their exemplary ranching and stock-handling skills, which were needed for the development of ranches in Jim Hogg County.

Whereas, the skills and the ranching practices shown by the vaqueros have left a lasting impact on the present ranching industry. The equipment of the vaquero—saddle, chaps, bandana, lasso, and spurs—has become the standard gear of all Texas cowboys.

Whereas, ranching remains one of the vital elements of the economy in Jim Hogg County because of the efforts of the vaqueros in the nascent start of the ranching industry; be it hereby

Resolved, That Congressman HENRY CUELLAR, in representing the 28th Congressional District of the State of Texas, commends the City of Hebbronville on its celebration of the history of the vaquero on November 3, 2007.

IN RECOGNITION OF ORPHANS INTERNATIONAL AND ITS FOUNDER AND PRESIDENT, MR. JAMES LUCE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Orphans International Worldwide and to its dedicated Founder and President, James Luce. Orphans International Worldwide is an innovative interfaith, interracial, intergenerational and Internet-connected non-profit initiative that helps the world's disadvantaged orphaned and abandoned children meet critical needs. By realizing his dream of developing an extensive international network of affiliated organizations working to help the world's youngest and most vulnerable citizens to overcome extraordinarily difficult circumstances, Jim Luce has truly distinguished himself as an extraordinarily dedicated and effective humanitarian, activist, and philanthropist.

With its North American offices headquartered in New York's Fourteenth Congressional District, Orphans International was founded in 1999 by the former investment banker Jim Luce in response to the global crises confronting children in disadvantaged circumstances, including the worldwide AIDS epidemic, natural disasters, low health standards and inadequate medical care, and devastating poverty. Assuming a carefully structured, sustainable approach, Orphans International has adopted as its vital mission the worthy goal of "Raising Global Citizens." The organization helps address both the immediate needs of orphaned and abandoned children and the long-term development goals of improving disadvantaged communities in its project nations, whose list is expanding to include Indonesia, Guyana, Haiti, El Salvador, Peru, the Philippines, Romania, Ghana, Sri Lanka, and Togo. In recognition of its effectiveness in serving disadvantaged youngsters around the globe, Orphans International Worldwide was recognized by the United Nations as an official Non-Governmental Organization in December 2006.

Today, Jim Luce and Orphans International Worldwide continue not only to assure the survival of the disadvantaged and abandoned children they serve, but also to enable them to become contributing members of a global society by rendering service to their local communities. Orphans International often operates in troubled, regions grappling with the fallout from disasters caused by natural, economic, and political conditions. Through its programming, Orphans International instills in those whom it serves the values of leadership, conflict resolution, diversity and tolerance, and global citizenship, frequently bringing American students into a global partnership to help achieve these laudable goals.

Madam Speaker, I rise to request that my distinguished colleagues join me in recognizing Orphans International Worldwide and its Founder and President Jim Luce for their tireless efforts to promote the well-being of orphaned and abandoned children and to help realize the innate worth, dignity and potential of all citizens of the world.

CONGRATULATING BETSEY FLACK ON HER ADMISSION TO THE GEORGIA BAR

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. SHULER. Madam Speaker, I rise today to congratulate Betsey Flack on her admission to the Georgia Bar. After years of hard work and dedication to her studies, Ms. Flack will now begin pursuing a career in the legal field.

Ms. Flack attended the University of North Carolina at Chapel Hill as an undergraduate. During her time at UNC, Ms. Flack was active in campus activities and academic life. Upon graduation from UNC, Ms. Flack enrolled in classes at the Mercer University School of Law to pursue her Juris Doctor degree.

She completed this program in the spring of this year, and successfully passed the bar exam soon after graduation.

As a Member of Congress, I have seen firsthand how the law can be used as a force for good. I look forward to following the career of Ms. Flack, as she uses her knowledge and expertise in the law to serve others and to pursue legal and social justice.

I ask my colleagues to join me in congratulating Ms. Betsey Flack.

