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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. ALTMIRE).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 15, 2007.

I hereby appoint the Honorable JASON ALTMIRE 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:

Lord God, on a November day 144 years ago, President Abraham Lincoln at Gettysburg National Cemetery gave the greatest and most famous speech ever given on American soil.

In efforts to hold this young nation together, Lincoln addressed the Civil War as testing the nation, ''any nation that is conceived in liberty and dedicated to the proposition that all people are created equal.''

Lord, let his unforgettable words dedicate us and renew us in the cause of freedom. Help us living to fight the unfinished work, to give great memory to those who gave the last full measure of their devotion to this Nation under God that it may have new birth of freedom, and that government of the people, for the people, and by the people shall not perish from this Earth.

Help us, Lord, to be understanding and patient when wars begin around this world in the search for freedom. Help us to be supportive and understanding both 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.

PLEDGE OF ALLEGIANCE

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

Mrs. DRAKE 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PRESIDENT ''NO''

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

Mr. BUTTERFIELD. Mr. Speaker, this Democratic Congress was elected to take our Nation in a new direction. We have worked to make meaningful changes for American families by passing fiscally responsible appropriations bills that fund priorities here at home, priorities neglected by the President and the previous Congresses. But every step of the way, President Bush has stood as a roadblock to the progress Americans demanded.

For example, House Democrats worked in a bipartisan way to pass legislation authorizing the popular Children's Health Insurance Program, but the President used his veto pen to say ''no'' to providing health care to 10 million children. We passed the vital infrastructure bill, known as WRDA, which authorizes critical projects to protect communities across the country from natural disasters. The President again said ''no.'' But, fortunately, our Republican colleagues joined us in overriding the veto.

Mr. Speaker, now President ''No'' has vetoed yet another important bill that invests in labor, health, and education priorities for our country. It is again time for House Republicans to stand with us in supporting this bipartisan legislation opposing yet another veto.

HONORING ALLEGHENY POLICE DETECTIVE LAWRENCE CARPICO AND SARAH DEIULIIS

(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. In Mount Lebanon, Pennsylvania, a town in my congressional district, Allegheny Police Detective Lawrence Carpico saved the life of 16-year-old Sarah Deiuliis, a victim of a school acquaintance, on October 31, 2007. Sarah had been lured into the woods by someone she considered a friend. When the young man attacked her with a hammer, she fended off her attacker and ran luckily into the path of Detective Carpico who happened upon the couple while walking a dog. Detective Carpico, who was off duty at the time, acted decisively and ushered the girl to safety and called for the assistance of on-duty officers and medics. For his actions, he will be presented with the Mount Lebanon Police Department's Chief's Award.

Likewise, let's recognize Sarah, who displayed extraordinary courage in the face of extreme danger. She fought back against her attacker using intelligence and quick thinking. For this, she will be recognized with the Survivor Award.

It is a great honor to represent such courageous citizens and to present

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their story in this Chamber, and I commend both for their actions.

RECOGNIZING OUR IMMIGRANT COMMUNITIES

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

Mr. GRIJALVA. Mr. Speaker, I rise again today to once again bring a sense of reality and clear light to the immigrant and Latino communities of our Nation.

Six months ago, my family and I went to the wake of a 19-year-old soldier who died in Iraq from my hometown of Tucson, Arizona. It was very difficult, especially when his mother asked me to tell her why he died. I should say, she spoke only Spanish. I said what I could about freedom, sacrifice, and liberty. And now, this Congress wants to change legislation to have the Equal Employment Opportunity Commission not investigate or prosecute cases of discrimination if the complainant doesn't speak English, like this young man's mother. She gave this Nation a son.

I challenge, no, I demand of those proponents that want to have second-class citizenship in this country to go to that mother and tell her why.

OH, CHRISTMAS TREE, OH, CHRISTMAS TREE

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

Mr. POE. Mr. Speaker, A Tree, A Tree, but don't call it a Christmas Tree. Let me explain.

Since forever, Christmas trees have been called Christmas trees. Everyone in the world knows what a Christmas tree is and the traditions that accompany them.

It is almost that time of year for most homes throughout the fruited plain to have some type of tree in them. Even Charlie Brown has a Christmas tree. But Lowe's Home Improvement stores that sell trees won't call them Christmas trees, but now they call them ''family trees'' so as not, I suspect, to offend non-Christians. Of course, it is okay in our culture to offend Christians because they are just supposed to turn the other cheek. However, calling them family trees may offend single individuals who don't have families. So should the trees be called family-individual trees?

Where is this nonsense of political correctness going to end? Lowe's should change its policy. This is the same silliness that caused some retailers last year to refuse to put up signs saying ''Merry Christmas,'' but instead said ''Happy Holidays.''

It is tradition at the Poe house on Thanksgiving that we buy and decorate a Christmas tree. But we won't buy one at Lowe's because, you see, they don't sell Christmas trees.

And that's just the way it is.

IMMIGRATION

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

Mr. BACA. Mr. Speaker, we have heard a lot of hateful rhetoric surrounding the immigration debate on this floor. Some of my colleagues stand here and compare immigrants to terrorists and say that immigrants are lazy and are looking for a free ride, when in fact they have made many contributions to this country, positive contributions.

Let me tell you about an honorable immigrant family from Rialto. Corporal Jorge Gonzalez was one of the first soldiers who made the ultimate sacrifice in Iraq, and I say in Iraq, for this country. The wife and infant son were left behind to apply for special permission just so that their United States flag could be draped over his coffin. Jorge was willing to die to protect this country, willing to die to protect this country; but since he was an immigrant, there are some in this body who would call him a criminal. Immigrants are not criminals. They are soldiers. They are our friends. They are our students. They are our doctors.

It is time for Congress to recognize what is right. Stop this hateful rhetoric, stop the lies. Honor the sacrifices made by men like Jorge.

Lord, help us understand and pass real immigration.

FUNDING OUR VETERANS

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, this is day 46; that is, 46 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.

This bill has been done for months and the President has already agreed to sign it. Now, Veterans Day has come and gone and the Democratic leadership continues to delay this bill.

I am calling on the Speaker not to adjourn for Thanksgiving until this bill has been sent to the President. And I call on all Americans to contact their Representatives to tell the Democratic leadership to send a clean veterans appropriations bill to the President. How can we celebrate a holiday with our families knowing that there are benefits that our veterans don't have access to simply because of a leadership decision to hold our veterans funding hostage?

BUSH AND REPUBLICANS REFUSE TO EXPAND HEALTH CARE TO 10 MILLION CHILDREN

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

Mr. WELCH of Vermont. Mr. Speaker, Thanksgiving Day, as my colleague just mentioned, is next week and we have the threat of another Presidential veto to deny 10 million children across this country of all races, all poor, access to health care.

The President has become a born-again fiscal conservative, disregarding any requirement that we pay for the war and disregarding the fact that we are paying for children's health care.

On Thanksgiving Day, all of us are thankful, those of us who have health care, and we are determined that the children of this country will join the Members of Congress in this country, government employees, and citizens across this country who do have access to health care.

The President has refused to meet with congressional leaders. And, by the way, this is bipartisan. Republicans and Democrats in this body stand united in wanting to insure our kids, and the only obstacle is the Presidential veto.

OKLAHOMA'S CENTENNIAL BIRTHDAY

(Ms. FALLIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FALLIN. Mr. Speaker, tomorrow the State of Oklahoma will celebrate its centennial birthday, and today I come to the House floor to commemorate and honor our State's rich history. And, most of all, I am here to honor the people of Oklahoma, our greatest strength, whose hard work and pioneer spirit have written a truly unique chapter in American history.

Oklahoma has been defined by the adventuresome nature of the men and women who settled there. Although we are a young State, our legacy is significant. Oklahoma has gone from Indian territory to land runs to a State on the cutting edge of American agriculture and energy production. Each portion of our history has left a unique imprint on the culture of our State and our Nation.

Today, 100 years after Oklahoma achieved statehood, we have so much to offer: a tremendous quality of life, a work ethic second to none, and a pioneer spirit just as much alive as it was a century ago.

On the eve of our centennial, we honor all Oklahomans. We have our household names, Will Rogers to Jim Thorpe, but there are millions of others of hardworking, compassionate Oklahomans. I just wish Oklahoma a happy birthday, and may God continue to bless our State.

FUNDING FOR VETERANS

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

Mr. ARCURI. Mr. Speaker, the Democratic Congress is wrapping up its first

year with a proud record of providing real support for our Nation's veterans that starts to make up for lost time. We have passed historic increases in veterans health care benefits totaling nearly $12 billion to meet the needs of those returning from Iraq and Afghanistan, to make up for the President's past shortchanging of our veterans and to keep new fees from hitting veterans families.

Along with focusing on veterans who are returning with PTSD and traumatic brain injuries, we address the military health and disability crisis brought to light by the conditions at Walter Reed Hospital, and we are providing the necessary oversight to ensure a scandal like that never happens again.

This new Democratic majority is also working to make sure troops and their families, strained after multiple deployments in Iraq, get a 3.5 percent pay increase, which the President called unnecessary.

Mr. Speaker, we commemorated Veterans Day this past weekend. Democrats are proud of our accomplishments in honoring our veterans by providing them with health care benefits they deserve.

□ 0915

TARDINESS IN CONGRESS

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

Mr. AKIN. Mr. Speaker, one of the things that can be a problem here in Congress is tardiness or lateness. And we've certainly seen some examples of that. One of the examples is the alternative minimum tax. It's something that every year just keeps reaching down and taxing more and more Americans. And so through the last years, Republicans passed patches to push that alternative minimum tax back. Unfortunately, this year, we're late. We don't have that done. The IRS has got to have that done by tomorrow, or else they're going to take a whole long time to change tax forms, and 50 million Americans will have their tax returns and the money that's owed them by the government late because we're just not on time with getting the AMT patch fixed.

It's also true with the veterans bill. We passed a bill, Republicans and Democrats agreed to it, put more money into the veterans, take care of post-traumatic stress and all kinds of other things that are expenses that the veterans face. The trouble is that bill's been sitting around. We're late again. Let's get a move on.

DEMOCRATIC CONGRESS HAD TO FIGHT PRESIDENT BUSH ALL THE WAY ON THE VETERANS FUNDING BILL

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

Mr. PALLONE. Mr. Speaker, last week this House passed a final veterans funding bill that provides the largest investment in veterans health care in the 77-year history of the VA. Congress initially passed this legislation over the opposition of President Bush and his administration.

Now, back in June, then Bush budget director, Rob Portman, said that the Bush administration would veto the Homeland Security measure as well as an even more generous bill funding veterans health programs and construction at military bases.

One week later, when this House was about to vote on the legislation, the White House sent over a letter saying that planned increases to veterans were excessive.

And then in August, the President directed his VA Secretary to send Congress a letter letting them know that veterans didn't really need $3.7 billion we had included over the President's request.

Mr. Speaker, it's clear that, until recently, President Bush and his administration did not believe we should fulfill our promises to our Nation's veterans. The President's paper trail is clear, and had it not been for this Democratic Congress, our veterans would not now be one step closer to the historic funding increase.

CONGRATULATIONS TO THE COURAGEOUS SHAWNEE STATE UNIVERSITY MEN'S SOCCER TEAM

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I rise today to recognize a team of courageous student athletes from Portsmouth, Ohio.

On Sunday, October 28, the Shawnee State University men's soccer team, fresh off their final victory of the season, traveled back to campus to find themselves facing another battle. This was a battle they'd never imagined having to face.

These men witnessed an SUV plunge over an embankment, hit a tree, roll over several times, and land on its top in a creek.

The bus filled with Shawnee State soccer players pulled to the side and went to the rescue. What they found at the bottom of the dark ravine was a family trapped, a family of three. The soccer team broke the vehicle's windows and rescued all the family members safely. Thankfully, the family is alive and well today.

Mr. Speaker, please join me in recognizing these amazing student athletes of Shawnee State University: Paul Adkins, Ryan Appell, Bryan Barker, Jordan Buck, Barry Collins, Michael Cornell, Steven Cox, Rocky Dunkin, Danny Frantz, Ross Frantz, Chris George, Curtis Jones, Andrew Kachilla, Bobby Krauss, Matt Lonsinger, Michael Mohr, Rusty Ortman, Graham Purdy, Brad Reffitt, Kurt Rininger, Drew Sampson, Ken Shonkwiler, Weston Thobaben, Jonathon Venters, and head coach Ron Goodson for their incredible act of heroism and bravery.

And let's say a prayer that the family continues to do well.

JOINT ECONOMIC COMMITTEE IRAQ WAR REPORT

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, last night House Democrats voted to send the President a smaller war-funding package with a clear message, send our troops home now. We know this rapid redeployment will save countless American lives.

The Joint Economic Committee estimates that a sharp downturn in U.S. forces in Iraq, like the plan we are advancing, would also lower the war's economic costs by about $2 trillion over the next 10 years.

The cost of this war has simply been too great and the human toll too high. We have already lost more people than this country lost on 9/11, 162 from my home State of New York. In so many ways, we can no longer afford to stay in Iraq.

Democrats in Congress are committed to bringing our troops home soon; repairing our military; caring for our veterans; and charting a new, more responsible, course, a more secure course in Iraq.

IN RECOGNITION OF MICKI WORK

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to say farewell and best wishes to a long-time member of the Second District staff, Micki Work. Micki has been a member of the staff more than 5 years where she has served with integrity and professionalism. She will be leaving our office to join the Magazine Publishers of America as the vice president for government affairs.

Micki came to Capitol Hill as an intern on the House Ways and Means Committee. After serving as a staff assistant to Representative GARY MILLER of California, she joined our office as a legislative correspondent. Her hard work and dedication led her to assume the rule of legislative director, where she has been invaluable in helping me address the needs and concerns of the people of the Second District of South Carolina.

A native of Hilton Head Island and a graduate of Hilton Head Christian School and Clemson University, Micki is the daughter of Dorothy Howard and the late Edward ''Mickey'' Howard. Our office will miss Micki tremendously, and we wish her well in all of her future endeavors.

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

PROVIDING FOR CONSIDERATION OF H.R. 3915, MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT OF 2007

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 825 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 825

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. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, 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 Financial Services. 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 Financial Services 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 except as specified in the report, 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. 3915 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

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

I yield myself such time as I may consume.

GENERAL LEAVE

I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 825.

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

There was no objection.

Mr. ARCURI. Mr. Speaker, House Resolution 825 provides for consideration of H.R. 3915, the Mortgage Reform Anti-Predatory Lending Act of 2007, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Financial Services. The rule waives all points of order against consideration of the bill, except for clause 9 and clause 10 of rule XXI. The rule makes in order the Financial Services Committee-reported substitute. The rule also makes in order 18 amendments printed in the Rules Committee report.

Mr. Speaker, let me begin by thanking and congratulating Financial Services Committee Chairman FRANK and Ranking Member BACHUS for truly working in a bipartisan fashion to develop this legislation. I would like to point out that the legislation was approved by the Financial Services Committee last week by a vote of 45–19 with support of nine Republicans, including the ranking member. It is this type of bipartisan spirit that the American people demand from Congress, and we as the new majority will continue to provide that.

Mr. Speaker, the subprime lending crisis threatens our Nation's economic security and the dreams of homeownership for many American working families. Now more than ever, American families are at risk of losing their homes. In the second quarter of this year, more than 286,000 mortgage loans entered the foreclosure process.

With the housing market in decline, foreclosures pose a grave danger to the stability of local property values and to our national economy. This lending crisis can be traced to rapid increases in the subprime mortgage, most of which were made with no Federal supervision. This lack of supervision allowed some lenders, not all, to prey on innocent consumers' dreams of achieving homeownership and force punitive subprime mortgages upon them.

Many of these predatory loans feature low teaser introductory rates which lure borrowers who may be eligible for lower fixed rates into loans they have little chance of repaying once the rates increase.

□ 0930

Mr. Speaker, the Mortgage Reform and Anti-Predatory Lending Act would require lenders to prove that borrowers can in fact repay their loans and ensure that vulnerable consumers aren't pressured into refinancing their loans unless the refinanced loan will be to their benefit. And to further protect borrowers, the legislation would curb incentives to steer consumers to high-cost loans and enhance consumer protections for high-cost mortgages.

Finally, the legislation would also provide long overdue and much needed regulation of the lending industry by requiring that mortgage lenders be licensed by States.

Mr. Speaker, every American deserves the opportunity to achieve the American Dream of homeownership. I am proud to stand here today with my colleagues from both sides of the aisle as we take meaningful, commonsense steps to help more American families achieve that dream.

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, this rule allows for the consideration of the Mortgage Reform and Anti-Predatory Lending Act, aimed at reforming mortgage lending practices in order to prevent subprime mortgage problems in the future.

I support efforts to better protect homeowners through simplified borrower disclosure, greater focus on deceptive practices, and enhanced education, training and oversight of lenders.

While I recognize that several significant changes were made to address some of the most concerning parts of this legislation during the committee markup, additional improvements and clarification are still needed. Consumers must have protections without unduly restricting credit opportunities or creating enormous liability for the mortgage lending industry.

We must improve the mortgage process to empower consumers to make good choices among competitors, not limit options for them. Also, we must ensure that this bill does not hurt the consumers that it is intended to help, especially those consumers with less than perfect credit histories that hope to achieve the American Dream of homeownership.

The current climate of rising defaults and foreclosures, especially in the subprime market, has shown us that poor lending decisions and abusive lending practices must be addressed.

And while we must deal with the bad actors in the lending industry, let's not forget about the good lenders and investors that have helped thousands of families successfully purchase their homes.

This bill is a step in the right direction, but improvements should be made as this legislation moves forward. I was hoping that the Democratic-controlled Rules Committee would see fit to provide an open rule for consideration of this bill. Under an open rule, Members could come to the floor and offer amendments in their effort to perfect this bill. While this rule allows several amendments to be offered, it is unfortunate that this restrictive rule also prevents Members of Congress from offering amendments on the floor during debate of the bill.

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

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI), my colleague from the Rules Committee.

Ms. MATSUI. I thank the gentleman from New York for yielding me time.

Mr. Speaker, I rise today in support of the rule and the underlying legislation, the Mortgage Reform and Anti-Predatory Lending Act of 2007.

The subprime housing crisis is a real threat to our economy. It has already had a devastating impact on our families, our neighbors, and our communities. My home district of Sacramento ranks among the hardest hit areas in the country.

My district ranks fifth in the Nation in adjustable rate mortgages that are expected to reset to higher rates in the future, putting more homeowners at risk of foreclosures. Just last quarter, close to 4,000 homes were foreclosed upon. Without decisive action, this crisis will continue to threaten many more hardworking Americans. As property values continue to fluctuate, it has become harder for many borrowers who are currently locked into these so-called teaser rates to refinance to more affordable loans.

Mr. Speaker, this crisis has affected every aspect our economy. Coupled with the rising gas and heating prices, our country is entering into a very cold winter indeed. In response, the Federal Reserve has cut interest rates and produced more currency, which has further weakened the U.S. dollar to new lows, prompting inflation fears.

Mr. Speaker, we in Congress have a duty to address this crisis. Chairman FRANK's bill is a step in the right direction. The bill establishes standards for home loans, while holding lenders and brokers accountable. The bill also prevents lenders and brokers from steering consumers to high-cost subprime loans just to make a quick extra buck.

Mr. Speaker, Congress needs to be a partner with the communities which we serve. We must work together to find a comprehensive strategy that will protect our homeowners.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. ARCURI. Mr. Speaker, I yield 6 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. I thank my distinguished colleague from New York (Mr. ARCURI). I really appreciate this opportunity.

Mr. Speaker, I stand here with 100 percent support for H.R. 3915. Let me just start off my comments by sharing with you and the Members of the House and the people of this country how severe this issue within the mortgage industry is, particularly within my district and my beloved State of Georgia. We are one of the leading States that have been victims of abusive lending practices, predatory lending, and certainly we are at the epicenter of this mortgage crisis facing us in this country.

For example, Mr. Speaker, 40 percent of the loans in my district are in the subprime area. Homeowners in my district have lost $159 million in home equity value. One of the counties in my district, Clayton County, is one the leading counties in this State that has suffered so desperately from home foreclosures due to subprime lending, abuses within the lending practice, and certainly the epicenter of it all, the eye of the storm, is predatory lending.

My State of Georgia has been fighting this battle for an awfully long time. Even during my days in the Georgia State Legislature as a Georgia State Senator, we had to deal with this issue of abuse from Fleet Finance.

So I want to just start with laying that out, Mr. Speaker, so you can see how critical this issue is, not only within my State of Georgia, but facing this entire Nation. That is why we have this bill. It is an important bill, and it is important because it is urgent that we move in a timely manner.

Let me just state very quickly, Mr. Speaker, if I may, what the key areas are in the reform of this bill.

First of all, it creates a new licensing structure for mortgage brokers and loan originators. This is done to ensure that they are licensed and that they are held accountable for the quality of the loans that they originate. This is very important.

Second, it creates a new minimum standard for mortgages and protections to ensure that all loans are properly underwritten, and eases the way for high-quality or qualified loans, qualified mortgages, to be securitized. This is very important. This is especially important because it ensures continued liquidity in the mortgage securities market, and that is what we really need to make sure that we do foremost, is to make sure we have the money there, to make sure we have the liquidity there.

The third key area is it expands the definition for high-cost mortgages, which greatly increases the protections available for consumers if they desire to select a subprime mortgage.

Now, this bill also addresses reckless loan underwriting, it addresses abusive subprime payment penalties, and it deals with direct incentives for mortgage brokers to steer families into expensive and risky loans. There are a lot of these kinds of unsatisfactory practices that are going on in this industry, let me say not by everyone, but there are some bad actors in this mortgage industry situation. This bill attempts to weave a delicate balance to move in and deal with those that are doing wrong and provide the kinds of protections that our consumers need.

This legislation is needed because all Americans should be protected against predatory lenders. Those are the ones that we are after the most, these folks that sit there and they look and they target areas. They target the most vulnerable people among us. They target minorities. They target African Americans especially. They target Hispanics. They target senior citizens, some of the most vulnerable people. They take advantage of the significant complexity of the language and the complicated situations that are involved in the mortgage industry, so that many people don't know what they are signing for on the bottom line, and they take advantage of that.

We need this legislation because consumers should get good credit. The best thing we can do for consumers currently on bad loans and for future borrowers is to ensure that they can get good credit.

This legislation is needed because credit availability must be preserved, especially in the troubled market that we are in right now. Lenders should not make loans that they know that the consumer cannot pay back.

Mr. Speaker, it is almost unspeakable for many of these loan originators, who know that many of these people can't pay these loans, but they go ahead and they deal with it.

Let me just deal finally with the arguments that there are some on the side that say the legislation is too weak. There are others that say the legislation is too strong. Well, I would just like to say we in Congress have to work with almost everything. It is sort of like making sausage. We have to pull this. We have to pull that. We have to try to come up with a bill that, first of all, we can get through the Congress.

But I am willing to bank my stake on it, Mr. Speaker, that this is a good bill. This is a bill which is a first step which we can deal with. And if they say that this bill is so weak, why are my phones ringing in my office, ringing both here and in Atlanta, Georgia, from bankers and from brokers who are saying that this bill is too strong?

This bill is an effort to move. It is important national lending legislation that, for the first time, prohibits steering a consumer to a loan that would do these four things: A loan that the consumer cannot pay, a loan that does not provide net tangible benefits, a loan that has predatory characteristics, and a loan that treats borrowers differently based on their race or their economic standing.

In most cases, this bill also will allow States, if they want to, to have even a stronger bill, in most cases.

Mr. Speaker, I really appreciate this opportunity. I thank Mr. ARCURI for your patience with me. I hope we will have a chance to come back later in the day and address some of the issues of signing liability and preemption.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. ARCURI. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank my colleague from the Empire State, the Great State of New York, for yielding to me, and for his leadership on the Rules Committee and in so many other areas in our Congress.

Mr. Speaker, I rise in strong support of this rule for H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act. I would like to thank the Rules Committee Chairwoman, LOUISE SLAUGHTER, for crafting this rule, and I would like to thank her for making in order 18 amendments, and one amendment that I will offer later on reforms for prepayment penalties on subprime loans.

I congratulate Chairman FRANK for his stewardship on this difficult legislation, and I thank my colleagues, Congressman WATT and Congressman MILLER from the Great State of North Carolina, which passed antipredatory lending in their State legislature that has been referenced many times in committee meetings and hearings.

I also thank the staff on the Democratic and Republican side that have worked very, very hard, our individual staffs and staffs of the committee, on facing this difficult challenge.

Mr. Speaker, I believe that this legislation has been done in a fair, open, and bipartisan process. During the committee markup last week, we entertained numerous amendments and consistently worked with the ranking member and the other Republicans on the committee. The result of all the chairman's hard work on this bill was demonstrated when this bill passed the committee on a bipartisan vote of 45–19.

The bill we are considering today is carefully crafted legislation that was developed after our committee carefully considered the testimony and advice of many experts and witnesses.

□ 0945

I know the Financial Institutions and Consumer Credit Subcommittee, which I chair, held a series of hearings looking into what can and should be done. I am happy to see a number of suggestions recommended by witnesses reflected in this legislation.

This was no easy task. As each and every one of us knows, the mortgage market is incredibly complex and any new proposal to clamp down on abusive practices must be done in a way that does not disrupt what is working correctly. I am proud to say that I believe this legislation has struck that delicate balance. The rule protects this legislation from amendments that may disrupt that balance, yet fairly allows for amendments that could enhance this legislation. I urge all of my colleagues to vote for this fair rule and for the underlying legislation.

Any legislation on this issue must strike a very careful balance that provides enhanced consumer protections without unnecessarily limiting the availability of loans to creditworthy borrowers. This bill contains a number of provisions that strengthen underwriting standards and provide additional protections for consumers while not unduly constraining sound lending and the secondary market. These include setting a clear standard that mortgages should be made based on a borrower's ability to repay, which is absolute common sense; setting up a system for licensing nationally; setting professional standards for mortgage brokers and an appropriate system of registration for loan officers; and setting a reasonable limits on assignee liability to ensure that investors will want to provide liquidity for housing finance.

This bill, I think, is a very strong one. It adds accountability and transparency to the system. It builds investor confidence in the system; and without that confidence, we will continue to face a growing market crisis.

We heard in our hearings from 2 to 5 million people, depending on the economists who were testifying, may lose their homes. That is more than lost their homes during the Great Depression. So the committee focused in two areas: first, on helping people stay in their homes with various measures that we passed, and this legislation going forward will prevent the types of abuses and really the turmoil in the market that was not in place because there were not oversight transparency and safeguards.

I congratulate Chairman FRANK on a very difficult balancing act, and I believe the legislation before us will not only help individuals stay in their homes, prevent abuses in the future, but will help the liquidity, stability, and creditworthiness of our entire economy. I no longer call it a subprime crisis; it's a credit crisis. We need to address it. This is tremendously important. We must pass this bill, and I urge all my colleagues to join me in voting for it.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas, a member of the Financial Services Committee (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this rule.

I am very disappointed that one of the most substantial portions of the bill will not be able to be debated today as it was in committee. That has to do with the entirety of the issue of what is known as ''assignee liability.'' It's a very important part of the provision. It deserves to be fully aired on the floor of the House. I am disappointed that the Rules Committee did not find this particular amendment in order.

Mr. Speaker, I submitted two amendments to the Rules Committee, one of which I have been led to believe the chairman of the full committee is going to accept. So it's kind of interesting, the one of the more controversial nature, and actually one that is more substantive, unfortunately, was not found in order.

Mr. Speaker, we know how important it is that we have a vibrant secondary market to add liquidity to that market so that people can realize their dream, the American Dream of owning their own home. Nobody denies that we face great challenges in our subprime market, and I don't think anybody denies that it has the potential to have a great disruption in our economy. But many of us question whether this bill is going to make matters worse or make it better. I believe, Mr. Speaker, it is going to make matters worse.

And one of the matters in the bill that is going to make matters worse is assignee liability. People who choose to invest by having a piece of a group of mortgages and they buy that on what is known as the secondary market, all of a sudden they are going to have legal liability for what somebody else may or may not have done.

So investors not just all over America, Mr. Speaker, but all over the world are going to have options that they look at on where they want to invest their hard-earned money, and many of them are going to say all of a sudden there is all this murky uncertainty, Do I really want to invest in the secondary mortgage market when all of a sudden somebody could turn around and sue me? I didn't originate the mortgage. I don't know the homeowner. I don't even know the person who signed the loan documents. I'm just trying to have an investment for my family, and all of a sudden I can be held liable. Maybe I'll go invest in something else.

At a time when we need even more liquidity in the market this provision will lead to less liquidity.

And all of a sudden we have this murky legal standard. All of a sudden we have got loan originators having to identify loan products that are ''appropriate.'' Well, if you want to talk about a standard that's in the eye of the beholder, it's ''appropriate.'' We talk about ''net tangible benefit.'' Well, who is supposed to determine that? How is that going to be discerned? Loans with ''predatory characteristics,'' well, one person's predatory characteristics may be another person's homeownership opportunity.

We still have to remember, Mr. Speaker, that for all the subprime loans that have gone bad, millions and millions of Americans have had an opportunity to own their first home because of the subprime market. And

here we are again moving in the exact opposite direction. And I think that this assignee liability, this could prove to be a trial attorney's dream and a homeowner's nightmare. And I am very disappointed a major portion of this bill that was debated in committee will not be debated on the full floor.

For this reason, I would certainly oppose this rule and oppose the underlying bill.

Mr. ARCURI. Mr. Speaker, I yield 4½ minutes to the distinguished chairman of Financial Services, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I will address much of the substance of the bill in the general debate. I do want to say we are here dealing with an issue, subprime mortgages, that is the single biggest contributor to the greatest financial crisis the world has seen since the Asian crisis of the late nineties.

We are in a very difficult situation now in the financial markets; and wholly unregulated subprime mortgages, unregulated by the originator and then unregulated in the secondary market, has given rise to this.

The previous speaker talked about the danger we could do with our liability for the securitizers. I would note that one of those who volunteered to our committee that we should do something, he wasn't specific about what, but something to put some liability there was the Chairman of the Federal Reserve, Mr. Bernanke, who has talked about what he called the originate-to-distribute model, i.e., people who give mortgages who are not themselves subject to regulation who then in turn sell into a secondary market, and what has been lost in that is the responsibility to worry about repayment. Now, we will talk more about this.

There is a delicate balance here. I am not in favor and this bill does not in general preempt the rights of States to do what they think is necessary in the consumer protection area. But in the matter I just talked about, when we are talking about a national secondary market, we did believe some preemption is necessary. We have tried to define it precisely and hold it to a minimum necessary to have a functioning market. As I said, I will address some of those more.

The bill, I believe, does strike a balance that can be a difficult one to achieve, particularly in that area of some preemption so that you have a functioning secondary market, but not to the point where you intrude on the rights of States to make these decisions.

I do want to address the rule. At my request this rule does make in order a number of amendments from both parties. Several of the amendments offered by Republicans will be, I hope, accepted. The manager's amendment itself is a genuinely bipartisan amendment. Much of the manager's amendment, in fact, came from the minority; and, indeed, in our committee the ranking member had a major input into this. This bill did pass committee by a vote of 45–19, which was the Democrats and, not a majority, but a significant number of Republicans.

We have, I believe, a rule that allows most of the issues that are at stake to be voted on. There are amendments that would strike major parts of the bill. The gentleman from North Carolina has one. The gentleman from Georgia has one. There is a third, the gentleman from New Jersey. Three amendments that would strike very much at the heart of the bill. I believe they should be debated and I would hope defeated, but they are made in order.

I did consult very much with the ranking member, and I believe we have a procedure today that doesn't cover everything, but will have the major issues before us.

At the end of today, I hope we will have passed a bill and it will be a bill which I must say will probably leave all parties at interest a little bit unhappy. I'm not pleased with that, but I think given the competing interests here, that is the best we can do, particularly on this issue of whether or not we preempt.

I would note that while some of the groups that I work with in the consumer area are disappointed because they wanted no preemption at all, passage of this bill is supported by the Conference of State Bank Supervisors. They think there are some things they would like to see changed further on. It's supported by the NAACP and La Raza. And it has, we believe, the essential elements.

The core is this: loans made by banks as originators subject to bank regulation have not been the problem. The problem has come when loans were originated by unregulated people, not that they were morally deficient, but there was no regulation. Here is the core of this bill: we have tried talking to the bank regulators and others to take the principles that the bank regulators have applied to loans originated by regulated depository institutions and apply them to the unregulated originators, the brokers. And it is not the case that the brokers were morally deficient. In all of these professions, we have an overwhelming majority of honest people. But the problem is, in the absence of any regulation and the availability of a secondary market with no rules, that minority that was not scrupulous caused us problems. This bill fixes that.

Mr. HASTINGS of Washington. I yield myself 2 minutes, Mr. Speaker.

Mr. Speaker, I just want to respond to my friend from Massachusetts when he outlined the amendments that were made in order and the substance of some of those amendments to be debated and also suggesting that he would oppose some and accept others. I have always admired that in him when he comes up to the Rules Committee and feels that that's part of the legislative process.

The point that the gentleman from Texas was making, apparently he had two amendments, and one of them the gentleman from Massachusetts is going to work with him on; so that one will be resolved. But the gentleman from Texas felt very strongly that the amendment that was not made in order, really the only amendment that had any substance was not made in order, was his amendment, and we don't get a chance to debate it. I think that's a valid argument from his perspective. And I know the gentleman from Massachusetts had nothing to say obviously about that.

So I just wanted to make that point, that, yes, there are a lot of amendments that were made in order. Some of the amendments that were made in order will be addressed later on. But I wanted to make the point of what the gentleman from Texas had made that his amendment was not made in order.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman. I appreciate his comments, and I think he's right.

The gentleman from Texas' amendment not made in order was a substantive amendment. I do believe, as I looked at the amendments, every other amendment from either side that presented a substantive issue was made in order, and, frankly, I assumed that this could be the recommit, if the minority cared about it.

□ 1000

We did in the rule, as we should have, provide for every substantive issue to be debated, except that one. There is the motion to recommit, and that would be available for the motion to recommit.

Mr. HASTINGS of Washington. The gentleman has always been open to debate. I am glad he has given us advice on maybe what we want to put in the motion to recommit. One of the easiest ways to do that obviously would be to have made that amendment in order. He had nothing to do with that decision. That was a decision of the Rules Committee. I wish it had been made in order. An amendment was offered to make that in order and was defeated on a party-line vote.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I appreciate it. I don't contest anything he said. But I would say it did seem to me, as I looked at it in a neutral way, that the minority did need some help on dealing with recommits.

Mr. HASTINGS of Washington. I always appreciate the gentleman offering his advice.

I reserve my time.

Mr. ARCURI. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I think it is very important because the assignee liability issue did come up, and I think as we move through this debate it would be clear to get a clear understanding of what we have in that so we will have a point of reference.

First of all, in this issue, if a consumer gets a loan that violates the minimum standards, in this bill are minimum standards, then the consumer has cause of action against assignees that have purchased that loan. The consumer may sue to rescind the loan and recoup other costs. There has to be an element of liability in the issue. We have worked to get a delicate balance that both protects the consumer while at the same time also saving some elements of liability so that we keep the market free of unnecessary suits.

Further, when the holder of a bad loan initiates a foreclosure, the consumer may exercise a rescission right under this to stop foreclosure. This is important. If the rescission right has expired, the consumer may seek actual damages plus costs against the creditor, the assignee or the securitizer. This provision gives real power to the consumer who can sue to stop a foreclosure of a bad loan or to rescind the bad loan.

Now, we also have some protections from liability for the loan originator. Number one, somebody may ask, why even give some protection from lawsuits to any entity that buys a loan? I believe that most consumers realize that the market provides the funding for loans and that the constant threat of legal action will indeed increase the cost of those loans for everybody. Somebody will have to pay that cost. And normally, that cost will fall on the consumer. So we have struck a delicate balance in the assignee liability.

Mr. HASTINGS of Washington. Mr. Speaker, could I inquire of my friend from New York if he has any more speakers.

Mr. ARCURI. I have no additional speakers.

Mr. HASTINGS of Washington. So if the gentleman is prepared to close, I will close on my side.

Mr. ARCURI. I am prepared to close, yes.

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

Mr. Speaker, it really is time for Congress to act and pass a stand-alone veterans funding bill. For the last several weeks, I have encouraged my colleagues to vote ''no'' on the previous question so that we can amend the rule to allow the House to immediately act to go to conference with the Senate on H.R. 2642, the Military Construction and Veterans Affairs funding bill and appoint conferees.

We have heard comments from Democrats that when Republicans were in charge that we did not get our work on the veterans funding bill completed on time. So I would ask my Democrat colleagues, if you don't like the way things were run then, then why are you exactly on the same path? Mr. Speaker, a final veterans funding bill is sitting waiting to be acted on. The Democrat leaders have bent over backwards to prevent Congress from passing the final bill. The stalling is costing our American veterans $18.5 million a day. Since the fiscal year began 46 days ago, our Nations's veterans are out $851 million. The veterans funding bill passed the House this summer with over 400 votes and passed the Senate with over 90 votes, and the President will sign the bill. So let's stop delaying, and let's defeat the previous question so that we cannot just say that we are committed to providing for veterans the funding increase that they need, but we actually get this increase to them.

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

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

There was no objection.

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

Mr. ARCURI. Mr. Speaker, so the record is clear, as the distinguished chairman of the Military Construction VA subcommittee, Mr. EDWARDS, so eloquently stated many times right here on the floor of this House, there is a clear difference between the new Democratic majority's approach to veterans and the previous Republican leadership approach.

The difference is that under the leadership of Speaker PELOSI and the new Democratic majority, supporting veterans is one of the highest priorities of this Congress. My colleagues on the other side of the aisle will claim that we are leaving veterans out in the cold. As elected Federal representatives, we are accountable for not only our words but our actions as well. What the other side won't tell you is that we had passed a continuing resolution in the beginning months of this Congress because the previous Congress failed to ever pass the MilCon-VA appropriations bill last year. They also won't tell you that the continuing resolution included an increase of $3.4 billion for veterans health care. The other side doesn't want to talk about the emergency supplemental spending bill we passed a few months ago which included an additional $1.8 billion for veterans discretionary spending. I am no mathematician, but $3.4 billion and $1.8 billion add up to $5.2 billion, which is larger than any increase in veterans spending passed by the previous Republican leadership.

I admit I am a new Member, but I can still look back at the record to see that the last time the previous Republican leadership passed the Veterans appropriation bill on time was 1996. It sounds to me like the other side of the aisle is suffering from a case of selective memory.

The new Democratic majority has not forgotten about our veterans. We have already passed legislation which has been signed into law that will provide an additional $5.2 billion for our veterans. Mr. Speaker, the numbers speak for themselves. The new Democratic majority has and will continue to provide for our Nation's veterans.

Back to the issue, we are facing a national crisis with hundreds of thousands of families losing their homes and an expected 2 million more over the next 2 years. The Mortgage Reform and Anti-Predatory Lending Act provides long-overdue and much-needed protection to those families.

As I said earlier, every American deserves the opportunity to achieve the American Dream of home ownership. It is because of the leadership and bipartisanship of Chairman FRANK and Ranking Member BACHUS that I am proud to stand here today as we make meaningful, commonsense steps to help more American families achieve that dream.

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

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

AMENDMENT TO H. RES. 825 OFFERED BY MR. HASTINGS OF WASHINGTON

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.

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

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

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

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

The yeas and nays were ordered.

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 597. An act to extend the special postage stamp for breast cancer research for 4 years.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3773, RESTORE ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 824 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 824

Resolved, That during further consideration of the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, as amended, pursuant to House Resolution 746, the further amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. Time for debate on the bill pursuant to House Resolution 746 shall be considered as expired. The bill, as amended, shall be debatable for one hour, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

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

Mr. HASTINGS of Florida. For the purpose of debate only, Mr. Speaker, I yield the customary 30 minutes to the gentleman, my good friend from Washington, Representative HASTINGS. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. Speaker, I also ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD.

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

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 824 provides for further consideration of H.R. 3773, the RESTORE Act of 2007, under a closed rule.

The rule provides 60 minutes of debate. Thirty minutes will be equally divided and controlled by the chairperson and ranking Republican of the Committee on the Judiciary, and 30 minutes will be equally divided and controlled by the chairperson and ranking Republican of the Permanent Select Committee on Intelligence.

The rule considers as adopted another amendment printed in the Rules Committee report.

Mr. Speaker, with the resurgence of al Qaeda and an increasing global threat from weapons of mass destruction in places such as Iran, every single person in this body wants to ensure that our intelligence professionals have the proper resources they need to protect our Nation.

As vice chairman of the House Intelligence Committee, I assure you that each and every one of us on that panel and others, Republican or Democrat, are working tirelessly, and often together, to do just that.

But the government is not exempt from the rule of law, as the Constitution confers certain unalienable rights and civil liberties to each of us.

After the terrorist attacks of September 11, the Bush administration upset that balance by ignoring the Foreign Intelligence Surveillance Act law, establishing a secret wiretapping program, and refusing to work with Congress to make the program lawful.

Democratic members of the Intelligence Committee have been trying to learn about the Bush administration's FISA programs for years. But the administration, which has been anything but forthcoming, has sought to block our oversight efforts nearly every step of the way.

When the administration finally came to Congress to modify the law this summer, it came with a flawed proposal to allow sweeping authority to eavesdrop on Americans' communications while doing almost nothing to protect their rights.

The RESTORE Act, true to its name, restores the checks and balances on the executive branch, enhancing our security and preserving our liberty. It rejects the false statement that we must sacrifice liberty to be secure. The legislation provides our intelligence community with the tools it needs to identify and disrupt terrorist networks with speed and agility. It provides additional resources to the Department of Justice, National Security Agency, and the FISA Court to assist in auditing and streamlining the FISA application process while preventing the backlog of critical intelligence gathering.

The RESTORE Act prohibits the warrantless electronic surveillance of Americans in the United States, including their medical records, homes and offices. And it requires the government to establish a record-keeping system to track instances where information identifying U.S. citizens is disseminated.

This bill preserves the role of the FISA Court as an independent check of the government to prevent it from infringing on the rights of Americans. It rejects the administration's belief that the court should simply be a rubber stamp.

Finally, the bill sunsets in 2009. This is a critical provision because it requires the constant oversight and regular evaluation of our FISA laws, actions which were largely neglected during the last 6 years of Republican control.

In so many ways, the underlying legislation is more efficient and effective than the administration's proposal which passed in August.

Mr. Speaker, as my colleagues know, last month, we came to the floor on this bill, but when it became clear that Republicans were intent on playing

politics with the security of the American people, we refused to take the bait.

□ 1015

At that time, Republicans announced that they intended to offer a motion to recommit the bill that had no substantive base, was already addressed in the bill and in current law, and was designed to delay consideration of this important intelligence tool. Their reasoning was disingenuous; their motives were absolutely political. As a result, Democrats refused to partake in their game of political theater.

If the House does not pass this bill today because of Republican obstructionism, then it will be abundantly clear that the minority and the administration are willing to put politics in front of the safety of the American people. We are back today, and we will continue to come back to the House floor, however many times it takes, to give our men and women in the intelligence community the tools that they need to do their jobs and keep America safe, while also preserving our civil liberties. This is a balance that is not only difficult but absolutely critical.

I urge my colleagues to vote ''yes'' on the rule and ''yes'' on the underlying legislation.

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

Mr. HASTINGS of Washington. I thank the gentleman and my namesake from Florida (Mr. HASTINGS) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

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

Mr. HASTINGS of Washington. Mr. Speaker, yesterday the Rules Committee held a second hearing to consider a second rule to provide for consideration of H.R. 3773, the Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective, or the RESTORE Act. As you may recall, a month ago the House considered and approved a closed rule for the RESTORE Act. Not only was it a closed rule, prohibiting any debate on amendments, but it also denied Members the opportunity to cast a separate vote on a manager's amendment and changes to the amendment which became part of the base bill once the rule was adopted.