60TH ANNIVERSARY OF THE MOSS LANDING HARBOR DISTRICT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. FARR. Madam Speaker, I rise today to recognize the 60th anniversary of the Moss Landing Harbor District. Moss Landing is a picturesque coastal hamlet tucked into the dunes of the Monterey Bay halfway between its better known neighbors of Monterey and Santa Cruz. It is home to some fantastic restaurants and cafes and an eclectic group of antique shops and some of the best sea otter viewing opportunities anywhere. The many boats that fill its harbor offer a photographers dream of masts and gleaming boat hulls berthed alongside well-worked fishing vessels. It is a truly wonderful place to visit like so

many other small harbor communities around the coasts of the United States.

A little deeper look reveals a community that is much more than a quaint tourist stop. Moss Landing is a true economic powerhouse of the California Coast. For starters, it is home to the Monterey Bay region's largest commercial fishing fleet. It is also home to two of the top marine science research institutions in the world—the Moss Landing Marine Lab and the Monterey Bay Aquarium Research Institute. Because of those labs, several world class ocean research vessels call the port home. Moss Landing is also a major draw for ocean recreationists of all stripes, from sailors, recreational fishers, kayakers, and surfers. It is also home to Mighty Mo, the largest natural gas fired power plant on the west coast.

Moss Landing has a long history of commercial vitality, dating back to the mid nineteenth century and the grain loading wharf operated by the community's namesake Captain Charlie Moss. But the real growth dates back to the 1947 creation of the Moss Landing Harbor District and the dredging and stabilization of the harbor channel by the U.S. Army Corps of Engineers. Over the past 60 years, the district has shepherded Moss Landing's development into economic powerhouse that supports recreation, commercial fishing, science, and tourism.

Under the leadership of the current Harbor Commission President Russ Jeffries, Commission members, Margaret ''Peggy'' Shirrel, Ph.D., Yohn Gideon, Vince Ferrante and Frank Gomes, Jr., and Harbormaster Linda G. McIntyre, Esq., the Harbor District has just this year completed a major $4 million renovation of its north harbor area. The new amenities include a new 4-lane launch ramp, paving of the 5-acre site for parking, storm drains and a boat wash, a 900-foot public access wharf at the water's edge, and a 110-foot visitor serving dock alongside the wharf. A pedestrian/bicycle trail, funded by a Federal grant, and designed to run along the perimeter of North Harbor along scenic Highway 1, will complete the project. This last component of the project is the central part of a comprehensive bike and pedestrian trail under development that will link Monterey to Santa Cruz and place Moss Landing at the heart of what will be one of the most spectacular coastal trail experiences on the Pacific coast.

Madam Speaker, I am honored to have the opportunity to recognize the Moss Landing Harbor District for 60 years of achievement. I know that I speak for the whole House in offering congratulations to the leadership, employees, and users of this Pacific Coast gem.

PERSONAL EXPLANATION

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, on Wednesday, October 31, 2007, I was absent from the House in order to attend a ceremony in honor of a new mission for the Tennessee Air National Guard's 118th Airlift Wing. Had I been present I would have voted:

On rollcall No. 1021, No. 1022 and No. 1023, I would have voted ''yea.''

HONORING LONGFELLOW ELEMENTARY SCHOOL

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2007

Mr. ROSKAM. Madam Speaker, I rise today to congratulate Longfellow Elementary School of Wheaton, Illinois, for being named a No Child Left Behind Blue Ribbon School for the 2006–2007 school year. Principal Paul McKinney, Longfellow faculty, students and parents—you should be very proud of this remarkable accomplishment.

At a time in our nation's history when the efficacy of our education system is often questioned, it is a great comfort to see a school that truly commits itself to finding ways to teach our children and provide hope for our nation's future.