Mr. Speaker, here we go again. The result a month ago was that the Democrat majority recognized the RESTORE Act was insufficient and decided to pull the bill from the House floor without a vote. Rather than spending a month working in a bipartisan manner to strengthen the bill, yesterday the Democrat-controlled Rules Committee was at it again, rewriting and denying Republican Members the chance to even offer input or suggestions and prohibiting every single Member of the House from offering amendments and alternatives. The Democrat majority's take-it-or-leave-it strategy on this bill is dangerous and is destined to fail, Mr. Speaker. It will not close our Nation's intelligence gap. In fact, it could widen it.

In 1978, Congress enacted the Foreign Intelligence Surveillance Act, or FISA, to establish a procedure for electronic surveillance of international communications. As enacted into law, FISA had two principles: first, to protect the civil liberties of Americans by requiring the government to first obtain a court order before collecting electronic intelligence on U.S. citizens in our country; second, the law specified how intelligence officials working to perfect our national security could collect information on foreign persons in foreign places without having to get a warrant.

The intent of the original FISA law was to enhance American security, while at the same time protecting American privacy. Recognizing that no responsibility of the Federal Government is more important than providing for the defense and security of the American people, Congress should be doing all it can to ensure that FISA continues to reflect the intent of the original law.

In August, Congress, in a bipartisan manner, took an important step forward to close our Nation's intelligence gap. The Protect America Act passed only after repeated attempts by Republicans to give our Nation's intelligence professionals the tools and the authority they needed to protect our homeland. This action was long overdue, and this law marked a significant step forward in improving our national security. The Democrats forced the security tools that we passed in August to expire after 6 months.

Now Congress must act again to renew this law by early next year before the Democrat expiration date arrives and our national security once again will be at serious risk. Unfortunately, the legislation before us today does not provide the security we need to protect our Nation from a potential future terrorist attack. It is a retreat, Mr. Speaker, from a law enacted in August, and jeopardizes the safety and security of Americans from foreign terrorist threats.

I am concerned that not only were final changes to the bill given to the minority just yesterday afternoon, but it was stated in our hearing that the Democrat chairman of the Judiciary Committee got the revised text just moments before we did. Mr. Speaker, I would like to recognize Mr. CONYERS' willingness expressed in his testimony before the Rules Committee to work with Republicans and perhaps even postpone consideration of a rule until the bill could be properly reviewed and Republicans had a chance to offer a substitute or changes to the bill. Sadly, the chairwoman of the Rules Committee overruled Mr. CONYERS and expressed her intention to move this bill without any alternatives, amendments, or possible improvements being considered.

The action of the Rules Committee in October and again yesterday to completely shut down the legislative process shatters the promises made by Democrat leaders a year ago. The distinguished chairwoman of the Rules Committee on December 27, 2006, was quoted in the New York Times, Mr. Speaker: ''We are going to give people an honest and contemplative body they can be proud of once more. We are going to have a much more open process.''

House Majority Leader HOYER, on December 5, 2006, was quoted in Congress Daily PM as saying, Mr. Speaker: ''We intend to have a Rules Committee that gives opposition voices and alternative proposals an ability to be heard and considered on the floor of the House.''

Mr. Speaker, actions obviously speak louder than words. The modernization of foreign intelligence surveillance into the 21st century is a critical national security priority. It is alarming that the Democrat majority wants to move full speed ahead on a bill that weakens Americans' privacy protections, while at the same time strengthening protections for our enemies in the war on terror. I must therefore urge my colleagues to vote against this closed rule so that we can make absolutely certain that we are making our laws more, not less, effective in our constant battle to prevent a future terrorist attack against our Nation.

If this rule is adopted, Members will only have the choice to vote for or against a seriously flawed bill that threatens, not strengthens, our national security. The Democrat take-it-or-leave-it strategy shuts down all voices from being heard, and ultimately every American can suffer the consequences if this bill and the rule are adopted.

Enacting the Protect Act last August, which was a major accomplishment of this Congress, which has chosen to spend, frankly, more time debating and enacting legislation naming post offices and Federal buildings than real policy, it is ironic that the Democrat majority now wants to pull the rug out from under this successful accomplishment.

Again, Mr. Speaker, I urge my colleagues to vote against this closed rule.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. MATSUI), my colleague and good friend from the Rules Committee.

Ms. MATSUI. I thank the gentleman from Florida for yielding me time.

Mr. Speaker, liberty and security are not mutually exclusive. Reliable intelligence is crucial for the defense of our Nation. Without it, we would not be safe. At the same time, civil liberties are a vital part of our national identity. Without them, we would not be free.

Our Founding Fathers understood that liberty and security complement each other. Unfortunately, this core premise has been muddled as we have debated FISA legislation. This legislation protects the people and the principles that we hold so dear in this country and it modernizes our Nation's intelligence laws to meet the technological demands of the 21st century.

I am especially pleased that the bill before us today provides such strong legal clarity. Without clear boundaries, intelligence officers will err on the side of caution. Strong legal footing not only protects our civil liberties; it also ensures that prosecutions will not be jeopardized.

Mr. Speaker, the American people also deserve disclosure of the data that has been surrendered to the government by the telecommunications industry. It is critical for Congress to be fully informed before making such an important decision as granting retroactive immunity. Brave men and women have sacrificed to protect the civil liberties and values that we hold most dear. We cannot and should not lightly brush their contributions aside. Instead, we must honor their memories by taking responsible action to protect two of the things that our constituents hold most dear, our freedom and our national security. Neither of these basic American values can exist without the other.

I will continue to support bills like the RESTORE Act that recognize this essential truth. I urge all my colleagues to join me in supporting this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the ranking member of the Intelligence Committee.

Mr. HOEKSTRA. I thank my colleague for yielding.

Mr. Speaker, we have talked about the importance, as we have just heard, we have just heard about clear legal authorities; we have talked about the protection of U.S. persons, the need to study this issue in a very important, judicious manner. It's not what happened over the last 4 weeks. Over the last 4 weeks, our colleagues on the other side of the aisle were trying to figure out exactly how to bring this vote forward to get the votes necessary to pass it.

As we went to Rules yesterday, it was about a half hour before we saw the manager's amendment. As I read through the manager's amendment, this is interesting, and as with much else on FISA, I wonder what this really means and how it really works. Does it really provide us with the clear legal authorities? Are the statements that it makes clear? Will it help our intelligence communities?

And while there's a lot of problems in the rest of the bill, I just want to focus on one part of the manager's amendment that is self-enacting today, and that is why I rise in opposition to this unnecessary second rule. It places unnecessary, burdensome restrictions on the intelligence community through a self-executing amendment.

More importantly, however, I would like to highlight my concern with a provision of the manager's amendment in this rule that appears to give extremely broad and vague authorities to the executive branch to conduct surveillance on undocumented aliens within the United States. Section 18 of the manager's amendment is bluntly titled: ''No Rights Under the RESTORE Act for Undocumented Aliens.'' No rights under the RESTORE Act for undocumented aliens. Then it goes on to say: ''This act and the amendments made by this act,'' and by ''this act,'' it's talking about FISA, not this bill, at least that is how I would interpret it, ''shall not be construed to prohibit surveillance of, or grant any rights to an alien not permitted to be in or remain in the United States.''

This poorly conceived and ill-advised provision appears to provide an extremely broad and completely blank check to the executive branch to conduct wholly unregulated surveillance on an undocumented alien in the United States. The scope of this is unprecedented. We have never before extended such blanket authority to the intelligence community to collect information on any person within the country, legal or illegal.

The language is also as vague as it is broad. My counsel says he doesn't know what the effect of an alien not permitted to be in or remain in the United States means, since it doesn't define those terms by reference to other laws. The overall effect of this provision could be breathtaking in its scope.

One of the issues that was supposed to be definitively clarified in this bill is whether or not the enhanced authorities of the Protect America Act or this bill would allow physical searches to be conducted of the homes and businesses of innocent Americans. Since that clarification is supposed to be made in the RESTORE Act, it seems that this provision must be read to permit physical searches of the homes and offices of undocumented aliens.

□ 1030

I've got a few questions for the other side that I hope they would take the time to answer when time is yielded back to them. I would like to obtain clarification with respect to a number of ambiguities in the manager's amendment. Would you clarify under which specific laws an alien could be ''permitted to be in or remain in the United States'' under this manager's amendment? Since it does not refer to specific laws, would the President denying someone permission to remain in the United States under this executive authority trigger this provision?

The amendment also says that it does not prohibit surveillance of undocumented aliens. Would you further clarify what types of surveillance of undocumented aliens are authorized under this provision?

The amendment does not define the term ''surveillance.'' Would it allow surveillance against possible illegal aliens for law enforcement purposes? Would it allow foreign intelligence surveillance to be conducted against transnational smuggling rings? Would it allow surveillance to determine whether someone is an alien not permitted to be in or remain in the United States? Would the amendment exempt undocumented aliens from the physical search requirements of FISA?

One final clarification. Does the term ''this Act,'' as I said, I believe it refers to all of FISA, or is it just some section? Could you clarify how that is different than ''the amendments made by this Act''?

This is unprecedented in its breadth and its scope, potentially unleashing the intelligence community on people in the United States. The practice in the community today is that when someone is in the United States, they are provided the protections of U.S. law. This takes it and shreds it for illegal aliens, or people who may be suspected of being illegal aliens.

And talk about protecting rights, this bill shreds the rights of people who are in this country. It is a significant problem, and this is what happens when you go through a process on this type of technical legislation and do not go through a process that allows the minority or hearings to take place.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to my good friend from California, the gentleman from Michigan, the ranking member of the Intelligence Committee raised a plethora of questions. I would say to him that he can expect his answers in the general debate, and I am sure that the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. REYES) will enlighten him as to the scope of questions that he put. I would like to, for I feel that he knows the answer to every one of them, but I won't take the time.

I am very pleased to yield 3 minutes to the distinguished gentlewoman from California, the Chair of the Intelligence, Information Sharing and Terrorism Risk Assessment Subcommittee of the Committee on Homeland Security, and if you can say all of that, then you must be somebody, JANE HARMAN.

Ms. HARMAN. I thank the gentleman for yielding. I commend his service on the Rules Committee and his long service, much of which I shared, on the House Intelligence Committee.

Mr. Speaker, I rise in strong support of this rule and the underlying bill. Many in this House, including me, have worked over years to get surveillance right. This bill does a good job, a far better job than the bill reported last month by the Senate Intelligence Committee.

Protecting America from the real threat of additional attacks requires

the strongest possible tools. It also requires a flexible, agile and constitutional set of authorities to guarantee that those who do the surveillance clearly know the rules and obey them and that Americans who may be targeted have appropriate safeguards.

This legislation arms our intelligence professionals with the ability to listen to foreign targets, without a warrant, to uncover plots that threaten U.S. national security.

The bill also protects the constitutional rights of Americans by requiring the FISA Court, an article III court, to approve procedures to ensure that Americans are not targeted for warrantless surveillance.

I have reviewed the changes to this legislation made by the manager's amendment. This amendment makes the bill stronger in two important ways: First, it clarifies that nothing in the bill—repeat, nothing—inhibits the ability to monitor Osama bin Laden, al Qaeda, proliferators of weapons of mass destruction or any terror group or individual who threatens our national security. Second, and this is a point that was just addressed by the gentleman from Michigan (Mr. HOEKSTRA), it clarifies that nothing, nothing, in the bill extends any rights to people who are not in the United States legally. Undocumented aliens, people who aren't citizens or have overstayed their visas receive no rights under this bill. Some may try to scare us into thinking otherwise, but they're just wrong.

The bill does not change current law, and this is a point that may have been overlooked by the gentleman from Michigan. It does not change current law regarding the surveillance of undocumented aliens. Since 1978, FISA, which was enacted in that year, has extended fourth amendment protections to persons legally in the United States. The Protect America Act, which the Republican minority in this body supported in August and which was enacted into law that month, continues that same definition. The Protect America Act defines the coverage of the bill just the way this legislation does. We're not changing the coverage of U.S. persons as defined in 1978 and since under the original Foreign Intelligence Surveillance Act.

Mr. Speaker, terrorists won't check our party registration before they blow us up. Security and liberty are not a zero sum game. The RESTORE America Act will protect the American people and defend the Constitution. Vote ''aye.''

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Florida, a member of the Rules Committee, Mr. DIAZ-BALART.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend for yielding.

When we see significant changes in law included in the rule as we see this morning, in other words, self-executed in the rule, it's important that these questions be asked during the debate on the rule, because after this rule is passed, changes in the law will already have been made. The changes in the law are included in the rule.

I have some serious questions. Some of them were already brought out by the ranking member of the Intelligence Committee. For example, there is this section, section 18 in the legislation being brought to us today. Basically it says, warrantless surveillance is authorized by this legislation on any undocumented person in the United States. Now, that's in the law. And I would ask any colleague listening to this, it's in the self-executing part of this rule, section 18, ''This act shall not be construed to prohibit surveillance of any alien not permitted to be in or remain in the United States.''

Now, how do you know, Mr. Speaker, if they're undocumented or not? Thus, now, this will give the right to surveillance, warrantless surveillance with regard to any household where there may be an undocumented worker? This is extremely serious. The question needs to be asked.

The ranking member of the Intelligence Committee pointed out, that's why this needs to be vetted, to be discussed, and not to be included in a rule where we find out about this the morning that the rule is on the floor and the rule makes it law, because it includes in the rule changes in the law that we hadn't even been able to see before.

Now, other questions. There is a prior section in the legislation, section 3, that creates what they call basket warrants for terrorists throughout the world. But wait a minute. Section 18 says that if you are someone not permitted to be in the United States, it should not be construed to prohibit surveillance. My question is, does that section void the prior basket warrant section? I don't know. What I know is that it's in the rule.

When we vote on the rule in a few minutes, we will be self-executing legislation, because these changes in the law are in the rule to be self-executed, to be made already part of the law. So these are serious questions. I wish that there would have been an opportunity for the gentleman from Michigan, along with the chairman, to be vetting these issues, because they're serious issues, serious questions, like the one I asked before.

Now, unlimited, warrantless surveillance for the undocumented. And those who live with the undocumented, I would ask? Those who share a residence with the undocumented? Those who share a workplace with the undocumented and who are citizens, are legal immigrants in the United States? These are serious questions. And now we can ask them on the morning that the legislation is on the floor. And, by the way, it's being included in the rule, so that as soon as we vote on the rule, we will already have voted on this legislation.

No, this is not the way to run this place, Mr. Speaker. It's another example of an excessively exclusivist process keeping out debate affecting legislation, including extremely serious legislation, like this legislation that should be protecting the American people, and that's why this is most unfortunate, this process today, Mr. Speaker.

Mr. HASTINGS of Florida. Mr. Speaker, I would say to my friend from Florida that this rule doesn't change the law. Members will still have an opportunity to vote on the base text of this bill. It doesn't change the law of FISA.

I yield 2 minutes to the gentleman from Texas, my good friend and classmate, Mr. DOGGETT.

Mr. DOGGETT. But there is an ''alien'' issue in this bill and only one alien issue—those who have been so alien to the freedoms we hold dear as Americans.

This is an Administration that has desecrated our Constitution, debased our values and repeatedly undermined our freedoms. For a party that purports to hate Big Government, these Republicans sure do seem to love Big Brother. They demand unlimited Executive power and unrestrained authority to intrude into our everyday lives. Today, we dare to impose some limitations on one of so many examples of their callous disregard of our liberties.

If even former Attorney General John Ashcroft, sitting there in his hospital bed in intensive care, if even he could recognize the illegality of the surveillance that DICK CHENEY demanded, why shouldn't we in Congress be able to do the same? And if one telecommunications company had the courage to say ''no'' to this Administration's wrongdoing, why not the others? And why would we want to protect these corporate accomplices in the surreptitious destruction of our freedom from any accountability whatsoever?

□ 1045

Yesterday, we told this President ''no more blank checks for Iraq.'' And today we say no more unauthorized blanket surveillance of American citizens. Those of us who love liberty must stand up to this Administration's fear-mongering, to its continued leveraging of fear for its own political purposes.

As Mr. CHENEY's current chief of staff once said and what many Americans now recognize is an irresponsible and unconstitutional expansion of Presidential power: ''We're going to push and push and push until some larger force makes us stop.''

Well, today we must be that force. This Congress must stay ''stop.''

Liberty is our strength. Fear is our enemy. This legislation strikes an appropriate balance to keep our families safe and ensure they remain free.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Judiciary Committee.

Mr. GOHMERT. First I've got to comment on some things we heard previously. We heard the right honorable

chairman indicate that the last motion to recommit was designed to delay. If it was merely designed to delay, then why in the world was the bill pulled from the floor and sat on for 4 weeks? The answer: it was not for delay. We had some serious considerations and questions and points to be made about the risk that this was raising.

When I hear my friend from Texas talk about those who love liberty, listen, some of us love liberty enough that we believe the Constitution should not be extended on the battlefield to those who are trying to destroy what our forefathers and foremothers have fought and died to give us.

Now, unless the Democrats believe that they have improved this bill, then there was no reason for a month delay. So either you improved it, Mr. Speaker, either the Democrats improved it or there was no reason to sit on it for a month. And if they did improve it, then the motion to recommit was not political, but apparently helpful.

The problem is this doesn't fix the problems. And unless one party in this body has 100 percent on God's truth all the time, they ought to allow some input from the other side. We were told that was going to happen. It hasn't happened here. We went to the Rules Committee the last time and were shut out. Before the hearing started we were told, put on your evidence but no amendments will be allowed. This time, once again, no amendments are allowed. There is some expertise in this body outside the Democratic Party. I would think it would be helpful to hear some of that.

Anyway, let's look at the bill itself. We are told, well, we can't get into it, we have limited time. Who did that? The Rules Committee did that. The Rules Committee did that.

I would say to everyone, Mr. Speaker, that we have some smart people on both sides of the aisle on the Rules Committee, but their talents are being wasted when they keep having Rules Committee meetings that come back over and over, no amendments. They are wasting their time. They ought to ask for different committees because there is too much intelligence and talent on that committee to waste it like that.

Now, in this new bill that we've got, we had to make amendments without even seeing the new bill. How outrageous is that? But still, we have the requirement that the Director of National Intelligence, and I realize some people think he is suspect on the Democratic side because he worked for the Clinton administration for 6 years. I think he is a brilliant, sharp fellow.

But anyway, he testified before our Judiciary Committee that he cannot swear, nobody can honestly swear that they reasonably believe that a terrorist on foreign soil will never call the United States. Therefore, since he can't testify to that, they can't use this provision.

We are told this is protective because in the emergency provision that is allowed, all you have to do is get that emergency relief, and you can get that in 7 days instead of 15. Even under the emergency relief, you have to reasonably believe there will never be a call into the United States, and we had testimony that can never be done.

This guts our foreign intelligence capability. I think the easier thing to do is just have everybody tell their U.S. friends that if you are getting calls from foreign terrorists, tell them not to call, use some other means of communication. That's the point.

Mr. HASTINGS of Florida. Mr. Speaker, would you be so kind as to inform each side as to the amount of time remaining.

The SPEAKER pro tempore. The gentleman from Florida has 15½ minutes and the gentleman from Washington has 9½ minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 4 minutes to the distinguished chairman of the Select Committee on Intelligence, Mr. REYES.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is an incredible turn of events from our colleagues on the other side of the aisle who are now arguing for undocumented people within the confines of this country.

Let me start out by making a flat statement. The RESTORE Act confers no additional rights on undocumented aliens beyond those that they already have under the Constitution or current U.S. law.

You know, there is an old lawyer's adage, and I am not a lawyer but I am told by my friends who are, when the facts are not on your side, you are taught to argue the law. When the law is not on your side, you are taught to argue the facts.

Well, here on the floor like we have in the past, we have our colleagues on the other side of the aisle that are so conflicted as to be humorous if this wasn't such a serious, serious issue for our country and for our national security.

When they complain about not having any input, let me just clear the record and for the record state that they filed 12 amendments with our committee, the Intelligence Committee. Yet, when it came time to offer and proffer those amendments, they only had two. One was on immunity which, by the way, we have never been given the documents to review, so we would not have known what we were granting immunity to the telecom companies for. But that one was of their amendments. The second amendment was to substitute the Protect America Act for the RESTORE Act.

That gives you a clear indication that, today just as in the previous Congresses, the Congressional Republicans were and are in a rush to rubber-stamp every single thing that the administration wanted. And so now when things have changed and we have checks and balances, we have our colleagues who formerly rushed, rubber-stamped anything and everything that the administration wanted to do, now they are using delaying tactics. And so when it is convenient, they argue the law. When it is convenient, they argue the facts.

What is clear, crystal clear, here is that we have to have checks and balances. In order to protect this country, in order to protect our national security, there have to be checks and balances. That's what the RESTORE Act does.

And when they complain about the rule, it is a sham argument. When they complain about not having enough input, it is a sham argument. When they argue the facts, it is because the law is not on their side. When they argue the law, it is because the facts are not on their side. So it is not about truth; it is not even about justice. It is about scoring political victories.

There is a publication here on the Hill that said FISA is coming back up on the floor and it will determine who can maneuver best. You know what, as an American, I am sick and tired of maneuvering. I am sick and tired of people saying we need to work in a bipartisan manner when they work to undermine the process of checks and balances. The American people are sick and tired.

I support this rule. I think we have a great bill here in the RESTORE Act. I think this is something that we need to pass today, take it to conference and start being serious about balancing the tools that our agencies need to protect us with a careful balance of protecting Americans' rights under the Constitution. Vote for this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I rise in opposition as ranking member of the Foreign Affairs Terrorism Subcommittee. And I can share this: there has not been a terrorist attack on our soil since 9/11, and that is due in part to the improved surveillance in real-time that we are able to conduct against foreign terrorists. There is no disputing that.

I cannot help but feel that many of my colleagues have become so blinded by their hatred of this administration that they have put the threat from radical jihadists in the back of their mind. But given the threat, it is unfathomable that we would weaken our most effective preventive tool, and that is exactly what this bill does.

Before we unilaterally disarm, before we hobble our ability to listen in real-time to the very real terrorists who are plotting against our country around this globe, shouldn't we have something of an accounting of the supposed civil liberties price we are paying?

I asked the Congressional Research Service for such an accounting. They reported there is no available evidence of the type of privacy violations critics

are pointing at. The case can't be proven.

But under this bill, for the first time this bill would stop intelligence professionals from conducting surveillance of foreign persons in foreign countries unless they can read the mind of their terrorist targets and guarantee that they would not call into the United States, that they would not call one of their people here.

This is more protection than Americans get under court-ordered warrants in Mob and other criminal cases here in the United States that we are now granting these terrorists under this act.

We are, frankly, confronting a virtual caliphate. Radical jihadists are physically dispersed, but they are united through the Internet; and they use that tool to recruit and plot their terrorist attacks. They use electronic communications for just such a purpose. They are very sophisticated in that.

So how has the West attempted to confront that? Well, the British use electronic surveillance in real-time. They used it last year to stop the attack on 10 transatlantic flights, and they prevented that attack in August of last year by wiretapping. The French authorities used wiretaps to lure jihadists basically into custody; and, thereby, they prevented a bomb attack.

Given this threat, it is unfathomable that we would weakened our most effective preventive tool, and that is exactly what this bill does.

Before we passed the Protect America Act in August, the Director of National Intelligence told this Congress we are losing up to two-thirds of our intelligence on terrorist targets.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the gentleman from New Jersey (Mr. HOLT), who is a member of the Select Intelligence Committee and had substantial input with reference to this provision.

Mr. HOLT. Mr. Speaker, I thank my good friend from Florida, and I rise in support of the rule and the underlying bill.

When Congress made the error of passing in haste and in fear the unconstitutional Protect America Act this past August, some of us could take a bit of comfort from this sorry episode in that it would expire. That meant we would get another chance to get things right, to actually pass a bill that would protect our country from terrorists and also from those in government who would turn the fearsome powers of our Federal intelligence and enforcement communities against the American people. I am pleased to say that after some intense work, we have a bill that does that.

The RESTORE Act now includes provisions via the manager's amendment that will ensure that it is the courts, not an executive branch political appointee, who decides whether or not the communications of American citizens are to be seized and searched, and that such seizures and searches must be done pursuant to a court order that meets the standard of probable cause.

This bill now gives our citizens the best protection we can provide them: good intelligence and the review of the executive branch's actions by a court. We, everyone here, can tell each of our constituents, Muslim Americans, soldiers in uniform, international businessmen, college students: you have the protection of the courts.

Mr. Speaker, I thank both chairmen of the Intelligence and Judiciary Committees for working so diligently to get this right. I urge my colleagues to vote ''yes'' on the rule and ''yes'' on the RESTORE Act later today.

□ 1100

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 3½ minutes to the gentleman from California (Mr. LUNGREN), a member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in opposition to this rule.

People should understand that this is one of the single-most important issues we will deal with this year or this Congress, and yet it has been trivialized by the way it has been handled by the Rules Committee.

We were shown what purported to be the bill that we would be working on today 45 minutes before the Rules Committee convened, at which time we were supposed to present our amendments to this bill, draft our amendments to this bill. Maybe it made no difference because they had no intention whatsoever of allowing us any input by way of amendment.

This was startling to me because, having done two 1-hour Special Orders on this subject, I had a distinguished Member from their side of the aisle come to me and say: You know that provision you pointed out, that was placed into this bill as a result of a self-execution rule that actually grants greater protection to Osama bin Laden or anybody else than it would to an American citizen charged with a crime in America. You were right on that. We made a mistake, and we are going to change it.

So I look at this bill and it is still there.

What provision am I talking about? It is the provision that talks about treatment of inadvertent interceptions. If we have an electronic communication which we believed in the first instance was foreign to foreign but we find that it actually is foreign to someone in the United States, what happens? If we inadvertently collect a communication in which at least one party to the communication is located inside the United States or is a United States person, the contents of such communication shall be handled in accordance with minimization procedures adopted by the Attorney General. And that is fine. But then it goes on to say: that require that no contents of any communication to which the United States person is a party shall be disclosed, disseminated, or used for any purpose, or retained for longer than 7 days unless a court order under section 105 is obtained, or unless the Attorney General determines that the information indicates the threat of death or serious bodily harm to any person.

Now, if Osama bin Laden in a conversation or communication with someone in the United States, which we inadvertently pick up because we thought we were listening to foreign to foreign and we hear this, and in that Osama bin Laden indicates where he is, we are prohibited by this provision in this section of the bill from being able to disseminate it to anybody, FBI or anybody else, or using it for any purpose unless we go to a court. That is absolutely absurd. So absurd that a Member of that side of the aisle, the chairman of the Constitutional Law Subcommittee of Judiciary said: You are right, we will take it out. It is not taken out.

That is just one of the problems when you have a rule that doesn't allow people to look at the bill you are going to present to them nor does it allow any amendments to be brought forward.

This not only points out the seriousness of this issue, but it shows that, when you play political games with bringing it to the floor, you might have unintended consequences.

Do I believe that side wants to give greater protection to Osama bin Laden than an American citizen charged with a crime in America? I hope not. But it is in this bill. I was told it was going to be taken out. It has not been taken out. We ought to defeat this rule for that reason whatsoever and defeat the bill if it remains in.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from Missouri, the distinguished chairman of the Armed Services Committee, Mr. SKELTON.

Mr. SKELTON. Mr. Speaker, as chairman of the Armed Services Committee, our purpose is to defend America and American interests, American citizens. And this bill is a good bill. I speak for this rule. I speak for it because this is a balanced rule. On the one hand, it helps protect Americans; on the other hand, it is a balance in favor of the Constitution. We have to keep, of course, those two goals in mind, but keeping in mind the fact that we need good intelligence, and this is a means and the law to allow us to get good intelligence and protect America and American interests.

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

The SPEAKER pro tempore (Mr. PASTOR). The gentleman is recognized for 3½ minutes.

Mr. HASTINGS of Washington. Mr. Speaker, we have talked a lot about

process here on this very, very important issue. Everybody on both sides of the aisle has talked about the need to make sure that we have the right intelligence, and yet through this process there are a number of questions, I think very legitimate questions, that were raised; because if this rule is adopted, then we will have no opportunity to even vote on the manager's amendment. It will be self-executing.

It seems to me like it is a process by which, because we all know pretty much that rule votes are party votes. So it is like denying anybody an opportunity. If somebody on the other side has some questions about the questions that were raised here, they will be denied the opportunity because you have got to stay with the party and support the rule. Mr. Speaker, I just simply say that is a very, very bad process.

Mr. Speaker, we also need to pass the stand-alone veterans funding bill. It has now been over 150 days since the veterans funding bill was approved by the House. The Senate passed a similar bill and appointed its conferees 2 months ago. Sadly, Democrat leadership in the House has refused to name conferees and instead has chosen to put politics and partisanship ahead of ensuring that our veterans' needs are met.

Once the Democrat leaders appoint conferees, the House can move forward and pass the stand-alone veterans bill. Mr. BOEHNER took a positive historic step in that direction; now Speaker PELOSI must follow. Therefore, I will be asking my colleagues to vote ''no'' on the previous question so that I can amend the rule to allow the House to immediately act to go to conference with the Senate on H.R. 2642, the Military Construction and Veterans Affairs Funding Bill and appoint conferees.

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

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

There was no objection.

Mr. HASTINGS of Washington. I urge my colleagues to oppose the previous question and the 42nd, Mr. Speaker, closed rule that we are debating here today.

With that, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, for a year and a half, the Intelligence and Judiciary Committees have been working with the administration to craft a bill that will ensure our Nation is protected, without sacrificing American constitutional liberties. Let me just talk about some of the people that have had input into that particular measure. The chairman of the Judiciary Committee, JOHN CONYERS; the chairman of the Select Committee on Intelligence, SILVESTRE REYES; the ranking members of both of those committees, including Mr. HOEKSTRA; all of the members of the Select Committee on Intelligence, including myself; Ms. HARMAN, who serves on Homeland Security.

Countless testimonies during that year and a half, hundreds of discussions and negotiations between the staffs of the respective committees, and a markup of this particular provision that the Republicans brought only two amendments to in the markup in the Select Committee on Intelligence.

We negotiated. We compromised. We reached an agreement. Then the administration backed out of the agreement. So we negotiated some more. We compromised some more. We reached another agreement. We reached agreements until we were blue in the face here in August. Everybody was so tired, and the administration continued to back out of the agreement. Then, less than 24 hours before the bill was supposed to come to the floor in August, the administration reneged on the agreement and refused to work with us to protect the American people.

Last month, Democrats again brought this bill to the floor, and yet again Republicans tried to play politics with the safety of the American people. Just as they did this past summer, Republicans and the administration now seem content on letting the clock run out on the current FISA law rather than working with us to get something done. They choose and chose obstructionism rather than bipartisan cooperation.

Mr. Speaker, the American public needs to know that there are no persons in the United States Congress that do not want to protect the security and liberty of the United States.

So I do not cast aspersions on my colleagues for having a different view as to how administratively we should proceed to protect those securities and liberties, but everybody here is mindful of all of our responsibilities. So the hyperbole is off the chain sometimes when I hear people talk and it is as if we didn't really do substantively what was required of us as individuals on behalf of the American people.

None of us should be ashamed of any of the work that was done with reference to the RESTORE Act. We made a bad bill better. And it is not as good, for example, as I would like for it to be, but it is as good as we are going to get with this administration at this time.

The esteemed chairperson of the Intelligence Committee, Representative REYES, has noted on more than one occasion: You can have your own opinion, but you can't have your own facts.

Mr. Speaker, those are the well-documented facts that I just got through dealing with. The RESTORE Act protects the American people. It protects them at home and on the streets. It protects their safety and the constitutional rights, which have been intact more than 225 years, and no one need fear when the fearmongers come here and try to divide people by having somebody think that undocumented aliens are going to be put in some category. I personally am just tired of the smearing that is being done with reference to immigration in this country. We need a solid immigration policy, and we need a policy that contemplates all of the particulars of that immigration set of circumstances.

Mr. Speaker, this body has the responsibility today to pass this rule and the underlying legislation today. The security of this Nation requires it of all of us, and I believe all of us want that security and liberty. I urge a ''yes'' vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 824 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 2. 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.

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 825, by the yeas and nays;

Adoption of House Resolution 825, if ordered;

Ordering the previous question on House Resolution 824, by the yeas and nays;

Adoption of House Resolution 824, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 3915, MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 825, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 224, nays 195, not voting 13, as follows:

[Roll No. 1109]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
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)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
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

NAYS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
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
Shadegg
Shays
Shimkus
Shuster
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

Bono
Carson
Cubin
Doyle
Jindal
Kucinich
Mack
Oberstar
Ruppersberger
Sessions
Simpson
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1136

Mr. GUTIERREZ changed his 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 resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3773, RESTORE ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 824, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 195, not voting 16, as follows:

[Roll No. 1110]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
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)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
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—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
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
Shadegg
Shays
Shimkus
Shuster
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—16

Bono
Carson
Cubin
Doyle
Fattah
Jindal
Kaptur
Kucinich
Mack
Oberstar
Ruppersberger
Sessions
Simpson
Space
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining.

□ 1144

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 224, nays 192, not voting 16, as follows:

[Roll No. 1111]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
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
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
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, George
Mitchell
Mollohan
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Wilson (OH)

□ 1150

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3915 and to insert extraneous material.

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

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 3915

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 3915 pursuant to House Resolution 825, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

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

There was no objection.

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 825 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. 3915.

□ 1153

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. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes, with Mr. CARDOZA 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 Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

We are dealing with legislation today that seeks to prevent a repetition of events that caused one of the most serious financial crises in recent times.

We understand today that we are in a worldwide problem economically, with a terrible shortage of credit, with some institutions threatened. There is no debate about what is the largest single cause of that.

Innovations in the mortgage industry, in themselves good and useful, but conducted in such a completely unregulated manner as to have led to this crisis, I know people have said, well, we may be exaggerating it. Here's what we recently heard from the head of the Blackstone operation:

''The mortgage black hole is, I think, worse than anyone saw. Deeper, darker, scarier. The banks are now looking at new reserves and my sense . . . is they don't have a clear picture of how this will play out.'' That's from one of the leading private sector entities.

What we have today is a bill that cannot undo what happened but makes it much less likely that it will happen in the future.

The fundamental principle of the bill, and many people have lost sight of this, is not to put remedies into place to deal with these problems when they recur, but to stop them from occurring in the first place.

We have had two groups of mortgage originators recently. We have had banks subject to the regulation of the bank regulators, and they've made mortgage loans. And then we have had mortgage loans made by brokers who were subject to no regulation, who had access to pools of money that were not regulated and could sell it to an unregulated secondary market. It is not the case that the brokers are morally inferior to the bankers. In both cases we are talking about people overwhelmingly who are decent and well-intentioned. The difference is the absence of regulation so that pressures to do things that were irresponsible were checked by regulation in the banking area and were left unchecked elsewhere.

Essentially what this bill does in its most important form is to try to conceptualize the rules that bank regulators used to prevent loans from being made that should not have been made and apply them to all loan originators. Again, the goal is not to give more remedies when people face foreclosure when there have been abuses, but to prevent the abuses in the first place.

One question has been raised from some in the Attorney General field and elsewhere who say, what about our current efforts to deal with the people who were abused? Thanks to a very explicit amendment by the gentleman from North Carolina (Mr. WATT) who, along with the gentleman from North Carolina (Mr. MILLER), is one of the main authors of this bill, this bill will be entirely prospective in its effect, and people should understand no cause of action, no legal complaint, no remedy sought against anybody who up until now and until this bill is signed many months in the future, none of those causes of action will be abrogated. Every remedy being pursued against past abuses and even abuses that may yet to have occurred, although we hope they won't, until this bill becomes law will not be stopped.

There is some controversy about preemption. The bill takes a balanced position which has made a lot of people on all sides a little bit unhappy. We do not preempt the right of States to decide how to deal with mortgage originators, with lenders, with any of those. We do say that with regard to the secondary market, we are going to put some liability on those who are the active packagers, and that's in some ways controversial; but we believe the unregulated secondary market was a large part of this problem.

We do believe that you need to have some uniform rules if you are going to have a functioning secondary market. And we believe the secondary market has been on the whole useful but, having been unregulated, has caused some problems. So there is a limited preemption to that extent.

We are continuing to talk with people about ways to, frankly, improve this bill. There will be some amendments adopted today that will do this. It is a subject of great complexity with a lot of interlocking parts and some legitimate competing interests. We have arrived today, we think, at a reasonable balance. We do not believe that this is the way the bill absolutely will look in the end, but it is clear progress. And I want to stress the key point here is not in remedying past abuses. This bill allows all existing remedies for past abuses to stay in effect. This bill tries hard to prevent this pattern of loans being made that should not have been made for a variety of reasons from recurring and causing that great damage.

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

□ 1200

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

Mr. Chairman, I rise in support of this legislation. I believe that it does, in fact, address abusive practices which, unfortunately, are in our mortgage lending market today. I believe it brings some needed oversight to the mortgage industry.

The legislation that we are considering today is the product, and everyone acknowledges this, industry acknowledges it, consumer groups, Members on both sides, the membership has engaged for over 2 years in an attempt to come together to span political differences, philosophical differences, and to address the very serious problem in the housing finance market.

I want to commend the gentleman from Massachusetts. He has allowed us to fully express our opinions. I believe that this long dialogue which we have had has resulted in consensus legislation which, though not perfect, I believe will achieve two very important, very necessary goals. One is to implement reforms that will offer consumers needed protection against predatory lending practices; and two, I believe, and I sincerely believe, that this legislation will preserve working Americans' access to consumer credit.

I believe that the Members most closely involved in the negotiations which led to the manager's amendment sincerely believe we have achieved these goals. We need not let the perfect be an enemy to the good. Members from both sides will address provisions of this bill which they believe do not satisfy the goal I have described above.

I believe the fact that this legislation fully satisfies neither side is an indication that we are in about the right place in achieving a nonpolitical, legislative remedy to address this issue of such great impact to our economy and our families, both now and moving forward.

In closing, let me say it has always been my view that when faced with serious issues like this one impacting millions of families across America, that Congress has both the privilege and the responsibility of rising above partisanship and acting in the public's interest. With this legislation today, I believe we have done just that.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I am very pleased to be able to yield to a member of the committee, who is not only one of the authors of this amendment, but has been a real source of strength to us in dealing with these issues throughout.

I yield the gentleman from North Carolina (Mr. WATT) 4½ minutes.

Mr. WATT. Mr. Chairman, I thank the chairman of the full committee for yielding time, and I thank the ranking member of the full committee who has worked with us and recognized that there is a serious problem that is going on in the real estate area, in the lending area, that must be addressed, and I want to applaud the efforts of the chairman for trying to address this issue in a comprehensive and fair way. And perhaps the greatest testament to the chair of our committee is that we have come up with a bill that perhaps not any single person I know is completely happy with, including me.

This bill started 4 years ago with an initiative by Congressman MILLER from North Carolina and myself, and this was in advance of the escalating foreclosures, the kind of irrational exuberance that was taking place in the real estate market. We saw that this was coming down the road because lending was becoming more available, but it was also becoming more irresponsible because it was viewed as a no-lose proposition. So lenders were making riskier and riskier loans to people who had more and more marginal credit and on terms that were not beneficial to the borrower but were financially beneficial, at least until the foreclosures started, to the lenders.

So the predatory lending part of this bill, which is title III, started out as the base bill to address those concerns that were taking place that were predatory practices, taking advantage of vulnerable borrowers so that lenders could make money. Then the onset of the foreclosures started, and the crisis in the marketplace in general reflected itself, and that has resulted in the addition of titles I and II of this bill, which put a framework around brokers, which creates a framework for responsible secondary market participation around lenders who dealt in prime loans.

Interestingly enough, over time, it is actually titles I and II that have become more controversial than title III, which was the predatory lending part of the bill. We think that the predatory lending part of the bill certainly has struck the best balance, because it is clear that with predatory loans there will be a national standard, but we are not preempting State laws and the States' ability to continue to innovate.

In titles I and II, where we have created a framework for the secondary market, we have preempted some State laws, and we have had trouble finding the right language to do that. We want to do it to create a national secondary market, but we don't want to do it outside the specific requirements that are needed to control the secondary market and make credit available. So there is some angst among a number of us about the preemption language.

As I said at the beginning, maybe the best tribute to all of us is that we have a bill that nobody really is completely comfortable with, and all we can say to all of those people is that we will continue to work on this bill not only after it passes the House today, but throughout the process to reach the more delicate balance and a satisfactory balance that at the end of the day will solve the problems in the marketplace and be satisfactory to all concerned.

Mr. BACHUS. Mr. Chairman, I recognize the gentleman from California (Mr. ROYCE) for 3 minutes to speak in opposition to the bill.

Mr. ROYCE. I thank the gentleman.

I do rise in opposition to this bill and to explain a line of reasoning that the Wall Street Journal and other critics have pointed out on their editorial pages. This proposal, in fact, is a trial lawyer's dream. What this bill does is it, with very murky language, forbids banks for signing up borrowers for what is termed ''overly expensive loans.'' It requires banks to make sure that the consumer has a ''reasonable ability to repay the loan'' and insist that loans must be ''solely in the best interest of the consumer.'' This kind of murky language would invite litigation from every borrower who misses a payment. The Wall Street Journal says that if this bill becomes law, we can expect to read billboards reading, ''Behind on your mortgage? For relief, call 1–800 Sue-Your-Banker.''

For the first time, under this act, banks that securitize mortgages would be made explicitly liable for violations of lending laws. This is a version of secondary liability that holds the bundlers and resellers of mortgages responsible for any mistakes of the original lenders. Now, the reselling of mortgages has been both a boon to the housing liquidity and risk diversification and, therefore, to lower interest rates for all of us that have taken out a loan. So to the extent that the bill adds a new risk element to securitizing subprime loans, and it surely will, the main loser will be the subprime borrower who will pay higher rates if he or she can get a loan at all.

Now, this debate is occurring during a challenging period for our mortgage market. What has transpired over the last few months has spread throughout our capital markets. It has the potential to slow the economy even further if we do this wrong. This bill is the wrong approach.

Now, we have had some signs of self-correction in the mortgage market. Lenders are underwriting mortgages

much more carefully as a result of market discipline. Products which have proven to be unfit for certain borrowers such low-doc loans, short-term hybrid ARMS, interest-only products, those are becoming increasingly hard to find. Those have been pushed out of the market. But the legislation before us today ignores such advances. Not only does this bill fail to account for the progress made in the market, it has the potential to seriously restrict access to credit for millions of Americans looking to purchase a home or refinance their mortgage.

In its present form, a borrower will have the ability to recover all of the principal and interest paid over the entire history of the loan as long as he can convince a court that he didn't have a reasonable ability to pay, as I said. At the time the loan was originated, again, it is not hard to imagine how language such as this is going to be abused and run up the costs of home mortgages for everyone.

Mr. FRANK of Massachusetts. I yield 3 minutes to another Member who had a great input into this, the Chair of the Housing Subcommittee of our committee, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Thank you, Mr. Chairman. I would like to thank you and MEL WATT, Mr. BACHUS and Mr. MILLER and others who have worked so hard on this bill. It is a very complicated issue. You have done a spectacular job.

I rise in support of the Mortgage Reform and Anti-Predatory Act of 2007. Each month brings figures, new figures, that reinforce the importance of putting in place a Federal legislative and regulatory framework that prevents us from reliving this crisis in the mortgage markets. I have a keen interest in this legislation because of the disproportionate impact of the foreclosure wave on my home State. California's third quarter foreclosure rate of one foreclosure filing for every 88 households ranked second highest in all States and reflects a near quadrupling of the number reported for the same period last year. Five of the top 10 metropolitan areas in foreclosure filings are in California.

Clearly, we need to prevent the now widespread practice of getting people into loans they simply can't afford. H.R. 3915 takes critical steps in this respect, including, for the first time, imposing a Federal duty of care on all mortgage originators and setting minimum Federal standards on all mortgages. Anchoring the bill's approach are newly established minimum standards regarding the borrower's ability to repay and net tangible benefit to the consumer. This is a sound strategy given that federally regulated mortgage originators have long had to meet similar benchmarks, and not coincidentally, we have seen few problems in that sector of the market.

H.R. 3915 also seeks to reduce the incentives to market inappropriate credit products to borrowers. I am particularly pleased that H.R. 3915, again for the first time, removes the most destructive of such incentives, severing the link between the compensation of the originator and the terms of the loan. Minority borrowers have been disproportionately steered to costly loans, in part because the fees such loans generate for originators are higher than more appropriate products. H.R. 3915 correctly prohibits this practice outright.

I am proud to have been an operational cosponsor of this very ambitious legislation, and I urge my colleagues to support this passage today. However, I would not be telling the truth if I said I lacked any concerns about the potential impact of our ambition over time. Mr. Chairman, I certainly want to thank you, Ranking Member BACHUS, Mr. WATT and others for your diligent work in the manager's amendment to address one such concern that I raised during the Financial Services Committee markup of the bill, namely, the extent to which the assignee liability and remedies this bill creates should preempt State law.

□ 1215

We want to make sure that consumers are protected to the greatest extent possible. Historically, many of these protections have been initiated by States, especially in the subprime market.

With that, I would like to conclude. I would like to be clear that this groundbreaking bill should be passed today, and I urge my colleagues to vote for H.R. 3915.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING), who rises in opposition to the bill.

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chairman, I do rise in opposition to what I conclude to be a bad bill for homeowners in America. I do want to acknowledge, though, the efforts of the ranking member to take a bad bill and turn it into a less bad bill. There is no doubt that this Nation faces a great challenge in the subprime market, no doubt about it at all. I am convinced, though, that this piece of legislation is going to make it worse, make the situation worse, and not make it better.

The first thing we need to remember as legislators is first do no harm. What should Congress do to make sure this doesn't happen again? Clearly, there has to be enforcement. There's no doubt that fraud has taken place within the subprime market. But we also need effective disclosure so that consumers know the types of transactions in which they are entering. We need greater financial literacy. I agree, yes, that there must be mortgage broker registration. But what Congress should not do is essentially outlaw the American Dream for many struggling families who may be of low income, who may have checkered credit pasts. By bootstrapping more, more mortgage transactions into the HOEPA standard, that is what this bill does.

Also, by having assignee liability with all these amorphous legal doctrines and phrases that no one understands, you will drive investment away from the secondary market at exactly the time when it is needed more. As the market has perhaps even overcorrected, we need more liquidity. This bill takes us to less liquidity.

I heard from one of my constituents recently from Forney, Texas, a lady by the name of Connie Taylor. She wrote me and said: "If it hadn't been for subprime lending, I wouldn't have my house now. My credit was destroyed because of divorce. I worked hard for 5 years to clean up that credit."

Mr. Chairman, we shouldn't take away homeowner opportunity from Ms. Taylor in Forney, Texas, and all the other millions of people who may have checkered credit pasts. Because of that, I urge that we defeat this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to another member of the committee, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, this is an important and urgent and critical bill. All across this Nation, families are struggling and suffering. In my own district of Georgia and in one of my major counties, which is Clayton County, which is one of the leading counties that has had over a 200 percent increase in foreclosures of homes, they have lost over $158 million in terms of their home equity.

Now, Mr. Chairman, the speaker just spoke a moment ago about one of the major features of this bill, and that is trying to grapple with assigning liability. I want to just make sure that everybody understands what we are talking about, because we are going to have that debate. Just what is an assignee? An assignee is a mortgage broker or lender, any loan originator that makes these loans but they don't keep them. They repackage these loans. They often are loans that are delivered to the secondary market to a group of investors and these are parties that own an interest in the loan as it flows through the investment process, and they are known as assignees.

Since these loan originators don't keep the loans they make, they often deliver what the secondary market will buy, with little regard for whether the homeowners can make their payments or afford these loans. Unfortunately, many of them get into these loans on what is known as "teaser rates." They put forward a loan at a very low rate but, unbeknownst to the homeowner, in a short period of time the payment balloons out of kilter and the homeowner cannot afford it. Some people say this is not by design. But in so many cases, they are by design.

So what does that consumer have? He must have some recourse by which to have an ability to stop the foreclosure on his home. That victim has to hire

legal counsel to bring separate action against the loan originator. This bill attempts to address that. An assignee liability is an important feature of this measure.

Mr. BACHUS. Mr. Chairman, at this time I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. I thank the gentleman for yielding.

Mr. Chairman, I have a lot of faith in the American people. I believe that, given the proper tools, they can best decide how to spend their money. I also believe they can best determine how to borrow money, just as lenders can best determine who should be lent money. In other words, I trust free choice in the free market. Businesses should be able to take risks just as consumers should be able to. With these risks, come consequences.

However, I understand we have a major problem on our hands, a problem that has spread far beyond the housing market to the heart of the American economy. Some homeowners are struggling to make mortgages they can't afford and financial institutions are stuck holding mortgages that probably will not be repaid. But to say all subprime mortgages are bad is an incorrect conclusion.

Unfortunately, this legislation, Mr. Chairman, will not help those who today are in danger of losing their homes, and it will certainly not help the availability of credit for those purchasing homes in the future. This legislation will not add confidence to the credit market and will not help our housing market find its footing.

I was a small business owner in another life, and I understand when we make certain types of loans cost-prohibitive by adding burdensome regulation or liability, all those loans will simply stop being made. When we ban compensation for certain types of loans, the originators have no reason to make them, especially when they are now subject again to these new regulations and liabilities.

Rather than ensuring this market works smoothly through increased oversight and transparency, we are effectively legislating these loans out of existence and further tightening our credit markets. It is not a good thing for our housing market, our economy, or the free choice of our homeowners.

Unfortunately, Mr. Chairman, I must oppose H.R. 3915, and I urge my colleagues to do the same.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to another member of the committee who has been very active in this issue, the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. First of all, let me thank the gentleman from Massachusetts for leading this important debate in our country. No doubt, the American Dream has always been homeownership and yet, with exploding ARMs, with prepayment penalty and other such exotic products, that dream of homeownership has become an American nightmare.

Mr. Chairman, I'd love to be able to take every Member of this body through a tour of north Minneapolis. There are blocks on my community where every other house is boarded and vacant. The fact is that for the people who have made every single mortgage payment, and never late, they suffer because of this crisis because their home values have been dropping and plummeting.

We have seen our cities suffer, we have seen communities become unattractive nuisances, which were once vibrant places where people owned their own homes and did well. It's not because the market worked right; it's because it worked wrong. It's because of defective financial products, defective financial products which are addressed in this bill.

It's important to understand that this bill is not designed to harm the subprime market. It's designed to reform and correct it and make it work properly, Mr. Chairman. The fact is that it does not help any homeowner who gets into a 227 with a prepayment penalty, who eventually can't pay the mortgage after it explodes in their face and then lose their home. We are not better off because of something that happens like that. That is what this bill is here to stop.

So, Mr. Chairman, let me say that this is an important part of making the American Dream come true for middle-class Americans, making sure that when they buy a home, they can actually keep that home and that it will be a product that can enhance themselves and their families and the communities they come from.

Mr. BACHUS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Chairman, I would like to thank Chairman FRANK and Ranking Member BACHUS for working with Members from both sides of the aisle to craft legislation to help consumers secure sound mortgages and shine a light on the mortgage practices from day one of the home-buying process. I would also like to associate myself with the remarks of our distinguished ranking member, Mr. BACHUS, and add just a few points.

First, I would like to thank Chairman FRANK for adding two of my bills to the underlying legislation, H.R. 3019, the Expand and Preserve Homeownership Through Counseling Act, which has become title IV of the bill; and H.R. 3017, the Stop Mortgage Fraud Act, which has become section 212 of the bill.

Why are these important? Well, first, for so many, the problems out there could have been avoided through one simple thing: housing counseling. If consumers understand what they are getting into before signing on the dotted line for a mortgage, they would be armed with the ability to make better decisions about a mortgage. Title IV elevates housing counseling within HUD, and the Office of Housing Counseling will expand HUD's capacity to offer grants to States and local agency.

The language also tasks HUD with conducting a study on defaults and foreclosures and launching a national housing outreach campaign so that consumers know where to find a legitimate HUD-certified counselor. They can get the help they need now to buy and keep their homes.

Second, section 212 of the bill authorizes additional funds for the FBI investigators and Justice Department prosecutors to crack down on mortgage fraud. It's no secret that organized crime gangs, many operating in Chicago, have discovered a more lucrative business than drugs. Mortgage fraud scam artists inflate appraisals, flip properties, and lie about information, such as income and identity on loan applications.

Finally, as a former real estate attorney, I know that any mortgage legislation reform should first aim to do no harm. By that, I mean five basic pieces. First, it should preserve access to credit and homeownership opportunities for qualified low- and middle-income borrows; second, facilitate transparency in the mortgage market; third, create a level playing field; fourth, promote strong underwriting standard; and, fifth, foster competition.

Achieving these objectives is critical for both primary and secondary mortgage market participants, from homeowners to investors. Has the bill under consideration fully realized these goals? I would say we have come a long way on mortgage reform, but our work is not finished. Today, several Members will offer amendments to improve the bill: the manager's amendment offered by Mr. FRANK and Mr. BACHUS, and additional amendments by Ms. GINNY BROWN-WAITE, Mr. GARRETT, Mr. HENSARLING, Mr. MCHENRY, Mr. GARY MILLER, and Mr. PRICE. I urge my colleagues to support these amendments. I would like to particularly thank Mr. KANJORSKI for working with me on H.R. 3537, which we will offer as an amendment today.

It's important for future American homeowners and our economy that we put political agendas aside and get this right. Too much action and we worsen the problem; too little action and we allow it to happen again.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), chairman of the Subcommittee on Financial Institutions of the Committee on Financial Services.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. I thank Chairman FRANK and my colleagues, Congressmen WATT and MILLER, from the great State of North Carolina, who passed legislation in the

State legislature first and helped build a strong bipartisan bill in our committee that passed with a strong vote of 45–19. The economic crisis we are facing is no longer just a subprime crisis, but a credit crisis. Subprime losses are mounting and the economic pain is being felt in communities across this country, as the ripple of foreclosures spreads to neighborhoods and local economies. Economists estimate that between 2 million and 5 million families could lose their homes by the end of 2008, more than the number of families that lost their homes during the Great Depression.

Democrats are working hard to help families stay in their homes and prevent another crisis like this from happening in the future. I submit for the RECORD a list of legislative actions and other actions that Democrats in Congress have passed to help families stay in their homes. With this bill, we take the first step towards reforms for the future. The bill would bring mortgage brokers who are currently regulated on a state-by-state basis under a nationwide licensing registry, establish minimum standards for home loans, and expand certain limits on high-cost mortgages.

□ 1230

It also would prohibit brokers from steering consumers to mortgages they are unlikely to be able to repay. It changes the incentives for all market participants.

The bill would also establish some legal liability for securitizers, but it also provides some liability protection to those companies if they meet certain due diligence requirements in reviewing the loans they are packaging. Any legislation on this issue must strike a very delicate balance that provides consumer protections without unnecessarily limiting the availability of loans to creditworthy borrowers.

I congratulate the chairman for coming forward with a well-balanced bill on a very difficult subject that is incredibly important. I urge my colleagues, we must pass this bill.

Tackling the problem of subprime mortgage reform is like slaying the many-headed Hydra of Greek mythology—unless you go about it the right way, for each head you chop off, two more vicious ones will grow in its place.

I congratulate Chairman FRANK for producing an ambitious and comprehensive bill that deals with many key aspects of this difficult issue.

It is a comprehensive and sweeping reform of the mortgage industry that would require all actors in the mortgage market to operate with the kind of accountability and regard for the consumer's best interest that the best mortgage lenders have always observed.

In this respect, the bill tracks the comments of Federal Reserve Chairman Ben Bernanke, who said in testimony before the JEC that limited and clearly defined assignee liability could prove beneficial.

To do this, the bill preempts State laws in the section dealing with securitizers, reflecting the concern that differing State laws would interfere with oversight of a national market. But it leaves States free to regulate in other areas where States have traditionally led the way in consumer protection for their citizens.

This is a well-balanced bill and I urge my colleagues to support it.

DEMOCRATS IN CONGRESS ARE WORKING TO HELP FAMILIES STAY IN THEIR HOMES

We need to act quickly to stem the tide of foreclosures that could ruin families, communities, and the economy.

The House has passed legislation to enable the FHA to serve more subprime borrowers at affordable rates and terms, attract borrowers who have turned to predatory loans in recent years, and offer refinancing to homeowners struggling to meet their mortgage payments.

Fannie Mae and Freddie Mac are providing much needed liquidity in the prime market right now. We passed a GSE reform bill in the House, but we should also raise the cap on these entities portfolio limits, at least temporarily, and direct all of those funds to help borrowers who are stuck in risky adjustable rate mortgages refinance to safer mortgages.

To make servicers more able to engage in workouts with strapped borrowers, we pushed FASB to clarify what its Standard 140 allows for modification of a loan when default is reasonably foreseeable, not just after default.

Congress should eliminate the cruel anomaly under Chapter 13 of the Bankruptcy Code which allows judges to modify mortgages on a borrower's vacation home or investment property, but not the home they actually live in. This allows families to stay in their home while new loan terms are worked out.

I think we should also eliminate the tax on debt forgiveness, sparing families the double-whammy of paying taxes on the lost value of their homes.

DEMOCRATS IN CONGRESS ARE WORKING TO PREVENT ANOTHER CRISIS

Our regulatory system is in serious need of renovation to catch up to the financial innovation that has surpassed our ability to protect consumers and hold institutions accountable.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER) to speak in opposition to the bill.

Mr. NEUGEBAUER. Mr. Chairman, I do rise in opposition to this legislation, not because of the spirit of compromise and bipartisanship that was used to come to this conclusion, but because of a philosophical difference. I believe that when markets have their ups and downs that it is better for the Federal Government not to try to intervene in those market cycles, so I think it is better to have better information than to have regulation when it comes to the issue of subprime mortgages.

I have a little bit of experience in the mortgage business in that I was a mortgage originator. I was a homebuilder. I have sold and bought loans in the secondary market and I have owned a home and borrowed money on many mortgages. What I know is the system has worked, and we have record homeownership here in America today because we have had one of the most efficient mortgage markets in the world.

But what I do know is an important part of that transaction is that everybody in the transaction understands what the nature of the transaction is.

That is the reason I worked in a bipartisan way with the chairman and ranking member, along with my colleagues Mr. GREEN and Mr. MCHENRY, to make sure that we had a better disclosure piece of information for borrowers to look at, a universal box, if you would, that would allow borrowers to understand all of the terms and conditions of this mortgage and to be able to compare that out in the marketplace. Because what we do know is there is a lot of opportunities for people to get mortgages in this country today, or have been up to this point. What we want to make sure, Mr. Chairman, is in the future that they have that. But when they do take out that mortgage, they have the ability to look at the loan terms, the prepayment penalty, does this loan rate vary, and, if it does, what are the implications to that borrower. Because I believe, as one of my colleagues said earlier, the American people have the ability to make good choices when they are given good information.

So, I am pleased that in this particular piece of legislation there is a disclosure box that will help our consumers do a better job of making that decision in the future.

What I am disappointed in, Mr. Chairman, is the fact that we are going to, I think, put some very restrictive regulation on a market that may limit the ability for people to actually use that disclosure information in the future.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Ms. BEAN), another hardworking member of the committee.

Ms. BEAN. Mr. Chairman, I rise to urge support of H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007. As an original cosponsor, I commend Chairman FRANK and Ranking Member BACHUS for how they have drafted and brought this bill to the floor. It reflects highly on the deliberative and bipartisan nature of the Financial Services Committee I serve on.

This is one of the most important and balanced bills we have worked on this year, because Americans' homes are central to their lives. Families save and sacrifice to come up with a down payment towards the most significant and personal investment they will ever make. They raise their families, they dream their American Dreams, and they look forward to a retirement secured by the equity they have established. When house prices fall, when access to credit tightens, those dreams are threatened, and, for some, those dreams are destroyed by foreclosure.

When talking with constituents in my district about the current mortgage market, some are having difficulty making their monthly payments. Most are concerned with being able to sell their home when looking to move. All agree that we need better

consumer protections, simpler disclosures, and greater market certainty. This bill does that.

I am pleased that the bill before us includes provisions from my bill, H.R. 3894, the Negative Amortization Mortgage Loan Transparency Act, which will make sure that all borrowers are aware of the impact a loan with negative amortization has by, number one, making sure that it is indicated that it is in the loan; two, a description of what that means, in that it can increase the outstanding principal balance and reduce the borrower's equity in their home; and, third, for first-time subprime borrowers who select this type of loan, they will be required to meet with a HUD-certified credit counselor.

This bill balances access to credit with necessary oversight and industry accountability to ensure renewed investor confidence and make sure that more Americans have access to the American Dream, but they have access to it for the long term. I urge my colleagues to support this bipartisan bill.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. I thank the gentleman for the time. I rise today in support of this bill.

My home State of Ohio has, unfortunately, become the poster child for the mortgage crisis nationally. During the third quarter of 2007, each of Ohio's six largest cities were among the top 30 nationally for foreclosure rates. In Cleveland alone, one of 57 households filed for foreclosure during this quarter.

So while our economy may be recovering from the impact of both the housing slump and the resulting credit crisis, and some places faster than others, it is imperative that we don't impede this recovery; that in our efforts to help the countless consumers and homeowners who have been hit hardest, we don't place the prospects of homeownership and refinancing out of the reach of families financially capable of managing it.

This bill balances that difficult task, and it has happened in an open, bipartisan process of negotiation. Along with the bill offered by Mr. KANJORSKI, this bill adds regulation to the unregulated and restricts predatory products from the marketplace: adjustable rate mortgages with high prepayment penalties, no-doc or low-doc loans, teaser rates that reset only months after initialization, loans without escrows for the most likely to need them.

This bill not only helps do away with these predatory products, but it empowers consumers with the most important tool of all, information. It is stunning to think that more than three in 10 homeowners don't even know what kind of mortgage they have. This bill improves disclosure at the point of sale, and the manager's amendment requires disclosure on periodic billing statements. It is important that people understand what they are getting into and are reminded of it on a regular basis.

On the floor today, we will hear countless stories of heartache and heartbreak of families devastated by the rising foreclosure rates, of Americans losing their claim to the American Dream. This bill can correct that.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE) who speaks in opposition to the bill.

Mr. PRICE of Georgia. I thank my ranking member for yielding me this time.

I rise in opposition to this legislation, legislation that prompted the Wall Street Journal to say that this bill is essentially a ''Sarbanes-Oxley for housing, an attempt to punish business in general for the excesses of an unscrupulous few.''

Now, while the chairman and ranking member and other members of the staff have done really remarkable work to address some of the most problematic provisions, this legislation still raises serious concerns about the future access to credit. I believe that this bill will lower homeownership. It will harm the American Dream.

A good number of the new duties and requirements which this legislation imposes on loan originators are both vague and highly subject. Words like ''reasonable ability to pay'' and ''net tangible benefit,'' these are required of lenders. This is greater regulation, and, as my friend from Texas said, greater regulation means less liquidity. That means not as much money in the market. That means fewer individuals able to buy homes.

Dr. Ronald Utt with the Heritage Foundation says, ''This provision effectively deputizes the mortgage industry as a quality of life police force by requiring them to pass judgment upon what it exactly is that a borrower intends to do with any additional moneys required by the way of loan refinancing.'' This creates increased litigation.

In fact, when H.R. 3915 was being marked up in committee, I asked him, the chairman himself, if there was a disagreement between the lender and the borrower about whether something achieved a net tangible benefit, where would that disagreement be settled, and he said, ''Like any disagreements in this country, they go to court.''

The legislation also creates a new civil action for rescission, the ability to get all of one's money back. Clearly the result of this will be less availability of money to buy a house for all, but mostly for those at the lower end of the economic spectrum.

Now, there are alternatives. There are positive alternatives: increasing financial literacy, greater flexibility in refinancing, and greater penalties for fraud. And I hope as this process moves forward that we will be able to incorporate those things in a stand-alone bill that increases the ability to achieve the American Dream.

Mr. BACHUS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MILLER) to speak in support of the bill.

Mr. GARY G. MILLER of California. Mr. Chairman, I rise in support, but I want to express some concerns I have with the bill.

I have been a long-time advocate of antipredatory legislation that will eliminate abusive lending practices while preserving and promoting access to affordable mortgage credit. I want to thank Chairman FRANK for holding true to his commitment to work with me on ensuring that section 123 of the bill will continue to give consumers viable financing options that would not prevent mortgage originators from being compensated.

Under the new language, consumers will continue to be able to obtain and enjoy the benefits derived from having the option to choose zero points or no-cost loans by financing the fees and their costs into the rate of the loan amount. I am also pleased that the mechanism by which the mortgage originators are compensated in such cases has been unaffected.

According to the Mortgage Bankers Association, currently there are slightly more than 6 million nonprime loans. Of these loans, a little over 5 million, or 85 percent of these loans, are basically being paid on time. Yet, according to the MBA, under the legislation, perhaps 50 percent of the nonprime loans would not be made. This means that a significant number of consumers would not be receiving mortgage financing and millions of legitimate loans would not be obtained.

While there is certainly no question that nonprime borrowers have been subjected to abusive lending practices over the years, there is also no question that the vast number of borrowers who were not victims of such practices can become victimized by poorly crafted protective legislation that restricts nonprime credit availability.

Under this bill, it significantly expands the scope of loans that qualify as ''high-cost loans,'' or HOEPA loans. This section of the bill dramatically lowers the point fee calculations, thereby capturing a much larger number of loans than under the previous definition in current law. The expansion of HOEPA to cover the additional loans would provide access to credit to more nonprime borrowers.

During the markup, I attempted to amend this section to ensure that lenders would still provide and borrowers could still obtain HOEPA loans under this bill. My amendment would not have revised the substantive protection provided by HOEPA as amended. Rather, it would have limited the increase in the number of types of loans that are subject to HOEPA.

In addition, the provisions of title III were drafted at least a year before the drafting of titles I and II of this bill, and title III was written without the benefit of enhanced consumer protection provided to nonprime borrowers

under the other sections of the bill. I am concerned that the three titles have been joined into a single bill without the respective provisions being synchronized.

By expanding the scope of loans covered by HOEPA, we will further limit liquidity and drastically shrink the availability of mortgage credit. In fact, under current law, the liability and penalties extended to HOEPA loans have made creditors reluctant to make these loans.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GARY G. MILLER of California. I yield to the gentleman from Massachusetts.

□ 1245

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

The gentleman from California and the gentleman from North Carolina, who is a prime sponsor of this, have been in conversations.

Mr. GARY G. MILLER of California. That is correct.

Mr. FRANK of Massachusetts. And I believe it is possible to achieve both objectives, that is, flexibility as to mode but the full substantive protection. And so going forward, as this bill moves on and ultimately we get to conference, I do think we can provide flexibility as to method while preserving the full substantive protections. And there will be conversations between the Miller brothers on that subject.

Mr. GARY G. MILLER of California. I thank the chairman. Mr. MILLER and I have discussed this in the last several days, and I know there was not time to deal with this issue effectively prior to it reaching the floor. I have had extended conversations with many Members on your side of the aisle who support the concept I am trying to move forward.

I look forward to working with you before this bill comes back through conference.

Mr. FRANK of Massachusetts. I now yield to another member of the subcommittee who has been very much involved, particularly in the area of manufactured housing, as well as others, the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY. Mr. Chairman, I rise in support of H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act. My home State of Indiana has been one of the hardest hit by foreclosures. We rank well above the national average with 3 percent of our loans in foreclosure.

Subprime loans, which have affected many of our Nation's families, account for nearly half of our States' foreclosures. Earlier this year, it was reported in various parts of our area, 18 percent of all subprime loans were past due. We know all too well how the subprime fallout is weighing down our economy and spreading to others. We must act now.

I want to thank Chairman FRANK, my colleagues on the Committee on Financial Services, Mr. WATT and Mr. MILLER, for working with consumer groups and industry representatives alike to produce a good bill that will ensure American families have access to responsible and affordable mortgage options while improving the health of the marketplace. I urge my colleagues to vote in support of H.R. 3915.

Mr. BACHUS. Mr. Chairman, may I inquire as to the remaining time.

The CHAIRMAN. Both sides have 8 minutes remaining.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. ROSKAM) to speak in opposition to the bill.

Mr. ROSKAM. I thank the gentleman for yielding.

Like many others, I very much appreciate the tone and the effort of the chairman and the ranking member to come to terms with a very difficult problem that is facing our country, and that is the subprime mortgage crisis and the ripple effect, the profound ripple effect it is having throughout the economy.

My sense, though, is that while there are some very good elements in the bill, I appreciate the fact that it is prospective, I appreciate the fact that it is not a bailout, and I appreciate the fact that its focus is limited to subprime mortgages and not prime mortgages, there is an element that is of enough concern to me to come to the floor and bring it to the House's attention.

I am not unique in bringing it to the House's attention, but I urge a real sense of caution, and I think we can do slightly better, and that is the ambiguity of some of the phrases and definitions in the bill. The gentleman from Georgia referenced these in his remarks.

But when regulatory language, as this is, has words like ''appropriate'' without further definition; ''ability to repay'' without further definition; and ''net tangible benefit'' without further definition, I think it is a weakness in the bill, and I think it is a fatal flaw in the bill.

My hope is that these ambiguities will be cleaned up. I am not one that says we necessarily need to yield this turf to the regulators. I think we as Members of Congress have that ability and that responsibility to define these terms. Because if we don't, I think what will happen is that capital that is currently available to subprime borrowers will become unavailable to some subprime borrowers.

There is language that creates the purported safe harbor in the bill, but it is a safe harbor that does not end with a period at the end of the sentence, essentially. It is a safe harbor that has a comma at the end and is simply a rebuttable presumption. So safe harbors are mostly safe, but not entirely safe.

I think Americans like to be governed with a light touch and not a heavy hand, and I hope that we can revisit this bill when it may come back from the other body.

Mr. FRANK of Massachusetts. Mr. Chairman, I now yield to another member of the committee who has been active on this issue, the gentleman from Connecticut (Mr. MURPHY), for 2 minutes.

Mr. MURPHY of Connecticut. I thank the gentleman for yielding.

I thank Chairman MILLER and Mr. WATT for their leadership in bringing this bill through the committee. I want to draw attention to one provision of the bill and underscore the importance of the provisions here that prohibit steering of borrowers into higher-cost mortgages than they would otherwise qualify for.

This mirrors legislation that I introduced earlier this year, H.R. 3813, the Mortgage Kickback Prevention Act. The bill before us prevents mortgage originators from inappropriately steering consumers into higher-cost loans than they would otherwise qualify for.

This is a commonsense measure, and it is made more reasonable by the restriction to apply this only to subprime loans. To me and my constituents, it is pretty simple. Brokers and mortgage originators shouldn't have an incentive to put borrowers into more expensive loans than they would otherwise qualify for.

Frankly, as we move forward, I think it is important to understand that disclosure doesn't do the entire trick here. Most borrowers have no idea what it means when their broker discloses that they are going to pay a yield-spread premium amidst the mountains of paperwork that you are required to fill out for a residential mortgage. For these borrowers who have the least amount of leverage in the process, we need to have some clear lines. This bill does that.

That is why it makes sense to simply say the brokers and originators cannot inappropriately put borrowers into loans they otherwise would not qualify for. This Congress has responsibility, as we are doing today, to reset the rules.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MURPHY of Connecticut. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman has been very tough on this issue, appropriately, and he is right.

Some people can read ambiguity into 2 plus 2, and we will deal with that. We are lawyers. We are into redundancy. So in the colloquy I will be having with the gentleman from North Carolina (Mr. MILLER) we will reaffirm the point that the gentleman from Connecticut is making. I guarantee that by the time this bill comes out of conference, no one will be able to raise any doubt about the prohibition on anybody being compensated for costing the consumer more.

Mr. MURPHY of Connecticut. I thank the gentleman for that. He has been very strong on this from the beginning. This prohibition on steering is

a small, but very important, piece of the puzzle of solving the problem of the subprime crisis and making sure that it doesn't occur again in the future.

Mr. BACHUS. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY) to speak in opposition to the bill.

Mr. MCHENRY. I thank the ranking member for yielding time, and I appreciate his leadership and friendship on the committee. He has worked very hard on this issue, as has the whole committee. But we have come to different conclusions on this.

I think there are some admirable parts of this legislation. In particular, the addition that the ranking member was able to make in consultation with the chairman on licensing of mortgage brokers. I think that is helpful and positive and makes consumers more aware of people they are dealing with.

I also believe the Green-McHenry-Neugebauer amendment that we were able to put in place in the committee is very help to the marketplace. It gives borrowers more understanding of the financial product they are about to take part in, the financial transaction they are about to take part of in. I think informed consumers are better off than uninformed consumers. Financial literacy is key; and, therefore, the process of counseling which is within this bill is helpful.

But in the end, this is about homeownership. It is about the opportunity for families to get a home of their choosing. It is about families making a financial decision for themselves, not Washington, D.C. telling them what products they can and cannot get. Unfortunately, that is what this bill does.

This bill will limit homeownership and limit the opportunities that families have by limiting the mortgage choices in the private sector and in the marketplace.

Furthermore, it does nothing to fix the current crisis we are in. Let me repeat that: this bill will do nothing to fix the current mortgage crisis we are facing. In fact, rather, it will deepen the crisis we are facing by limiting people's opportunities to refinance or finance their home.

Let me give you a couple of examples. This bill I believe will encourage more litigation and have a chilling effect on the secondary markets. Therefore, less money will be available for people to get mortgages.

Second, it will limit the loan terms available. In fact, it limits the ability for people to finance the points and fees and closing costs of many mortgage products and bans prepayment penalties.

So, in essence, if somebody currently has a prepayment penalty in their mortgage that they have and they seek refinancing, they will be unable to finance that prepayment penalty that they currently have, thereby locking them into a cycle of debt and foreclosure.

I believe this bill is harmful to long-term homeownership in America that is at an all-time high. I think what we should be doing is encouraging homeownership in this country and making more opportunities available to get the credit that they need in order to get a home for their families.

So I oppose this bill on very simple grounds: that it will limit homeownership and limit the opportunities and options that Americans have. With that, I encourage my colleagues to vote ''no'' on this bill and help homeownership in America.

Mr. FRANK of Massachusetts. Mr. Chairman, I now yield to a man who is going to have a lot of free time after today because much of his life in the last year has been helping put this bill together in a very masterful way, the gentleman from North Carolina (Mr. MILLER), for 4 minutes.

Mr. MILLER of North Carolina. I dearly wish that this bill was the one being described by so many people on the other side of the aisle. That sounds like a really tough bill. And this bill, I hope, will become tougher as we go along.

I agree with many over there who said that they support the idea of homeownership and want to make sure that there is a mortgage market that lets people buy homes.

Mr. Chairman, the mortgages we are talking about have nothing to do with homeownership. According to the mortgage bankers themselves, who oppose this bill, 72 percent of subprime loans are refinances, not purchase money mortgages. And only about one in 10 subprime loans is to buy a first home. Lehman Brothers says that 30 percent of the subprime loans entered last year will result in final foreclosure, a family being turned out on the streets by a sheriff because their home was sold at a foreclosure auction at the steps of the courthouse.

Do the math. One subprime loan in 10 helps people buy a home, a first home, get into homeownership. Thirty percent will result in foreclosure. The loans that we need to get at, we need to prohibit, are costing Americans homeownership, not helping with homeownership.

Now, several speakers have said that they think the consumers should make choices, there should be a variety of choices available to consumers. Sometimes they say this bill will shut down market innovation. Well, Americans are for innovation, Mr. Chairman, just as they are for reform. Americans are fundamentally reformers so politicians have figured out to call everything they do a ''reform,'' however obviously contrary to the public interest it is. And now American business has learned to call everything they do an ''innovation,'' regardless of how bad it hurts consumers.

I can think of many wonderful innovations. When we think of an innovation, we think of a scientist in a lab coat coming up with new products.

Mr. Chairman, I am now the age my father was when he died of a heart attack in 1965. There wasn't a thing we could do to help people with heart disease in 1965. But I am on a cholesterol medicine because I inherited from my father high cholesterol that I hope will allow me to outlive my father. I think that drug is an important innovation, and I am glad we made that innovation.

Mr. Chairman, this necktie is an innovation. Ten years ago, you could not buy a silk necktie that was stain resistant. And for those folks like me who tend to miss their mouth from time to time, the cost in new neckties in any given year was hundreds of dollars. But this tie has a nanotechnology process that causes liquids to bead up and roll off rather than soak in and stain. This necktie is an important innovation to me.

But what on Earth do we mean when we say that a mortgage is innovative? It means simply that there is no end to the variety of terms, there is a proliferation of indecipherable terms that are not designed to help consumers.

Alan Greenspan called them ''exotic loans.'' Others have called them ''toxic loans.'' The innovation is not really about allowing consumers to tailor narrowly the loan they get to their specific circumstances. The late Ned Gramlich, a well-regarded former Federal Reserve Board governor, asked why was it that the riskiest loans were being sold to the least sophisticated consumers. It was a rhetorical question. He knew the answer. He knew those loans were being sold to people to take advantage of them, to separate from middle-class homeowners more and more of the equity in their home, to trap them in a cycle of having to borrow and borrow again, and every time they borrowed, losing more of the equity in their homes.

Some of the other speakers have talked about the importance of refinancing out. Mr. Chairman, a mortgage system where people have to borrow money to pay off the mortgage they are in now is not a mortgage system that works.

Mr. BACHUS. Mr. Chairman, at this time I recognize the gentlewoman from West Virginia (Mrs. CAPITO) for 3 minutes.

□ 1300

Mrs. CAPITO. I would like to thank the gentleman from Alabama for recognizing me and yielding me the time, and I greatly appreciate the leadership of the chairman and ranking member on the Committee of Financial Services for bringing this important legislation before the House today.

The legislation before us is a bipartisan response to a problem that is affecting every congressional district across this Nation, the rising number of foreclosures and a large number of impending alternative mortgage resets, combined with a large number of delinquencies in mortgage payments. It is very important for Members to look at this legislation in its entirety.

When combined on the whole, the components of this legislation will provide consumers with the necessary tools and protections to hopefully avoid another housing crisis like we are experiencing, but also realize the importance of not clamping down so hard, and we have heard some folks express concern about this, that we still have the innovations and we still have the ability of subprime mortgages for those who are now living because of the benefits that subprime benefits allows them.

In this bill, we require the registration of all originators under a national registry will be established by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators. These new licensing requirements, coupled with the national registry, will make it much more difficult for fraudulent originators to bounce from State to State. This is a problem my State of West Virginia has expressed concern about.

Another component that Mrs. BIGGERT talked about in her statement is to provide consumers with greater access to housing counseling. The availability of counseling will help individuals learn and understand the complicated financial disclosures, all of the paperwork and technical languages that come along with securing and purchasing a mortgage.

Another important reform that was adopted during our committee markup is the inclusion of a one-page estimate outlining the total cost and potential changes in the cost for the consumer over the life of the mortgage product. I have been lucky enough to be a homeowner, and I know when we go in to close at the time to secure our mortgage, the amount of paper and signatures that you have to go through to try to figure out what you are doing is very intimidating. So to have this one-page disclosure I think gives the consumer the ability to have this information right in front of them so they can know what they are getting into and making this process easier.

This legislation also provides more certainty and clarity for the liability of the entities that purchase mortgages on the secondary market.

I would like to particularly thank the chairman of the committee for helping me work through the technicalities of this language to explain to my local newspaper and my local consumer advocates what this language means in the bill. We live in a national economy and must recognize the need for consistency across the board.

In addition to the bipartisan underlying legislation, we will also be considering I think a very important addition to this bill, an amendment I have worked on with Mr. KANJORSKI and Mrs. BIGGERT that will provide additional protection for consumers. This amendment will now require escrow accounts for some mortgages and will provide borrowers with the budgeting tools necessary to properly manage taxes and insurances on their property. This amendment will also include Federal appraisal standards with serious penalties.

I fully support this bill and thank the chairman and the ranking member.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. FRANK of Massachusetts. How much time do I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 2 minutes.

Mr. FRANK of Massachusetts. I yield myself my remaining time to enter into a colloquy with my colleague from Alabama.

Mr. Chairman, the gentleman from Alabama, this has been a collaborative effort in many ways. We have had some disagreements, but there has been a lot of agreement. And the gentleman from Alabama in particular took the lead in the language that went into the bill in committee and is being refined here dealing with nationwide registration requirements, a prerequisite for any kind of enforcement. Now, I appreciated the work he did and the committee benefited from it.

Community banks are obviously very important in this. And, indeed, if only community banks had made loans for mortgages, we wouldn't have a crisis. But we don't want to interfere with their ability to help going forward.

I would just yield to the gentleman in a minute to have him give his interpretation. My view is, and I defer to him as the spokesperson for the committee on this, because we are here talking about language which he developed and which we incorporated. We do have some regulatory requirements here that would affect not just the brokers but community banks. And I assume my colleague from Alabama, in drafting this, certainly intended and we meant to do this in the language, that the regulatory agencies would be able to show some flexibility in terms of the impact of these requirements on our community banks.

I would yield to my friend from Alabama on that point.

Mr. BACHUS. The chairman is correct. Section 107 was designed and implemented to give the Federal bank regulators flexibility in implementing the national registry. And it is the intention of the committee, of the entire committee, that, as they do this implementation, that they give proper consideration to its impact on small financial institutions, smaller impact, and that they try to minimize that impact.

Mr. FRANK of Massachusetts. I thank the gentleman. In my closing seconds, let me just reiterate an important point.

Attorneys General have been concerned about their ability to prosecute and defend against certain abuses. Thanks to the gentleman from North Carolina (Mr. WATT), the effective date of this bill and all of its provisions will be the date of enactment. What that means is that any transaction that occurred before the bill becomes law, any loan that was made, will not be subject to the preemption. So we do want to reassure any law enforcement official out there that their rights to go against people who have been abusive will in no way, up until new loans are made, be in any way diminished.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in strong support of H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007, introduced by my distinguished colleague from North Carolina, Representative BRAD MILLER. This important legislation will address and reform the mortgage lending processes "to avert a recurrence of the current situation with rising defaults and foreclosures, especially in the sub-prime market."

Mr. Chairman, it is essential that this Congress protects the needs of American families and nothing is more imperative than ensuring that all people have a home. Recent studies have reported that 92 percent of the American population has at some point feared being homeless and this legislation is an important step in alleviating those fears. The current lending crisis must be addressed.

The Federal Government must play an important role in revitalizing and restoring opportunities for Americans to reach the American dream of owning a home. One of the major contributors of the affordable housing shortage is the sub-prime lending crisis that has caused serious negative economic and social consequences that resulted from too little regulation. Because of the lack of regulation by the Federal Government, many loans were accompanied by fraud, inadequate information and other failures of responsible marketing. Foreclosure rates are at 14 percent and are rising at an alarming rate and homeowners across America are losing their homes. Throughout the country, homeowners are surprised to find out that their monthly payments are spiking and they are struggling to make these increasingly high payments.

The sub-prime mortgage crisis has impacted families and communities across the country. Home foreclosure filings rose to 1.2 million in 2006—a 42 percent jump—due to rising mortgage bills and a slowing housing market. In Iowa, 3,445 families experienced foreclosure last year, up 64 percent from 2005.

Nationally, as many as 2.4 million sub-prime borrowers have either lost their homes or could lose them in the next few years.

The Democratic-led House Financial Services Committee has been intently focused on this and other issues and is working toward a balanced solution that helps stabilize the mortgage market, stops abuses, preserves access to credit, and aids stable homeownership.

Creating more affordable housing opportunities will increase more job opportunities for the people of Houston and Harris County. We hope that an increase in affordable housing and job opportunities will also reduce the high rates of homelessness among Houston residents. As you may know:

Houston's homeless population increased to approximately 14,000 in 2005 before Hurricanes Katrina and Rita.

Hurricane evacuees remaining in the Houston area could result in the homeless population increasing by some 23,000 to 30,000.

Houston's homeless population includes an estimated 28 percent of American Veterans.

Some 59 percent became homeless because of job loss.

A full 10 percent of the city's homeless are believed to be able to return to self-sufficiency with 12–18 months of assistance and affordable housing.

Shelter and housing for Houston's homeless currently is reported at around 4,235 beds and or units, leaving 10,000 on the streets.

I have cosponsored a number of bills to address the housing crisis in this country. In the 109th Congress I cosponsored H.R. 1182, the Prohibit Predatory Lending Act, and H.R. 1994, the Predatory Mortgage Lending Reduction Act. I will continue to support legislation to address the housing crisis facing the people of this country.

This important piece of legislation will ''create a licensing system for residential mortgage loan originators, establish a minimum standard requiring that borrowers have a reasonable ability to repay a loan, and will attach a limited liability to secondary market securitizers.'' This is extremely significant in the sense that it will ensure that Americans who dream of home ownership will not engage in loans that they will be unable to repay. It will enhance and expand consumer protections against ''high-cost loans.'' It will protect renters of foreclosed homes and establish through the Department of Housing and Urban Development an Office of Housing Counseling that will ensure that consumers will be fully aware of all possible avenues.

While this legislation is a step in the right direction, we must ensure that this legislation does not hurt those who it is intended to protect. We must ensure that families with a less-than-perfect credit history are not denied outright their dream of home-ownership and that lenders do not abuse their discretionary powers. This legislation creates a standard licensing system for residential mortgage loan originators that will ensure a consistent rubric for loans and protect American families from would-be predatory lenders. It further expands consumer protections from high-cost loans by: prohibiting the financing of points and fees; prohibiting excessive fees for payoff information, modifications, or late payments; prohibiting practices that increase the risk of foreclosure, such as balloon payments, encouraging a borrower to default, and call provisions, and requiring pre-loan counseling. This is an unprecedented step forward for hard working Americans with the dream of home-ownership and I applaud this legislation for this significant first step towards helping Americans realize their dreams.

Finally, let me acknowledge the concerns of strong advacates for the housing needs of the vulnerable—ACORN and the NAACP, among others, and I look to working on changes in this legislation as the bill moves to address their concerns.

Mr. CAPPS. Mr. Chairman, I rise today in strong support of the Mortgage Reform and Anti-Predatory Lending Act.

This bill continues the Democratic-led Congress' efforts to protect and promote the American Dream of homeownership.

We can now see clearly that questionable and even discriminatory lending practices were a part of the real estate ''boom'' in our country.

In my district, these unscrupulous practices will result in about a half billion dollar loss in home equity for my constituents.

This translates into over 80,000 homes devalued and the certainty of foreclosure for many.

That is 80,000 families that entered into their mortgage contracts in good faith.

They did not anticipate that all of their hard work would be wiped out with one interest rate hike.

Many nonprofits and other economic development groups in my district, like the Cabrillo Economic Development Center, have stepped up to help these families restructure their loans and keep their homes.

And I am happy to say that today the House will do its part to stop harmful predatory lending practices.

This bill will create minimum standards for mortgage loan originators, and require the determination that a consumer has a reasonable ability to repay their loan.

Importantly, it also discourages ''steering'' a consumer toward a higher-cost loan when they in fact qualify for a lower interest rate.