The No Child Left Behind Blue Ribbon Schools Award is a distinction given to the public schools throughout the country whose students score within the top 10 percent on state assessments. This year, of the more than 97,000 public schools in the United States, just 287 schools were recognized with this distinct honor.

In the State of Illinois, 19 schools were members of this elite group. The Blue Ribbon School Award recognizes what we all know: the Longfellow students, faculty and staff are some of the best and brightest in the nation.

In addition to exceptional test scores, Longfellow has shown steady academic progress for the past 3 years. In awarding the 2006–2007 Blue Ribbon School Award, the U.S. Department of Education recognized Longfellow's success in helping students consistently achieve at very high levels, as well as its continued commitment to narrowing the achievement gap.

As we strive to educate our current generation of children and prepare our nation's future leaders, Longfellow Elementary School stands out as a shining example of scholastic and institutional excellence.

I am proud to represent Longfellow Elementary School in the United States Congress and I look forward to their continued achievements.

Madam Speaker and Distinguished Colleagues please join me in congratulating the talented students and dedicated faculty and staff of Longfellow Elementary School for receiving the Blue Ribbon School Award.

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate passed H.R. 3963, Children's Health Insurance Program Reauthorization Act.

Senate

Chamber Action

Routine Proceedings, pages S13647–S13716

Measures Introduced: Twenty-one bills and four resolutions were introduced, as follows: S. 2280–2300, S.J. Res. 23, S. Res. 363–364, and S. Con. Res. 52. **Page S13684**

Measures Reported:

S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund. (S. Rept. No. 110–214)

S. 2285, to reauthorize the Federal terrorism risk insurance program. (S. Rept. No. 110–215)

S. 1518, to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, with an amendment in the nature of a substitute. (S. Rept. No. 110–216)

S. 2168, to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft, with amendments.

S. 2286, to establish a nonpartisan commission on natural catastrophe risk management and insurance. **Page S13684**

Measures Passed:

Children's Health Insurance Program Reauthorization Act: By 64 yeas to 30 nays (Vote No. 403), Senate passed H.R. 3963, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, after agreeing to the motion to proceed to its consideration, clearing the measure for the President. **Pages S13657–76**

During consideration of this measure today, Senate also took the following action:

By 65 yeas to 30 nays (Vote No. 402), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Pages S13675–76**

Charles George Department of Veterans Affairs Medical Center: Committee on Veterans' Affairs was discharged from further consideration of H.R. 2546, to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the "Charles George Department of Veterans Affairs Medical Center," and the bill was then passed, clearing the measure for the President. **Page S13713**

Farm Bill Extension Act—Agreement: A unanimous-consent agreement was reached providing that after a period of morning business on Monday, November 5, 2007, Senate begin consideration of H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012. **Page S13713**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to the continuation of the national emergency relative to the actions and policies of the Government of Sudan as declared in Executive Order 13067 of November 3, 1997; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–31) **Page S13683**

Nominations Confirmed: Senate confirmed the following nominations:

Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring May 30, 2012.

Robert Clarke Brown, of Ohio, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring November 22, 2011.

Daniel D. Heath, of New Hampshire, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years.

Sean R. Mulvaney, of Illinois, to be an Assistant Administrator of the United States Agency for International Development.

2 Air Force nominations in the rank of general.

5 Army nominations in the rank of general.

7 Coast Guard nominations in the rank of admiral.

1 Marine Corps nomination in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Marine Corps, Navy. **Pages S13714, S13716**

Nominations Received: Senate received the following nominations:

Carl T. Johnson, of Virginia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

1 Army nomination in the rank of general.

7 Coast Guard nominations in the rank of admiral.

Routine lists in the Air Force, Army, Foreign Service, Marine Corps, National Oceanic and Atmospheric Administration, Navy. **Pages S13715–16**