Mr. Chairman, I urge my colleagues to support this important bill and put our families back on track to achieving the American Dream.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise in support of H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007.

H.R. 3915 restricts the harmful mortgage lending products that have wreaked havoc on our local communities.

In my district in Orange County, California, the cities of Anaheim and Santa Ana are feeling the effects of irresponsible lending practices that resulted in numerous foreclosures.

One-third of the homes on the market in those cities are available because they were foreclosed on.

Borrowers who will only purchase a home once or twice in their lifetimes should not be blamed for the current situation.

Through the licensing of mortgage loan originators, the establishment of loan origination standards, and the enhancement of consumer protections, H.R. 3915 takes appropriate steps to stop predatory lending practices without placing an undue burden on responsible mortgage originators and lenders.

These new standards will provide needed safeguards without preventing potential homebuyers from obtaining loans.

Eventually, the financial services industry will recover from the current mortgage crisis, and we must ensure that the predatory practices of the past are not repeated in the future.

Mrs. JONES of Ohio. Mr. Chairman, I rise in support of H.R. 3915, The Mortgage Reform and Anti-Predatory Lending Act of 2007. For the past 8 years I have introduced the Predatory Lending Practices Reduction Act, which seeks to establish a mortgage licensing system for mortgage brokers. It also provides grants to nonprofit community development corporations to educate and train borrowers and community groups regarding illegal and inappropriate predatory lending practices.

I am pleased that H.R. 3915 incorporates language from my bill that establishes a nationwide mortgage licensing system and registry to license and register individual mortgage brokers, and register bank employees that originate mortgages. I believe that brokers should be prohibited from being the original provider of loans, loan originators, without having first obtained, and continue to maintain, registration within the NMLSR.

This legislation has been warranted for a very long time. I have been preaching about this issue since I came to Congress as a member of the Financial Services Committee. We are facing a national housing crisis and without this legislation, the problem will only get much worse.

The nonprofit Center for Responsible Lending projects that as this year ends, 2.5 million households in the sub-prime market will either have lost their homes to foreclosure or hold sub-prime mortgages that will fail over the next several years. These foreclosures will cost homeowners as much as $164 billion, primarily in lost home equity.

In Ohio, and particularly in my congressional district, the problem has gone from bad to worse with nearly 42 percent of loans generated in the past year being sub-prime, and an estimated one in six sub-prime loans in the district will ultimately end in foreclosure. These sub-prime foreclosures will result in price declines for more than 198,000 surrounding homes, with homeowners in my district losing about $249 million in equity.

Mr. Chairman, I commend Chairman FRANK and the Financial Services Committee on their hard work and commitment to this issue. I am glad to see this bill on the floor today, and I urge my colleagues to join me in supporting this meaningful and necessary legislation.

Ms. WATERS. Mr. Chairman, I rise in support of the Mortgage Reform and Anti-Predatory Lending Act of 2007. Each month brings new figures that reinforce the importance of putting in place a Federal legislative and regulatory framework that prevents us from reliving this crisis in the mortgage markets. I have a keen interest in this legislation because of the disproportionate impact of the foreclosure wave on my home State. California's third-quarter foreclosure rate of one foreclosure filing for every 88 households ranked second highest among all States, and reflects a near quadrupling of the number reported for the same period last year. Five of the top 10 metro areas in foreclosure filings are in California.

Clearly, we need to prevent the now widespread practice of getting people into loans they can't afford. H.R. 3915 takes critical steps in this respect, including—for the first time—imposing a Federal duty of care on all mortgage originators and setting minimum Federal standards on all mortgages. Anchoring the bill's approach are newly established minimum standards regarding the borrower's ability to repay and net tangible benefit to the consumer. This is a sound strategy given that Federally regulated mortgage originators have long had to meet similar benchmarks, and not coincidentally, we have seen few problems in that sector of the market.

H.R. 3915 also seeks to reduce the incentives to market inappropriate credit products to borrowers. I am particularly pleased that H.R. 3915—again for the first time—removes the most destructive of such incentives, severing the link between the compensation of the originator and the terms of the loan. Minority borrowers have been disproportionately steered to costly loans, in part because the fees such loans generate for originators are higher than more appropriate products. H.R. 3915 correctly prohibits this practice outright.

I am proud to have been an original cosponsor of this ambitious legislation, and urge my colleagues to support its passage today.

But I would not be telling the truth if I said I lacked any concerns about the potential impact of our ambition over time. Mr. Chairman, I do want to thank you and Ranking Member BACHUS for your diligent work in the Manager's Amendment to address one such concern I raised during the Financial Services Committee markup of the bill, namely, the extent to which the assignee liability and remedies this bill creates should preempt State law. We want to make sure that consumers are protected to the greatest extent possible—and, historically, many of these protections have been initiated by States, especially in the subprime market. But we also don't want to shut down the secondary mortgage market that has critical to expanding homeownership nationally.

I appreciate the effort that the Manager's Amendment makes to better strike this delicate balance. The Manager's Amendment now clarifies that the bill does not preempt state laws such as fraud and civil rights statutes. In particular, I appreciate that the Manager's Amendment makes crystal clear that securitizers will be held to account when they directly participate in a fraud—as in the egregious First Alliance case I mentioned at Committee markup. However, attorneys who have been working on predatory lending issues in my district and State for decades, continue to be concerned that the legal meaning of this provision is unclear. As such, federal courts may impart this meaning in ways that roll back important consumer remedies under State law.

This, in turn, raises the question of whether we have yet reached the right balance of Federal rights and remedies in the bill, given that we may be displacing a lot of State and private activity in this financial sector. Certainly, national organizations representing consumers remain concerned about this, and many have declined to endorse the bill. As you have noted, Mr. Chairman, that industry groups seem equally ambivalent about the bill suggests that perhaps we are approaching the proper ''unhappiness quotient'' among the stakeholders. As this bill moves to the Senate and to conference, though, I urge that continue to take seriously and re-examine issues surrounding preemption and strength of remedies.

To conclude, however, I want to be clear that I believe this groundbreaking bill should be passed today. Accordingly, I urge my colleagues to vote for H.R. 3915. Thank you again, Mr. Chairman, for all of your work on this bill.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise today in support of Representative WATT's amendment as a way to strengthen the enforcement provisions of this mortgage bill. Subprime lending has devastated communities throughout Atlanta and my district. Thirty-five percent of all loans made to my constituents are subprime loans—that's much higher than the national average of twenty-eight percent. Seventeen percent of those loans result in foreclosure, which means, in DeKalb County, nearly 1,000 families enter foreclosure each month. In my entire district, it means my constituents who don't lose their homes will still lose nearly $200 million in home equity as foreclosures decrease the values of surrounding homes. Unfortunately, all indicators point to foreclosures continuing to rise well into 2008. These foreclosures have a devastating effect on the families in my district who work hard to buy a house. And they aren't just the result of a downturn in the housing market or because people don't pay their bills on time. No, my constituents have been victims of widespread mortgage fraud and predatory lending. Chairman FRANK's bill takes a step in the right direction toward helping my constituents. And this amendment and the others submitted by Representatives WATT and MILLER will help to make this bill stronger so that Americans are protected from lenders and brokers who prey on low-income and minority populations. With stronger enforcement mechanisms, this bill will help my constituents keep their hard-earned roofs over their heads. I urge my colleagues to support Mr. WATT's and Mr. MILLER's amendments and Chairman FRANK's bill and put a stop to predatory lending.

Mr. HALL of New York. Mr. Chairman, today, during the consideration of H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007 I voted against the Motion to Recommit forthwith. If passed, that motion would have required anyone seeking to get a residential mortgage loan to produce one of four forms of identification prior to approval; a Social Security card and picture ID, a Real ID drivers license, a U.S. or foreign passport or an ID card issued by the Department of Homeland Security.

I am opposed to giving illegal immigrants access to mortgages. However, the language contained in the Motion to Recommit forthwith would not only have failed to meet the goal of denying mortgages to illegal immigrants, but it could have actually made it more difficult for legal citizens of New York and other states to obtain these same housing funds. The motion could have made it more difficult for people from states that have not yet adopted Real ID standards or do not have ready access to other documentation to qualify. However; any illegal immigrant with a passport from their native country would have no difficulty in using that passport to get a mortgage. That is not the kind of requirement we want or need.

I believe it is important that Americans have the opportunity to qualify for mortgages. Owning one's home is a vital part of the American dream. I cannot and will not support legislation that will make it more difficult for citizens and legal immigrants to get mortgages, and easier for illegal immigrants to do so. This motion would have done just that, and as a result I could not support it.

Mr. LANGEVIN. Mr. Chairman, I rise in support of the Mortgage Reform and Anti-Predatory Lending Act, which will bring greater transparency to lending practices nationwide. The housing market is under significant stress, and many families cannot keep pace with ballooning mortgage payments.

Unconventional mortgages have left countless Americans facing foreclosure. Unless we act soon, millions more may lose their homes. With this bill, we combat unscrupulous lending practices and bring transparency to the process by requiring mortgage originators to be licensed and mandating full disclosure of loan terms. Perhaps most importantly, mortgage originators must certify that consumers have a reasonable ability to pay back loans and that they are not predatory in nature. We have seen too many lenders steer consumers into loans they cannot afford.

This measure will address persistent problems in the housing market and bring financial stability to families. I thank Chairman FRANK for his leadership, and I urge support for the bill.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of the ''Mortgage Reform and Anti-Predatory Lending Act of 2007.'' Homeowners in Colorado and nationwide continue to face an impending crisis. Millions of borrowers have found themselves with unmanageable loans that not only threaten the financial security of their families and communities, but also undermine the Nation's economy as a whole. Passage of this bill will address irresponsible business practices in the mortgage industry that have played a part in creating this situation.

There are grave problems in the housing market. Foreclosure rates are rising, housing prices are stagnating and too many Americans are overwhelmed by the rise in their monthly payments. And housing is not the only sector of the economy that has been affected by the tremors whose epicenter is located within the financial institutions involved in mortgage funding.

This bill responds to problems that have come to light as those tremors have spread. Its main benefit may be to reduce the likelihood of similar shocks in the future, by reforming mortgage lending practices to soften the impact of rising defaults and foreclosures, especially in the subprime market.

The bill establishes a Federal duty of care for mortgage originators. It prohibits steering consumers to mortgages with predatory characteristics and other abusive practices in the subprime mortgage market, and establishes a licensing and registration system for loan originators. It also expands and enhances consumer protections for ''high-cost loans'' under the Home Ownership and Equity Protection Act; requires additional disclosures to consumers, and includes protections for renters of foreclosed properties.

I am particularly pleased that this legislation establishes an Office of Housing Counseling within the Department of Housing and Urban Development (RUD). This provision will provide financial and technical assistance to States, local governments, and nonprofit organizations to establish and operate consumer education programs. These programs will both enhance the consumer's financial literacy and also provide people with better information about mortgage and refinancing opportunities.

I do have some concerns about the bill, particularly regarding the extent to which its preemption provisions could interfere with implementation of State laws regarding loan liability. Fortunately, this risk has been reduced through adoption of an amendment to narrow the preemptive effect of the bill. It is my hope that these provisions can be further reformed in the Senate and conference committee before the bill is sent to the President.

I am also concerned about the possible effects of an amendment offered on the House floor that could have created a major new liability for mortgage originators, assignees, and securitizers by establishing a ''pattern and practice'' violation with penalties of not less than $25,000 per loan and $1 million for the violation itself. As I understand it, the amendment would characterize as a ''pattern or practice'' as few as two loans, which might mean that a lender who has acted in good faith in making a loan may be found to have violated this very subjective standard—with massive liability. I found persuasive the argument that

such a potential for increased liability could have a chilling effect in the secondary market, making liquidity less available. Fortunately, this amendment was not adopted.

Mr. Chairman, this bill is a good measure that deserves support. Further legislation may be required to address our Nation's mortgage crisis and assist families in Colorado and across the country in restructuring loans and recovering from this financial disaster, but this bill is a necessary part of the response to problem that might have terribly negative impacts on our economic future—and I urge its passage.

Mr. MCNERNEY. Mr. Chairman, we are in a housing crisis that has led to instability and increases in criminal activity that is destroying our communities. While some people took out risky loans that they could not afford, many were caught up in exaggerated promises and the predatory lending practices that blossomed in recent years.

Stockton, California, in my congressional district, is unfortunately at the center of it all. One out of every 31 homes in Stockton faces foreclosure—the highest rate in the country.

While there is no magic bullet to solve the problems in the housing market, the bill we are voting on today is an important part of our nation's comprehensive response to the surge in foreclosures.

We are establishing common-sense homebuyer protections to ensure that responsible real estate professionals can provide safe mortgage products.

Owning one's own home is the American Dream and promoting responsible home ownership is a policy that makes sense. In Congress, I will continue working for sensible policies to encourage home ownership and the stable communities it creates.

I am proud to support this bill, and I urge my colleagues to do the same.

Mr. CONYERS. Mr. Chairman, I rise in support of H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007, legislation to combat abusive practices and improve oversight of the mortgage industry.

The Mortgage Reform and Anti-Predatory Lending Act of 2007 will reform mortgage practices in three areas. First, the bill will establish a Federal duty of care, prohibit steering, and call for licensing and registration of mortgage originators, including brokers and bank loan officers. Second, the new legislation will set a minimum standard for all mortgages which states that borrowers must have a reasonable ability to repay. Third, the legislation attaches limited liability to secondary market securitizers who package and sell interest in home mortgage loans outside of these standards. However, individual investors in these securities would not be liable. Finally, the bill expands and enhances consumer protections for "high-cost loans" under the Home Ownership and Equity Protection Act and includes important protections for renters of foreclosed homes.

Passage of H.R. 3915 could potentially help hundreds of thousands of homeowners across this Nation who are facing home foreclosures, and need more flexible terms in paying back their mortgages given that we are experiencing increased job layoffs; especially in Detroit and the State of Michigan. According to the Michigan Association of Realtors, the State of Michigan is in deep systematic recession. The auto industry has lost tens of thousands of jobs in the past few years, and there are more cuts to come.

In fact, Michigan saw 11,554 new foreclosures filings in February 2007. That put one of every 366 Michigan households at risk of losing a home because of missed mortgage payments. The Wayne County/Detroit area reported 6,653 new foreclosures in January of 2007, more than twice the number reported in December 2007. That amounts to one new filing for every 124 households. H.R. 3915 would create a more progressive and equitable home mortgage loan policy that will help scores of working families across this Nation and Michigan keep their homes; and prevent them from becoming homeless. This legislation will address the ongoing practice of routing unsuspecting borrowers into loans that are not appropriate for their needs and that they can't afford. H.R. 3915 will also stop the practice of creative loan financing by unscrupulous brokers who may unnecessarily increase the fees and costs to write the loan.

Treasury Secretary Henry Paulson called the housing downtown "the most significant current risk to the U.S. economy." Last week Federal Reserve Chairman Ben Bernanke said the situation will get worse before it gets better. Many believe that faulty mortgage lending practices have precipitated this credit crisis, and that the situation will get worse before it gets better. Therefore, I believe that this legislative remedy is a much needed remedy in a time of crisis.

I want to thank my friend Chairman BARNEY FRANK and my Republican colleagues for their bipartisan work to create an outstanding piece of legislation that moves us in a proactive direction. In conclusion, let me say that this comprehensive bill brings sweeping and much-needed changes to the mortgage market. It will reform many of the flaws in the current system that has led to the mortgage foreclosure crisis. The American people have asked us to provide the tools and oversight necessary to address this crisis and we have been able to achieve that goal. I whole heartedly give my complete support to this legislation. It is my belief that this bill reflects the principles of the Democratic Party which historically has ensured that the Federal Government will provide a safety net and protection for working families in a time of need.

Mr. SHAYS. Mr. Chairman, H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act is a measure response to the ongoing subprime mortgage crisis that sets some minimum Federal standards for home loans and reasonable accountability standards for lenders.

Setting restrictive standards on borrowers with weak credit profiles and higher risk of default could be counterproductive and limit access to credit to individuals who, without the subprime market, would be unable to get loans and have a part of the American Dream.

Recent increases in subprime borrower foreclosures and lender bankruptcies, however, have prompted concerns that some lenders' underwriting guidelines are too loose and that some borrowers have not fully understood the risks of the mortgage products they chose.

To remedy this problem, the bill would require lenders to first document that prospective borrowers can repay both during any discounted introductory period and after the rate rises to market levels. In language that would directly expose lenders to liability, the loans would be required to have a "net tangible benefit" for the borrowers.

While I agree with the bill's approach, I am concerned about some provisions. For example, I am not certain that prohibiting mortgage brokers from earning yield spread premiums on loans they make to individuals in the subprime market will prevent a great deal of fraud and abuse, and it could lead to mortgage brokers being locked out of this market.

There is wide agreement, however, that the bill's licensing standards for lenders are needed, and these standards are a primary factor in my support for the legislation. Licensing will lead to more educated lenders, which will in turn lead to borrowers who end up with the most suitable mortgage.

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. 3915

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 "Mortgage Reform and Anti-Predatory Lending Act of 2007".

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

Sec. 1. Short title; table of contents.

TITLE I—RESIDENTIAL MORTGAGE LOAN ORIGINATION

Subtitle A—Licensing System for Residential Mortgage Loan Originators

Sec. 101. Purposes and methods for establishing a mortgage licensing system and registry.
Sec. 102. Definitions.
Sec. 103. License or registration required.
Sec. 104. State license and registration application and issuance.
Sec. 105. Standards for State license renewal.
Sec. 106. System of registration administration by Federal banking agencies.
Sec. 107. Secretary of Housing and Urban Development backup authority to establish a loan originator licensing system.
Sec. 108. Backup authority to establish a nationwide mortgage licensing and registry system.
Sec. 109. Fees.
Sec. 110. Background checks of loan originators.
Sec. 111. Confidentiality of information.
Sec. 112. Liability provisions.
Sec. 113. Enforcement under HUD backup licensing system.

Subtitle B—Residential Mortgage Loan Origination Standards

Sec. 121. Definitions.
Sec. 122. Residential mortgage loan origination.
Sec. 123. Anti-steering.
Sec. 124. Liability.
Sec. 125. Regulations.

TITLE II—MINIMUM STANDARDS FOR MORTGAGES

Sec. 201. Ability to repay.
Sec. 202. Net tangible benefit for refinancing of residential mortgage loans.
Sec. 203. Safe harbor and rebuttable presumption.
Sec. 204. Liability.
Sec. 205. Defense to foreclosure.

Sec. 206. Additional standards and requirements.
Sec. 207. Rule of construction.
Sec. 208. Effect on State laws.
Sec. 209. Regulations.
Sec. 210. Amendments to civil liability provisions.
Sec. 211. Required disclosures.
Sec. 212. Authorization of appropriations.
Sec. 213. Effective date.

TITLE III—HIGH-COST MORTGAGES

Sec. 301. Definitions relating to high-cost mortgages.
Sec. 302. Amendments to existing requirements for certain mortgages.
Sec. 303. Additional requirements for certain mortgages.
Sec. 304. Amendment to provision governing correction of errors.
Sec. 305. Regulations.
Sec. 306. Effective date.

TITLE IV—OFFICE OF HOUSING COUNSELING

Sec. 401. Short title.
Sec. 402. Establishment of Office of Housing Counseling.
Sec. 403. Counseling procedures.
Sec. 404. Grants for housing counseling assistance.
Sec. 405. Requirements to use HUD-certified counselors under HUD programs.
Sec. 406. Study of defaults and foreclosures.
Sec. 407. Definitions for counseling-related programs.
Sec. 408. Updating and simplification of mortgage information booklet.

TITLE V—MORTGAGE DISCLOSURES UNDER REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974

Sec. 501. Universal mortgage disclosure in good faith estimate of settlement services costs.

TITLE I—RESIDENTIAL MORTGAGE LOAN ORIGINATION

Subtitle A—Licensing System for Residential Mortgage Loan Originators

SEC. 101. PURPOSES AND METHODS FOR ESTABLISHING A MORTGAGE LICENSING SYSTEM AND REGISTRY.

In order to increase uniformity, reduce regulatory burden, enhance consumer protection, and reduce fraud, the States, through the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, are hereby encouraged to establish a Nationwide Mortgage Licensing System and Registry for the residential mortgage industry that accomplishes all of the following objectives:

(1) Provides uniform license applications and reporting requirements for State-licensed loan originators.

(2) Provides a comprehensive licensing and supervisory database.

(3) Aggregates and improves the flow of information to and between regulators.

(4) Provides increased accountability and tracking of loan originators.

(5) Streamlines the licensing process and reduces the regulatory burden.

(6) Enhances consumer protections and supports anti-fraud measures.

(7) Provides consumers with easily accessible information regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators.

SEC. 102. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) FEDERAL BANKING AGENCIES.—The term ''Federal banking agencies'' means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(2) DEPOSITORY INSTITUTION.—The term ''depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act and includes any credit union.

(3) LOAN ORIGINATOR.—

(A) IN GENERAL.—The term ''loan originator''—

(i) means an individual who—

(I) takes a residential mortgage loan application;

(II) assists a consumer in obtaining or applying to obtain a residential mortgage loan; or

(III) offers or negotiates terms of a residential mortgage loan, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain;

(ii) includes any individual who represents to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will provide or perform any of the activities described in clause (i);

(iii) does not include any individual who performs purely administrative or clerical tasks and is not otherwise described in this subparagraph; and

(iv) does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless the person or entity is compensated by a lender, a mortgage broker, or other loan originator or by any agent of such lender, mortgage broker, or other loan originator.

(B) OTHER DEFINITIONS RELATING TO LOAN ORIGINATOR.—For purposes of this subsection, an individual ''assists a consumer in obtaining or applying to obtain a residential mortgage loan'' by, among other things, advising on loan terms (including rates, fees, other costs), preparing loan packages, or collecting information on behalf of the consumer with regard to a residential mortgage loan.

(C) ADMINISTRATIVE OR CLERICAL TASKS.—The term ''administrative or clerical tasks'' means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(D) REAL ESTATE BROKERAGE ACTIVITY DEFINED.—The term ''real estate brokerage activity'' means any activity that involves offering or providing real estate brokerage services to the public, including—

(i) acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

(ii) listing or advertising real property for sale, purchase, lease, rental, or exchange;

(iii) providing advice in connection with sale, purchase, lease, rental, or exchange of real property;

(iv) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(v) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

(vi) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(vii) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), (v), or (vi).

(4) LOAN PROCESSOR OR UNDERWRITER.—

(A) IN GENERAL.—The term ''loan processor or underwriter'' means an individual who performs clerical or support duties at the direction of and subject to the supervision and instruction of—

(i) a State-licensed loan originator; or

(ii) a registered loan originator.

(B) CLERICAL OR SUPPORT DUTIES.—For purposes of subparagraph (A), the term ''clerical or support duties'' may include—

(i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(ii) communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

(5) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.—The term ''Nationwide Mortgage Licensing System and Registry'' means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the State licensing and registration of State-licensed loan originators and the registration of registered loan originators or any system established by the Secretary under section 108.

(6) REGISTERED LOAN ORIGINATOR.—The term ''registered loan originator'' means any individual who—

(A) meets the definition of loan originator and is an employee of a depository institution or a subsidiary of a depository institution; and

(B) is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(7) RESIDENTIAL MORTGAGE LOAN.—The term ''residential mortgage loan'' means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(9) STATE-LICENSED LOAN ORIGINATOR.—The term ''State-licensed loan originator'' means any individual who—

(A) is a loan originator;

(B) is not an employee of a depository institution or any subsidiary of a depository institution; and

(C) is licensed by a State or by the Secretary under section 107 and registered as a loan originator with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(10) UNIQUE IDENTIFIER.—The term ''unique identifier'' means a number or other identifier that—

(A) permanently identifies a loan originator; and

(B) is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry and the Federal banking agencies to facilitate electronic tracking of loan originators and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

SEC. 103. LICENSE OR REGISTRATION REQUIRED.

(a) IN GENERAL.—An individual may not engage in the business of a loan originator without first—

(1) obtaining and maintaining—

(A) a registration as a registered loan originator; or

(B) a license and registration as a State-licensed loan originator; and

(2) obtaining a unique identifier.

(b) LOAN PROCESSORS AND UNDERWRITERS.—

(1) SUPERVISED LOAN PROCESSORS AND UNDERWRITERS.—A loan processor or underwriter who does not represent to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate

lists, or other promotional items), that such individual can or will perform any of the activities of a loan originator shall not be required to be a State-licensed loan originator or a registered loan originator.

(2) INDEPENDENT CONTRACTORS.—A loan processor or underwriter may not work as an independent contractor unless such processor or underwriter is a State-licensed loan originator or a registered loan originator.

SEC. 104. STATE LICENSE AND REGISTRATION APPLICATION AND ISSUANCE.

(a) BACKGROUND CHECKS.—In connection with an application to any State for licensing and registration as a State-licensed loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's identity, including—

(1) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(2) personal history and experience, including authorization for the System to obtain—

(A) an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(B) information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) ISSUANCE OF LICENSE.—The minimum standards for licensing and registration as a State-licensed loan originator shall include the following:

(1) The applicant has not had a loan originator or similar license revoked in any governmental jurisdiction during the 5-year period immediately preceding the filing of the present application.

(2) The applicant has not been convicted, pled guilty or nolo contendere in a domestic, foreign, or military court of a felony during the 7-year period immediately preceding the filing of the present application.

(3) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator will operate honestly, fairly, and efficiently within the purposes of this subtitle.

(4) The applicant has completed the pre-licensing education requirement described in subsection (c).

(5) The applicant has passed a written test that meets the test requirement described in subsection (d).

(c) PRE-LICENSING EDUCATION OF LOAN ORIGINATORS.—

(1) MINIMUM EDUCATIONAL REQUIREMENTS.—In order to meet the pre-licensing education requirement referred to in subsection (b)(4), a person shall complete at least 20 hours of education approved in accordance with paragraph (2), which shall include at least 3 hours of Federal law and regulations and 3 hours of ethics.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), pre-licensing education courses shall be reviewed, approved and published by the Nationwide Mortgage Licensing System and Registry.

(d) TESTING OF LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the written test requirement referred to in subsection (b)(5), an individual shall pass, in accordance with the standards established under this subsection, a qualified written test developed and administered by the Nationwide Mortgage Licensing System and Registry.

(2) QUALIFIED TEST.—A written test shall not be treated as a qualified written test for purposes of paragraph (1) unless—

(A) the test consists of a minimum of 100 questions; and

(B) the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including—

(i) ethics;

(ii) Federal law and regulation pertaining to mortgage origination; and

(iii) State law and regulation pertaining to mortgage origination.

(3) MINIMUM COMPETENCE.—

(A) PASSING SCORE.—An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than 75 percent correct answers to questions.

(B) INITIAL RETESTS.—An individual may retake a test 3 consecutive times with each consecutive taking occurring in less than 14 days after the preceding test.

(C) SUBSEQUENT RETESTS.—After 3 consecutive tests, an individual shall wait at least 14 days before taking the test again.

(D) RETEST AFTER LAPSE OF LICENSE.—A State-licensed loan originator who fails to maintain a valid license for a period of 5 years or longer shall retake the test, not taking into account any time during which such individual is a registered loan originator.

SEC. 105. STANDARDS FOR STATE LICENSE RENEWAL.

(a) IN GENERAL.—The minimum standards for license renewal for State-licensed loan originators shall include the following:

(1) The loan originator continues to meet the minimum standards for license issuance.

(2) The loan originator has satisfied the annual continuing education requirements described in subsection (b).

(b) CONTINUING EDUCATION FOR STATE-LICENSED LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the annual continuing education requirements referred to in subsection (a)(2), a State-licensed loan originator shall complete at least 8 hours of education approved in accordance with paragraph (2), which shall include at least 3 hours of Federal law and regulations and 2 hours of ethics.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), continuing education courses shall be reviewed, approved, and published by the Nationwide Mortgage Licensing System and Registry.

(3) CALCULATION OF CONTINUING EDUCATION CREDITS.—A State-licensed loan originator—

(A) may only receive credit for a continuing education course in the year in which the course is taken; and

(B) may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(4) INSTRUCTOR CREDIT.—A State-licensed loan originator who is approved as an instructor of an approved continuing education course may receive credit for the originator's own annual continuing education requirement at the rate of 2 hours credit for every 1 hour taught.

SEC. 106. SYSTEM OF REGISTRATION ADMINISTRATION BY FEDERAL BANKING AGENCIES.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Federal banking agencies shall jointly develop and maintain a system for registering employees of depository institutions or subsidiaries of depository institutions as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of the 1-year period beginning on the date of the enactment of this Act.

(2) REGISTRATION REQUIREMENTS.—In connection with the registration of any loan originator who is an employee of a depository institution or a subsidiary of a depository institution with the Nationwide Mortgage Licensing System and Registry, the appropriate Federal banking agency shall, at a minimum, furnish or cause to be furnished to the Nationwide Mortgage Licensing System and Registry information concerning the employees's identity, including—

(A) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(B) personal history and experience, including—

(i) an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(ii) information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) UNIQUE IDENTIFIER.—The Federal banking agencies, through the Financial Institutions Examination Council, shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each registered loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and publicly adjudicated disciplinary and enforcement actions against loan originators.

(c) CONSIDERATION OF FACTORS AND PROCEDURES.—In establishing the registration procedures under subsection (a) and the protocols for assigning a unique identifier to a registered loan originator, the Federal banking agencies shall make such de minimis exceptions as may be appropriate to paragraphs (1)(A) and (2) of section 103(a), shall make reasonable efforts to utilize existing information to minimize the burden of registering loan originators, and shall consider methods for automating the process to the greatest extent practicable consistent with the purposes of this subtitle.

SEC. 107. SECRETARY OF HOUSING AND URBAN DEVELOPMENT BACKUP AUTHORITY TO ESTABLISH A LOAN ORIGINATOR LICENSING SYSTEM.

(a) BACK UP LICENSING SYSTEM.—If, by the end of the 1-year period, or the 2-year period in the case of a State whose legislature meets only biennially, beginning on the date of the enactment of this Act or at any time thereafter, the Secretary determines that a State does not have in place by law or regulation a system for licensing and registering loan originators that meets the requirements of sections 104 and 105 and subsection (d) or does not participate in the Nationwide Mortgage Licensing System and Registry, the Secretary shall provide for the establishment and maintenance of a system for the licensing and registration by the Secretary of loan originators operating in such State as State-licensed loan originators.

(b) LICENSING AND REGISTRATION REQUIREMENTS.—The system established by the Secretary under subsection (a) for any State shall meet the requirements of sections 104 and 105 for State-licensed loan originators.

(c) UNIQUE IDENTIFIER.—The Secretary shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each loan originator licensed by the Secretary as a State-licensed loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

(d) STATE LICENSING LAW REQUIREMENTS.—For purposes of this section, the law in effect in a State meets the requirements of this subsection if the Secretary determines the law satisfies the following minimum requirements:

(1) A State loan originator supervisory authority is maintained to provide effective supervision and enforcement of such law, including the suspension, termination, or nonrenewal of a license for a violation of State or Federal law.

(2) The State loan originator supervisory authority ensures that all State-licensed loan originators operating in the State are registered with Nationwide Mortgage Licensing System and Registry.

(3) The State loan originator supervisory authority is required to regularly report violations of such law, as well as enforcement actions and other relevant information, to the Nationwide Mortgage Licensing System and Registry.

(e) TEMPORARY EXTENSION OF PERIOD.—The Secretary may extend, by not more than 6 months, the 1-year or 2-year period, as the case may be, referred to in subsection (a) for the licensing of loan originators in any State under a State licensing law that meets the requirements of sections 104 and 105 and subsection (d) if the Secretary determines that such State is making a good faith effort to establish a State licensing law that meets such requirements, license mortgage originators under such law, and register such originators with the Nationwide Mortgage Licensing System and Registry.

(f) LIMITATION ON HUD-LICENSED LOAN ORIGINATORS.—Any loan originator who is licensed by the Secretary under a system established under this section for any State may not use such license to originate loans in any other State.

SEC. 108. BACKUP AUTHORITY TO ESTABLISH A NATIONWIDE MORTGAGE LICENSING AND REGISTRY SYSTEM.

If at any time the Secretary determines that the Nationwide Mortgage Licensing System and Registry is failing to meet the requirements and purposes of this subtitle for a comprehensive licensing, supervisory, and tracking system for loan originators, the Secretary shall establish and maintain such a system to carry out the purposes of this subtitle and the effective registration and regulation of loan originators.

SEC. 109. FEES.

The Federal banking agencies, the Secretary, and the Nationwide Mortgage Licensing System and Registry may charge reasonable fees to cover the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry to the extent such fees are not charged to consumers for access such system and registry.

SEC. 110. BACKGROUND CHECKS OF LOAN ORIGINATORS.

(a) ACCESS TO RECORDS.—Notwithstanding any other provision of law, in providing identification and processing functions, the Attorney General shall provide access to all criminal history information to the appropriate State officials responsible for regulating State-licensed loan originators to the extent criminal history background checks are required under the laws of the State for the licensing of such loan originators.

(b) AGENT.—For the purposes of this section and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection (a), the Conference of State Bank Supervisors or a wholly owned subsidiary may be used as a channeling agent of the States for requesting and distributing information between the Department of Justice and the appropriate State agencies.

SEC. 111. CONFIDENTIALITY OF INFORMATION.

(a) SYSTEM CONFIDENTIALITY.—Except as otherwise provided in this section, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 108, and any privilege arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the system. Such information and material may be shared with all State and Federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by Federal and State laws.

(b) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—Information or material that is subject to a privilege or confidentiality under subsection (a) shall not be subject to—

(1) disclosure under any Federal or State law governing the disclosure to the public of information held by an officer or an agency of the Federal Government or the respective State; or

(2) subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Licensing System and Registry or the Secretary with respect to such information or material, the person to whom such information or material pertains waives, in whole or in part, in the discretion of such person, that privilege.

(c) COORDINATION WITH OTHER LAW.—Any State law, including any State open record law, relating to the disclosure of confidential supervisory information or any information or material described in subsection (a) that is inconsistent with subsection (a) shall be superseded by the requirements of such provision to the extent State law provides less confidentiality or a weaker privilege.

(d) PUBLIC ACCESS TO INFORMATION.—This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators that is included in Nationwide Mortgage Licensing System and Registry for access by the public.

SEC. 112. LIABILITY PROVISIONS.

The Secretary, any State official or agency, any Federal banking agency, or any organization serving as the administrator of the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 108, or any officer or employee of any such entity, shall not be subject to any civil action or proceeding for monetary damages by reason of the good-faith action or omission of any officer or employee of any such entity, while acting within the scope of office or employment, relating to the collection, furnishing, or dissemination of information concerning persons who are loan originators or are applying for licensing or registration as loan originators.

SEC. 113. ENFORCEMENT UNDER HUD BACKUP LICENSING SYSTEM.

(a) SUMMONS AUTHORITY.—The Secretary may—

(1) examine any books, papers, records, or other data of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 107; and

(2) summon any loan originator referred to in paragraph (1) or any person having possession, custody, or care of the reports and records relating to such loan originator, to appear before the Secretary or any delegate of the Secretary at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to an investigation of such loan originator for compliance with the requirements of this subtitle.

(b) EXAMINATION AUTHORITY.—

(1) IN GENERAL.—If the Secretary establishes a licensing system under section 107 for any State, the Secretary shall appoint examiners for the purposes of administering such section.

(2) POWER TO EXAMINE.—Any examiner appointed under paragraph (1) shall have power, on behalf of the Secretary, to make any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 107 whenever the Secretary determines an examination of any loan originator is necessary to determine the compliance by the originator with this subtitle.

(3) REPORT OF EXAMINATION.—Each examiner appointed under paragraph (1) shall make a full and detailed report of examination of any loan originator examined to the Secretary.

(4) ADMINISTRATION OF OATHS AND AFFIRMATIONS; EVIDENCE.—In connection with examinations of loan originators operating in any State which is subject to a licensing system established by the Secretary under section 107, or with other types of investigations to determine compliance with applicable law and regulations, the Secretary and examiners appointed by the Secretary may administer oaths and affirmations and examine and take and preserve testimony under oath as to any matter in respect to the affairs of any such loan originator.

(5) ASSESSMENTS.—The cost of conducting any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 107 shall be assessed by the Secretary against the loan originator to meet the Secretary's expenses in carrying out such examination.

(c) CEASE AND DESIST PROCEEDING.—

(1) AUTHORITY OF SECRETARY.—If the Secretary finds, after notice and opportunity for hearing, that any person is violating, has violated, or is about to violate any provision of this subtitle, or any regulation thereunder, with respect to a State which is subject to a licensing system established by the Secretary under section 107, the Secretary may publish such findings and enter an order requiring such person, and any other person that is, was, or would be a cause of the violation, due to an act or omission the person knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring a person to cease and desist from committing or causing a violation, require such person to comply, or to take steps to effect compliance, with such provision or regulation, upon such terms and conditions and within such time as the Secretary may specify in such order. Any such order may, as the Secretary deems appropriate, require future compliance or steps to effect future compliance, either permanently or for such period of time as the Secretary may specify, with such provision or regulation with respect to any loan originator.

(2) HEARING.—The notice instituting proceedings pursuant to paragraph (1) shall fix a hearing date not earlier than 30 days nor later than 60 days after service of the notice unless an earlier or a later date is set by the Secretary with the consent of any respondent so served.

(3) TEMPORARY ORDER.—Whenever the Secretary determines that the alleged violation or threatened violation specified in the notice instituting proceedings pursuant to paragraph (1), or the continuation thereof, is likely to result in significant dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest prior to the completion of the proceedings, the Secretary may enter a temporary order requiring the respondent to cease and desist from the violation or threatened violation and to take such action to prevent the violation or threatened violation and to prevent dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest as the Secretary deems appropriate pending completion of such proceedings. Such an order shall be entered only after notice and opportunity for a hearing, unless the Secretary determines that notice and hearing prior to entry would be impracticable or contrary to the public interest. A temporary order shall become effective upon service upon the respondent and, unless set aside, limited, or suspended by the Secretary or a court of competent jurisdiction, shall remain effective and enforceable pending the completion of the proceedings.

(4) REVIEW OF TEMPORARY ORDERS.—

(A) REVIEW BY SECRETARY.—At any time after the respondent has been served with a temporary cease-and-desist order pursuant to paragraph (3), the respondent may apply to the Secretary to have the order set aside, limited, or suspended. If the respondent has been served with a temporary cease-and-desist order entered without a prior hearing before the Secretary, the respondent may, within 10 days after the date on which the order was served, request a

hearing on such application and the Secretary shall hold a hearing and render a decision on such application at the earliest possible time.

(B) JUDICIAL REVIEW.—Within—

(i) 10 days after the date the respondent was served with a temporary cease-and-desist order entered with a prior hearing before the Secretary; or

(ii) 10 days after the Secretary renders a decision on an application and hearing under paragraph (1), with respect to any temporary cease-and-desist order entered without a prior hearing before the Secretary,

the respondent may apply to the United States district court for the district in which the respondent resides or has its principal place of business, or for the District of Columbia, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order, and the court shall have jurisdiction to enter such an order. A respondent served with a temporary cease-and-desist order entered without a prior hearing before the Secretary may not apply to the court except after hearing and decision by the Secretary on the respondent's application under subparagraph (A).

(C) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under subparagraph (B) shall not, unless specifically ordered by the court, operate as a stay of the Secretary's order.

(5) AUTHORITY OF THE SECRETARY TO PROHIBIT PERSONS FROM SERVING AS LOAN ORIGINATORS.—In any cease-and-desist proceeding under paragraph (1), the Secretary may issue an order to prohibit, conditionally or unconditionally, and permanently or for such period of time as the Secretary shall determine, any person who has violated this subtitle or regulations thereunder, from acting as a loan originator if the conduct of that person demonstrates unfitness to serve as a loan originator.

(d) AUTHORITY OF THE SECRETARY TO ASSESS MONEY PENALTIES.—

(1) IN GENERAL.—The Secretary may impose a civil penalty on a loan originator operating in any State which is subject to licensing system established by the Secretary under section 107 if the Secretary finds, on the record after notice and opportunity for hearing, that such loan originator has violated or failed to comply with any requirement of this subtitle or any regulation prescribed by the Secretary under this subtitle or order issued under subsection (c).

(2) MAXIMUM AMOUNT OF PENALTY.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $5,000 for each day the violation continues.

Subtitle B—Residential Mortgage Loan Origination Standards

SEC. 121. DEFINITIONS.

Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by adding at the end the following new subsection:

''(cc) DEFINITIONS RELATING TO MORTGAGE ORIGINATION AND RESIDENTIAL MORTGAGE LOANS.—

''(1) COMMISSION.—Unless otherwise specified, the term 'Commission' means the Federal Trade Commission.

''(2) FEDERAL BANKING AGENCIES.—The term 'Federal banking agencies' means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board.

''(3) MORTGAGE ORIGINATOR.—The term 'mortgage originator'—

''(A) means any person who—

''(i) takes a residential mortgage loan application;

''(ii) assists a consumer in obtaining or applying to obtain a residential mortgage loan; or

''(iii) offers or negotiates terms of a residential mortgage loan, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain;

''(B) includes any person who represents to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such person can or will provide any of the services or perform any of the activities described in subparagraph (A); and

''(C) does not include any person who is not otherwise described in subparagraph (A) or (B) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such subparagraph.

''(4) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.—The term 'Nationwide Mortgage Licensing System and Registry' has the same meaning as in section 102(5) of the Mortgage Reform and Anti-Predatory Lending Act of 2007.

''(5) OTHER DEFINITIONS RELATING TO MORTGAGE ORIGINATOR.—For purposes of this subsection, a person 'assists a consumer in obtaining or applying to obtain a residential mortgage loan' by, among other things, advising on residential mortgage loan terms (including rates, fees, and other costs), preparing residential mortgage loan packages, or collecting information on behalf of the consumer with regard to a residential mortgage loan.

''(6) RESIDENTIAL MORTGAGE LOAN.—The term 'residential mortgage loan' means any consumer credit transaction that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or on residential real property that includes a dwelling, other than a consumer credit transaction under an open end credit plan or a reverse mortgage.

''(7) SECRETARY.—The term 'Secretary', when used in connection with any transaction or person involved with a residential mortgage loan, means the Secretary of Housing and Urban Development.

''(8) SECURITIZATION VEHICLE.—The term 'securitization vehicle' means a trust, corporation, partnership, limited liability entity, or special purpose entity that—

''(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

''(B) holds such loans.

''(9) SECURITIZER.—The term 'securitizer' means the person that transfers, conveys, or assigns, or causes the transfer, conveyance, or assignment of, residential mortgage loans, including through a special purpose vehicle, to any securitization vehicle, excluding any trustee that holds such loans solely for the benefit of the securitization vehicle.''.

SEC. 122. RESIDENTIAL MORTGAGE LOAN ORIGINATION.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129 the following new section:

''§ 129A. Residential mortgage loan origination

''(a) DUTY OF CARE.—

''(1) STANDARD.—Subject to regulations prescribed under this subsection, each mortgage originator shall, in addition to the duties imposed by otherwise applicable provisions of State or Federal law—

''(A) be qualified, registered, and, when required, licensed as a mortgage originator in accordance with applicable State or Federal law including subtitle A of title I of the Mortgage Reform and Anti-Predatory Lending Act of 2007;

''(B) with respect to each consumer seeking or inquiring about a residential mortgage loan, diligently work to present the consumer with a range of residential mortgage loan products for which the consumer likely qualifies and which are appropriate to the consumer's existing circumstances, based on information known by, or obtained in good faith by, the originator;

''(C) make full, complete, and timely disclosure to each such consumer of—

''(i) the comparative costs and benefits of each residential mortgage loan product offered, discussed, or referred to by the originator;

''(ii) the nature of the originator's relationship to the consumer (including the cost of the services to be provided by the originator and a statement that the mortgage originator is or is not acting as an agent for the consumer, as the case may be); and

''(iii) any relevant conflicts of interest;

''(D) certify to the creditor, with respect to any transaction involving a residential mortgage loan, that the mortgage originator has fulfilled all requirements applicable to the originator under this section with respect to the transaction; and

''(E) include the unique identifier of the originator provided by the Nationwide Mortgage Licensing System and Registry on all loan documents.

''(2) CLARIFICATION OF EXTENT OF DUTY TO PRESENT RANGE OF PRODUCTS AND APPROPRIATE PRODUCTS.—

''(A) NO DUTY TO OFFER PRODUCTS FOR WHICH ORIGINATOR IS NOT AUTHORIZED TO TAKE AN APPLICATION.—Paragraph (1)(B) shall not be construed as requiring—

''(i) a mortgage originator to present to any consumer any specific residential mortgage loan product that is offered by a creditor which does not accept consumer referrals from, or consumer applications submitted by or through, such originator; or

''(ii) a creditor to offer products that the creditor does not offer to the general public.

''(B) APPROPRIATE LOAN PRODUCT.—For purposes of paragraph (1)(B), a residential mortgage loan shall be presumed to be appropriate for a consumer if—

''(i) the mortgage originator determines in good faith, based on then existing information and without undergoing a full underwriting process, that the consumer has a reasonable ability to repay and receives a net tangible benefit (as determined in accordance with regulations prescribed under section 129B(a)); and

''(ii) the loan does not have predatory characteristics or effects (such as equity stripping and excessive fees and abusive terms) as determined in accordance with regulations prescribed under paragraph (4).

''(3) RULES OF CONSTRUCTION.—No provision of this subsection shall be construed as—

''(A) creating an agency or fiduciary relationship between a mortgage originator and a consumer if the originator does not hold himself or herself out as such an agent or fiduciary; or

''(B) restricting a mortgage originator from holding himself or herself out as an agent or fiduciary of a consumer subject to any additional duty, requirement, or limitation applicable to agents or fiduciaries under any Federal or State law.

''(4) REGULATIONS.—

''(A) IN GENERAL.—The Federal banking agencies, in consultation with the Secretary and the Commission, shall jointly prescribe regulations to—

''(i) further define the duty established under paragraph (1);

''(ii) implement the requirements of this subsection;

''(iii) establish the time period within which any disclosure required under paragraph (1) shall be made to the consumer; and

''(iv) establish such other requirements for any mortgage originator as such regulatory agencies may determine to be appropriate to meet the purposes of this subsection.

''(B) COMPLEMENTARY AND NONDUPLICATIVE DISCLOSURES.—The agencies referred to in subparagraph (A) shall endeavor to make the required disclosures to consumers under this subsection complementary and nonduplicative with other disclosures for mortgage consumers to the extent such efforts—

''(i) are practicable; and

''(ii) do not reduce the value of any such disclosure to recipients of such disclosures.

''(5) COMPLIANCE PROCEDURES REQUIRED.—The Federal banking agencies shall prescribe regulations requiring depository institutions to establish and maintain procedures reasonably designed to assure and monitor the compliance of such depository institutions, the subsidiaries of such institutions, and the employees of such institutions or subsidiaries with the requirements of this section and the registration procedures established under section 106 of the Mortgage Reform and Anti-Predatory Lending Act of 2007.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129 the following new item:

''129A. Residential mortgage loan origination.''.

SEC. 123. ANTI-STEERING.

Section 129A of the Truth in Lending Act (as added by section 122(a)) is amended by inserting after subsection (a) the following new subsection:

''(b) PROHIBITION ON STEERING INCENTIVES.—

''(1) IN GENERAL.—No mortgage originator may receive from any person, and no person may pay to any mortgage originator, directly or indirectly, any incentive compensation (including yield spread premium) that is based on, or varies with, the terms (other than the amount of principal) of any loan that is not a qualified mortgage (as defined in section 129B(c)(3)).

''(2) ANTI-STEERING REGULATIONS.—The Federal banking agencies, in consultation with the Secretary and the Commission, shall jointly prescribe regulations to prohibit—

''(A) mortgage originators from steering any consumer to a residential mortgage loan that—

''(i) the consumer lacks a reasonable ability to repay;

''(ii) does not provide the consumer with a net tangible benefit; or

''(iii) has predatory characteristics or effects (such as equity stripping, excessive fees, or abusive terms);

''(B) mortgage originators from steering any consumer from a residential mortgage loan for which the consumer is qualified that is a qualified mortgage (as defined in section 129B(c)(3)) to a residential mortgage loan that is not a qualified mortgage; and

''(C) abusive or unfair lending practices that promote disparities among consumers of equal credit worthiness but of different race, ethnicity, gender, or age.

''(3) RULES OF CONSTRUCTION.—No provision of this subsection shall be construed as—

''(A) limiting or affecting the ability of a mortgage originator to sell residential mortgage loans to subsequent purchasers;

''(B) restricting a consumer's ability to finance origination fees to the extent that such fees were fully disclosed to the consumer earlier in the application process and do not vary based on the terms of the loan or the consumer's decision about whether to finance such fees; or

''(C) prohibiting incentive payments to a mortgage originator based on the number of residential mortgage loans originated within a specified period of time.''.

SEC. 124. LIABILITY.

Section 129A of the Truth in Lending Act is amended by inserting after subsection (b) (as added by section 123) the following new subsection:

''(c) LIABILITY FOR VIOLATIONS.—

''(1) IN GENERAL.—For purposes of providing a cause of action for any failure by a mortgage originator to comply with any requirement imposed under this section and any regulation prescribed under this section, subsections (a) and (b) of section 130 shall be applied with respect to any such failure by substituting 'mortgage originator' for 'creditor' each place such term appears in each such subsection

''(2) MAXIMUM.—The maximum amount of any liability of a mortgage originator under paragraph (1) to a consumer for any violation of this section shall not exceed an amount equal to 3 times the total amount of direct and indirect compensation or gain accruing to the mortgage originator in connection with the residential mortgage loan involved in the violation, plus the costs to the consumer of the action, including a reasonable attorney's fee.''.

SEC. 125. REGULATIONS.

The regulations required or authorized to be prescribed under this title or the amendments made by this title—

(1) shall be prescribed in final form before the end of the 12-month period beginning on the date of the enactment of this Act; and

(2) shall take effect not later than 18 months after the date of the enactment of this Act.

TITLE II—MINIMUM STANDARDS FOR MORTGAGES

SEC. 201. ABILITY TO REPAY.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129A (as added by section 122(a)) the following new section:

''§ 129B. Minimum standards for residential mortgage loans

''(a) ABILITY TO REPAY.—

''(1) IN GENERAL.—In accordance with regulations prescribed jointly by the Federal banking agencies, in consultation with the Commission, no creditor may make a residential mortgage loan unless the creditor makes a reasonable and good faith determination based on verified and documented information that, at the time the loan is consummated, the consumer has a reasonable ability to repay the loan, according to its terms, and all applicable taxes, insurance, and assessments.

''(2) MULTIPLE LOANS.—If the creditor knows, or has reason to know, that 1 or more residential mortgage loans secured by the same dwelling will be made to the same consumer, the creditor shall make a reasonable and good faith determination, based on verified and documented information, that the consumer has a reasonable ability to repay the combined payments of all loans on the same dwelling according to the terms of those loans and all applicable taxes, insurance, and assessments.

''(3) BASIS FOR DETERMINATION.—A determination under this subsection of a consumer's ability to repay a residential mortgage loan shall be based on consideration of the consumer's credit history, current income, expected income the consumer is reasonably assured of receiving, current obligations, debt-to-income ratio, employment status, and other financial resources other than the consumer's equity in the dwelling or real property that secures repayment of the loan.

''(4) NONSTANDARD LOANS.—

''(A) VARIABLE RATE LOANS THAT DEFER REPAYMENT OF ANY PRINCIPAL OR INTEREST.—For purposes of determining, under this subsection, a consumer's ability to repay a variable rate residential mortgage loan that allows or requires the consumer to defer the repayment of any principal or interest, the creditor shall take into consideration a fully amortizing repayment schedule.

''(B) INTEREST-ONLY LOANS.—For purposes of determining, under this subsection, a consumer's ability to repay a residential mortgage loan that permits or requires the payment of interest only, the creditor shall take into consideration the payment amount required to amortize the loan by its final maturity.

''(C) CALCULATION FOR NEGATIVE AMORTIZATION.—In making any determination under this subsection, a creditor shall also take into consideration any balance increase that may accrue from any negative amortization provision.

''(D) CALCULATION PROCESS.—For purposes of making any determination under this subsection, a creditor shall calculate the monthly payment amount for principal and interest on any residential mortgage loan by assuming—

''(i) the loan proceeds are fully disbursed on the date of the consummation of the loan;

''(ii) the loan is to be repaid in substantially equal monthly amortizing payments for principal and interest over the entire term of the loan with no balloon payment, unless the loan contract requires more rapid repayment (including balloon payment), in which case the contract's repayment schedule shall be used in this calculation; and

''(iii) the interest rate over the entire term of the loan is a fixed rate equal to the fully indexed rate at the time of the loan closing, without considering the introductory rate.

''(5) FULLY-INDEXED RATE DEFINED.—For purposes of this subsection, the term 'fully indexed rate' means the index rate prevailing on a residential mortgage loan at the time the loan is made plus the margin that will apply after the expiration of any introductory interest rates.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129A (as added by section 122(b)) the following new item:

''129B. Minimum standards for residential mortgage loans.''.

SEC. 202. NET TANGIBLE BENEFIT FOR REFINANCING OF RESIDENTIAL MORTGAGE LOANS.

Section 129B of the Truth in Lending Act (as added by section 201(a)) is amended by inserting after subsection (a) the following new subsection:

''(b) NET TANGIBLE BENEFIT FOR REFINANCING OF RESIDENTIAL MORTGAGE LOANS.—

''(1) IN GENERAL.—In accordance with regulations prescribed under paragraph (3), no creditor may extend credit in connection with any residential mortgage loan that involves a refinancing of a prior existing residential mortgage loan unless the creditor reasonably and in good faith determines, at the time the loan is consummated and on the basis of information known by or obtained in good faith by the creditor, that the refinanced loan will provide a net tangible benefit to the consumer.

''(2) CERTAIN LOANS PROVIDING NO NET TANGIBLE BENEFIT.—A residential mortgage loan that involves a refinancing of a prior existing residential mortgage loan shall not be considered to provide a net tangible benefit to the consumer if the costs of the refinanced loan, including points, fees and other charges, exceed the amount of any newly advanced principal without any corresponding changes in the terms of the refinanced loan that are advantageous to the consumer.

''(3) NET TANGIBLE BENEFIT.—The Federal banking agencies shall jointly prescribe regulations defining the term 'net tangible benefit' for purposes of this subsection.''.

SEC. 203. SAFE HARBOR AND REBUTTABLE PRESUMPTION.

Section 129B of the Truth in Lending Act is amended by inserting after subsection (b) (as added by section 202) the following new subsection:

''(c) PRESUMPTION OF ABILITY TO REPAY AND NET TANGIBLE BENEFIT.—

''(1) IN GENERAL.—Any creditor with respect to any residential mortgage loan, and any assignee or securitizer of such loan, may presume that the loan has met the requirements of subsections (a) and (b), if the loan is a qualified mortgage or a qualified safe harbor mortgage.

''(2) REBUTTABLE PRESUMPTION.—Any presumption established under paragraph (1) with respect to any residential mortgage loan shall be rebuttable only—

''(A) against the creditor of such loan; and

''(B) if such loan is a qualified safe harbor mortgage.

''(3) DEFINITIONS.—For purposes of this section the following definitions shall apply:

''(A) MOST RECENT CONVENTIONAL MORTGAGE RATE.—The term 'most recent conventional mortgage rate' means the contract interest rate on commitments for fixed-rate first mortgages most recently published in the Federal Reserve Statistical Release on selected interest rates (daily or weekly), and commonly referred to as the H.15 release (or any successor publication), in the week preceding a date of determination for purposes of applying this subsection.

''(B) QUALIFIED MORTGAGE.—The term 'qualified mortgage' means—

''(i) any residential mortgage loan that constitutes a first lien on the dwelling or real property securing the loan and either—

''(I) has an annual percentage rate that does not equal or exceed the yield on securities issued by the Secretary of the Treasury under chapter 31 of title 31, United States Code, that bear comparable periods of maturity by more than 3 percentage points; or

''(II) has an annual percentage rate that does not equal or exceed the most recent conventional mortgage rate, or such other annual percentage rate as may be established by regulation under paragraph (6), by more than 175 basis points;

''(ii) any residential mortgage loan that is not the first lien on the dwelling or real property securing the loan and either—

''(I) has an annual percentage rate that does not equal or exceed the yield on securities issued by the Secretary of the Treasury under chapter 31 of title 31, United States Code, that bear comparable periods of maturity by more than 5 percentage points; or

''(II) has an annual percentage rate that does not equal or exceed the most recent conventional mortgage rate, or such other annual percentage rate as may be established by regulation under paragraph (6), by more than 375 basis points; and

''(iii) a loan made or guaranteed by the Secretary of Veterans Affairs.

''(C) QUALIFIED SAFE HARBOR MORTGAGE.—The term 'qualified safe harbor mortgage' means any residential mortgage loan—

''(i) for which the income and financial resources of the consumer are verified and documented;

''(ii) for which the residential mortgage loan underwriting process is based on the fully-indexed rate, and takes into account all applicable taxes, insurance, and assessments;

''(iii) which does not provide for a repayment schedule that results in negative amortization at any time;

''(iv) meets such other requirements as may be established by regulation; and

''(v) for which any of the following factors apply with respect to such loan:

''(I) The periodic payment amount for principal and interest are fixed for a minimum of 5 years under the terms of the loan.

''(II) In the case of a variable rate loan, the annual percentage rate varies based on a margin that is less than 3 percent over a single generally accepted interest rate index that is the basis for determining the rate of interest for the mortgage.

''(III) The loan does not cause the consumer's total monthly debts, including amounts under the loan, to exceed a percentage established by regulation of his or her monthly gross income or such other maximum percentage of such income as may be prescribed by regulation under paragraph (6).

''(4) DETERMINATION OF COMPARISON TO TREASURY SECURITIES.—

''(A) IN GENERAL.—Without regard to whether a residential mortgage loan is subject to or reportable under the Home Mortgage Disclosure Act of 1975 and subject to subparagraph (B), the difference between the annual percentage rate of such loan and the yield on securities issued by the Secretary of the Treasury under chapter 31 of title 31, United States Code, having comparable periods of maturity shall be determined using the same procedures and methods of calculation applicable to loans that are subject to the reporting requirements under the Home Mortgage Disclosure Act of 1975.

''(B) DATE OF DETERMINATION OF YIELD.—The yield on the securities referred to in subparagraph (A) shall be determined, for purposes of such subparagraph and paragraph (3) with respect to any residential mortgage loan, as of the 15th day of the month preceding the month in which a completed application is submitted for such loan.

''(5) APR IN CASE OF INTRODUCTORY OFFER.—For purposes of making a determination of whether a residential mortgage loan that provides for a fixed interest rate for an introductory period and then resets or adjusts to a variable rate is a qualified mortgage, the determination of the annual percentage rate, as determined in accordance with regulations prescribed by the Board under section 107, shall be based on the greater of the introductory rate and the fully indexed rate of interest.

''(6) REGULATIONS.—

''(A) IN GENERAL.—The Federal banking agencies shall jointly prescribe regulations to carry out the purposes of this subsection.

''(B) REVISION OF SAFE HARBOR CRITERIA.—The Federal banking agencies may jointly prescribe regulations that revise, add to, or subtract from the criteria that define a qualified mortgage and a qualified safe harbor mortgage to the extent necessary and appropriate to effectuate the purposes of this subsection, to prevent circumvention or evasion of this subsection, or to facilitate compliance with this subsection.

''(7) RULE OF CONSTRUCTION.—No provision of this subsection may be construed as implying that a residential mortgage loan may be presumed to violate subsection (a) or (b) if such loan is not a qualified mortgage or a qualified safe harbor mortgage.''.

SEC. 204. LIABILITY.

Section 129B of the Truth in Lending Act is amended by inserting after subsection (c) (as added by section 203) the following new subsection:

''(d) LIABILITY FOR VIOLATIONS.—

''(1) IN GENERAL.—

''(A) RESCISSION.—In addition to any other liability under this title for a violation by a creditor of subsection (a) or (b) (for example under section 130) and subject to the statute of limitations in paragraph (7), a civil action may be maintained against a creditor for a violation of subsection (a) or (b) with respect to a residential mortgage loan for the rescission of the loan, and such additional costs as the obligor may have incurred as a result of the violation and in connection with obtaining a rescission of the loan, including a reasonable attorney's fee.

''(B) CURE.—A creditor shall not be liable for rescission under subparagraph (A) with respect to a residential mortgage loan if, no later than 90 days after the receipt of notification from the consumer that the loan violates subsection (a) or (b), the creditor provides a cure.

''(2) LIMITED ASSIGNEE AND SECURITIZER LIABILITY.—Notwithstanding sections 125(e) and 131 and except as provided in paragraph (3), a civil action which may be maintained against a creditor with respect to a residential mortgage loan for a violation of subsection (a) or (b) may be maintained against any assignee or securitizer of such residential mortgage loan, who has acted in good faith, for the following liabilities only:

''(A) Rescission of the loan.

''(B) Such additional costs as the obligor may have incurred as a result of the violation and in connection with obtaining a rescission of the loan, including a reasonable attorney's fee.

''(3) ASSIGNEE AND SECURITIZER EXEMPTION.—No assignee or securitizer of a residential mortgage loan shall be liable under paragraph (2) with respect to such loan if—

''(A) no later than 90 days after the receipt of notification from the consumer that the loan violates subsection (a) or (b), the assignee or securitizer provides a cure so that the loan satisfies the requirements of subsections (a) and (b); or

''(B) each of the following conditions are met:

''(i) The assignee or securitizer—

''(I) has a policy against buying residential mortgage loans other than qualified mortgages or qualified safe harbor mortgages (as defined in subsection (c));

''(II) the policy is intended to verify seller or assignor compliance with the representations and warranties required under clause (ii); and

''(III) in accordance with regulations which the Federal banking agencies and the Securities and Exchange Commission shall jointly prescribe, exercises reasonable due diligence to adhere to such policy in purchasing residential mortgage loans, including through adequate, thorough, and consistently applied sampling procedures.

''(ii) The contract under which such assignee or securitizer acquired the residential mortgage loan from a seller or assignor of the loan contains representations and warranties that the seller or assignor—

''(I) is not selling or assigning any residential mortgage loan which is not a qualified mortgage or a qualified safe harbor mortgage; or

''(II) is a beneficiary of a representation and warranty from a previous seller or assignor to that effect,

and the assignee or securitizer in good faith takes reasonable steps to obtain the benefit of such representation or warranty.

''(4) CURE DEFINED.—For purposes of this subsection, the term 'cure' means, with respect to a residential mortgage loan that violates subsection (a) or (b), the modification or refinancing, at no cost to the consumer, of the loan to provide terms that would have satisfied the requirements of subsection (a) and (b) if the loan had contained such terms as of the origination of the loan.

''(5) DISAGREEMENT OVER CURE.—If any creditor, assignee, or securitizer and a consumer fail to reach agreement on a cure with respect to a residential mortgage loan that violates subsection (a) or (b), or the consumer fails to accept a cure proffered by a creditor, assignee, or securitizer—

''(A) the creditor, assignee, or securitizer may provide the cure; and

''(B) the consumer may challenge the adequacy of the cure during the 6-month period beginning when the cure is provided.

If the consumer's challenge, under this paragraph, of a cure is successful, the creditor, assignee, or securitizer shall be liable to the consumer for rescission of the loan and such additional costs under paragraph (2).

''(6) INABILITY TO PROVIDE RESCISSION.—If a creditor, assignee, or securitizer cannot provide rescission under paragraph (1) or (2), the liability of such creditor, assignee, or securitizer shall be met by providing the financial equivalent of a rescission, together with such additional costs as the obligor may have incurred as a result of the violation and in connection with obtaining a rescission of the loan, including a reasonable attorney's fee.

''(7) NO CLASS ACTIONS AGAINST ASSIGNEE OR SECURITIZER UNDER PARAGRAPH (2).—Only individual actions may be brought against an assignee or securitizer of a residential mortgage loan for a violation of subsection (a) or (b).

''(8) STATUTE OF LIMITATIONS.—The liability of a creditor, assignee, or securitizer under this subsection shall apply in any original action against a creditor under paragraph (1) or an assignee or securitizer under paragraph (2) which is brought before—

''(A) in the case of any residential mortgage loan other than a loan to which subparagraph (B) applies, the end of the 3-year period beginning on the date the loan is consummated; or

''(B) in the case of a residential mortgage loan that provides for a fixed interest rate for an introductory period and then resets or adjusts to

a variable rate or that provides for a nonamortizing payment schedule and then converts to an amortizing payment schedule, the earlier of—

''(i) the end of the 1-year period beginning on the date of such reset, adjustment, or conversion; or

''(ii) the end of the 6-year period beginning on the date the loan is consummated.

''(9) POOLS AND INVESTORS IN POOLS EXCLUDED.—In the case of residential mortgage loans acquired or aggregated for the purpose of including such loans in a pool of assets held for the purpose of issuing or selling instruments representing interests in such pools including through a securitization vehicle, the terms 'assignee' and 'securitizer', as used in this section, do not include the securitization vehicle, the pools of such loans or any original or subsequent purchaser of any interest in the securitization vehicle or any instrument representing a direct or indirect interest in such pool.''.

SEC. 205. DEFENSE TO FORECLOSURE.

Section 129B of the Truth in Lending Act is amended by inserting after subsection (d) (as added by section 204) the following new subsection:

''(e) DEFENSE TO FORECLOSURE.—Notwithstanding any other provision of law—

''(1) when the holder of a residential mortgage loan or anyone acting for such holder initiates a judicial or nonjudicial foreclosure—

''(A) a consumer who has the right to rescind under this section with respect to such loan against the creditor or any assignee or securitizer may assert such right as a defense to foreclosure or counterclaim to such foreclosure against the holder, or

''(B) if the foreclosure proceeding begins after the end of the period during which a consumer may bring an action for rescission under subsection (d), the consumer may seek actual damages incurred by reason of the violation which gave rise to the right of rescission, together with costs of the action, including a reasonable attorney's fee against the creditor or any assignee or securitizer; and

''(2) such holder or anyone acting for such holder or any other applicable third party may sell, transfer, convey, or assign a residential mortgage loan to a creditor, any assignee, or any securitizer, or their designees, to effect a rescission or cure.''.

SEC. 206. ADDITIONAL STANDARDS AND REQUIREMENTS.

(a) IN GENERAL.—Section 129B of the Truth in Lending Act is amended by inserting after subsection (e) (as added by section 205) the following new subsections:

''(f) PROHIBITION ON CERTAIN PREPAYMENT PENALTIES.—

''(1) PROHIBITED ON CERTAIN LOANS.—A residential mortgage loan that is not a qualified mortgage (as defined in subsection (c)) may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal after the loan is consummated.

''(2) PROHIBITED AFTER INITIAL PERIOD ON LOANS WITH A RESET.—A qualified mortgage with a fixed interest rate for an introductory period that adjusts or resets after such period may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal after the beginning of the 3-month period ending on the date of the adjustment or reset.

''(g) SINGLE PREMIUM CREDIT INSURANCE PROHIBITED.—No creditor may finance, directly or indirectly, in connection with any residential mortgage loan or with any extension of credit under an open end consumer credit plan secured by the principal dwelling of the consumer (other than a reverse mortgage), any credit life, credit disability, credit unemployment or credit property insurance, or any other accident, loss-of-income, life or health insurance, or any payments directly or indirectly for any debt cancellation or suspension agreement or contract, except that insurance premiums or debt cancellation or suspension fees calculated and paid in full on a monthly basis shall not be considered financed by the creditor.

''(h) ARBITRATION.—

''(1) IN GENERAL.—No residential mortgage loan and no extension of credit under an open end consumer credit plan secured by the principal dwelling of the consumer, other than a reverse mortgage, may include terms which require arbitration or any other nonjudicial procedure as the method for resolving any controversy or settling any claims arising out of the transaction.

''(2) POST-CONTROVERSY AGREEMENTS.—Subject to paragraph (3), paragraph (1) shall not be construed as limiting the right of the consumer and the creditor, any assignee, or any securitizer to agree to arbitration or any other nonjudicial procedure as the method for resolving any controversy at any time after a dispute or claim under the transaction arises.

''(3) NO WAIVER OF STATUTORY CAUSE OF ACTION.—No provision of any residential mortgage loan or of any extension of credit under an open end consumer credit plan secured by the principal dwelling of the consumer (other than a reverse mortgage), and no other agreement between the consumer and the creditor relating to the residential mortgage loan or extension of credit referred to in paragraph (1), shall be applied or interpreted so as to bar a consumer from bringing an action in an appropriate district court of the United States, or any other court of competent jurisdiction, pursuant to section 130 or any other provision of law, for damages or other relief in connection with any alleged violation of this section, any other provision of this title, or any other Federal law.

''(i) DUTY OF SECURITIZER TO RETAIN ACCESS TO LOANS.—Any securitizer shall reserve the right and preserve an ability, in any document or contract establishing any pool of assets that includes any residential mortgage loan—

''(1) to identify and obtain access to any such loan in the pool; and

''(2) to provide for and obtain a remedy under this title for the obligor under any such loan.

''(j) EFFECT OF FORECLOSURE ON PREEXISTING LEASE.—

''(1) IN GENERAL.—In the case of any foreclosure on any dwelling or residential real property securing an extension of credit made under a contract entered into after the date of the enactment of the Mortgage Reform and Anti-Predatory Lending Act of 2007, any successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

''(A) any bona fide lease made to a bona fide tenant entered into before the notice of foreclosure; and

''(B) the rights of any bona fide tenant without a lease or with a lease terminable at will under State law and the provision, by the successor in interest, of a notice to vacate to the tenant at least 90 days before the effective date of the notice.

''(2) BONA FIDE LEASE OR TENANCY.—For purposes of this section, a lease or tenancy shall be considered bona fide only if—

''(A) the lease or tenancy was the result of an arms-length transaction; or

''(B) the lease or tenancy requires the tenant to pay rent that is not substantially less than fair market rent for the property.

''(k) MORTGAGES WITH NEGATIVE AMORTIZATION.—No creditor may extend credit to a first-time borrower in connection with a consumer credit transaction under an open or closed end consumer credit plan secured by a dwelling or residential real property that includes a dwelling, other than a reverse mortgage, that provides or permits a payment plan that may, at any time over the term of the extension of credit, result in negative amortization unless, before such transaction is consummated—

''(1) the creditor provides the consumer with a statement that—

''(A) the pending transaction will or may, as the case may be, result in negative amortization;

''(B) describes negative amortization in such manner as the Federal banking agencies shall prescribe;

''(C) negative amortization increases the outstanding principal balance of the account; and

''(D) negative amortization reduces the consumer's equity in the dwelling or real property; and

''(2) the consumer provides the creditor with sufficient documentation to demonstrate that the consumer received homeownership counseling from organizations or counselors certified by the Secretary of Housing and Urban Development as competent to provide such counseling.

''(l) ANNUAL CONTACT INFORMATION.—At least once annually and whenever there is a change in ownership of a residential mortgage loan, the servicer with respect to a residential mortgage loan shall provide a written notice to the consumer identifying the name of the creditor or any assignee or securitizer who should be contacted by the consumer for any reason concerning the consumer's rights with respect to the loan.''.

(b) CONFORMING AMENDMENT RELATING TO ENFORCEMENT.—Section 108(a) of the Truth in Lending Act (15 U.S.C. 1607(a)) is amended by inserting after paragraph (6) the following new paragraph:

''(7) sections 21B and 21C of the Securities Exchange Act of 1934, in the case of a broker or dealer, other than a depository institution, by the Securities and Exchange Commission.''.

SEC. 207. RULE OF CONSTRUCTION.

Except as otherwise expressly provided in section 129A or 129B of the Truth in Lending Act (as added by this Act), no provision of such section 129A or 129B shall be construed as superseding, repealing, or affecting any duty, right, obligation, privilege, or remedy of any person under any other provision of the Truth in Lending Act or any other provision of Federal or State law.

SEC. 208. EFFECT ON STATE LAWS.

(a) IN GENERAL.—Section 129B(d) of the Truth in Lending Act (as added by section 204) shall supersede any State law that provides additional remedies against any assignee, securitizer, or securitization vehicle, and the remedies described in such section shall constitute the sole remedies against any assignee, securitizer, or securitization vehicle, for a violation of subsection (a) or (b) of section 129B of such Act (relating to ability to repay or net tangible benefit) or any other State law arising out of or relating to the specific subject matter of subsection (a) or (b) of such section 129B.

(b) RULE OF CONSTRUCTION.—No provision of this section shall be construed as limiting the application of any State law against a creditor. Nor shall any provision of this section be construed as limiting the application of any State law against any assignee, securitizer, or securitization vehicle that does not arise out of or relate to, or provide additional remedies in connection with, the specific subject matter of subsection (a) or (b) of section 129B of the Truth in Lending Act.

SEC. 209. REGULATIONS.

Regulations required or authorized to be prescribed under this title or the amendments made by this title—

(1) shall be prescribed in final form before the end of the 12-month period beginning on the date of the enactment of this Act; and

(2) shall take effect not later than 18 months after the date of the enactment of this Act.

SEC. 210. AMENDMENTS TO CIVIL LIABILITY PROVISIONS.

(a) INCREASE IN AMOUNT OF CIVIL MONEY PENALTIES FOR CERTAIN VIOLATIONS.—Section 130(a)(2) of the Truth in Lending Act (15 U.S.C. 1640(a)(2)) is amended—

(1) by striking ''$100'' and inserting ''$200'';

(2) by striking ''$1,000'' and inserting ''$2,000'';

(3) by striking ''$200'' and inserting ''$400'';

(4) by striking ''$2,000'' and inserting ''$4,000''; and

(5) by striking ''$500,000'' and inserting ''$1,000,000''.

(b) STATUTE OF LIMITATIONS EXTENDED FOR SECTION 129 VIOLATIONS.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended—

(1) in the first sentence, by striking ''Any action'' and inserting ''Except as provided in the subsequent sentence, any action''; and

(2) by inserting after the first sentence the following new sentence: ''Any action under this section with respect to any violation of section 129 may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 3-year period beginning on the date of the occurrence of the violation.''.

SEC. 211. REQUIRED DISCLOSURES.

(a) ADDITIONAL INFORMATION.—Section 128(a) of Truth in Lending Act (15 U.S.C. 1638(a)) is amended by adding at the end the following new paragraphs:

''(16) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required under this subsection, the disclosures provided under this subsection shall state the maximum amount of the regular required payments on the loan, based on the maximum interest rate allowed, introduced with the following language in conspicuous type size and format: 'Your payment can go as high as $____', the blank to be filled in with the maximum possible payment amount.

''(17) In the case of a residential mortgage loan for which an escrow or impound account will be established for the payment of all applicable taxes, insurance, and assessments, the following statement: 'Your payments will be increased to cover taxes and insurance. In the first year, you will pay an additional $____ [insert the amount of the monthly payment to the account] every month to cover the costs of taxes and insurance.'.

''(18) In the case of a variable rate residential mortgage loan for which an escrow or impound account will be established for the payment of all applicable taxes, insurance, and assessments—

''(A) the amount of initial monthly payment due under the loan for the payment of principal and interest, and the amount of such initial monthly payment including the monthly payment deposited in the account for the payment of all applicable taxes, insurance, and assessments; and

''(B) the amount of the fully indexed monthly payment due under the loan for the payment of principal and interest, and the amount of such fully indexed monthly payment including the monthly payment deposited in the account for the payment of all applicable taxes, insurance, and assessments.

''(19) In the case of a residential mortgage loan, the aggregate amount of settlement charges for all settlement services provided in connection with the loan, the amount of charges that are included in the loan and the amount of such charges the borrower must pay at closing, the approximate amount of the wholesale rate of funds in connection with the loan, and the aggregate amount of other fees or required payments in connection with the loan.

''(20) In the case of a residential mortgage loan, the aggregate amount of fees paid to the mortgage originator in connection with the loan, the amount of such fees paid directly by the consumer, and any additional amount received by the originator from the creditor based on the interest rate of the loan.''.

(b) TIMING.—Section 128(b) of the Truth in Lending Act (15 U.S.C. 1638(b)) is amended by adding at the end the following new paragraph:

''(4) RESIDENTIAL MORTGAGE LOAN DISCLOSURES.—In the case of a residential mortgage loan, the information required to be disclosed under subsection (a) with respect to such loan shall be disclosed before the earlier of—

''(A) the time required under the first sentence of paragraph (1); or

''(B) the end of the 3-day period beginning on the date the application for the loan from a consumer is received by the creditor.''.

(c) ENHANCED MORTGAGE LOAN DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by striking ''(2) In the'' and inserting the following:

''(2) MORTGAGE DISCLOSURES.—

''(A) IN GENERAL.—In the'';

(2) by striking ''a residential mortgage transaction, as defined in section 103(w)'' and inserting ''any extension of credit that is secured by the dwelling of a consumer'';

(3) by striking ''shall be made in accordance'' and all that follows through ''extended, or'';

(4) by striking ''If the'' and all that follows through the end of the paragraph and inserting the following new subparagraphs:

''(B) STATEMENT AND TIMING OF DISCLOSURES.—In the case of an extension of credit that is secured by the dwelling of a consumer, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'.

''(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

''(ii) be furnished to the borrower not later than 7 business days before the date of consummation of the transaction, subject to subparagraph (D).

''(C) VARIABLE RATES OR PAYMENT SCHEDULES.—In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes.'.

''(D) UPDATING APR.—In any case in which the disclosure statement provided 7 business days before the date of consummation of the transaction contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.''.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

For fiscal years 2008, 2009, 2010, 2011, and 2012, there are authorized to be appropriated to the Attorney General a total of—

(1) $31,250,000 to support the employment of 30 additional agents of the Federal Bureau of Investigation and 2 additional dedicated prosecutors at the Department of Justice to coordinate prosecution of mortgage fraud efforts with the offices of the United States Attorneys; and

(2) $750,000 to support the operations of interagency task forces of the Federal Bureau of Investigation in the areas with the 15 highest concentrations of mortgage fraud.

SEC. 213. EFFECTIVE DATE.

The amendments made by this title shall apply to transactions consummated on or after the effective date of the regulations specified in Section 209.

TITLE III—HIGH-COST MORTGAGES

SEC. 301. DEFINITIONS RELATING TO HIGH-COST MORTGAGES.

(a) HIGH-COST MORTGAGE DEFINED.—Section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) is amended by striking all that precedes paragraph (2) and inserting the following:

''(aa) HIGH-COST MORTGAGE.—

''(1) DEFINITION.—

''(A) IN GENERAL.—The term 'high-cost mortgage', and a mortgage referred to in this subsection, means a consumer credit transaction that is secured by the consumer's principal dwelling, other than a reverse mortgage transaction, if—

''(i) in the case of a credit transaction secured—

''(I) by a first mortgage on the consumer's principal dwelling, the annual percentage rate at consummation of the transaction will exceed by more than 8 percentage points the yield on Treasury securities having comparable periods of maturity on the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor; or

''(II) by a subordinate or junior mortgage on the consumer's principal dwelling, the annual percentage rate at consummation of the transaction will exceed by more than 10 percentage points the yield on Treasury securities having comparable periods of maturity on the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor;

''(ii) the total points and fees payable in connection with the transaction exceed—

''(I) in the case of a transaction for $20,000 or more, 5 percent (8 percent if the dwelling is personal property) of the total transaction amount; or

''(II) in the case of a transaction for less than $20,000, the lesser of 8 percent of the total transaction amount or $1,000; or

''(iii) the credit transaction documents permit the creditor to charge or collect prepayment fees or penalties more than 36 months after the transaction closing or such fees or penalties exceed, in the aggregate, more than 2 percent of the amount prepaid.

''(B) INTRODUCTORY RATES TAKEN INTO ACCOUNT.—For purposes of subparagraph (A)(i), the annual percentage rate of interest shall be determined based on the following interest rate:

''(i) In the case of a fixed-rate transaction in which the annual percentage rate will not vary during the term of the loan, the interest rate in effect on the date of consummation of the transaction.

''(ii) In the case of a transaction in which the rate of interest varies solely in accordance with an index, the interest rate determined by adding the index rate in effect on the date of consummation of the transaction to the maximum margin permitted at any time during the transaction agreement.

''(iii) In the case of any other transaction in which the rate may vary at any time during the term of the loan for any reason, the interest charged on the transaction at the maximum rate that may be charged during the term of the transaction.''.

(b) ADJUSTMENT OF PERCENTAGE POINTS.—Section 103(aa)(2) of the Truth in Lending Act (15 U.S.C. 1602(aa)(2)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

''(B) An increase or decrease under subparagraph (A)—

''(i) may not result in the number of percentage points referred to in paragraph (1)(A)(i)(I) being less than 6 percentage points or greater than 10 percentage points; and

''(ii) may not result in the number of percentage points referred to in paragraph (1)(A)(i)(II) being less than 8 percentage points or greater than 12 percentage points.''.

(c) POINTS AND FEES DEFINED.—

(1) IN GENERAL.—Section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4)) is amended—

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

''(B) all compensation paid directly or indirectly by a consumer or creditor to a mortgage broker from any source, including a mortgage originator that originates a loan in the name of the originator in a table-funded transaction;'';

(B) in subparagraph (C)(ii), by inserting ''except where applied to the charges set forth in section 106(e)(1) where a creditor may receive indirect compensation solely as a result of obtaining distributions of profits from an affiliated entity based on its ownership interest in compliance with section 8(c)(4) of the Real Estate Settlement Procedures Act of 1974'' before the semicolon at the end;

(C) in subparagraph (C)(iii), by striking ''; and'' and inserting '', except as provided for in clause (ii);'';

(D) by redesignating subparagraph (D) as subparagraph (G); and

(E) by inserting after subparagraph (C) the following new subparagraphs:

''(D) premiums or other charges payable at or before closing for any credit life, credit disability, credit unemployment, or credit property insurance, or any other accident, loss-of-income, life or health insurance, or any payments directly or indirectly for any debt cancellation or suspension agreement or contract, except that insurance premiums or debt cancellation or suspension fees calculated and paid in full on a monthly basis shall not be considered financed by the creditor;

''(E) except as provided in subsection (cc), the maximum prepayment fees and penalties which may be charged or collected under the terms of the credit transaction;

''(F) all prepayment fees or penalties that are incurred by the consumer if the loan refinances a previous loan made or currently held by the same creditor or an affiliate of the creditor; and''.

(2) CALCULATION OF POINTS AND FEES FOR OPEN-END CONSUMER CREDIT PLANS.—Section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph:

''(5) CALCULATION OF POINTS AND FEES FOR OPEN-END CONSUMER CREDIT PLANS.—In the case of open-end consumer credit plans, points and fees shall be calculated, for purposes of this section and section 129, by adding the total points and fees known at or before closing, including the maximum prepayment penalties which may be charged or collected under the terms of the credit transaction, plus the minimum additional fees the consumer would be required to pay to draw down an amount equal to the total credit line.''.

(d) HIGH COST MORTGAGE LENDER.—Section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended by striking the last sentence and inserting the following new sentence: ''Any person who originates or brokers 2 or more mortgages referred to in subsection (aa) in any 12-month period, any person who originates 1 or more such mortgages through a mortgage broker in any 12 month period, or, in connection with a table funding transaction of such a mortgage, any person to whom the obligation is initially assigned at or after settlement shall be considered to be a creditor for purposes of this title.''.

(e) BONA FIDE DISCOUNT LOAN DISCOUNT POINTS AND PREPAYMENT PENALTIES.—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by inserting after subsection (cc) (as added by section 121) the following new subsection:

''(dd) BONA FIDE DISCOUNT POINTS AND PREPAYMENT PENALTIES.—For the purposes of determining the amount of points and fees for purposes of subsection (aa), either the amounts described in paragraphs (1) or (4) of the following paragraphs, but not both, may be excluded:

''(1) EXCLUSION OF BONA FIDE DISCOUNT POINTS.—The discount points described in 1 of the following subparagraphs shall be excluded from determining the amounts of points and fees with respect to a high-cost mortgage for purposes of subsection (aa):

''(A) Up to and including 2 bona fide discount points payable by the consumer in connection with the mortgage, but only if the interest rate from which the mortgage's interest rate will be discounted does not exceed by more than 1 percentage point the required net yield for a 90-day standard mandatory delivery commitment for a reasonably comparable loan from either the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, whichever is greater.

''(B) Unless 2 bona fide discount points have been excluded under subparagraph (A), up to and including 1 bona fide discount point payable by the consumer in connection with the mortgage, but only if the interest rate from which the mortgage's interest rate will be discounted does not exceed by more than 2 percentage points the required net yield for a 90-day standard mandatory delivery commitment for a reasonably comparable loan from either the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, whichever is greater.

''(2) DEFINITION.—For purposes of paragraph (1), the term 'bona fide discount points' means loan discount points which are knowingly paid by the consumer for the purpose of reducing, and which in fact result in a bona fide reduction of, the interest rate or time-price differential applicable to the mortgage.

''(3) EXCEPTION FOR INTEREST RATE REDUCTIONS INCONSISTENT WITH INDUSTRY NORMS.—Paragraph (1) shall not apply to discount points used to purchase an interest rate reduction unless the amount of the interest rate reduction purchased is reasonably consistent with established industry norms and practices for secondary mortgage market transactions.

''(4) ALLOWANCE OF CONVENTIONAL PREPAYMENT PENALTY.—Subsection (aa)(1)(4)(E) shall not apply so as to include a prepayment penalty or fee that is authorized by law other than this title and may be imposed pursuant to the terms of a high-cost mortgage (or other consumer credit transaction secured by the consumer's principal dwelling) if—

''(A) the annual percentage rate applicable with respect to such mortgage or transaction (as determined for purposes of subsection (aa)(1)(A)(i))—

''(i) in the case of a first mortgage on the consumer's principal dwelling, does not exceed by more than 2 percentage points the yield on Treasury securities having comparable periods of maturity on the 15th day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor; or

''(ii) in the case of a subordinate or junior mortgage on the consumer's principal dwelling, does not exceed by more than 4 percentage points the yield on such Treasury securities; and

''(B) the total amount of any prepayment fees or penalties permitted under the terms of the high-cost mortgage or transaction does not exceed 2 percent of the amount prepaid.''.

SEC. 302. AMENDMENTS TO EXISTING REQUIREMENTS FOR CERTAIN MORTGAGES.

(a) PREPAYMENT PENALTY PROVISIONS.—Section 129(c)(2) of the Truth in Lending Act (15 U.S.C. 1639(c)(2)) is amended—

(1) by striking ''and'' after the semicolon at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) the amount of the principal obligation of the mortgage exceeds the maximum principal obligation limitation (for the applicable size residence) under section 203(b)(2) of the National Housing Act for the area in which the residence subject to the mortgage is located; and''.

(b) NO BALLOON PAYMENTS.—Section 129(e) of the Truth in Lending Act (15 U.S.C. 1639(e)) is amended to read as follows:

''(e) NO BALLOON PAYMENTS.—No high-cost mortgage may contain a scheduled payment that is more than twice as large as the average of earlier scheduled payments. This subsection shall not apply when the payment schedule is adjusted to the seasonal or irregular income of the consumer.''.