Messages from the House: **Page S13683**

Measures Referred: **Page S13683**

Measures Read the First Time: **Pages S13683, S13713–14**

Executive Communications: **Pages S13683–84**

Executive Reports of Committees: **Page S13684**

Additional Cosponsors: **Pages S13685–86**

Statements on Introduced Bills/Resolutions: **Pages S13686–S13712**

Additional Statements: **Pages S13681–83**

Amendments Submitted: **Pages S13712–13**

Authorities for Committees to Meet: **Page S13713**

Record Votes: Two record votes were taken today. (Total—403) **Pages S13675–76**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:48 p.m., until 10 a.m. on Friday, November 2, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S13714–15.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Environment and Public Works: Subcommittee on Private Sector and Consumer Solutions to Global Warming and Wildlife Protection approved for full Committee consideration S. 2191, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, with an amendment in the nature of a substitute.

NOMINATIONS

Committee on Finance: Committee concluded a hearing to examine the nominations of Christopher A. Padilla, of the District of Columbia, to be Under Secretary of Commerce for International Trade, Christina H. Pearson, of Maryland, to be an Assistant Secretary of Health and Human Services, and Benjamin Eric Sasse, of Nebraska, to be an Assistant Secretary of Health and Human Services, who was introduced by Senators Hagel and Nelson (NE), after the nominees testified and answered questions in their own behalf.

SMALL BUSINESS ADMINISTRATION LOAN PROGRAM

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine the Small Business Administration (SBA), focusing on the efficacy of the 7(a) loan program, including the 7(a) program's purpose and the performance measures SBA uses to assess the program's results, evidence of any market constraints that may affect small businesses' access to credit in the conventional lending market, the segments of the small business lending market that were served by 7(a) loans and the segments that were served by conventional loans, and the factors that may cause uncertainty about these costs, after receiving testimony from William B. Shear, Director, Financial Markets and Community Investment, Government Accountability Office; Grady Hedgespeth, Director of Financial Assistance, Small Business Administration; Veronique de Rugy, George Mason University Mercatus Center, Arlington, Virginia; and Anthony R. Wilkinson, National Association of Government Guaranteed Lenders, Stillwater, Oklahoma.

NOMINATIONS

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine the nominations of Gregory F. Jacob, of New Jersey, to be Solicitor, and Howard Radzely, of Maryland, to be Deputy Secretary, both of the Department of Labor, after the nominees testified and answered questions in their own behalf.

FLOOD CONTROL ACT

Committee on Indian Affairs: Committee concluded an oversight hearing to examine the impact of the Flood Control Act of 1944 (Public Law 78–534) on Indian Tribes along the Missouri River, after receiving testimony from Robin M. Nazzaro, Director, and Jeffery Malcolm, Assistant Director, both of Natural Resources and Environment, Government Accountability Office; Ron His Horse Is Thunder, Standing Rock Sioux Tribe, Fort Yates, North Dakota; Michael B. Jandreau, Lower Brule Sioux Tribe, Lower Brule, South Dakota; Marcus Wells, Jr., Three Affiliated Tribes of the Fort Berthold Reservation, New Town, North Dakota; Roger Trudell, Santee Sioux Nation, Niobrara, Nebraska; Robert W. Cournoyer, Yankton Sioux Tribe, Marty, South Dakota; and John Yellowbird Steele, Oglala Sioux Tribe, Pine Ridge, South Dakota.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following:

S. 1946, to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law, with an amendment in the nature of a substitute;

S. 2168, to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft, with an amendment in the nature of a substitute; and

The nominations of John Daniel Tinder, of Indiana, to be United States Circuit Judge for the Seventh Circuit, and Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 29 public bills, H.R. 4039–4067; 3 private bills, H.R. 4068–4070; and 6 resolutions, H. Con. Res. 245; and H. Res. 788–792, were introduced.

Pages H12453–55

Additional Cosponsors: **Pages H12455–56**

Report Filed: A report was filed today as follows: H.R. 2857, to reauthorize and reform the national service laws, with an amendment (H. Rept. 110–420). **Page H12453**

Speaker: Read a letter from the Speaker wherein she appointed Representative Weiner to act as Speaker Pro Tempore for today. **Page H12387**

Journal: The House agreed to the Speaker's approval of the Journal by a recorded vote of 227 ayes to 187 noes with 1 voting "present", Roll No. 1029.