(c) NO LENDING WITHOUT DUE REGARD TO ABILITY TO REPAY.—Section 129(h) of the Truth in Lending Act (15 U.S.C. 1639(h)) is amended—

(1) by striking ''PAYMENT ABILITY OF CONSUMER.—A creditor shall not'' and inserting ''PAYMENT ABILITY OF CONSUMER.—

''(1) PATTERN OR PRACTICE.—

''(A) IN GENERAL.—A creditor shall not'';

(2) by inserting after subparagraph (A) (as so designated by paragraph (1) of this subsection) the following new subparagraph:

''(B) PRESUMPTION OF VIOLATION.—There shall be a presumption that a creditor has violated this subsection if the creditor engages in a pattern or practice of making high-cost mortgages without verifying or documenting the repayment ability of consumers with respect to such mortgages.''; and

(3) by adding at the end the following new paragraph:

''(2) PROHIBITION ON EXTENDING CREDIT WITHOUT REGARD TO PAYMENT ABILITY OF CONSUMER.—

''(A) IN GENERAL.—A creditor may not extend credit to a consumer under a high-cost mortgage unless a reasonable creditor would believe at the time the mortgage is closed that the consumer or consumers that are residing or will reside in the residence subject to the mortgage will be able to make the scheduled payments associated with the mortgage, based upon a consideration of current and expected income, current obligations, employment status, and other financial resources, other than equity in the residence.

''(B) PRESUMPTION OF ABILITY.—For purposes of this subsection, there shall be a rebuttable presumption that a consumer is able to make the scheduled payments to repay the obligation if, at the time the high-cost mortgage is consummated, the consumer's total monthly debts, including amounts under the mortgage, do not exceed 50 percent of his or her monthly gross income as verified by tax returns, payroll receipts, or other third-party income verification.''.

SEC. 303. ADDITIONAL REQUIREMENTS FOR CERTAIN MORTGAGES.

(a) ADDITIONAL REQUIREMENTS FOR CERTAIN MORTGAGES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended—

(1) by redesignating subsections (j), (k) and (l) as subsections (n), (o) and (p) respectively; and

(2) by inserting after subsection (i) the following new subsections:

''(j) RECOMMENDED DEFAULT.—No creditor shall recommend or encourage default on an existing loan or other debt prior to and in connection with the closing or planned closing of a high-cost mortgage that refinances all or any portion of such existing loan or debt.

''(k) LATE FEES.—

''(1) IN GENERAL.—No creditor may impose a late payment charge or fee in connection with a high-cost mortgage—

''(A) in an amount in excess of 4 percent of the amount of the payment past due;

''(B) unless the loan documents specifically authorize the charge or fee;

''(C) before the end of the 15-day period beginning on the date the payment is due, or in the case of a loan on which interest on each installment is paid in advance, before the end of the 30-day period beginning on the date the payment is due; or

''(D) more than once with respect to a single late payment.

''(2) COORDINATION WITH SUBSEQUENT LATE FEES.—If a payment is otherwise a full payment for the applicable period and is paid on its due date or within an applicable grace period, and the only delinquency or insufficiency of payment is attributable to any late fee or delinquency charge assessed on any earlier payment, no late fee or delinquency charge may be imposed on such payment.

''(3) FAILURE TO MAKE INSTALLMENT PAYMENT.—If, in the case of a loan agreement the terms of which provide that any payment shall first be applied to any past due principal balance, the consumer fails to make an installment payment and the consumer subsequently resumes making installment payments but has not paid all past due installments, the creditor may impose a separate late payment charge or fee for any principal due (without deduction due to late fees or related fees) until the default is cured.

''(l) ACCELERATION OF DEBT.—No high-cost mortgage may contain a provision which permits the creditor, in its sole discretion, to accelerate the indebtedness. This provision shall not apply when repayment of the loan has been accelerated by default, pursuant to a due-on-sale provision, or pursuant to a material violation of some other provision of the loan documents unrelated to the payment schedule.

''(m) RESTRICTION ON FINANCING POINTS AND FEES.—No creditor may directly or indirectly finance, in connection with any high-cost mortgage, any of the following:

''(1) Any prepayment fee or penalty payable by the consumer in a refinancing transaction if the creditor or an affiliate of the creditor is the noteholder of the note being refinanced.

''(2) Any points or fees.''.

(b) PROHIBITIONS ON EVASIONS.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (p) (as so redesignated by subsection (a)(1)) the following new subsection:

''(q) PROHIBITIONS ON EVASIONS, STRUCTURING OF TRANSACTIONS, AND RECIPROCAL ARRANGEMENTS.—A creditor may not take any action in connection with a high-cost mortgage—

''(1) to structure a loan transaction as an open-end credit plan or another form of loan for the purpose and with the intent of evading the provisions of this title; or

''(2) to divide any loan transaction into separate parts for the purpose and with the intent of evading provisions of this title.''.

(c) MODIFICATION OR DEFERRAL FEES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (q) (as added by subsection (b) of this section) the following new subsection:

''(r) MODIFICATION AND DEFERRAL FEES PROHIBITED.—A creditor may not charge a consumer any fee to modify, renew, extend, or amend a high-cost mortgage, or to defer any payment due under the terms of such mortgage, unless the modification, renewal, extension or amendment results in a lower annual percentage rate on the mortgage for the consumer and then only if the amount of the fee is comparable to fees imposed for similar transactions in connection with consumer credit transactions that are secured by a consumer's principal dwelling and are not high-cost mortgages.''.

(d) PAYOFF STATEMENT.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (r) (as added by subsection (c) of this section) the following new subsection:

''(s) PAYOFF STATEMENT.—

''(1) FEES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no creditor or servicer may charge a fee for informing or transmitting to any person the balance due to pay off the outstanding balance on a high-cost mortgage.

''(B) TRANSACTION FEE.—When payoff information referred to in subparagraph (A) is provided by facsimile transmission or by a courier service, a creditor or servicer may charge a processing fee to cover the cost of such transmission or service in an amount not to exceed an amount that is comparable to fees imposed for similar services provided in connection with consumer credit transactions that are secured by the consumer's principal dwelling and are not high-cost mortgages.

''(C) FEE DISCLOSURE.—Prior to charging a transaction fee as provided in subparagraph (B), a creditor or servicer shall disclose that payoff balances are available for free pursuant to subparagraph (A).

''(D) MULTIPLE REQUESTS.—If a creditor or servicer has provided payoff information referred to in subparagraph (A) without charge, other than the transaction fee allowed by subparagraph (B), on 4 occasions during a calendar year, the creditor or servicer may thereafter charge a reasonable fee for providing such information during the remainder of the calendar year.

''(2) PROMPT DELIVERY.—Payoff balances shall be provided within 5 business days after receiving a request by a consumer or a person authorized by the consumer to obtain such information.''.

(e) PRE-LOAN COUNSELING REQUIRED.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (s) (as added by subsection (d) of this section) the following new subsection:

''(t) PRE-LOAN COUNSELING.—

''(1) IN GENERAL.—A creditor may not extend credit to a consumer under a high-cost mortgage without first receiving certification from a counselor that is approved by the Secretary of Housing and Urban Development, or at the discretion of the Secretary, a state housing finance authority, that the consumer has received counseling on the advisability of the mortgage. Such counselor shall not be employed by the creditor or an affiliate of the creditor or be affiliated with the creditor.

''(2) DISCLOSURES REQUIRED PRIOR TO COUNSELING.—No counselor may certify that a consumer has received counseling on the advisability of the high-cost mortgage unless the counselor can verify that the consumer has received each statement required (in connection with such loan) by this section or the Real Estate Settlement Procedures Act of 1974 with respect to the transaction.

''(3) REGULATIONS.—The Secretary of Housing and Urban Development may prescribe such regulations as the Secretary determines to be appropriate to carry out the requirements of paragraph (1).''.

(f) FLIPPING PROHIBITED.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (t) (as added by subsection (e)) the following new subsection:

''(u) FLIPPING.—

''(1) IN GENERAL.—No creditor may knowingly or intentionally engage in the unfair act or practice of flipping in connection with a high-cost mortgage.

''(2) FLIPPING DEFINED.—For purposes of this subsection, the term 'flipping' means the making of a loan or extension of credit in the form a high-cost mortgage to a consumer which refinances an existing mortgage when the new loan or extension of credit does not have reasonable, tangible net benefit to the consumer considering all of the circumstances, including the terms of both the new and the refinanced loans or credit, the cost of the new loan or credit, and the consumer's circumstances.

''(3) TANGIBLE NET BENEFIT.—The Board may prescribe regulations, in the discretion of the Board, defining the term 'tangible net benefit' for purposes of this subsection.''.

SEC. 304. AMENDMENT TO PROVISION GOVERNING CORRECTION OF ERRORS.

Section 130(b) of the Truth in Lending Act (15 U.S.C. 1640(b)) is amended to read as follows:

''(b) CORRECTION OF ERRORS.—A creditor has no liability under this section or section 108 or 112 for any failure to comply with any requirement imposed under this chapter or chapter 5, if—

''(1) within 30 days of the loan closing and prior to the institution of any action, the consumer is notified of or discovers the violation, appropriate restitution is made, and whatever adjustments are necessary are made to the loan to either, at the choice of the consumer—

''(A) make the loan satisfy the requirements of this chapter; or

''(B) in the case of a high-cost mortgage, change the terms of the loan in a manner beneficial to the consumer so that the loan will no longer be a high-cost mortgage; or

''(2) within 60 days of the creditor's discovery or receipt of notification of an unintentional violation or bona fide error as described in subsection (c) and prior to the institution of any action, the consumer is notified of the compliance failure, appropriate restitution is made, and whatever adjustments are necessary are made to the loan to either, at the choice of the consumer—

''(A) make the loan satisfy the requirements of this chapter; or

''(B) in the case of a high-cost mortgage, change the terms of the loan in a manner beneficial so that the loan will no longer be a high-cost mortgage.''.

SEC. 305. REGULATIONS.

(a) IN GENERAL.—The Board of Governors of the Federal Reserve System shall publish regulations implementing this title and the amendments made by this title in final form before the end of the 6-month period beginning on the date of the enactment of this Act.

(b) CONSUMER MORTGAGE EDUCATION.—

(1) REGULATIONS.—The Board of Governors of the Federal Reserve System may prescribe regulations requiring or encouraging creditors to provide consumer mortgage education to prospective customers or direct such customers to qualified consumer mortgage education or counseling programs in the vicinity of the residence of the consumer.

(2) COORDINATION WITH STATE LAW.—No requirement established by the Board of Governors of the Federal Reserve System pursuant to paragraph (1) shall be construed as affecting or superseding any requirement under the law of any State with respect to consumer mortgage counseling or education.

SEC. 306. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of the enactment of this Act and shall apply to mortgages referred to in section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa) consummated on or after that date.

TITLE IV—OFFICE OF HOUSING COUNSELING

SEC. 401. SHORT TITLE.

This title may be cited as the ''Expand and Preserve Home Ownership Through Counseling Act''.

SEC. 402. ESTABLISHMENT OF OFFICE OF HOUSING COUNSELING.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

''(g) OFFICE OF HOUSING COUNSELING.—

''(1) ESTABLISHMENT.—There is established, in the Office of the Secretary, the Office of Housing Counseling.

''(2) DIRECTOR.—There is established the position of Director of Housing Counseling. The Director shall be the head of the Office of Housing Counseling and shall be appointed by the Secretary. Such position shall be a career-reserved position in the Senior Executive Service.

''(3) FUNCTIONS.—

''(A) IN GENERAL.—The Director shall have ultimate responsibility within the Department, except for the Secretary, for all activities and matters relating to homeownership counseling and rental housing counseling, including—

''(i) research, grant administration, public outreach, and policy development relating to such counseling; and

''(ii) establishment, coordination, and administration of all regulations, requirements, standards, and performance measures under programs and laws administered by the Department that relate to housing counseling, homeownership counseling (including maintenance of homes), mortgage-related counseling (including home equity conversion mortgages and credit protection options to avoid foreclosure), and rental housing counseling, including the requirements, standards, and performance measures relating to housing counseling.

''(B) SPECIFIC FUNCTIONS.—The Director shall carry out the functions assigned to the Director and the Office under this section and any other provisions of law. Such functions shall include establishing rules necessary for—

''(i) the counseling procedures under section 106(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(h)(1));

''(ii) carrying out all other functions of the Secretary under section 106(g) of the Housing and Urban Development Act of 1968, including the establishment, operation, and publication of the availability of the toll-free telephone number under paragraph (2) of such section;

''(iii) carrying out section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) for home buying information booklets prepared pursuant to such section;

''(iv) carrying out the certification program under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e));

''(v) carrying out the assistance program under section 106(a)(4) of the Housing and Urban Development Act of 1968, including criteria for selection of applications to receive assistance;

''(vi) carrying out any functions regarding abusive, deceptive, or unscrupulous lending practices relating to residential mortgage loans that the Secretary considers appropriate, which shall include conducting the study under section 6 of the Expand and Preserve Home Ownership Through Counseling Act;

''(vii) providing for operation of the advisory committee established under paragraph (4) of this subsection;

''(viii) collaborating with community-based organizations with expertise in the field of housing counseling; and

''(ix) providing for the building of capacity to provide housing counseling services in areas that lack sufficient services.

''(4) ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Secretary shall appoint an advisory committee to provide advice regarding the carrying out of the functions of the Director.

''(B) MEMBERS.—Such advisory committee shall consist of not more than 12 individuals, and the membership of the committee shall equally represent all aspects of the mortgage and real estate industry, including consumers.

''(C) TERMS.—Except as provided in subparagraph (D), each member of the advisory committee shall be appointed for a term of 3 years. Members may be reappointed at the discretion of the Secretary.

''(D) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the members first appointed to the advisory committee, 4 shall be appointed for a term of 1 year and 4 shall be appointed for a term of 2 years.

''(E) PROHIBITION OF PAY; TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(F) ADVISORY ROLE ONLY.—The advisory committee shall have no role in reviewing or awarding housing counseling grants.

''(5) SCOPE OF HOMEOWNERSHIP COUNSELING.—In carrying out the responsibilities of the Director, the Director shall ensure that homeownership counseling provided by, in connection with, or pursuant to any function, activity, or program of the Department addresses the entire process of homeownership, including the decision to purchase a home, the selection and purchase of a home, issues arising during or affecting the period of ownership of a home (including refinancing, default and foreclosure, and other financial decisions), and the sale or other disposition of a home.''.

SEC. 403. COUNSELING PROCEDURES.

(a) IN GENERAL.—Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended by adding at the end the following new subsection:

''(g) PROCEDURES AND ACTIVITIES.—

''(1) COUNSELING PROCEDURES.—

''(A) IN GENERAL.—The Secretary shall establish, coordinate, and monitor the administration by the Department of Housing and Urban Development of the counseling procedures for homeownership counseling and rental housing counseling provided in connection with any program of the Department, including all requirements, standards, and performance measures that relate to homeownership and rental housing counseling.

''(B) HOMEOWNERSHIP COUNSELING.—For purposes of this subsection and as used in the provisions referred to in this subparagraph, the term 'homeownership counseling' means counseling related to homeownership and residential mortgage loans. Such term includes counseling related to homeownership and residential mortgage loans that is provided pursuant to—

''(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

''(ii) in the United States Housing Act of 1937—

''(I) section 9(e) (42 U.S.C. 1437g(e));

''(II) section 8(y)(1)(D) (42 U.S.C. 1437f(y)(1)(D));

''(III) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

''(IV) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

''(V) section 32(e)(4) (42 U.S.C. 1437z–4(e)(4));

''(VI) section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B));

''(VII) sections 302(b)(6) and 303(b)(7) (42 U.S.C. 1437aaa–1(b)(6), 1437aaa–2(b)(7)); and

''(VIII) section 304(c)(4) (42 U.S.C. 1437aaa–3(c)(4));

''(iii) section 302(a)(4) of the American Homeownership and Economic Opportunity Act of 2000 (42 U.S.C. 1437f note);

''(iv) sections 233(b)(2) and 258(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2), 12808(b));

''(v) this section and section 101(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x, 1701w(e));

''(vi) section 220(d)(2)(G) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4110(d)(2)(G));

''(vii) sections 422(b)(6), 423(b)(7), 424(c)(4), 442(b)(6), and 443(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6), 12873(b)(7), 12874(c)(4), 12892(b)(6), and 12893(b)(6));

''(viii) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

''(ix) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A));

''(x) in the National Housing Act—

''(I) in section 203 (12 U.S.C. 1709), the penultimate undesignated paragraph of paragraph (2) of subsection (b), subsection (c)(2)(A), and subsection (r)(4);

''(II) subsections (a) and (c)(3) of section 237 (12 U.S.C. 1715z–2); and

''(III) subsections (d)(2)(B) and (m)(1) of section 255 (12 U.S.C. 1715z–20);

''(xi) section 502(h)(4)(B) of the Housing Act of 1949 (42 U.S.C. 1472(h)(4)(B)); and

''(xii) section 508 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–7).

''(C) RENTAL HOUSING COUNSELING.—For purposes of this subsection, the term 'rental housing counseling' means counseling related to rental of residential property, which may include counseling regarding future homeownership opportunities and providing referrals for renters and prospective renters to entities providing counseling and shall include counseling related to such topics that is provided pursuant to—

''(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

''(ii) in the United States Housing Act of 1937—

''(I) section 9(e) (42 U.S.C. 1437g(e));

''(II) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

''(III) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

''(IV) section 32(e)(4) (42 U.S.C. 1437z–4(e)(4));

''(V) section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B)); and

''(VI) section 302(b)(6) (42 U.S.C. 1437aaa–1(b)(6));

''(iii) section 233(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2));

''(iv) section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x);

''(v) section 422(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6));

''(vi) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

''(vii) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A)); and

''(viii) the rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

''(2) STANDARDS FOR MATERIALS.—The Secretary, in conjunction with the advisory committee established under subsection (g)(4) of the Department of Housing and Urban Development Act, shall establish standards for materials and forms to be used, as appropriate, by organizations providing homeownership counseling services, including any recipients of assistance pursuant to subsection (a)(4).

''(3) MORTGAGE SOFTWARE SYSTEMS.—

''(A) CERTIFICATION.—The Secretary shall provide for the certification of various computer software programs for consumers to use in evaluating different residential mortgage loan proposals. The Secretary shall require, for such certification, that the mortgage software systems take into account—

''(i) the consumer's financial situation and the cost of maintaining a home, including insurance, taxes, and utilities;

''(ii) the amount of time the consumer expects to remain in the home or expected time to maturity of the loan;

''(iii) such other factors as the Secretary considers appropriate to assist the consumer in evaluating whether to pay points, to lock in an interest rate, to select an adjustable or fixed rate loan, to select a conventional or government-insured or guaranteed loan and to make other choices during the loan application process.

If the Secretary determines that available existing software is inadequate to assist consumers during the residential mortgage loan application process, the Secretary shall arrange for the development by private sector software companies of new mortgage software systems that meet the Secretary's specifications.

''(B) USE AND INITIAL AVAILABILITY.—Such certified computer software programs shall be

used to supplement, not replace, housing counseling. The Secretary shall provide that such programs are initially used only in connection with the assistance of housing counselors certified pursuant to subsection (e).

''(C) AVAILABILITY.—After a period of initial availability under subparagraph (B) as the Secretary considers appropriate, the Secretary shall take reasonable steps to make mortgage software systems certified pursuant to this paragraph widely available through the Internet and at public locations, including public libraries, senior-citizen centers, public housing sites, offices of public housing agencies that administer rental housing assistance vouchers, and housing counseling centers.

''(4) NATIONAL PUBLIC SERVICE MULTIMEDIA CAMPAIGNS TO PROMOTE HOUSING COUNSELING.—

''(A) IN GENERAL.—The Director of Housing Counseling shall develop, implement, and conduct national public service multimedia campaigns designed to make persons facing mortgage foreclosure, persons considering a subprime mortgage loan to purchase a home, elderly persons, persons who face language barriers, low-income persons, and other potentially vulnerable consumers aware that it is advisable, before seeking or maintaining a residential mortgage loan, to obtain homeownership counseling from an unbiased and reliable sources and that such homeownership counseling is available, including through programs sponsored by the Secretary of Housing and Urban Development.

''(B) CONTACT INFORMATION.—Each segment of the multimedia campaign under subparagraph (A) shall publicize the toll-free telephone number and web site of the Department of Housing and Urban Development through which persons seeking housing counseling can locate a housing counseling agency in their State that is certified by the Secretary of Housing and Urban Development and can provide advice on buying a home, renting, defaults, foreclosures, credit issues, and reverse mortgages.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, not to exceed $3,000,000 for fiscal years 2008, 2009, and 2010, for the develop, implement, and conduct of national public service multimedia campaigns under this paragraph.

''(5) EDUCATION PROGRAMS.—The Secretary shall provide advice and technical assistance to States, units of general local government, and nonprofit organizations regarding the establishment and operation of, including assistance with the development of content and materials for, educational programs to inform and educate consumers, particularly those most vulnerable with respect to residential mortgage loans (such as elderly persons, persons facing language barriers, low-income persons, and other potentially vulnerable consumers), regarding home mortgages, mortgage refinancing, home equity loans, and home repair loans.''.

(b) CONFORMING AMENDMENTS TO GRANT PROGRAM FOR HOMEOWNERSHIP COUNSELING ORGANIZATIONS.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (III), by striking ''and'' at the end;

(2) in subclause (IV) by striking the period at the end and inserting ''; and''; and

(3) by inserting after subclause (IV) the following new subclause:

''(V) notify the housing or mortgage applicant of the availability of mortgage software systems provided pursuant to subsection (g)(3).''.

SEC. 404. GRANTS FOR HOUSING COUNSELING ASSISTANCE.

Section 106(a) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(3)) is amended by adding at the end the following new paragraph:

''(4) HOMEOWNERSHIP AND RENTAL COUNSELING ASSISTANCE.—

''(A) IN GENERAL.—The Secretary shall make financial assistance available under this paragraph to States, units of general local governments, and nonprofit organizations providing homeownership or rental counseling (as such terms are defined in subsection (g)(1)).

''(B) QUALIFIED ENTITIES.—The Secretary shall establish standards and guidelines for eligibility of organizations (including governmental and nonprofit organizations) to receive assistance under this paragraph.

''(C) DISTRIBUTION.—Assistance made available under this paragraph shall be distributed in a manner that encourages efficient and successful counseling programs.

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $45,000,000 for each of fiscal years 2008 through 2011 for—

''(i) the operations of the Office of Housing Counseling of the Department of Housing and Urban Development;

''(ii) the responsibilities of the Secretary under paragraphs (2) through (5) of subsection (g); and

''(iii) assistance pursuant to this paragraph for entities providing homeownership and rental counseling.''.

SEC. 405. REQUIREMENTS TO USE HUD-CERTIFIED COUNSELORS UNDER HUD PROGRAMS.

Section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) is amended—

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

''(1) REQUIREMENT FOR ASSISTANCE.—An organization may not receive assistance for counseling activities under subsection (a)(1)(iii), (a)(2), (a)(4), (c), or (d) of this section, or under section 101(e), unless the organization, or the individuals through which the organization provides such counseling, has been certified by the Secretary under this subsection as competent to provide such counseling.'';

(2) in paragraph (2)—

(A) by inserting ''and for certifying organizations'' before the period at the end of the first sentence; and

(B) in the second sentence by striking ''for certification'' and inserting '', for certification of an organization, that each individual through which the organization provides counseling shall demonstrate, and, for certification of an individual,'';

(3) in paragraph (3), by inserting ''organizations and'' before ''individuals'';

(4) by redesignating paragraph (3) as paragraph (5); and

(5) by inserting after paragraph (2) the following new paragraphs:

''(3) REQUIREMENT UNDER HUD PROGRAMS.—Any homeownership counseling or rental housing counseling (as such terms are defined in subsection (g)(1)) required under, or provided in connection with, any program administered by the Department of Housing and Urban Development shall be provided only by organizations or counselors certified by the Secretary under this subsection as competent to provide such counseling.

''(4) OUTREACH.—The Secretary shall take such actions as the Secretary considers appropriate to ensure that individuals and organizations providing homeownership or rental housing counseling are aware of the certification requirements and standards of this subsection and of the training and certification programs under subsection (f).''.

SEC. 406. STUDY OF DEFAULTS AND FORECLOSURES.

The Secretary of Housing and Urban Development shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as are available. The study shall also examine the role of escrow accounts in helping prime and nonprime borrowers to avoid defaults and foreclosures. Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Congress a preliminary report regarding the study. Not later than 24 months after such date of enactment, the Secretary shall submit a final report regarding the results of the study, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to identify populations that need counseling the most.

SEC. 407. DEFINITIONS FOR COUNSELING-RELATED PROGRAMS.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsection:

''(h) DEFINITIONS.—For purposes of this section:

''(1) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' has the meaning given such term in section 104(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(5)), except that subparagraph (D) of such section shall not apply for purposes of this section.

''(2) STATE.—The term 'State' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

''(3) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' means any city, county, parish, town, township, borough, village, or other general purpose political subdivision of a State.''.

SEC. 408. UPDATING AND SIMPLIFICATION OF MORTGAGE INFORMATION BOOKLET.

Section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) is amended—

(1) in the section heading, by striking ''SPECIAL'' and inserting ''HOME BUYING'';

(2) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) PREPARATION AND DISTRIBUTION.—The Secretary shall prepare, at least once every 5 years, a booklet to help consumers applying for federally related mortgage loans to understand the nature and costs of real estate settlement services. The Secretary shall prepare the booklet in various languages and cultural styles, as the Secretary determines to be appropriate, so that the booklet is understandable and accessible to homebuyers of different ethnic and cultural backgrounds. The Secretary shall distribute such booklets to all lenders that make federally related mortgage loans. The Secretary shall also distribute to such lenders lists, organized by location, of homeownership counselors certified under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) for use in complying with the requirement under subsection (c) of this section.

''(b) CONTENTS.—Each booklet shall be in such form and detail as the Secretary shall prescribe and, in addition to such other information as the Secretary may provide, shall include in plain and understandable language the following information:

''(1) A description and explanation of the nature and purpose of the costs incident to a real estate settlement or a federally related mortgage loan. The description and explanation shall provide general information about the mortgage process as well as specific information concerning, at a minimum—

''(A) balloon payments;

''(B) prepayment penalties; and

''(C) the trade-off between closing costs and the interest rate over the life of the loan.

''(2) An explanation and sample of the uniform settlement statement required by section 4.

''(3) A list and explanation of lending practices, including those prohibited by the Truth in Lending Act or other applicable Federal law, and of other unfair practices and unreasonable

or unnecessary charges to be avoided by the prospective buyer with respect to a real estate settlement.

''(4) A list and explanation of questions a consumer obtaining a federally related mortgage loan should ask regarding the loan, including whether the consumer will have the ability to repay the loan, whether the consumer sufficiently shopped for the loan, whether the loan terms include prepayment penalties or balloon payments, and whether the loan will benefit the borrower.

''(5) An explanation of the right of rescission as to certain transactions provided by sections 125 and 129 of the Truth in Lending Act.

''(6) A brief explanation of the nature of a variable rate mortgage and a reference to the booklet entitled 'Consumer Handbook on Adjustable Rate Mortgages', published by the Board of Governors of the Federal Reserve System pursuant to section 226.19(b)(1) of title 12, Code of Federal Regulations, or to any suitable substitute of such booklet that such Board of Governors may subsequently adopt pursuant to such section.

''(7) A brief explanation of the nature of a home equity line of credit and a reference to the pamphlet required to be provided under section 127A of the Truth in Lending Act.

''(8) Information about homeownership counseling services made available pursuant to section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)), a recommendation that the consumer use such services, and notification that a list of certified providers of homeownership counseling in the area, and their contact information, is available.

''(9) An explanation of the nature and purpose of escrow accounts when used in connection with loans secured by residential real estate and the requirements under section 10 of this Act regarding such accounts.

''(10) An explanation of the choices available to buyers of residential real estate in selecting persons to provide necessary services incidental to a real estate settlement.

''(11) An explanation of a consumer's responsibilities, liabilities, and obligations in a mortgage transaction.

''(12) An explanation of the nature and purpose of real estate appraisals, including the difference between an appraisal and a home inspection.

''(13) Notice that the Office of Housing of the Department of Housing and Urban Development has made publicly available a brochure regarding loan fraud and a World Wide Web address and toll-free telephone number for obtaining the brochure.

The booklet prepared pursuant to this section shall take into consideration differences in real estate settlement procedures that may exist among the several States and territories of the United States and among separate political subdivisions within the same State and territory.'';

(3) in subsection (c), by inserting at the end the following new sentence: ''Each lender shall also include with the booklet a reasonably complete or updated list of homeownership counselors who are certified pursuant to section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) and located in the area of the lender.''; and

(4) in subsection (d), by inserting after the period at the end of the first sentence the following: ''The lender shall provide the HUD-issued booklet in the version that is most appropriate for the person receiving it.''.

TITLE V—MORTGAGE DISCLOSURES UNDER REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974

SEC. 501. UNIVERSAL MORTGAGE DISCLOSURE IN GOOD FAITH ESTIMATE OF SETTLEMENT SERVICES COSTS.

(a) IN GENERAL.—Section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) is amended—

(1) in subsection (c), by adding after the period at the end the following: ''Each such good faith estimate shall include the disclosure required under subsection (f) in the form prescribed by the Secretary pursuant to such subsection, except that if the Secretary at any time issues any regulations requiring the use of a standard or uniform form or statement in providing the good faith estimate required under this subsection and prescribing such standard or uniform form or statement, such disclosure shall not be required after the effective date of such regulations.''; and

(2) by adding at the end the following new subsection:

''(f) UNIVERSAL MORTGAGE DISCLOSURE REQUIREMENT FOR GOOD FAITH ESTIMATES.—

''(1) DISCLOSURE.—The disclosure required under this subsection is a written statement regarding the federally related mortgage loan for which the good faith estimate under subsection (c) is made, that consists of the following statements, appropriately and in good faith completed by the lender in accordance with the terms of the federally related mortgage loan involved in the settlement:

''(A) 'Your Loan Amount will be' and '$_____', each statement appearing in a separate column of the disclosure.

''(B) 'Your Loan is', 'A Fixed Rate Loan', and 'An Adjustable Rate Loan ', each statement appearing in a separate column and each of the last two such statements preceded by a checkbox.

''(C) 'Your Loan Term is', '_____ years', and '_____ years', each statement appearing in a separate column, and the second such statement shall appear in the same column as the statement required by subparagraph (B) regarding fixed rate loans and the third such statement shall appear in the same column as the statement required by subparagraph (B) regarding adjustable rate loans;

''(D) 'Your Estimated Interest Rate (APR) is', '_____%', and '_____% initially, then it will adjust. In _____ months, Your rate may adjust to a maximum of _____%', each statement appearing in a separate column, the second such statement shall appear in the same column as the statement required by subparagraph (B) regarding fixed rate loans and the third such statement shall appear in the same column as the statement required by subparagraph (B) regarding adjustable rate loans, and the blanks relating to estimated interest rate shall be completed by the lender using an annual percentage rate determined in accordance with the Truth in Lending Act.

''(E) 'Your Total Estimated Monthly Payment (Including loan Principal and Interest, and property Taxes (based on current rates) and Insurance (PITI)) is', '$_____ which represents _____% of Your estimated monthly income', and '$_____ which represents _____% of Your estimated monthly income. When Your interest rate initially adjusts, Your maximum monthly payment may be as high as $_____ which represents _____% of Your estimated monthly income', each statement appearing in a separate column, and the second such statement shall appear in the same column as the statement required by subparagraph (B) regarding fixed rate loans and the third such statement shall appear in the same column as the statement required by subparagraph (B) regarding adjustable rate loans.

''(F) 'Your Rate Lock Period is' and '_____ days. After You lock into Your interest rate, You must go to settlement within this number of days to be guaranteed this interest rate.', each statement appearing in a separate column.

''(G) 'Does Your loan have a prepayment penalty?', 'YES, Your maximum prepayment penalty is $_____', and 'NO', the first such statement and the last two such statements appearing in a separate column, and each of the last two such statements preceded by a checkbox.

''(H) 'Does Your loan have a balloon payment?', 'YES, Your balloon payment of $_____ is due in _____ months', and 'NO', the first such statement and the last two such statements appearing in a separate column, and each of the last two such statements preceded by a checkbox.

''(I) 'Your Total Estimated Settlement Charges Will be $_____ (a)' and 'Your Total Estimated Down Payment will be $_____ (b)', each statement appearing in a separate column.

''(J) 'Your Total Estimated Cash Needed at Closing Will Be' and '$_____ (a+b)', each statement appearing in a separate column.

''(K) 'This represents a simple summary of Your Good Faith Estimate (GFE). To understand the terms of Your loan, You must see disclosure forms and the Truth in Lending Act.', such statement appearing directly below the entirety of the remainder of the disclosure.

''(2) STANDARD FORM.—

''(A) DEVELOPMENT AND USE.—The Secretary, in consultation with the Secretary of Veterans Affairs, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision, shall develop and prescribe a standard form for the disclosure required under this subsection, which shall be used without variation in all transactions in the United States that involve federally related mortgage loans.

''(B) APPEARANCE.—The standard form developed pursuant to this paragraph shall—

''(i) set forth each statement required under a separate subparagraph under paragraph (1) on a separate row of the disclosure;

''(ii) be set forth in 8-point type;

''(iii) be not more than 6 inches in width or 3.5 inches in height;

''(iv) include such boldface type and shading as the Secretary considers appropriate;

''(v) include such parenthetical statements directing the borrower to the terms of the loan (such as 'see terms') as the Secretary considers appropriate, in such places as the Secretary considers appropriate; and

''(vi) be located in the upper one-third of the first page of the good faith estimate required under subsection (c) in a manner that allows the identity, address, phone number, and other relevant information of the lender, the identity, address, phone number, and other relevant information of the borrower, and the address of the property for which the federally related mortgage loan is to be made, to be located above the standard form.''.

(b) REGULATIONS.—The Secretary of Housing and Urban Development shall issue regulations prescribing the standard form and the use of such form, as required by the amendment made by subsection (a), not later than the expiration of the 180-day period beginning upon the date of the enactment of this Act, and such regulations shall take effect upon issuance.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–450. 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 except as specified in the report; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–450.

Mr. FRANK of Massachusetts. 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. FRANK of Massachusetts:

Page 6, strike line 19 and all that follows through line 22 and insert the following new clause:

(iii) does not include any individual who is not otherwise described in clause (i) or (ii) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such clause.

Page 19, strike line 16 and all that follows through line 24, and insert the following new subparagraph:

(B) personal history and experience, including authorization for the Nationwide Mortgage Licensing System and Registry to obtain information related to any administrative, civil or criminal findings by any governmental jurisdiction.

Page 20, line 1, strike ''(b) UNIQUE IDENTIFIER.—The Federal banking agencies'' and insert ''(b) COORDINATION.—

''(1) UNIQUE IDENTIFIER.—The Federal banking agencies''.

Page 20, after line 9, insert the following new paragraph:

(2) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY DEVELOPMENT.—To facilitate the transfer of information required by subsection (a)(2), the Nationwide Mortgage Licensing System and Registry shall coordinate with the Federal banking agencies, through the Financial Institutions Examination Council, concerning the development and operation, by such System and Registry, of the registration functionality and data requirements for loan originators.

Page 37, line 22, strike the closing quotation marks and the second period.

Page 37, after line 22, insert the following new paragraph:

''(10) SERVICER.—The term 'servicer' has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974.''.

Page 38, beginning on line 12, strike '', registered, and, when required, licensed'' and insert ''and, when required, registered and licensed''.

Page 40, line 22, strike ''to repay and'' and all that follows through line 25 and insert ''to repay and, in the case of a refinancing of an existing residential mortgage loan, receives a net tangible benefit, as determined in accordance with regulations prescribed under subsections (a) and (b) of section 129B.''

Page 41, line 20, insert '', the Chairman of the State Liaison Committee to the Financial Institutions Examination Council,'' after ''Secretary''.

Page 43, line 13, strike ''**ANTI-STEERING**'' **AND INSERT ''PROHIBITION ON STEERING INCENTIVES**''.

Page 43, line 18, strike ''IN GENERAL'' and insert ''AMOUNT OF ORIGINATOR COMPENSATION CANNOT VARY BASED ON TERMS''

Page 43, beginning on line 20, strike ''(including yield spread premium)'' and insert '', including yield spread premium or any equivalent compensation or gain,''.

Page 44, line 1, strike ''ANTI-STEERING REGULATIONS'' and insert ''REGULATIONS''.

Page 44, line 9, insert ''(in accordance with regulations prescribed under section 129B(a))'' before the semicolon.

Page 44, line 10, insert ''in the case of a refinancing of a residential mortgage loan,'' after (ii).

Page 44, line 11, insert ''(in accordance with regulations prescribed under section 129B(b))'' before the semicolon.

Page 45, strike line 6 and all that follows through line 11 and insert the following new subparagraph:

''(B) restricting a consumer's ability to finance, including through rate or principal, any origination fees or costs permitted under this subsection, or the originator's ability to receive such fees or costs (including compensation) from any person, so long as such fees or costs were fully and clearly disclosed to the consumer earlier in the application process as required by 129A(a)(1)(C)(ii) and do not vary based on the terms of the loan or the consumer's decision about whether to finance such fees or costs; or''.

Page 61, after line 15, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

''(4) ABSENT PARTIES.—

''(A) ABSENT CREDITOR.—Notwithstanding the exemption provided in paragraph (3), if the creditor with respect to a residential mortgage loan made in violation of subsection (a) or (b) has ceased to exist as a matter of law or has filed for bankruptcy protection under title 11, United States Code, or has had a receiver or liquidating agent appointed, a consumer may maintain a civil action against an assignee to cure, but not rescind, the residential mortgage loan, plus the costs and reasonable attorney's fees incurred in obtaining such remedy.

''(B) ABSENT CREDITOR AND ASSIGNEE.—Notwithstanding the exemption provided in paragraph (3), if the creditor with respect to a residential mortgage loan made in violation of subsection (a) or (b) and each assignee of such loan have ceased to exist as a matter of law or have filed for bankruptcy protection under title 11, United States Code, or have had receivers or liquidating agents appointed, the consumer may maintain the civil action referred to in subparagraph (A) against the securitizer.''.

Page 61, line 23, insert ''and the payment of such additional costs as the obligor may have incurred as a result of the violation and in connection with obtaining a cure of the loan, including a reasonable attorney's fee'' before the period.

Page 62, line 15, insert ''OR OBTAIN'' after ''PROVIDE''.

Page 62, line 16, insert '', or a consumer cannot obtain,'' after ''cannot provide''.

Page 65, line 6, insert ''and the consumer would have had a valid basis for such an action if it had been brought before the end of such period'' after ''subsection (d)''.

Page 66, beginning on line 21, strike ''that insurance premiums'' and insert ''that—

''(1) insurance premiums''.

Page 66, line 24, strike the period and insert ''; and''.

Page 66, after line 24, insert the following new paragraph:

''(2) this subsection shall not apply to credit unemployment insurance for which the unemployment insurance premiums are reasonable and at no additional cost to the consumer, the creditor receives no direct or indirect compensation in connection with the unemployment insurance premiums, and the unemployment insurance premiums are paid pursuant to another insurance contract and not paid to an affiliate of the creditor.''.

Page 69, strike line 1 and all that follows through line 9 and insert the following new subparagraphs:

''(A) the provision, by the successor in interest, of a notice to vacate to any bona fide tenant at least 90 days before the effective date of the notice to vacate.

''(B) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

''(i) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease or the end of the 6-month period beginning on the date of the notice of foreclosure, whichever occurs first, subject to the receipt by the tenant of the 90-day notice under subparagraph (A); or

''(ii) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under subparagraph (A); and''.

Page 69, after line 12, insert the following new subparagraph (and redesignate subsequent subparagraphs accordingly):

''(A) the mortgagor under the contract is not the tenant;''.

Page 69, beginning on line 15, strike ''tenant to pay'' and insert ''receipt of''.

Page 69, line 19, strike ''first-time''.

Page 70, line 17, strike ''the consumer'' and insert ''in the case of a first-time borrower with respect to a residential mortgage loan that is not a qualified mortgage, the first-time borrower''.

Page 71, line 25, insert ''or application thereof'' after ''State law''.

Page 72, strike line 5 and all that follows through line 8, and insert ''of such Act or any other State law the terms of which address the specific subject matter of subsection (a) (determination of ability to repay) or (b) (requirement of a net tangible benefit) of such section 129B.''.

Page 72, strike line 9 and all that follows through line 17 and insert the following new subsection:

(b) RULES OF CONSTRUCTION.—No provision of this section shall be construed as limiting—

(1) the application of any State law against a creditor;

(2) the availability of remedies based upon fraud, misrepresentation, deception, false advertising, or civil rights laws—

(A) against any assignee, securitizer, or securitization vehicle for its own conduct relating to the making of a residential mortgage loan to a consumer; or

(B) against any assignee, securitizer, or securitization vehicle in the sale or purchase of residential mortgage loans or securities; or

(3) the application of any other State law against any assignee, securitizer, or securitization vehicle except as specifically provided in subsection (a) of this section.

Page 79, after line 2, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 212. DISCLOSURES REQUIRED IN MONTHLY STATEMENTS FOR RESIDENTIAL MORTGAGE LOANS.

Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended by adding at the end the following new subsection:

''(e) PERIODIC STATEMENTS FOR RESIDENTIAL MORTGAGE LOANS.—

''(1) IN GENERAL.—The creditor, assignee, or servicer with respect to any residential mortgage loan shall transmit to the obligor, for each billing cycle, a statement setting forth each of the following items, to the extent applicable, in a conspicuous and prominent manner:

''(A) The amount of the principal obligation under the mortgage.

''(B) The current interest rate in effect for the loan.

''(C) The date on which the interest rate may next reset or adjust.

''(D) The amount of any prepayment fee to be charged, if any.

''(E) A description of any late payment fees.

''(F) A telephone number and electronic mail address that may be used by the obligor to obtain information regarding the mortgage.

''(G) Such other information as the Board may prescribe in regulations.

''(2) DEVELOPMENT AND USE OF STANDARD FORM.—The Federal banking agencies shall jointly develop and prescribe a standard form for the disclosure required under this subsection, taking into account that the

statements required may be transmitted in writing or electronically.''.

Page 80, line 23, insert ''(10 percentage points, if the dwelling is personal property and the transaction is for less than $50,000)'' after ''8 percentage points''.

Page 81, beginning on line 19, strike ''(8 percent if the dwelling is personal property)''.

Page 100, line 6, strike ''tangible net benefit'' and insert ''net tangible benefit (as determined in accordance with regulations prescribed under section 129B(b))''.

Page 100, line 10, after the period, insert closing quotation marks and a second period.

Page 100, strike line 11 and all that follows through line 14.

Page 102, line 23, insert ''at the end of the 6-month period beginning'' before ''on the date of''.

Page 102, beginning on line 25, strike ''on or after the date'' and insert ''after the end of such period''.

The CHAIRMAN. Pursuant to House Resolution 825, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, first, this bill makes some substantive changes, including one of the things we came across was the problem of people who were renting who lost their right to live there when there was a foreclosure.

We have compromised in this. I have had some conversations; I will have some further ones with the gentleman from Colorado. But we do try to preserve some protection for the renters in the bill. As passed by committee, we had 12 months. This reduces it some to 6 months as the maximum. We will talk more about it.

Beyond that, there are two things that the manager's amendment clarifies, and I have found from some on the consumer side two objections in this bill, and we deal with these in the manager's amendment and we will deal with them further. One is the issue of preemption.