Pages H12396–97

Committee Elections: The House agreed to H. Res. 788, electing the following Member to serve on certain committees of the House of Representatives: Committee on Armed Services: Representative Tsongas (to rank immediately after Representative Giffords). Committee on the Budget: Representative Tsongas (to rank immediately after Representative McGovern). **Page H12397**

Hardrock Mining and Reclamation Act of 2007: The House passed H.R. 2262, to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, by a yea-and-nay vote of 244 yeas to 166 nays, Roll No. 1033.

Pages H12397–H12432

Rejected the Pearce motion to recommit the bill to the Committee on Natural Resources with instructions to report the same back to the House promptly with amendments, by a yea-and-nay vote of 170 yeas to 240 nays, Roll No. 1032.

Pages H12430–31

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H12410**

Agreed by unanimous consent that during the consideration of H.R. 2262, the Rahall manager's amendment (No. 1 printed in H. Rept. 110–416) is modified by the form placed at the desk.

Pages H12420–21

Accepted:

Rahall modified manager's amendment (No. 1 printed in H. Rept. 110–416) that clarifies that "valid existing rights" associated with existing mining claims would be protected under the Act. It clarifies that in addition to paying a 4% royalty, existing operations will still need to come into compliance with the Act within 10 years; clarifies that the claim maintenance and location fees currently allotted to administration of the mining laws will continue to be so allotted, with the balance going to clean-up of abandoned hardrock mines, subject to appropriations; clarifies that user fees assessed by the BLM to process mining permit applications will be used for administration of the mining law program; limits the purview of section 504-citizen suits to permits issued pursuant to title III of the Act; and finally, clarifies that nothing under the Act will affect the sovereign immunity of any Indian Tribe; **Page H12421**

Matsui amendment (No. 3 printed in H. Rept. 110–416) that states that river watershed areas may be considered as eligible and as priorities to receive funding from the Abandoned Locatable Minerals Mine Reclamation Fund; and **Pages H12422–23**

Heller (NV) amendment (No. 4 printed in H. Rept. 110–416) that redirects 50 percent of the funds deposited into the Hardrock Reclamation Fund to states in proportion to the royalty funds generated there. **Pages H12423–24**

Rejected:

Pearce amendment (No. 7 printed in H. Rept. 110–416) that sought to establish the Mineral Commodity Information Administration into a role in the Department of the Interior. This administration would have the Minerals Information Team (MIT) to collect, analyze, and disseminate information on the domestic and international supply of, and demand for, minerals and mineral materials critical to the U.S economy and national security. The amendment would have removed the MIT from under the U.S. Geological Survey and established it as a stand-alone agency within the Department of the Interior and would have increased MIT's staff in order to perform the new and expanded functions authorized in the amendment; **Pages H12425–28**

Pearce amendment (No. 2 printed in H. Rept. 110–416) that sought to strike the definition of "undue degradation" in the legislation (by a recorded vote of 173 ayes to 244 noes, Roll No. 1030); and **Pages H12421–22, H12428**

Cannon amendment (No. 6 printed in H. Rept. 110–416) that sought to strike section 517—Mineral materials (by a recorded vote of 175 ayes to 240 noes, Roll No. 1031). **Pages H12424–25, H12429**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H12432**

H. Res. 780, the rule providing for consideration of the bill, was agreed to by a recorded vote of 224 ayes to 195 noes, Roll No. 1028, after agreeing to order the previous question by a yea-and-nay vote of 221 yeas to 194 nays, Roll No. 1027. **Pages H12389–96**

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, November 5th for morning hour debate. **Page H12435**