I think a certain amount of preemption is essential if we are going to have a secondary market, but it is possible to read the language previously as preempting more than we meant to. What this amendment does is to make very clear that, no matter what the issue is, if the problem was based on fraud or misrepresentation, deception, or false advertising, there is no preemption. The ability of people to go after anything that was based on misrepresentation or fraud is fully preserved, whether or not it affected their ability to pay.

Secondly, we have—and I am pleased to note that La Raza and the NAACP support this bill—we included at the insistence of the gentleman from North Carolina and the gentleman from California specific language about civil rights violations. No civil rights violation that a State may have would be preempted.

So we have narrowed the preemption. We have made it clear it does not preempt anything growing out of fraud.

The second issue that has led to some concern, and I am about to yield to my friend from North Carolina (Mr. MILLER) has to do with compensation. It was our intention to say that no one who was originating a loan should be given an incentive to put the consumer in a loan that would charge that consumer more than he or she could otherwise get, and we dealt with that.

The question then came about the way in which brokers are compensated, and we tried to provide two things: One, an absolute prohibition on any incentive to charge people more, but, two, not an interference with the way in which people chose to make those payments.

We thought we had the language clear. Some people think it isn't clear enough. One of the things we will do is to make that clearer.

And I would yield on this point to the gentleman from North Carolina.

Mr. MILLER of North Carolina. I thank the gentleman.

I would now like to engage in a colloquy with Mr. FRANK concerning this. And, Mr. Chairman, both Mr. FRANK and I would deeply appreciate a slow gavel on this particular point.

Mr. FRANK, please direct your attention to the language at the bottom of page 5 of the manager's amendment, clarifying the prohibition against payments to loan originators that vary with the terms of the subprime mortgage, which, as Mr. MURPHY of Connecticut has already pointed out, is an important antisteering provision. The abuse that the prohibition addresses is the payment by lenders to originators, most often brokers, known as a yield spread premium.

Under widespread practice now, lenders pay brokers an additional percentage point in a yield spread premium for every additional half point in interest on the mortgage above the rate that the borrower qualified for. Although borrowers sign a piece of paper agreeing to the payment by the lender, the broker hands the borrower the paper and tells the borrower what the borrower is signing, and most borrowers never realize that the broker makes more money the more that the borrower pays for the mortgage.

I agree with Mr. MURPHY of Connecticut, that is a kickback. It is not a legitimate business practice. It needs to change.

Mr. FRANK, as I understand it, the clarifying language in the new subparagraph does not simply permit what the previous subparagraph forbids, but it is directed to limited circumstances and does not allow any additional total compensation for an originator. Just as a buyer may pay discount points at closing to buy down the interest rate over the life of the loan, subparagraph (B) allows a consumer to pay more in interest over the life of the loan in return for lower costs and fees at closing.

Is that correct?

Mr. FRANK of Massachusetts. Yes. That is absolutely what I believe the language says, and it is certainly our intent.

Mr. MILLER of North Carolina. And is it also correct that any payment by the lender to the broker, or to use the language of the bill, any incentive compensation paid by any person to any originator, based on a higher interest rate, is still forbidden?

Mr. FRANK of Massachusetts. Yes. I would say, and let me just read the language at the bottom of page 4 of the manager's amendment. Those payments ''do not vary based on the terms of the loan or the consumer's decision about whether to finance.''

So we have tried to make it very explicit: Flexibility in method does not in any way reduce the prohibitions that have been stated against an incentive to charge more. And if it is necessary for us to say that again more clearly, as some people may think it is, we will find new ways to say it.

Mr. MILLER of North Carolina. I am glad that Mr. FRANK earlier embraced redundancy as a virtue, but I want to continue even though it may be redundant.

The CHAIRMAN. The gentleman's time has expired.

Mr. FRANK of Massachusetts. Will the gentleman yield me 15 seconds out of his time?

The CHAIRMAN. The gentleman from Alabama has not yet been recognized.

Does the gentleman rise in opposition to the bill?

Mr. BACHUS. Mr. Chairman, I claim time in opposition, although I am not opposed to the bill.

The CHAIRMAN. Without objection, the gentleman from Alabama is recognized for 5 minutes.

There was no objection.

Mr. BACHUS. I yield 15 seconds to the chairman of the committee.

Mr. MILLER of North Carolina. So a mortgage originator under this subparagraph, the one we were speaking of a moment ago, will get paid exactly the same in total compensation, including both the compensation paid by the borrower and the compensation paid by the lender, whether the interest rate is 6 or 8 or 10. Is that right?

Mr. FRANK of Massachusetts. Yes. And also, the total cost of the loan has to be the same.

Mr. MILLER of North Carolina. And so any compensation paid by the lender will be backed out dollar for dollar from what the borrower had agreed to pay; is that correct?

Mr. FRANK of Massachusetts. Yes, yes, yes. I feel like I am in Ulysses here.

Mr. MILLER of North Carolina. I thank the gentleman.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. I am grateful to my friend the ranking member and to the chairman, and I do oppose the manager's amendment and the bill. And I don't think there is any difference of

opinion about the crisis in the mortgage markets in America today. I think the difference is on the impact that this bill will have.

The problem in mortgage markets in America today is that for years we had lenders that were giving teaser rate loans, that were taking no paperwork requirements to prove that borrowers had the ability to buy the home and pay for it. And we had lenders making 100 percent, 110 percent, 120 percent loan-to-value loans. And, obviously, that worked fine when property values were increasing. When property values declined, you have got a crisis.

In essence, what has happened is that we have had this wild galloping horse in the credit markets of mortgages that has gotten loose. Now that horse has gotten very sick. There are none of these loans being made. As a matter of fact, credible buyers with paperwork, with 20 or 30 percent equity, can't get access to mortgage loans today in many instances.

What we are doing for this sick horse is to feed it strychnine. The markets having overreacted, we as Congress are going to pile on and kill the horse with poison. And the difference we have about this bill and this manager's amendment is on the impact it will have.

Does it help poor people, middle-income people that want to get access to homeownership? No.

□ 1315

And I would submit for the RECORD an article by Star Parker, who entitles this bill, ''How to Limit Homeownership for the Poor.''

Does this bill help existing homeowners? No, because it will decrease credit availability, which means fewer people will get access to loans. There will be fewer buyers for your home. And the law of supply and demand means that all of our homes will decrease in value because there will be fewer people available to buy.

Who does this bill help? Well, this bill does help landlords. Very few people will be able to buy homes in the future. Very few people will qualify for the credit. So if you are a landlord, you should be thankful. It helps lawyers. As the Wall Street Journal said, this is the 1–800 Sue Your Banker Act. This is the lawyers and landlords relief act.

[From Scripps Howard News Service, Nov. 9, 2007]

HOW TO LIMIT HOME OWNERSHIP FOR THE POOR

(By Star Parker)

The Mortgage Reform and Anti-Predatory Lending Act of 2007 has passed out of Chairman Barney Frank's House Financial Services Committee. It's now headed to the full House for a vote. In the name of protecting the poor from market predators it will in actuality protect the poor from wealth.

This is yet a new chapter in the grand liberal tradition that advances the illusion that government micromanagement of private lives and markets will make us better off. We already have laws against fraud and theft. But for liberals, government isn't there to enforce the law. It's there to run our lives.

The legislation assumes that when private individuals make mistakes they can't figure out what they did wrong and make adjustments and that even if they could they wouldn't.

We're going to wind up with new and onerous regulations in the business of making loans to consumers for purchasing homes, and as a result, fewer loans will be made and we'll all be worse off. Those who will be penalized the most will be the low-income families who the new regulations will supposedly protect.

Should fraud be permitted in our society? No. Should government interfere with private individuals' latitude to determine on their own what risks they wish to take and the willingness of others to finance those risks? Absolutely not.

Frank's bill crosses far over the line into regulating private lives and behavior where he and government have no business.

Why will this hurt the very low-income families it purports to protect?

We already have plenty of experience with the costs of so-called consumer protection laws in general and those designed to regulate mortgage lending in particular.

In a recently published article in the Cato Supreme Court Review, Professor Marcus Cole of the Stanford University Law School discusses the fallout of lending laws in Illinois.

The Illinois Fairness in Lending Act passed in 2005 gives the state oversight authority on loans made in nine designated zip codes in the state. These zip codes are, of course, areas in which residents are mostly lower-income households.

The law places authority in a state bureaucracy to review all applications for mortgages in these designated zip codes. The bureaucrats who review these applications determine if the borrower needs credit counseling and requires the lender to pay for it if required.

The costs of the counseling are estimated to be as high as $700 and can delay the processing of the loan up to a month.

The borrower has no option to forego this counseling, whose objective is ''to protect homebuyers from predatory lending in Cook County's at-risk communities and reduce the incidence of foreclosures.''

What's the result?

Cole reports the following: ''Instead of protecting hardworking would-be homeowners from predatory lending, the new law protected them from credit. Within just a few months more than 30 mortgage lenders refused to lend on homes purchased in the targeted zip codes. Those lenders determined to service these communities saw a rise in their costs, which translated into higher interest rates on their loans.''

The purported cure was worse than the disease. Cole goes on to note that, ''home sales in the designated zip codes dropped an average of 45 percent in just one month after the bill took effect. Home prices plummeted, draining relatively poor but hardworking people of what little equity they had in their homes.''

The experience is similar in other states where governments have authorized bureaucrats to insert themselves between lenders and borrowers. Yes, the number of defaults have declined. They have declined because the number of loans have declined.

The Wall Street Journal reports that currently ''80 percent of subprime loans are being repaid on time and another 10 percent are only 30 days behind.''

These are overwhelmingly loans to low-income families. Probably, under Barney Frank's new regulatory regime, many of these loans would not have been made and the families in these homes would be renting and considerably less wealthy than they are today.

To quote former Texas Rep. Dick Armey, ''freedom works.'' But it can only work if we let it.

Many have paid and are paying a great price for the errors and excesses of recent years. We now should allow private individuals and private markets the opportunity to self correct, which is what will happen.

If government steps in to pre-empt the market and Barney Frank is the one to decide who gets loans, the rich will stay rich, the poor will stay poor, and we'll have one more reason for already skeptical Americans to question the American dream.

Mr. BACHUS. Mr. Chairman, I rise in support of the bipartisan manager's amendment. It makes both technical and substantive changes in the legislation, and I think significant contributions. For example, the amendment incorporates language authored by the gentleman from California (Mr. GARY G. MILLER). His amendment clarifies the bill's anti-steering provisions to ensure that consumers retain the ability to finance points and fees in connection with a mortgage transaction. It also corrects certain problems in the provisions dealing with renters and foreclosed properties that Mr. MARCHANT from Texas raised during the markup. And it addresses some of those problems.

The amendment also includes provisions drafted by the gentlelady from Ohio (Ms. PRYCE) that will give consumers regular updates on the term of their mortgages and advance notice of any impending interest rate adjustments. Now, these are important improvements in the bill. And I again thank Chairman FRANK and the other members who contributed to the manager's amendment, and urge support for the manager's amendment.

I would yield the remaining time that I have to the gentleman from California (Mr. CAMPBELL).

The CHAIRMAN. The gentleman from California is recognized for 1¾ minutes.

Mr. CAMPBELL of California. I thank the ranking member for yielding.

I wish this manager's amendment was going to make this a good bill and improve this bill, but it is not making it a good bill.

We have a patient that is sick. That is the mortgage market. But what we are doing here is practicing medieval medicine. We are bleeding the patient. We're going to make the patient worse.

There's no argument that we ought to be doing something to improve the subprime and generally the mortgage market in this country as it goes forward, but we should not make it worse. And that's what this will do. And it will make it worse by drying up credit. And that's the biggest problem we have right now. People can't get loans for houses. And this is going to make it ever more difficult because it restricts the amount of loans they can get, and it puts in liability as well.

And, you know, it won't hurt the person buying a $1 million house with 50 percent down. That person will be fine. Who it's going to hurt is the person out there buying a $200,000 house with $2,500 in cash and a loan from their uncle. But they've got a good job and they think they can get this thing done. But under this bill, banks and lenders are not going to make that loan. And that's the problem with this bill, and that's why this bill should be roundly defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. KANJORSKI

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–450.

Mr. KANJORSKI. 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. KANJORSKI:

Page 134, after line 13 insert the folowing new titles (and conform the table of contents accordingly):

TITLE VI—MORTGAGE SERVICING

SEC. 601. ESCROW AND IMPOUND ACCOUNTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129B (as added by section 201) the following new section:

"SEC. 129C. ESCROW OR IMPOUND ACCOUNTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.

''(a) IN GENERAL.—Except as provided in subsection (b) or (c), a creditor, in connection with the formation or consummation of a consumer credit transaction secured by a first lien on the principal dwelling of the consumer, other than a consumer credit transaction under an open end credit plan or a reverse mortgage, shall establish, at the time of the consummation of such transaction, an escrow or impound account for the payment of taxes and hazard insurance, and, if applicable, flood insurance, mortgage insurance, ground rents, and any other required periodic payments or premiums with respect to the property or the loan terms, as provided in, and in accordance with, this section.

''(b) WHEN REQUIRED.—No impound, trust, or other type of account for the payment of property taxes, insurance premiums, or other purposes relating to the property may be required as a condition of a real property sale contract or a loan secured by a first deed of trust or mortgage on the principal dwelling of the consumer, other than a consumer credit transaction under an open end credit plan or a reverse mortgage, except when—

''(1) any such impound, trust, or other type of escrow or impound account for such purposes is required by Federal or State law;

''(2) a loan is made, guaranteed, or insured by a State or Federal governmental lending or insuring agency;

''(3) the consumer's debt-to-income ratio at the time the home mortgage is established taking into account income from all sources including the consumer's employment exceeds 50 percent;

''(4) the transaction is secured by a first mortgage or lien on the consumer's principal dwelling and the annual percentage rate on the credit, at the time of consummation of the transaction, will exceed by more than 3.0 percentage points the yield on Treasury securities having comparable periods of maturity on the 15th day of the month immediately preceding the month in which the application of the extension of credit is received by the creditor;

''(5) a consumer obtains a mortgage referred to in section 103(aa);

''(6) the original principal amount of such loan at the time of consummation of the transaction is—

''(A) 90 percent or more of the sale price, if the property involved is purchased with the proceeds of the loan; or

''(B) 90 percent or more of the appraised value of the property securing the loan;

''(7) the combined principal amount of all loans secured by the real property exceeds 95 percent of the appraised value of the property securing the loans at the time of consummation of the last mortgage transaction;

''(8) the consumer was the subject of a proceeding under title 11, United States Code, at any time during the 7-year period preceding the date of the transaction (as determined on the basis of the date of entry of the order for relief or the date of adjudication, as the case may be, with respect to such proceeding and included in a consumer report on the consumer under the Fair Credit Reporting Act); or

''(9) so required by the Board pursuant to regulation.

''(c) DURATION OF MANDATORY ESCROW OR IMPOUND ACCOUNT.—An escrow or impound account established pursuant to subsection (b), shall remain in existence for a minimum period of 5 years and until such borrower has sufficient equity in the dwelling securing the consumer credit transaction so as to no longer be required to maintain private mortgage insurance, or such other period as may be provided in regulations to address situations such as borrower delinquency, unless the underlying mortgage establishing the account is terminated.

''(d) CLARIFICATION ON ESCROW ACCOUNTS FOR LOANS NOT MEETING STATUTORY TEST.—For mortgages not covered by the requirements of subsection (b), no provision of this section shall be construed as precluding the establishment of an impound, trust, or other type of account for the payment of property taxes, insurance premiums, or other purposes relating to the property—

''(1) on terms mutually agreeable to the parties to the loan;

''(2) at the discretion of the lender or servicer, as provided by the contract between the lender or servicer and the borrower; or

''(3) pursuant to the requirements for the escrowing of flood insurance payments for regulated lending institutions in section 102(d) of the Flood Disaster Protection Act of 1973.

''(e) ADMINISTRATION OF MANDATORY ESCROW OR IMPOUND ACCOUNTS.—

''(1) IN GENERAL.—Except as may otherwise be provided for in this title or in regulations prescribed by the Board, escrow or impound accounts established pursuant to subsection (b) shall be established in a federally insured depository institution.

''(2) ADMINISTRATION.—Except as provided in this section or regulations prescribed under this section, an escrow or impound account subject to this section shall be administered in accordance with—

''(A) the Real Estate Settlement Procedures Act of 1974 and regulations prescribed under such Act;

''(B) the Flood Disaster Protection Act of 1973 and regulations prescribed under such Act; and

''(C) the law of the State, if applicable, where the real property securing the consumer credit transaction is located.

''(3) APPLICABILITY OF PAYMENT OF INTEREST.—If prescribed by applicable State or Federal law, each creditor shall pay interest to the consumer on the amount held in any impound, trust, or escrow account that is subject to this section in the manner as prescribed by that applicable State or Federal law.

''(4) PENALTY COORDINATION WITH RESPA.—Any action or omission on the part of any person which constitutes a violation of the Real Estate Settlement Procedures Act of 1974 or any regulation prescribed under such Act for which the person has paid any fine, civil money penalty, or other damages shall not give rise to any additional fine, civil money penalty, or other damages under this section, unless the action or omission also constitutes a direct violation of this section.

''(f) DISCLOSURES RELATING TO MANDATORY ESCROW OR IMPOUND ACCOUNT.—In the case of any impound, trust, or escrow account that is subject to this section, the creditor shall disclose by written notice to the consumer at least 3 business days before the consummation of the consumer credit transaction giving rise to such account or in accordance with timeframes established in prescribed regulations the following information:

''(1) The fact that an escrow or impound account will be established at consummation of the transaction.

''(2) The amount required at closing to initially fund the escrow or impound account.

''(3) The amount, in the initial year after the consummation of the transaction, of the estimated taxes and hazard insurance, including flood insurance, if applicable, and any other required periodic payments or premiums that reflects, as appropriate, either the taxable assessed value of the real property securing the transaction, including the value of any improvements on the property or to be constructed on the property (whether or not such construction will be financed from the proceeds of the transaction) or the replacement costs of the property.

''(4) The estimated monthly amount payable to be escrowed for taxes, hazard insurance (including flood insurance, if applicable) and any other required periodic payments or premiums.

''(5) The fact that, if the consumer chooses to terminate the account at the appropriate time in the future, the consumer will become responsible for the payment of all taxes, hazard insurance, and flood insurance, if applicable, as well as any other required periodic payments or premiums on the property unless a new escrow or impound account is established.

''(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) FLOOD INSURANCE.—The term 'flood insurance' means flood insurance coverage provided under the national flood insurance program pursuant to the National Flood Insurance Act of 1968.

''(2) HAZARD INSURANCE.—The term 'hazard insurance' shall have the same meaning as provided for 'hazard insurance', 'casualty insurance', 'homeowner's insurance', or other similar term under the law of the State where the real property securing the consumer credit transaction is located.''.

(b) IMPLEMENTATION.—

(1) REGULATIONS.—The Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National

Credit Union Administration Board, (hereafter in this Act referred to as the ''Federal banking agencies'') and the Federal Trade Commission shall prescribe, in final form, such regulations as determined to be necessary to implement the amendments made by subsection (a) before the end of the 180-day period beginning on the date of the enactment of this Act.

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall only apply to covered mortgage loans consummated after the end of the 1-year period beginning on the date of the publication of final regulations in the Federal Register.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129B (as added by section 201) the following new item:

''129C. Escrow or impound accounts relating to certain consumer credit transactions.''.

SEC. 602. DISCLOSURE NOTICE REQUIRED FOR CONSUMERS WHO WAIVE ESCROW SERVICES.

(a) IN GENERAL.—Section 129C of the Truth in Lending Act (as added by section 601) is amended by adding at the end the following new subsection:

''(h) DISCLOSURE NOTICE REQUIRED FOR CONSUMERS WHO WAIVE ESCROW SERVICES.—

''(1) IN GENERAL.—If—

''(A) an impound, trust, or other type of account for the payment of property taxes, insurance premiums, or other purposes relating to real property securing a consumer credit transaction is not established in connection with the transaction; or

''(B) a consumer chooses, at any time after such an account is established in connection with any such transaction and in accordance with any statute, regulation, or contractual agreement, to close such account,

the creditor or servicer shall provide a timely and clearly written disclosure to the consumer that advises the consumer of the responsibilities of the consumer and implications for the consumer in the absence of any such account.

''(2) DISCLOSURE REQUIREMENTS.—Any disclosure provided to a consumer under paragraph (1) shall include the following:

''(A) Information concerning any applicable fees or costs associated with either the non-establishment of any such account at the time of the transaction, or any subsequent closure of any such account.

''(B) A clear and prominent notice that the consumer is responsible for personally and directly paying the non-escrowed items, in addition to paying the mortgage loan payment, in the absence of any such account, and the fact that the costs for taxes, insurance, and related fees can be substantial.

''(C) A clear explanation of the consequences of any failure to pay non-escrowed items, including the possible requirement for the forced placement of insurance by the creditor or servicer and the potentially higher cost (including any potential commission payments to the servicer) or reduced coverage for the consumer in the event of any such creditor-placed insurance.''.

(b) IMPLEMENTATION.—

(1) REGULATIONS.—The Federal banking agencies and the Federal Trade Commission shall prescribe, in final form, such regulations as such agencies determine to be necessary to implement the amendments made by subsection (a) before the end of the 180-day period beginning on the date of the enactment of this Act.

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall only apply in accordance with the regulations established in paragraph (1) and beginning on the date occurring 180-days after the date of the publication of final regulations in the Federal Register.

SEC. 603. REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974 AMENDMENTS.

(a) SERVICER PROHIBITIONS.—Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended by adding at the end the following new subsections:

''(k) SERVICER PROHIBITIONS.—

''(1) IN GENERAL.—A servicer of a federally related mortgage shall not—

''(A) obtain force-placed hazard insurance unless there is a reasonable basis to believe the borrower has failed to comply with the loan contract's requirements to maintain property insurance;

''(B) charge fees for responding to valid qualified written requests (as defined in regulations which the Secretary shall prescribe) under this section;

''(C) fail to take timely action to respond to a borrower's requests to correct errors relating to allocation of payments, final balances for purposes of paying off the loan, or avoiding foreclosure, or other standard servicer's duties;

''(D) fail to respond within 10 business days to a request from a borrower to provide the identity, address, and other relevant contact information about the owner assignee of the loan; or

''(E) fail to comply with any other obligation found by the Secretary, by regulation, to be appropriate to carry out the consumer protection purposes of this Act.

''(2) FORCE-PLACED INSURANCE DEFINED.—For purposes of this subsection and subsections (l) and (m), the term 'force-placed insurance' means hazard insurance coverage obtained by a servicer of a federally related mortgage when the borrower has failed to maintain or renew hazard insurance on such property as required of the borrower under the terms of the mortgage.

''(l) REQUIREMENTS FOR FORCE-PLACED INSURANCE.—A servicer of a federally related mortgage shall not be construed as having a reasonable basis for obtaining force-placed insurance unless the requirements of this subsection have been met.

''(1) WRITTEN NOTICES TO BORROWER.—A servicer may not impose any charge on any borrower for force-placed insurance with respect to any property securing a federally related mortgage unless—

''(A) the servicer has sent, by first-class mail, a written notice to the borrower containing—

''(i) a reminder of the borrower's obligation to maintain hazard insurance on the property securing the federally related mortgage;

''(ii) a statement that the servicer does not have evidence of insurance coverage of such property;

''(iii) a clear and conspicuous statement of the procedures by which the borrower may demonstrate that the borrower already has insurance coverage; and

''(iv) a statement that the servicer may obtain such coverage at the borrower's expense if the borrower does not provide such demonstration of the borrower's existing coverage in a timely manner;

''(B) the servicer has sent, by first-class mail, a second written notice, at least 30 days after the mailing of the notice under subparagraph (A) that contains all the information described in each clauses of such subparagraph; and

''(C) the servicer has not received from the borrower any demonstration of hazard insurance coverage for the property securing the mortgage by the end of the 15-day period beginning on the date the notice under subparagraph (B) was sent by the servicer.

''(2) SUFFICIENCY OF DEMONSTRATION.—A servicer of a federally related mortgage shall accept any reasonable form of written confirmation from a borrower of existing insurance coverage, which shall include the existing insurance policy number along with the identity of, and contact information for, the insurance company or agent.

''(3) TERMINATION OF FORCE-PLACED INSURANCE.—Within 15 days of the receipt by a servicer of confirmation of a borrower's existing insurance coverage, the servicer shall—

''(A) terminate the force-placed insurance; and

''(B) refund to the consumer all force-placed insurance premiums paid by the borrower during any period during which the borrower's insurance coverage and the force-placed insurance coverage were each in effect, and any related fees charged to the consumer's account with respect to the force-placed insurance during such period.

''(4) CLARIFICATION WITH RESPECT TO FLOOD DISASTER PROTECTION ACT.—No provision of this section shall be construed as prohibiting a servicer from providing simultaneous or concurrent notice of a lack of flood insurance pursuant to section 102(e) of the Flood Disaster Protection Act of 1973.

''(m) LIMITATIONS ON FORCE-PLACED INSURANCE CHARGES.—All charges for force-placed insurance premiums shall be bona fide and reasonable in amount.

''(n) PROMPT CREDITING OF PAYMENTS REQUIRED.—

''(1) IN GENERAL.—All amounts received by a lender or a servicer on a home loan at the address where the borrower has been instructed to make payments shall be accepted and credited, or treated as credited, on the business day received, to the extent that the borrower has made the full contractual payment and has provided sufficient information to credit the account.

''(2) SCHEDULED METHOD.—If a servicer uses the scheduled method of accounting, any regularly scheduled payment made prior to the scheduled due date shall be credited no later than the due date.

''(3) NOTICE OF NONCREDIT.—If any payment is received by a lender or a servicer on a home loan and not credited, or treated as credited, the borrower shall be notified within 10 business days by mail at the borrower's last known address of the disposition of the payment, the reason the payment was not credited, or treated as credited to the account, and any actions necessary by the borrower to make the loan current.''.

(b) INCREASE IN PENALTY AMOUNTS.—Section 6(f) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(f)) is amended—

(1) in paragraphs (1)(B) and (2)(B), by striking ''$1,000'' each place such term appears and inserting ''$2,000''; and

(2) in paragraph (2)(B)(i), by striking ''$500,000'' and inserting ''$1,000,000''.

(c) DECREASE IN RESPONSE TIMES.—Section 6(e) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(e)) is amended—

(1) in paragraph (1)(A), by striking ''20 days'' and inserting ''10 days'';

(2) in paragraph (2), by striking ''60 days'' and inserting ''30 days''; and

(3) by adding at the end the following new paragraph:

''(4) LIMITED EXTENSION OF RESPONSE TIME.—The 30-day period described in paragraph (2) may be extended for not more than 30 days if, before the end of such 30-day period, the servicer notifies the borrower of the extension and the reasons for the delay in responding.''.

(d) REQUESTS FOR PAY-OFF AMOUNTS.—Section 6(e) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(e)) is amended by inserting after paragraph (4) (as

added by subsection (c) of this section) the following new paragraph:

''(5) REQUESTS FOR PAY-OFF AMOUNTS.—A creditor or servicer shall send a payoff balance within 7 business days of the receipt of a written request for such balance from or on behalf of the borrower.''.

(e) PROMPT REFUND OF ESCROW ACCOUNTS UPON PAYOFF.—Section 6(g) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(g)) is amended by adding at the end the following new sentence: ''Any balance in any such account that is within the servicer's control at the time the loan is paid off shall be promptly returned to the borrower within 20 business days or credited to a similar account for a new mortgage loan to the borrower with the same lender.''.

SEC. 604. MORTGAGE SERVICING STUDIES REQUIRED.

(a) MORTGAGE SERVICING PRACTICES.—

(1) STUDY.—The Secretary of Housing and Urban Development, in consultation with the Federal banking agencies, and the Federal Trade Commission, shall conduct a comprehensive study on mortgage servicing practices and their potential for fraud and abuse.

(2) ISSUES TO BE INCLUDED.—In addition to other issues the Secretary of Housing and Urban Development, the Federal banking agencies, and the Federal Trade Commission may determine to be appropriate and possibly pertinent to the study conducted under paragraph (1), the study shall include the following issues:

(A) A survey of the industry in order to examine the issue of the timely or effective posting of payments by servicers.

(B) The employment of daily interest when payments are made after a due date.

(C) The charging of late fees on the entire outstanding principal.

(D) The charging of interest on servicing fees.

(E) The utilization of collection practices that failed to comply with the Fair Debt Collection Practices Act.

(F) The charging of prepayment penalties when not authorized by either the note or law.

(G) The employment of unconscionable forbearance agreements.

(H) Foreclosure abuses.

(3) REPORT.—Before the end of the 12-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report on the study conducted under this subsection to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) MORTGAGE SERVICING IMPROVEMENTS.—

(1) STUDY.—The Secretary of Housing and Urban Development, in consultation with the Federal banking agencies, and the Federal Trade Commission, shall conduct a comprehensive study on means to improve the best practices of the mortgage servicing industry, and Federal and State laws governing such industry.

(2) REPORT.—Before the end of the 18-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report on the study conducted under this subsection to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, together with such recommendations for administrative or legislative action as the Secretary, in consultation with the Board and the Commission, may determine to be appropriate.

SEC. 605. ESCROWS INCLUDED IN REPAYMENT ANALYSIS.

(a) IN GENERAL.—Section 128(b) of the Truth in Lending Act (15 U.S.C. 1638(b)) is amended by adding at the end the following new paragraph:

''(4) REPAYMENT ANALYSIS REQUIRED TO INCLUDE ESCROW PAYMENTS.—

''(A) IN GENERAL.—In the case of any consumer credit transaction secured by a first mortgage or lien on the principal dwelling of the consumer, other than a consumer credit transaction under an open end credit plan or a reverse mortgage, for which an impound, trust, or other type of account has been or will be established in connection with the transaction for the payment of property taxes, hazard and flood (if any) insurance premiums, or other periodic payments or premiums with respect to the property, the information required to be provided under subsection (a) with respect to the number, amount, and due dates or period of payments scheduled to repay the total of payments shall take into account the amount of any monthly payment to such account for each such repayment in accordance with section 10(a)(2) of the Real Estate Settlement Procedures Act of 1974.

''(B) ASSESSMENT VALUE.—The amount taken into account under subparagraph (A) for the payment of property taxes, hazard and flood (if any) insurance premiums, or other periodic payments or premiums with respect to the property shall reflect the taxable assessed value of the real property securing the transaction after the consummation of the transaction, including the value of any improvements on the property or to be constructed on the property (whether or not such construction will be financed from the proceeds of the transaction), if known, and the replacement costs of the property for hazard insurance, in the initial year after the transaction.''.

TITLE VII—APPRAISAL ACTIVITIES

SEC. 701. PROPERTY APPRAISAL REQUIREMENTS.

Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (u) (as added by section 303(f)) the following new subsection:

''(v) PROPERTY APPRAISAL REQUIREMENTS.—

''(1) IN GENERAL.—A creditor may not extend credit in the form of a mortgage referred to in section 103(aa) to any consumer without first obtaining a written appraisal of the property to be mortgaged prepared in accordance with the requirements of this subsection.

''(2) APPRAISAL REQUIREMENTS.—

''(A) PHYSICAL PROPERTY VISIT.—An appraisal of property to be secured by a mortgage referred to in section 103(aa) does not meet the requirement of this subsection unless it is performed by a qualified appraiser who conducts a physical property visit of the interior of the mortgaged property.

''(B) SECOND APPRAISAL UNDER CERTAIN CIRCUMSTANCES.—

''(i) IN GENERAL.—If the purpose of a mortgage referred to in section 103(aa) is to finance the purchase or acquisition of the mortgaged property from a person within 180 days of the purchase or acquisition of such property by that person at a price that was lower than the current sale price of the property, the creditor shall obtain a second appraisal from a different qualified appraiser. The second appraisal shall include an analysis of the difference in sale prices, changes in market conditions, and any improvements made to the property between the date of the previous sale and the current sale.

''(ii) NO COST TO CONSUMER.—The cost of any second appraisal required under clause (i) may not be charged to the consumer.

''(C) QUALIFIED APPRAISER DEFINED.—For purposes of this subsection, the term 'qualified appraiser' means a person who—

''(i) is certified or licensed by the State in which the property to be appraised is located; and

''(ii) performs each appraisal in conformity with the Uniform Standards of Professional Appraisal Practice and title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and the regulations prescribed under such title, as in effect on the date of the appraisal.

''(3) FREE COPY OF APPRAISAL.—A creditor shall provide 1 copy of each appraisal conducted in accordance with this subsection in connection with a mortgage referred to in section 103(aa) to the consumer without charge, and at least 3 days prior to the transaction closing date.

''(4) CONSUMER NOTIFICATION.—At the time of the initial mortgage application, the consumer shall be provided with a statement by the creditor that any appraisal prepared for the mortgage is for the sole use of the creditor, and that the consumer may choose to have a separate appraisal conducted at their own expense.

''(5) VIOLATIONS.—In addition to any other liability to any person under this title, a creditor found to have willfully failed to obtain an appraisal as required in this subsection shall be liable to the consumer for the sum of $2,000.''.

SEC. 702. UNFAIR AND DECEPTIVE PRACTICES AND ACTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129C (as added by section 601) the following new section:

''SEC. 129D. UNFAIR AND DECEPTIVE PRACTICES AND ACTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.

''(a) IN GENERAL.—It shall be unlawful, in providing any services for a consumer credit transaction secured by the principal dwelling of the consumer, to engage in any unfair or deceptive act or practice as described in or pursuant to regulations prescribed under this section.

''(b) APPRAISAL INDEPENDENCE.—For purposes of subsection (a), unfair and deceptive practices shall include—

''(1) any appraisal of a property offered as security for repayment of the consumer credit transaction that is conducted in connection with such transaction in which a person with an interest in the underlying transaction compensates, coerces, extorts, colludes, instructs, induces, bribes, or intimidates a person conducting or involved in an appraisal, or attempts, to compensate, coerce, extort, collude, instruct, induce, bribe, or intimidate such a person, for the purpose of causing the appraised value assigned, under the appraisal, to the property to be based on any factor other than the independent judgment of the appraiser;

''(2) mischaracterizing, or suborning any mischaracterization of, the appraised value of the property securing the extension of the credit;

''(3) seeking to influence an appraiser or otherwise to encourage a targeted value in order to facilitate the making or pricing of the transaction; and

''(4) failing to timely compensate an appraiser for a completed appraisal regardless of whether the transaction closes.

''(c) EXCEPTIONS.—The requirements of subsection (b) shall not be construed as prohibiting a mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, or any other person with an interest in a real estate transaction from asking an appraiser

to provide 1 or more of the following services:

''(1) Consider additional, appropriate property information, including the consideration of additional comparable properties to make or support an appraisal.

''(2) Provide further detail, substantiation, or explanation for the appraiser's value conclusion.

''(3) Correct errors in the appraisal report.

''(d) RULEMAKING PROCEEDINGS.—The Board, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, and the Federal Trade Commission—

''(1) shall, for purposes of this section, jointly prescribe regulations defining with specificity acts or practices which are unfair or deceptive in the provision of mortgage lending services for a consumer credit transaction secured by the principal dwelling of the consumer or mortgage brokerage services for such a transaction and defining any terms in this section or such regulations; and

''(2) may jointly issue interpretive guidelines and general statements of policy with respect to unfair or deceptive acts or practices in the provision of mortgage lending services for a consumer credit transaction secured by the principal dwelling of the consumer and mortgage brokerage services for such a transaction, within the meaning of subsections (a), (b), and (c).

''(e) PENALTIES.—

''(1) FIRST VIOLATION.—In addition to the enforcement provisions referred to in section 130, each person who violates this section shall forfeit and pay a civil penalty of not more than $10,000 for each day any such violation continues.

''(2) SUBSEQUENT VIOLATIONS.—In the case of any person on whom a civil penalty has been imposed under paragraph (1), paragraph (1) shall be applied by substituting '$20,000' for '$10,000' with respect to all subsequent violations.

''(3) ASSESSMENT.—The agency referred to in subsection (a) or (c) of section 108 with respect to any person described in paragraph (1) shall assess any penalty under this subsection to which such person is subject.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129C (as added by section 601) the following new item:

''129D. Unfair and deceptive practices and acts relating to certain consumer credit transactions.''.

SEC. 703. APPRAISAL SUBCOMMITTEE OF FIEC, APPRAISER INDEPENDENCE, AND APPROVED APPRAISER EDUCATION.

(a) CONSUMER PROTECTION MISSION.—

(1) PURPOSE.—A purpose for the establishment and operation of the Appraisal Subcommittee of the Financial Institutions Examination Council (hereafter in this section referred to as the ''Appraisal Subcommittee'') shall be to establish a consumer protection mandate.

(2) FUNCTIONS OF APPRAISAL SUBCOMMITTEE.—It shall be a function of the Appraisal Subcommittee to protect the consumer from improper appraisal practices and the predations of unlicensed appraisers.

(3) THRESHOLD LEVELS.—In establishing a threshold level under section 1112(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3341(b)), each agency shall determine in writing that the threshold level provides reasonable protection for consumers who purchase 1-4 unit single-family residences.

(b) ANNUAL REPORT OF APPRAISAL SUBCOMMITTEE.—The annual report of the Appraisal Subcommittee under section 1103(a)(4) of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 shall detail the activities of the Appraisal Subcommittee, including the results of all audits of State appraiser regulatory agencies, and provide an accounting of disapproved actions and warnings taken in the previous year, including a description of the conditions causing the disapproval.

(c) OPEN MEETINGS.—All meetings of the Appraisal Subcommittee shall be held in public session after notice in the Federal Register.

(d) REGULATIONS.—The Appraisal Subcommittee may prescribe regulations after notice and opportunity for comment. Any regulations prescribed by the Appraisal Subcommittee shall (unless otherwise provided in this section or title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989) be limited to the following functions: temporary practice, national registry, information sharing, and enforcement. For purposes of prescribing regulations, the Appraisal Subcommittee shall establish an advisory committee of industry participants, including appraisers, lenders, consumer advocates, and government agencies, and hold regular meetings.

(e) FIELD APPRAISALS AND APPRAISAL REVIEWS.—All field appraisals performed at a property within a State shall be prepared by appraisers licensed in the State where the property is located. All Uniform Standards of Professional Appraisal Practice-compliant appraisal reviews shall be performed by an appraiser who is duly licensed by a State appraisal board.

(f) STATE AGENCY REPORTING REQUIREMENT.—Each State with an appraiser certifying and licensing agency whose certifications and licenses comply with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 shall transmit reports on sanctions, disciplinary actions, license and certification revocations, and license and certification suspensions on a timely basis to the national registry of the Appraisal Subcommittee.

(g) REGISTRY FEES MODIFIED.—

(1) IN GENERAL.—The annual registry fees for persons performing appraisals in federally related transactions shall be increased from $25 to $40. The maximum amount up to which the Appraisal Subcommittee may adjust any registry fees shall be increased from $50 to $80 per annum. The Appraisal Subcommittee shall consider at least once every 5 years whether to adjust the dollar amount of the registry fees to account for inflation. In implementing any change in registry fees, the Appraisal Subcommittee shall provide flexibility to the States for multi-year certifications and licenses already in place, as well as a transition period to implement the changes in registry fees.

(2) INCREMENTAL REVENUES.—Incremental revenues collected pursuant to the increases required by this section shall be placed in a separate account at the United States Treasury, entitled the Appraisal Subcommittee Account.

(h) GRANTS AND REPORTS.—

(1) IN GENERAL.—Amounts appropriated for or collected by the Appraisal Subcommittee after the date of the enactment of this Act shall, in addition to other uses authorized, be used—

(A) to make grants to State appraiser regulatory agencies to help defray those costs relating to enforcement activities; and

(B) to report to all State appraiser certifying and licensing agencies when a license or certification is surrendered, revoked, or suspended.

(2) LIMITATION ON OBLIGATIONS.—Obligations authorized under this section may not exceed 75 percent of the fiscal year total of incremental increase in fees collected and deposited in the Appraisal Subcommittee Account pursuant to section 703(g) of this Act.

(i) CRITERIA.—

(1) DEFINITION.—For purposes of this section and title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (notwithstanding section 1116(c) of such title), the term ''State licensed appraiser'' means an individual who has satisfied the requirements for State licensing in a State or territory whose criteria for the licensing of a real estate appraiser currently meet or exceed the minimum criteria issued by the Appraisal Qualifications Board of The Appraisal Foundation for the licensing of real estate appraisers.

(2) MINIMUM QUALIFICATION REQUIREMENTS.—Any requirements established for individuals in the position of ''Trainee Appraiser'' and ''Supervisory Appraiser'' shall meet or exceed the minimum qualification requirements of the Appraiser Qualifications Board of The Appraisal Foundation. The Appraisal Subcommittee shall have the authority to enforce these requirements.

(j) MONITORING OF STATE APPRAISER CERTIFYING AND LICENSING AGENCIES.—The Appraisal Subcommittee shall monitor State appraiser certifying and licencing agencies for the purpose of determining whether a State agency's funding and staffing are consistent with the requirements of title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, whether a State agency processes complaints and completes exams in a reasonable time period, and whether a State agency reports claims and disciplinary actions on a timely basis to the national registry maintained by the Appraisal Subcommittee. The Appraisal Subcommittee shall have the authority to impose interim sanctions and suspensions.

(k) RECIPROCITY.—A State appraiser certifying or licensing agency shall issue a reciprocal certification or license for an individual from another State when—

(1) the appraiser licensing and certification program of such other State is in compliance with the provisions of this title; and

(2) the appraiser holds a valid certification from a State whose requirements for certification or licensing meet or exceed the licensure standards established by the State where an individual seeks appraisal licensure.

(l) CONSIDERATION OF PROFESSIONAL APPRAISAL DESIGNATIONS.—No provision of section 1122(d) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 shall be construed as prohibiting consideration of designations conferred by recognized national professional appraisal organizations, such as sponsoring organizations of The Appraisal Foundation.

(m) APPRAISER INDEPENDENCE.—

(1) PROHIBITIONS ON INTERESTED PARTIES IN A REAL ESTATE TRANSACTION.—No mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, nor any other person with an interest in a real estate transaction involving an appraisal shall improperly influence, or attempt to improperly influence, through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, nonpayment for services rendered, or bribery, the development, reporting, result, or review of a real estate appraisal sought in connection with a mortgage loan.

(2) EXCEPTIONS.—The requirements of paragraph (1) shall not be construed as prohibiting a mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of

an appraisal management company, or any other person with an interest in a real estate transaction from asking an appraiser to provide 1 or more of the following services:

(A) Consider additional, appropriate property information, including the consideration of additional comparable properties to make or support an appraisal.

(B) Provide further detail, substantiation, or explanation for the appraiser's value conclusion.

(C) Correct errors in the appraisal report.

(3) PROHIBITIONS ON CONFLICTS OF INTEREST.—No certified or licensed appraiser conducting an appraisal may have a direct or indirect interest, financial or otherwise, in the property or transaction involving the appraisal.

(4) MANDATORY REPORTING.—Any mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, or any other person with an interest in a real estate transaction involving an appraisal who has a reasonable basis to believe an appraiser is violating applicable laws, or is otherwise engaging in unethical conduct, shall refer the matter to the applicable State appraiser certifying and licensing agency.

(5) REGULATIONS.—The Federal financial institutions regulatory agencies (as defined in section 1003(1) of the Federal Financial Institutions Examination Council Act of 1978) shall prescribe such regulations as may be necessary to carry out the provisions of this subsection.

(6) PENALTIES.—Any person who violates any provision of this subsection shall be subject to civil penalties under section 8(i)(2) of the Federal Deposit Insurance Act or section 206(k)(2) of the Federal Credit Union Act, as appropriate.