Providing for a recess of the House for a joint meeting to receive His Excellency Nicholas Sarkozy, President of the French Republic: Agreed by unanimous consent that it may be in order at any time on Wednesday, November 7, 2007, for the Speaker to declare a recess, subject to the call of the chair, for the purpose of receiving in joint meeting His Excellency Nicholas Sarkozy, President of the French Republic. **Page H12435**

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, November 7th. **Page H12435**

Providing for consideration of a Presidential veto: Agreed by unanimous consent that if a message transmitting a Presidential veto is laid before the House on Monday, November 5, 2007, then after the message is read and the objections of the President are spread at large upon the Journal, further consideration of the veto message and the bill shall be postponed until the following day, Tuesday, November 6, 2007. **Page H12435**

Presidential Message: Read a message from the President wherein he notified Congress of the continuation of the national emergency declared with respect to Sudan—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–70). **Page H12435**

Senate Messages: Message received from the Senate today and message received from the Senate by the Clerk and subsequently presented to the House today appear on page H12387.

Quorum Calls—Votes: Three yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H12395–96, H12396, H12397, H12428–29, H12429, H12431 and H12431–32 . There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:41 p.m.

Committee Meetings

CONTROLLING CARBON EMISSIONS

Committee on the Budget: Held a hearing on Counting the Change: Accounting for the Fiscal Impacts of Controlling Carbon Emissions. Testimony was heard from Peter Orszag, Director, CBO; and public witnesses.

COLLEGE COSTS AND EQUAL OPPORTUNITY

Committee on Education and Labor: Held a hearing on Barriers to Equal Educational Opportunities: Addressing the Rising Costs of a College Education. Testimony was heard from public witnesses.

FDA FOREIGN DRUG INSPECTION PROGRAM

Committee on Energy and Commerce: Subcommittee Oversight and Investigations held a hearing entitled ''FDA Foreign Drug Inspection Program: A System at Risk.'' Testimony was heard from Marcia G. Crosse, Director, Public Health and Military Health Care Issues, GAO; Andrew C. Von Eschenbach, M.D., Commissioner, FDA, Department of Health and Human Services; Carl R. Nielsen, former Director, Division of Import Operations, Office of Regulatory Affairs, FDA, Department of Health and Human Services; and public witnesses.

AVIATION SECURITY

Committee on Homeland Security: Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled ''Aviation Security Part II: A Frontline Perspective on the Need for Enhanced Human Resources and Equipment.'' Testimony was heard from public witnesses.

MOBILE-STATE WORKER TAX FAIRNESS

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 3359, Mobile Workforce State Income Tax Fairness and Simplification Act of 2007. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES; ENHANCED RECOVERY AND EQUITABLE RETIREMENT ACT OF 2007

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security approved for full Committee action the following bills: H.R. 2489, Genocide Accountability Acct of 2007; H.R. 3971, Death in Custody Reporting Act of 2007; H.R. 3992, Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007.

The Subcommittee also held a hearing on H.R. 2878, Enhanced Financial Recovery and Equitable Retirement Treatment Act of 2007. Testimony was heard from Kenneth E. Melson, Director, Executive Office for U.S. Attorneys for the Eastern District of Virginia, Department of Justice; and public witnesses.

SOUTHEAST ARIZONA LAND EXCHANGE AND CONSERVATION ACT OF 2007

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 3301, Southeast Arizona Land Exchange and Conservation Act of 2007. Testimony was heard from Joel Holtrop, Deputy Chief, National Forest System, Forest Service, USDA; Luke Johnson, Deputy Director, Bureau of Land Management, Department of the Interior; and public witnesses.

MEDICAID REGULATORY ACTIONS

Committee on Oversight and Government Reform: Held a hearing on The Administration's Regulatory Actions on Medicaid: The Effects on Patients, Doctors, Hospitals, and States. Testimony was heard from Marjorie Kanof, Managing Director, Health Care, GAO; Dennis Smith, Director, Center on Medicaid and State Operations, Centers for Medicare and Medicaid, Department of Health and Human Services.

COORDINATING FEDERAL AND STATE IT

Committee on Oversight and Government Reform: Subcommittee on Government Management, Organization and Procurement held a hearing on Too Many Cooks? Coordinating Federal and State Health IT. Testimony was heard from the following officials of the Department of Health and Human Services: Robert M. Kolodner, National Coordinator for Health Information Technology; Cheryl Austein Casnoff, Associate Administrator, Office of Health Information Technology, Health Resources Services Administration; and Carolyn M. Clancy, M.D., Director, Agency for Healthcare Research and Quality; Winston Price, M.D., Chair, Health IT and Transparency Advisory Board, State of Georgia; Lori Evans, Deputy Commissioner, Health IT Information, State of New York; Farzad Mostashari, M.D., Assistant Commissioner, Department of Health and Mental Hygiene, City of New York; and a public witness.

PENDING FREE TRADE AGREEMENTS IMPACTS

Committee on Small Business: Held a hearing on Evaluating the Impact of Pending Free Trade Agreements upon U.S. Small Businesses. Testimony was heard from John Veroneau, Deputy U.S. Trade Representative; and public witnesses.

COMMERCIAL DRIVER DRUG-ALCOHOL TESTING

Committee on Transportation and Infrastructure: Subcommittee on Highway and Transit held a hearing on Drug and Alcohol Testing of Commercial Motor Vehicle Drivers. Testimony was heard from the following officials of the GAO: Gregory D. Kutz, Managing Director, Forensic Audits and Special Investigations; and Katherine A. Siggerud, Director, Physical Infrastructure Team; John Hill, Administrator, Federal Motor Carrier Safety Administration, Department of Transportation; Robert L. Stephenson, II, Director, Division of Workplace Programs, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services; John Wilburn Williamson, Assistant Director, Driver and Vehicle Services, Division of Motor Vehicles, State of North Carolina; and public witnesses.

VA CONSTRUCTION PROCESS

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on the VA Construction Process. Testimony was heard from MG David W. Eidsuane, USAF, Commander, Air Armament Center, Eglin Air Force Base, Florida, Department of the Air Force; Donald H. Orndoff, Director, Office of Construction and Facilities Management, Department of Veterans Affairs; and representatives of veterans organizations.

TAX RELIEF MEASURES

Committee on Ways and Means: Ordered reported, as amended, the following bills: H.R. 3996, Temporary Tax Relief Act of 2007; and H.R. 3997, Heroes Earnings Assistance and Relief Tax Act of 2007.

WILDFIRES AND THE CLIMATE CRISIS

Select Committee on Energy Independence and Global Warming: Held a hearing entitled "Wildfires and the Climate Crisis." Testimony was heard from Abigail Kimbell, Chief, Forest Service, USDA; and public witnesses.

Joint Meetings

INTELLIGENCE AUTHORIZATION

Conferees met to resolve the differences between the Senate and House versions of proposed legislation authorizing funds for fiscal year 2008 for the intelligence community, but did not complete action thereon, and recessed subject to the call and will meet again on Thursday, November 8, 2007 at 2:30 p.m.

LABOR/HHS/EDUCATION APPROPRIATIONS

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1438)*

H.R. 3678, to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce. Signed on October 31, 2007. (Public Law 110–108)

S. 2258, to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder. Signed on October 31, 2007. (Public Law 110–109)

COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 2, 2007

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Financial Services, hearing entitled "Progress in Administration and Other Efforts To Coordinate and Enhance Mortgage Foreclosure Prevention," 10 a.m., 2128 Rayburn.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED TENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 4 through October 31, 2007

	Senate	*House*	*Total*
Days in session	156	145	..
Time in session	1,187 hrs., 8′	1,292 hrs., 9′	..
Congressional Record:			
Pages of proceedings	13,646	12,385	..
Extensions of Remarks	..	2,296	..
Public bills enacted into law	24	79	..
Private bills enacted into law	..	..	..
Bills in conference	10	10	..
Measures passed, total	483	942	1,425
Senate bills	68	29	..
House bills	99	434	..
Senate joint resolutions	5	..	..
House joint resolutions	4	4	..
Senate concurrent resolutions	21	6	..
House concurrent resolutions	28	77	..
Simple resolutions	258	392	..
Measures reported, total	*354	*406	760
Senate bills	207	2	..
House bills	59	277	..
Senate joint resolutions	5	..	..
House joint resolutions	1	..	..
Senate concurrent resolutions	8	..	..
House concurrent resolutions	5	7	..
Simple resolutions	69	120	..
Special reports	17	7	..
Conference reports	1	6	..
Measures pending on calendar	288	39	..
Measures introduced, total	2,706	5,130	7,836
Bills	2,271	4,038	..
Joint resolutions	22	61	..
Concurrent resolutions	51	244	..
Simple resolutions	362	787	..
Quorum calls	6	7	..
Yea-and-nay votes	401	525	..
Recorded votes	..	494	..
Bills vetoed	1	2	..
Vetoes overridden	..	..	..

* These figures include all measures reported, even if there was no accompanying report. A total of 213 reports have been filed in the Senate, a total of 419 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 4 through October 31, 2007

Civilian nominations, totaling 407, disposed of as follows:	
Confirmed	216
Unconfirmed	165
Withdrawn	25
Returned to White House	1
Other Civilian nominations, totaling 3159, disposed of as follows:	
Confirmed	2,304
Unconfirmed	855
Air Force nominations, totaling 6,067, disposed of as follows:	
Confirmed	6,053
Unconfirmed	14
Army nominations, totaling 6,002, disposed of as follows:	
Confirmed	5,928
Unconfirmed	74
Navy nominations, totaling 4,590, disposed of as follows:	
Confirmed	4,583
Unconfirmed	7
Marine Corps nominations, totaling 1,334, disposed of as follows:	
Confirmed	1,329
Unconfirmed	5

Summary

Total nominations carried over from the First Session	..
Total nominations received this Session	21,559
Total confirmed	20,413
Total unconfirmed	1,120
Total withdrawn	25
Total returned to the White House	1

Next Meeting of the SENATE

10 a.m., Friday, November 2

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, November 5

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Akin, W. Todd, Mo., E2303
Bonner, Jo, Ala., E2297, E2298, E2299, E2300, E2300
Boustany, Charles W., Jr., La., E2299
Clay, Wm. Lacy, Mo., E2306
Cuellar, Henry, Tex., E2312
Davis, Lincoln, Tenn., E2313
Diaz-Balart, Lincoln, Fla., E2300
Drake, Thelma D., Va., E2303
Duncan, John J., Jr., Tenn., E2308
Emerson, Jo Ann, Mo., E2301
Farr, Sam, Calif., E2304, E2312
Hastings, Alcee L., Fla., E2302, E2310
Hoyer, Steny H., Md., E2297, E2299
Jackson-Lee, Sheila, Tex., E2306
Johnson, Sam, Tex., E2308
Jordan, Jim, Ohio, E2303
Knollenberg, Joe, Mich., E2301
Lamborn, Doug, Colo., E2301
Larson, John B., Conn., E2312
Lipinski, Daniel, Ill., E2304
McCollum, Betty, Minn., E2311
McDermott, Jim, Wash., E2305
Mack, Connie, Fla., E2303
Maloney, Carolyn B., N.Y., E2311, E2312
Matsui, Doris O., Calif., E2304
Miller, Brad, N.C., E2300
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Thompson, Bennie G., Miss., E2302
Towns, Edolphus, N.Y., E2310
Walden, Greg, Ore., E2309
Wolf, Frank R., Va., E2298
Woolsey, Lynn C., Calif., E2301, E2307

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