(7) PROCEEDING.—A proceeding with respect to a violation of this subsection shall be an administrative proceeding which may be conducted by a Federal financial institutions regulatory agency in accordance with the procedures set forth in subchapter II of chapter 5 of title 5, United States Code.

(n) APPROVED EDUCATION.—The Appraisal Subcommittee shall encourage the States to accept courses approved by the Appraiser Qualification Board's Course Approval Program.

SEC. 704. STUDY REQUIRED ON IMPROVEMENTS IN APPRAISAL PROCESS AND COMPLIANCE PROGRAMS.

(a) STUDY.—The Comptroller General shall conduct a comprehensive study on possible improvements in the appraisal process generally, and specifically on the consistency in and the effectiveness of, and possible improvements in, State compliance efforts and programs in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. In addition, this study shall examine the existing de minimis loan levels established by Federal regulators for compliance under title XI and whether there is a need to revise them to reflect the addition of consumer protection to the purposes and functions of the Appraisal Subcommittee.

(b) REPORT.—Before the end of the 18-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report on the study under subsection (a) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, together with such recommendations for administrative or legislative action, at the Federal or State level, as the Comptroller General may determine to be appropriate.

SEC. 705. CONSUMER APPRAISAL DISCLOSURE.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129D (as added by section 702) the following new section:

"SEC. 129E. CONSUMER APPRAISAL DISCLOSURE.

"In any case in which an appraisal is performed in connection with an extension of credit secured by an interest in real property, the creditor or other mortgage originator shall make available to the applicant for the extension of credit a copy of all appraisal valuation reports upon completion but no later than 3 business days prior to the transaction closing date.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129D (as added by section 702) the following new item:

"129E. Consumer appraisal disclosure.".

The CHAIRMAN. Pursuant to House Resolution 825, the gentleman from Pennsylvania (Mr. KANJORSKI) and a member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I've long said that predatory lending is a complex problem that requires a comprehensive solution. The adoption of my amendment will make this bill more complete.

This amendment is based on the Escrow, Appraisal and Mortgage Servicing Improvements Act, H.R. 3837, which the Financial Services Committee approved last week on a voice vote. In brief, this amendment would improve mortgage servicing, better escrowing practices, and enhance appraiser oversight.

I am pleased that several Members of both sides of the aisle have joined me to put forward this worthwhile amendment. This proposal also has the support of many outside of this Chamber, including the Appraisal Institute, the National Association of Realtors, the National Association of Mortgage Brokers, and the Center for Responsible Lending, to name a few.

While there are many components to this proposal, I would like to highlight three of its key provisions. First, it would mandate the establishment of escrows for those borrowers who meet certain tests to protect them from tax liens and costly force placed insurance. We have learned that the subprime borrowers are substantially less likely than prime borrowers to have escrows, even though they are more likely to need help in budgeting for these substantial expenses.

Secondly, the amendment reforms mortgage servicing by mandating swifter response times to consumer inquiries. This change ought to help ensure that those homeowners who need help in the coming months will receive expedited assistance from their mortgage servicers.

Third, the amendment would establish enforceable national appraisal independence standards with sufficient penalties. The appraisal field is one that demands reform, as evidenced by 90 percent of the appraisers reporting pressure to inflate values. Appraisals verify the value of the collateral for the buyer, the seller, the lender, and the investor. Protection from pressure is, therefore, vital.

Two other issues in this amendment that deserve mention today include the prompt crediting of payments by servicers and providing borrowers with timely access to all appraisals. Going forward, we will work to polish the wording of the former. We will also conform the language of the latter to the existing standards of the Equal Credit Opportunity Act.

In sum, Mr. Chairman, my amendment should be part of the legislative response to improve lending practices and enhance accountability. I encourage every one of my colleagues to support this.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I claim the time in opposition, although I am not opposed.

The CHAIRMAN. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Mr. Chairman, I would like to echo the remarks of Mr. KANJORSKI and thank him and my colleagues, Mr. HODES, Mrs. CAPITO and Ms. MOORE, for working on this amendment, which is based on H.R. 3837, the Escrow, Appraisal and Mortgage Servicing Improvements Act.

Overall, this amendment addresses deceptive, abusive and fraudulent mortgage lending practices related to titles on escrow accounts, mortgage servicing and appraisals. We worked hard following our markup last week to clean up language in this amendment regarding the prompt crediting of payments and Truth in Lending Act and the Real Estate Settlement Procedures Act, commonly known as RESPA, liability, in addition to making several more technical changes.

We have more to do, especially further developing the language in the payments and escrow sections in this bill; but I'm confident that, based on the bipartisan progress that we've made this far, we can work out our differences as the bill continues to move through the legislative process.

Again, I thank Mr. KANJORSKI and my colleagues from both sides of the aisle for their hard work and cooperation on this amendment. It has broad bipartisan support, and I urge my colleagues to vote for it.

I reserve the balance of my time.

Mr. KANJORSKI. Mr. Chairman, may I inquire what time we have left.

The CHAIRMAN. The gentleman from Pennsylvania has 2 minutes. The gentlewoman from Illinois has 3½ minutes.

Mr. KANJORSKI. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Mr. Chairman, I thank Representative KANJORSKI, the chairman of the Capital Markets Subcommittee, for yielding me this time.

I believe that this amendment is a good complement to Chairman FRANK's antipredatory lending bill, and I commend colleagues on both sides of the

aisle for the bipartisan nature of this amendment, which is similar to H.R. 3837, the bill of which I was a proud cosponsor.

Many of my constituents have had problems with their mortgage servicers. This amendment makes sure that servicers provide faster responses to consumer inquiries and provides increased penalties for abusive servicing practices.

Escrows help homeowners pay their property taxes on time, but many homeowners are unaware of the total cost of the loan because the exact amount of taxes and insurance isn't disclosed at the time of closing. This amendment would make sure that homeowners are informed of the actual amount of the loan, including the escrow payments.

And also, lastly, faulty appraisals have been a huge problem and can have a devastating impact on a family's single largest investment, their home. If the initial appraisal is inaccurate, reselling the home for what the family paid can be nearly impossible.

The amendment creates a Federal independent standard for appraisals enforced by tough penalties.

I urge my colleagues to support the amendment.

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

Mr. KANJORSKI. Mr. Chairman, I yield 1 minute to the gentlelady from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Chairman, I'll be brief.

I hope that with Mr. FRANK's bill, we can see that these exotic products have created a crisis in the mortgage industry. But as Attorney General Cuomo from New York said, any real estate scam, at the very base and root of it, is a faulty and a bad appraisal.

This is a very commonsense regulation, and I congratulate Mr. KANJORSKI and my other co-authors for bringing this forward.

This amendment is about putting the interests of homebuyers first.

Buying a home is daunting enough without having to worry that the people that supposedly work for you aren't on your side.

The safeguards in this amendment—the independence standards for appraisers and provisions that strengthen Federal oversight of the appraisal process will assure homebuyers that the home they are purchasing hasn't been inflated in "perceived" value by an unscrupulous appraiser.

A bad appraisal can also make it impossible for a subprime borrower to refinance—what happens when they try to get into a prime loan and a responsible bank wants a responsible appraisal done? That's when the other shoe drops and the homeowner finds out they've been duped.

These safeguards would protect consumers, but would also benefit the secondary market and our economy.

When a mortgage is sold on the secondary market, investors need to know that the securities they hold are backed up by a home that has been appraised accurately.

Further, the amendment's requirements that subprime and other at-risk borrowers receive an escrow account will protect those borrowers from huge end-of-the-year tax bills and will reduce foreclosures.

I urge my colleagues to support the Kanjorski-Biggert-Capito-Hodes-Moore amendment.

Mrs. BIGGERT. Mr. Chairman, I yield the remainder of my time to the gentleman from Alabama, the ranking member, Mr. BACHUS.

Mr. BACHUS. Mr. Chairman, I rise in strong support of this bipartisan amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI). The amendment, among other things, enhances the integrity of the appraisal process, and requires the taxes and insurance on subprime mortgages be escrowed. These are two glaring problems in today's subprime market, and I think both these requirements will go a long way towards making these loans sounder and reducing the number of foreclosures and delinquencies.

These issues are ones that the gentleman from Pennsylvania has worked on for many years. He deserves credit for an amendment that will improve many key aspects of the mortgage origination, servicing, and appraisal process; and I compliment him.

Chairman KANJORSKI worked closely with my colleagues, Ranking Members JUDY BIGGERT and SHELLEY MOORE CAPITO, in crafting the amendment. And the three of them actually offered the amendment that addresses legitimate administrative and operational concerns that have been raised, not only by consumer groups, but by the industry itself. And the mortgage appraisers, or the Appraisers Institute, actually endorsed this measure. And it maintains the underlying bill's strong consumer protection.

□ 1330

And this amendment offers additional strong protections.

I commend all three of our colleagues for their efforts and urge support for the amendment.

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

Mr. KANJORSKI. I thank the ranking member and the ranking lady of the subcommittee. What a pleasure it was to work on this.

I want to say to all my colleagues that may be listening to our discussion today, this is a perfect example of how this House can find bipartisan support for a very complicated issue.

This amendment sounds like an amendment, but it's a 44-page bill standing on its own, which we are hoping to attach to Mr. FRANK's bill so that we solve all of the major problems remaining that can be solved today and then move on to mitigation of loss in the future.

I urge all of my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI).

The amendment was agreed to.

Mr. FRANK of Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. KAPTUR) having assumed the chair, Mr. CARDOZA, 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. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes, had come to no resolution thereon.

PERMISSION TO OFFER AMENDMENT NO. 16 OUT OF SEQUENCE DURING FURTHER CONSIDERATION OF H.R. 3915

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that during further consideration of H.R. 3915 in the Committee of the Whole pursuant to House Resolution 825, amendment No. 16 may be considered out of sequence.

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

There was no objection.

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 825 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3915.

□ 1332

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes, with Mr. CARDOZA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 2 by the gentleman from Pennsylvania (Mr. KANJORSKI) had been disposed of.

AMENDMENT NO. 3 OFFERED BY MRS. MALONEY OF NEW YORK

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–450.

Mrs. MALONEY of New York. 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 Mrs. MALONEY of New York:

Page 66, after line 3, insert the following new paragraph (and redesignate the subsequent paragraph accordingly):

''(2) PHASED-OUT PENALTIES ON QUALIFIED MORTGAGES.—A qualified mortgage (as defined in subsection (c)) may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal after the loan is consummated in excess of the following limitations:

''(A) During the 1-year period beginning on the date the loan is consummated, the prepayment penalty shall not exceed an amount equal to 3 percent of the outstanding balance on the loan.

''(B) During the 1-year period beginning after the period described in subparagraph (A), the prepayment penalty shall not exceed an amount equal to 2 percent of the outstanding balance on the loan.

''(C) During the 1-year period beginning after the 1-year period described in subparagraph (B), the prepayment penalty shall not exceed an amount equal to 1 percent of the outstanding balance on the loan.

''(D) After the end of the 3-year period beginning on the date the loan is consummated, no prepayment penalty may be imposed on a qualified mortgage.''.

Page 66, after line 11, insert the following new paragraph:

''(4) OPTION FOR NO PREPAYMENT PENALTY REQUIRED.—A creditor may not offer a consumer a residential mortgage loan product that has a prepayment penalty for paying all or part of the principal after the loan is consummated as a term of the loan without offering the consumer a residential mortgage loan product that does not have a prepayment penalty as a term of the loan.''.

The CHAIRMAN. Pursuant to House Resolution 825, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I yield myself 3 minutes.

This amendment, which I am offering with my good friend and colleague from New Jersey, ALBIO SIRES, addresses prepayment penalties and prime loans. This is a well-balanced amendment that has gained the support both of consumer groups and industry.

Prepayment penalties are designed to deter borrowers from refinancing, or just paying off their loans. This seems unfair; why should anyone be penalized for paying off their loans? Why should borrowers not be able to take advantage of a better offer if it becomes available? Isn't that how the free market system is supposed to work?

The underlying bill prohibits prepayment penalties on subprime loans and requires that prepayment penalties on prime loans expire 3 months before a loan resets. But I think we need to offer all borrowers, including prime borrowers, an alternative to loans with prepayment penalties. At the most, prepayment penalties should last 3 years, the time needed for lenders to recover their investment.

Mortgage lenders argue that prepayment penalties enable them to offer loans at lower interest rates because they are assured of income for a period of time. Our amendment just requires them to offer prime borrowers an informed choice. If a lender offers a borrower a loan with a prepayment penalty, they also have to offer that borrower a loan with no prepayment penalty.

Also, our amendment would limit the period of prepayment penalties to 3 years and limit the amount of the penalty to 3 percent of the outstanding balance in the first year, 2 percent in the second, and 1 percent in the third. This standard has already been adopted in many States and is often referred to as the ''California standard.'' It represents what reputable lenders consider best practices. Prepayment penalties beyond 3 years are simply unjustified by any market need.

This is a balanced amendment that gives lenders adequate security and the option to offer prime loans with prepayment penalties, but also gives prime borrowers a choice to avoid prepayment penalties if they so wish. It is a sensible and necessary step to improved disclosure and improved choice.

I urge my colleagues to support it.

Madam Chairman, I reserve the balance of my time.

Mr. FEENEY. Madam Chairman, I claim the time in opposition.

The Acting CHAIRMAN (Ms. KAPTUR). The gentleman from Florida is recognized for 5 minutes.

Mr. FEENEY. I appreciate the gentlelady's amendment. And I suppose I can't argue that it does a great deal of harm under the bill, because what the bill essentially does is it takes millions of potential homebuyers and makes them ineligible, as a practical matter, for loans. And so all we're doing is taking those million people that can't get loans and saying one more type of loan they can't get is a loan with a prepayment penalty that lasts longer than 3 years built in.

Having said that, assuming some potential homebuyers escape the penalties under this bill and they actually do qualify to get a loan that puts them in a house that they like and that's affordable, what the gentlelady's amendment does is to make the marginal interest rate they may have to pay higher.

As the gentlelady said, lenders have demonstrated, I think conclusively, that there are lower interest rates available at times if you have a prepayment penalty built in because they know that that loan is going to be out there for 15, 20 or 30 years putting a stream of money into the pocket of the lender. That's why they do the more attractive long-term interest rate.

Now, I happen to not like prepayment penalties. Most Americans move a lot. But there are Americans, for example, on a fixed income that are retired and have a pension and they know they're going to be in a house for a long period of time and they don't mind a prepayment penalty.

What the gentlelady does is to take choices away from homeowners. By the way, I agree with the notion that we ought to have informed consent. There is nobody here arguing that we shouldn't inform consumers what the prepayment penalty is, what the consequences can be. What we are suggesting is that when you limit for 3 years the amount of the prepayment penalty, there are some homebuyers that otherwise would be able to get an attractive interest rate, buy the home of their dreams, stay in that home for 15 or 20 years and never pay the penalty that will never, ever get to move into that home because the gentlelady thought, in general, prepayment penalties are a bad idea for everybody. They are a bad idea for some people. If you move a lot, if you're going to have your circumstances changed, they can be a very bad idea. I negotiated a slightly higher interest rate because I do not have a prepayment penalty on my mortgage, but I think that individual free men and women, after they are informed, ought to be making these choices and not the Congress of the United States.

Again, I don't think this is a horrendous amendment because what the bill does is to say to millions of potential borrowers, as a practical matter, they will be ineligible going forward to get access to credit. But this makes a really bad bill marginally worse.

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

Mrs. MALONEY of New York. Mr. Chairman, I yield the remainder of my time to my colleague who has personal experience with prepayment penalty abuses.

The CHAIRMAN. The gentleman from New Jersey is recognized for 2½ minutes.

Mr. SIRES. I rise in support of this amendment. And this amendment, all it affords is a choice.

I want to thank Congresswoman MALONEY for her hard work and leadership on this issue, and I appreciate some of the concerns that I had on this amendment.

Let me just share a personal story. Before coming to Congress, I was part owner of a title insurance agency, and I have taken out a couple of mortgages in my time. It is fair to say that I had more knowledge about mortgages than the average consumer, and certainly more than a first-time home buyer. Yet, when I sold my home, I sold my home for the reason to come to Congress, I was shocked to learn that I owed $7,500 as a prepayment penalty. The circumstances that I sold the home were the fact that I was elected to Congress, that I had to disassociate myself with the property. If I was surprised by this penalty, imagine how surprised someone with less experience and knowledge would be. That is why I strongly support this amendment. It

presents the consumer with the necessary information so they can make an appropriate choice for their family.

The amendment also recognizes that the market should have the flexibility to offer prepayment penalties, and that the secondary market must have confidence that the mortgages they buy and sell are more secure.

Our amendment does not prohibit prepayment penalties on prime mortgages, nor does it cap the penalties at unreasonable levels. The penalties allowed by this amendment conform to industry best practices.

And I said it before, I strongly support this amendment. It is friendly to consumers and business. It would only serve to improve all mortgage transactions, which will ensure that the mortgage market has some stability.

I encourage all my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. WATT

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–450.

Mr. WATT. 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. WATT:

Page 46, line 7, insert ''the greater of actual damages or'' after ''shall not exceed''.

The CHAIRMAN. Pursuant to House Resolution 825, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

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

The bill, as currently constructed, caps damages at the amount of three times the broker or lender fees for steering. It's crucial to increase the remedies for steering so that a limited remedy does not simply get figured into the cost of doing business. A more effective way of changing broker behavior would be to provide a remedy that provides for the greater of actual damages, or three times the broker or lender fees, because it is unlikely that we will incentivize people not to steer unless we make the penalties sufficiently onerous.

We want to eliminate the possibility that a lender will simply treat the remedy in the bill as a cost of doing business, and we believe that making the damages alternatively three times the broker's fees or actual damages will have more impact on reducing this bad kind of conduct. That's what the amendment does.

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

□ 1345

Mr. BACHUS. Mr. Chairman, I am opposed to the amendment and claim time in opposition.

The CHAIRMAN. The gentleman from Alabama is recognized for 5 minutes.

Mr. BACHUS. Mr. Chairman, in my opening statement I talked about the fact that we had had negotiations over the past 2 years trying to really gain a balance in this legislation between lender and borrower to ensure that credit is still available to borrowers, to ensure that there was proper incentive for lenders to make loans which did not violate this act. And I believe, in fact, we have done that. It's a careful balance. And I must say that I think the sense of proportionality in the amount of damages to be awarded that we have it right. But I believe this amendment would increase potential damages and is not warranted.

We are not trying to create a right of actions in this lawsuit. We are trying to discourage lenders from making predatory loans. And if they do make predatory loans, then our function here is for them to pay reasonable compensation and also to cure that loan or to make things right. And I believe that the underlying bill, not this amendment, strikes the right balance between consumers and originators.

I also believe that this amendment might unknowingly remove the incentive for an originator to originate a loan. As some of my colleagues on this side have cautioned, they believe the bill already does that. And I believe this would just be additional evidence to those who are already opposed to the bill that we have the right set of incentives and rights and liabilities under the bill.

At this time I would like to yield 1 minute to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Chairman, I support this bill, and I appreciate the work that my friend Mr. WATT has performed. But with respect to this amendment, I have to oppose this amendment.

One of the things that Mrs. BIGGERT talked about was five principles that she saw in this bill. There is also a sixth principle of real estate and financing, and that is certainty. And what I fear is by making this the greater of actual damages or triple damages, triple being the amount of money that the mortgage originator made, at least he can figure out what that is. Actual damages really does just set the prelude for a lawsuit or a major controversy.

So I support this bill. I don't support the amendment. And I am going to urge a ''no'' vote on the amendment.

Mr. BACHUS. Mr. Chairman, at this time I would like to yield such time as he may consume to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chairman, I continue to be concerned about the increased liability exposure that is being introduced into the market creating even greater uncertainty at a time that many of us believe that we need even more liquidity in the market as we're looking at facing all of these subprime adjustable resets.

So, again, I find it somewhat odd that when we look at the Federal Reserve that appears to be pushing on the accelerator, this committee wants to push further on the brake.

And anytime you add increased liability upon a standard that many of us believe to be highly subjective, dealing with such terms as ''appropriate,'' ''net tangible benefit,'' ''predatory characteristics,'' you are going to chase more people out of the marketplace. Fewer people are going to want to originate these mortgages. You are deciding de facto with this amendment that there is some portion of Americans who are going to be denied their homeownership opportunities. Now, I can't tell you what their names are. I don't know exactly who they are. But there are just millions and millions of Americans who are just barely going to qualify to be able to get into their own home or keep their own home. And I hear from them every single day.

I've heard from the Kirkland family in Athens, Texas, in the Fifth Congressional District that I have the honor of representing. They wrote to me: ''Dear Congressman, I think Congress should not ban subprime loans. I think it lets people buy a home, improve their life, and own a piece of the dream.''

Now, this bill doesn't outlaw all subprime loans. The amendment doesn't outlaw all subprime loans. But there is a universe of subprime loans that de facto are going to be outlawed by the increased liability exposure in this amendment, and people like the Kirkland family will no longer own their home, and that is wrong.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Chairman, I have said before that the remedies under this bill are very modest. They are so modest, in fact, that a great many consumers who have actually been harmed, who have clearly been wronged, who have clearly entered into a mortgage that violated the law are not going to have much they can do about it.

The other side calls this bill a trial lawyer bonanza, Mr. Chairman. Not many people are going to even find a lawyer who can bring a claim like this.

This takes very modest remedies and improves them only slightly. It's not going to provide for punitive damages or pain and suffering. It's just their out-of-pocket loss if they entered into a mortgage that violated the law. Again, the remedies are very modest. This makes them only slightly less modest.

Mr. WATT. Mr. Chairman, I yield myself the balance of my time.

I have listened to and acknowledged the concerns that are raised by the

other side and by Mr. PERLMUTTER from our side about this provision.

It is clear that certainty has value. But certainty when certainty is unfair and when you are trying to discourage a particular act such as steering a borrower to a higher priced loan, if you don't put in the bill the ability of people to get the actual damages that they incur as a result of being steered to a higher priced loan, then you are not going to deter the activity. Many unsavory people will treat this just as a cost of doing business because the reward for steering is so high that they can incur that risk for nine transactions and get rewarded and pay the cost of the risk on the one transaction that they might get caught on.

So if you really want to deter people from steering to the highest cost loan, you've got to provide an effective remedy that deters them from doing that. That's all I am trying to do. If people don't engage in this activity, there are no remedies. We don't even need any remedies. But where they engage in an activity that we have acknowledged under the bill is an undesirable activity, we have outlawed it. We have said thou shalt not steer to a higher cost loan. If you don't provide a remedy that is commensurate with that, then what you are saying to the market is you don't really care.

So I think this amendment is good, and I encourage my colleagues to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BACHUS. 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 North Carolina will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. PRICE OF GEORGIA

The CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 110–450.

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. PRICE of Georgia:

Page 36, line 25, insert ''or a qualified mortgage (as defined in section 129B(c)(3)(B))'' before the period at the end.

The CHAIRMAN. Pursuant to House Resolution 825, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I want to draw my colleagues' attention to what it is we are doing here today and what they think we might be doing. I would suggest, Mr. Chairman, today we are considering legislation that will change the way the mortgage industry is regulated in its entirety. Not just for the subprime market, in its entirety.

I and others are fond of saying that Congress does two things very well: one is nothing and two is overreact. And here today we are considering what the Wall Street Journal has dubbed the Sarbanes-Oxley for the housing industry. As you will recall, Mr. Chairman, there is general consensus that the Sarbanes-Oxley legislation that was passed was indeed an overreaction and resulted in damage to the business arena and also decreased jobs across our Nation.

What the Wall Street Journal has said about this bill is that it's ''an attempt to punish business in general for the excesses of an unscrupulous few and the perverse incentives created by Washington policy.'' Hence Sarbanes-Oxley for the housing industry.

Now, we have had a period here where some credit, some loans were unwisely given and that allowing individuals, allowing Americans to purchase homes and to realize their American Dream is a good thing.

For this reason I am offering an amendment that would limit this legislation to the area of lending that is of most concern today, that is, the subprime arena. Again, this bill regulates more than just the subprime market. Despite the fact that at our hearing in our committee on the legislative proposals, and we had an array of witnesses from all across the market and all across the political spectrum, during 9 hours of hearings, not a single individual, not one, advocated that we change the way that all mortgages are regulated. But that's what we are doing here with this bill today.

What we heard from those testifying was that they agreed that the subprime market might be underregulated, but not the prime market, not the jumbo market, not the other markets. What they said was that something needed to be done with the subprime market. Now, why are we here today? Well, there must be something else going on.

Later in that hearing, Chairman FRANK asked the third panel, comprised of representatives of various segments of the industry, a similar question: Do you think that all of the loans that were made over the last couple of years in the subprime area should have been made? And the panel's answer was clear: no, not all loans.

It's worth noting that Mr. Lackritz, the president and CEO of the Securities Industry and Financial Markets Association, appropriately pointed out to the chairman that there was obviously credit that was imprudently granted, but that we have to also think at the same time that it's important that we take a lot of pride in what this committee has done and in what the industry has done to broaden the circle of homeownership. Don't ban that, he said. Don't ban that. Yet that's exactly what will happen if this legislation passes.

Mr. Dugan, from the Office of the Comptroller of the Currency, testified that as a result of this legislation ''some creditworthy borrowers would be denied loans.''

For that reason, I believe it is important that we focus and take a measured approach. Adopt this amendment and we will confine the bill to the area that everyone says needs some assistance, where everyone says there is a problem: the subprime arena.

Mr. Chairman, there are 44 million mortgages out there across our Nation. Fourteen percent of them are in the subprime arena. Fifteen percent of those are challenged. That is a challenge for those individuals who are having that difficulty right now, but that doesn't call for entire re-regulation of the overall market. In the prime area, 3 percent of those loans are challenged. All loans, all loans, including prime loans, would be subject to the murky new requirements of this legislation which would require lenders to determine if borrowers have ''a reasonable ability to pay'' or a ''net tangible benefit'' from the refinancing of their loan. There is no reason to restrict the availability and the affordability of prime loans to eligible borrowers, especially when we have demonstrated how well these loans are operating even in today's market.

For that reason, I urge the adoption of the amendment. Let's not subject prime loans that are operating well today to the same burdensome regulation that is proposed for subprime loans.

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

□ 1400

Mr. SCOTT of Georgia. I rise to oppose the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Georgia. Mr. Chairman, the Price amendment attempts to exempt prime loans from the requirement of the bill. The Price amendment takes out prime loans from the definition of residential mortgage loans. Now, Mr. Chairman, this is one of the most significant financial crises that has impacted every sphere of our economy. While, yes, subprime issues may be at the eye of the storm, these winds are howling and they are blowing fierce and hard throughout every length and breadth of this country. More than three-fourths of Americans with mortgages have prime loans. The Price amendment will do one essential thing. It will deprive the vast majority of Americans, 78 percent of Americans will be deprived by his amendment of the many important critical protections in this bill.

Mr. Chairman, all Americans need consumer protections against risky loans. This crisis has weakened the entire American economy. Look at

Citigroup. Look at Countrywide. Major Fortune 200, 500 corporations have suffered tremendously. That has a ripple effect and has made millions of middle- and upper-income American families, as well as the lower-income families less secure. All Americans deserve to have the protections to stop bad loans from being made in the first place.

We need to make sure that both prime and subprime consumers get mortgages that they can repay. We need to make sure that prime and subprime mortgageholders are strengthened by consumer protections against reckless, abusive lending practices for both prime and subprime, and we need to make sure that both prime and subprime borrowers are not steered into more expensive mortgages. For example, Mr. Chairman, for prime borrowers, the Price amendment removes the important requirement in this bill that mortgage originators comply with what is known as ''Federal duty of care.'' By that we mean what we have under this bill, where mortgage originators have to offer prime borrowers full disclosures that are mandated by the bill. This bill ensures that all borrowers can make informed decisions when taking out loans. All borrowers deserve that, both prime and subprime.

Also under our bill, mortgage originators must present all borrowers, including prime borrowers, with the range of loan products that the borrowers can repay or that provide them with a net tangible benefit. The question was raised, what is net tangible benefit? It is making sure that the loan doesn't leave you in a worse-off position, for example, such as when you refinance, where your cash-out is less than the fees that you are paying.

The Price amendment also would take away this important protection from our borrowers. It removes the protection of prime borrowers against steering. This is critically important, as the gentleman from North Carolina that preceded me talked about. This carefully crafted bill requires strong rules against talking borrowers into more expensive loans that they cannot afford.

Mr. Chairman, both subprime and prime borrowers deserve that. These 78 percent of homeowners, borrowers would not have that kind of protection if we adopt the Price amendment. We need to protect our borrowers, both prime and sub, from having borrowers being talked into loans that have predatory characteristics like equity stripping, they do that for prime as well as subprime, excessive fees that leave them in a worse position than they were before.

The Price amendment would take away the important consumer protection that protects a consumer from loans they cannot repay, does not provide the tangible benefit, and then, Mr. Chairman, one important measure that treats borrowers differently based on race. At the bottom of this is this tug of war in this whole fight because this is targeted. There are many African Americans who are target or are prime, but they are targeted to move into subprime.

This issue bleeds all across the horizon, Mr. Chairman. This amendment that Mr. PRICE is offering severely weakens and guts this measure and deprives all Americans from having the equality of protection under the law. It must be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. 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 Georgia will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–450 on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. WATT of North Carolina.

Amendment No. 16 by Mr. PRICE of Georgia.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

AMENDMENT NO. 4 OFFERED BY MR. WATT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. WATT) on which further proceedings were postponed and on which the ayes 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 169, noes 250, not voting 18, as follows:

[Roll No. 1112]

AYES—169

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bordallo
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carnahan
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Conyers
Costello
Courtney
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Duncan
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Markey
Marshall
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (WI)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Norton
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pomeroy
Price (NC)
Rangel
Reyes
Richardson
Rodriguez
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sires
Skelton
Slaughter
Solis
Space
Stark
Stupak
Sutton
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—250

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Chabot
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Farr
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe

Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Schiff
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Bono
Capuano
Carson
Cubin
Doyle
Fortuño
Hinojosa
Jindal
Kilpatrick
Kucinich
Linder
Mack
Moran (VA)
Oberstar
Paul
Ruppersberger
Saxton
Weller

□ 1431

Messrs. KELLER of Florida, SHULER, ROGERS of Alabama, DAVIS of Alabama, FARR, CARNEY, McINTYRE, COHEN, SPRATT, RAHALL and Mrs. BOYDA of Kansas changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. FRANK OF Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having assumed the chair, Mr. CARDOZA, 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. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes, had come to no resolution thereon.

FAREWELL REMARKS OF THE HONORABLE DENNIS J. HASTERT, MEMBER OF CONGRESS

The SPEAKER. The Chair recognizes the distinguished Speaker of the House, DENNIS HASTERT of Illinois.

Mr. HASTERT. Madam Speaker, as Members of Congress, we are not here just to vote, but to speak; to give voice on this floor to the aspirations of our constituents, so this place where we speak, the Well of the House, is very special to me.

When I was a freshman Congressman in 1987, I delivered my first remarks from this podium. Twelve years later, on January 6, 1999, when I was first sworn in as Speaker, I made my acceptance speech from here as well. I explained at the time that I was breaking the tradition of the Speaker by making my acceptance remarks not from the Speaker's chair, because my legislative home is here on the floor, with you, and so is my heart.

Well, my heart is still here, and always will be. But the Bible reminds us in the book of Ecclesiastes, ''To everything there is a season; a time for every purpose under heaven.'' I think that pretty much sums up our existence in this place.

So now, after 21 years serving the people of Illinois in this House, the time has come for me to make my last speech from this podium. Our Founding Fathers envisioned a citizen legislature, and it is time for this legislator to return to being a private citizen.

Madam Speaker, when I was reelected as Speaker of this House in January of 2003, I was able to congratulate you on being the first woman to be nominated as Speaker. Just four short years later, you surpassed that achievement and became the first woman elected as Speaker. And I have to admit that as we went into that 2006 election, I was hoping that you would put off that achievement just a little bit longer. I think all of us in this House, regardless of party or our affiliation, were proud to be serving when that glass ceiling was shattered.

I would also like to thank you, Madam Speaker, for the many courtesies that you have shown me as a former Speaker of this House during the past year, including the opportunity to formally say good-bye to all of my colleagues here today.

I will get myself into trouble if I start singling out Members in these remarks. I owe so much to so many of you; for your friendship, for the many things you have taught me, and for your support during some very difficult days, such as the aftermath of 9/11 when I became a wartime Speaker.

But I would be remiss if I did not extend a heartfelt ''thank you'' to my colleagues and former colleagues in the Illinois congressional delegation and my freshman class of 1986. We have accomplished much working together.

I also want to thank my leader, the gentleman from Ohio (Mr. BOEHNER) and his fellow Republican leaders, who head a vibrant minority, the largest Republican minority since 1955, a minority that is demonstrating to the country that it should, and I think will, lead this House yet again some day.

I also want to thank the chairman of the Energy and Commerce Committee, the dean of this House, the gentleman from Michigan (Mr. DINGELL) who for four times administered to me the Oath of Office as Speaker. You, Chairman DINGELL, and our Republican leader on the committee, Mr. BARTON, welcomed me home to the committee. I have enjoyed working this past year as we have tried to tackle some of the most important issues that face our Nation, such as energy security, health care and telecommunications, and for that I thank both of you gentlemen.

More than 25 years ago when I entered politics, I never envisioned that this former teacher and wrestling coach from Kendall County, Illinois, would have the opportunity to lead the United States House of Representatives. It was you, the Members of this House, who gave me that opportunity longer than any other member of my party in history, and I am grateful to you.

Becoming Speaker was a very humbling experience, an opportunity that only 51 men and one woman have ever had since 1789. I suspect that sitting here in this Chamber are several men and women who will some day have the honor to be Speaker of this House. But whether that honor comes your way or not, you are already the trustee of one of the most wonderful jobs that anyone wanting to serve their country can have. You are a Member of the United States House of Representatives, entrusted by more than 700,000 people, citizens, to represent them.

Eleven times the voters of the 14th District of Illinois hired me as their representative. It has been a journey that we have traveled together, and every year brought new challenges. I am proud of so many of the things that I was able to work on over those years, working to make health care more affordable and accessible by creating tax-free Health Savings Accounts; delivering on long-awaited prescription drug coverage for seniors, while at the same time modernizing Medicare for the 21st century; passing two of the largest tax relief packages for working Americans in our Nation's history, which encouraged Americans to invest and small businesses to grow and to create new jobs; and reducing the unfair Social Security earnings limit on our senior citizens that needed to work.

Back home in Illinois, I was proud to work on environmental issues, like the removal of the dangerous thorium tailings from West Chicago, Illinois, and preserving the vital drinking water supply of the people of the Fox Valley.

But ultimately, the most important responsibility for any of us that serve this House is to provide for the defense of our Nation. It is our most solemn obligation.

On September 11, 2001, I became a wartime Speaker, and together we became a wartime Congress. On that dark day, our Congress was united. We were not Republicans or Democrats; we were just Americans. We stood shoulder to shoulder on the steps of this Capitol and vowed to do whatever was necessary.

In the following days and weeks and months, President Bush, Leader Gephardt and I worked together. We tried to bind the wounds of those victimized by the attacks, and then made sure that it would never happen again. We demanded that our intelligence agencies do a better job of sharing information. We gave law enforcement more effective tools and resources to guard

against attack. And we made an unprecedented investment in homeland security.

Did we get it all right? Of course not. Only hindsight is 20/20. But through those efforts, and the grace of God, we have avoided additional attacks on American soil. There is no doubt in my mind that the American people are safer today because of the heroic actions of our men and women who serve in our armed services and intelligence agencies and because of the actions taken here by our Congress.

It is popular these days to ask political figures what mistakes they have made, where they have failed. As a former history teacher, I know such analysis is best tempered by time and reflection, and that is probably best left to others.

But I will say this: I continue to worry about the breakdown of civility in our political discourse. I tried my best, but I wish I had been more successful. When I addressed this Chamber for the first time as your Speaker, I noted that ''solutions to problems cannot be found in a pool of bitterness.'' Those words are as true today as they were then.

We each have a responsibility to be passionate about our beliefs. That is healthy government. But we also have a responsibility to be civil, to be open-minded, and to be fair; to listen to one another; to work in good faith to find solutions to the challenges facing this Nation.

□ 1445

That is why the American people sent us here. They did not send us here just to get reelected.

As Speaker, I served with two Presidents. President Clinton and I worked together to fight the flow of drugs from Colombia, drugs that destroy the lives of our children. And despite our differences on some issues, we were able to find common ground on others.

For most of my years as Speaker, President Bush has been our wartime President. I believe history will judge him as a man of courage and foresight as well as resolve. I must say, I was proud to serve by his side and honored to call him a friend.

No Member of Congress could succeed in serving his or her constituents without the help of a dedicated staff. They often worked long hours, hard days. Many of them gave some of their most productive years to this institution, and I want to thank all of them and each of them for their service. And I also want to thank all of the people who make and have made this great body function on a daily base: the officers of the House, the Capitol Police, the Chaplain, the permanent staff. They are dedicated professionals who I came to appreciate even more during my years as Speaker.

I am also blessed to have a family that helped me every day over these 21 years. My two sons, Josh and Ethan, my daughter-in-law, Heidi, and our newest addition, my grandson, Jack Hastert. Most importantly, I want to thank my wife, Jean, who is here in the gallery. Thank you, Jean, for the love and the help you have given me.

In 2003, during the Cannon Centenary Conference on the Changing Nature of the Speakership, I said that at the end of the day the Speaker of the House is really just the person who stands up for the American people. That is the same role that every man and woman who serves here should play. Our Founders dreamed of a Nation, a Nation empowered by freedom, where citizens would find justice, where hardworking men and women would find economic opportunity.

Each of us who comes to this place has different ideas of how to preserve and enhance that dream. It is on the floor of this House where those ideas clash, peacefully, and through that struggle our democracy is renewed.

Never lose sight of the fact that you participate in the greatest ongoing democratic ritual in the world. We are, as President Reagan often reminded us, ''A Shining City on a Hill.'' Always be mindful of your duties to your constituents and be respectful of the traditions of this institution.

I pray that God will guide you in all that you do in these Halls; that He gives you the knowledge to do the people's work, the strength to persevere, and the wisdom to know when to listen to what others have to say.

Madam Speaker, there is a tradition among Olympic wrestlers that you leave your shoes on the mat after your last match. Don't be alarmed, Madam Speaker, I won't be challenging the rules of decorum by removing my shoes on the House floor. But I do hope that I have left a few footprints behind that may be of value to those who come after me, just as I have benefited from the footprints of those who I followed to this most wonderful of institutions, the people's House.

May God bless each of you. May God bless this House. May God bless the United States of America.

Good-bye, friends.

The SPEAKER pro tempore (Mr. HOYER). The Chair now recognizes the distinguished gentlelady from California, the Speaker of the House of Representatives, NANCY PELOSI.

Ms. PELOSI. Thank you, Mr. Speaker.

Thank you, my colleagues. I accept that recognition as a recognition of the role of Speaker of the House, a role that DENNIS HASTERT performed with great distinction, and I rise to salute his leadership, Mr. Speaker.

My colleagues, you have heard me say on a number of occasions in relationship to DENNIS HASTERT that in the Congress, as Members of Congress, we hold the title ''Honorable'' by virtue of our office that we hold. But in the case of DENNIS HASTERT, he holds the title of ''Honorable'' not just for the office he holds, but by virtue of his character, his leadership, and his contributions to our country.

About a year and a half ago in June we all observed a celebration for Speaker DENNIS HASTERT when he became the longest-serving Republican Speaker of the House.

Long may his record stand.

That milestone was testament to the great respect he commanded not only in the Republican Conference but in this Congress as a whole and in our country. Thank you, DENNIS HASTERT, for your record of achievement.

I want to acknowledge someone who had a role that I once had, minority leader, who is with us today and honors us with his presence and again is a tribute to the leadership of DENNIS HASTERT, Minority Leader Bob Michel.

Many of you know but I think it always bears repeating that DENNIS HASTERT has long had a commitment to our country, first as a teacher: for 16 years, a teacher of our children, and a coach, as he reminds us.

He then went on to the State legislature in Illinois where he served for 6 years. And then in 1986 he came to the Congress of the United States where he has served with great distinction and with many accomplishments, and he enumerated some earlier.

In 1999, this Congress elected him the Speaker of the House. The Speaker of the House. He brought to that office the values of the heartland of America and the wishes and the voice for the people of Illinois' 14th Congressional District, and we have all benefited from that.

Although we have from time to time on occasion differed on issues, I remember once, we all agree on the importance of public service, the kind of public service that has been the hallmark of Speaker HASTERT's career, whether in the classroom or in the Congress of the United States.

Today I want to join my friend, DENNIS, in saluting Jean for sharing DENNIS with us for all these years and for her role as a teammate to him and his contributions to our country. And thanks to Joshua and Ethan and to your entire family.

Mr. Speaker, and by that Mr. Speaker I am speaking to Speaker DENNIS HASTERT, I know I speak for everyone in this House when I thank you for your service, for many things, which I could enumerate, but I want to mention one in particular which I have mentioned to this House before.

We all were part of history when Rosa Parks became the first African American woman to lie in state under the Capitol dome. It was a great day for Congress and for our country. It simply would not have happened without the leadership of Speaker DENNIS HASTERT.

As you can imagine, Mr. Speaker, it is always a pleasure for me to say I know I speak for every Member of this House, but I know I do when I say thank you for your leadership, congratulations on a great career. I know great things are yet to come.

Best wishes to you and your family. Godspeed in your future. God truly

blessed America with your service to our country.

Thank you, Mr. Speaker.

□ 1500

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. FRANK of Massachusetts. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 259) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 259

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, November 15, 2007, or Friday, November 16, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, December 4, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, November 15, 2007, through Thursday, November 29, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, December 3, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC 2. The Speaker of the House and the Majority Leader of the Senate, or their respect designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore (Mr. WEINER). The question is on the concurrent resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 214, nays 196, not voting 22, as follows:

[Roll No. 1113]

YEAS—214

Abercrombie
Ackerman
Allen
Altmire
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
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
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)
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)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
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
Sires
Skelton
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
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.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
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
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Blackburn
Bono
Carson
Conyers
Cubin
Delahunt
Doyle
Ehlers
Emerson
Hastert
Hinojosa
Jindal
Kucinich
Mack
Melancon
Moran (VA)
Oberstar
Paul
Slaughter
Waxman
Weldon (FL)
Weller

□ 1518

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO OFFER AMENDMENT NO. 10 AT ANY TIME DURING FURTHER CONSIDERATION OF H.R. 3915

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that during further consideration of H.R. 3915 in the Committee of the Whole, pursuant to House Resolution 825, amendment No. 10 be permitted to be offered at any time.

The SPEAKER pro tempore (Ms. MCCOLLUM of Minnesota). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 825 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3915.

□ 1519

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for

other purposes, with Mrs. TAUSCHER (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 16 printed in House Report 110–450 by the gentleman from Georgia (Mr. PRICE) had been postponed.

AMENDMENT NO. 5 OFFERED BY MR. WATT

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–450.

Mr. WATT. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. WATT:

Page 60, line 3, strike ''or'' and insert ''and''.

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Madam Chairman, this amendment, on its face, is very, very simple, although I expect there will be some controversy about it. The amendment simply changes one word. The word is ''or.'' We change the word to ''and'' in the bill instead. You would think that would be noncontroversial, but let me get into the effect of that.

Currently, if an assignee of a mortgage has policies and procedures not to buy subprime loans that do not meet safe harbor provisions that are in this bill, or if the assignee is willing to cure such loans, the assignee has no liability until you get to a foreclosure situation. That's very complicated, I understand; but that's what the bill provides.

The effect of the amendment would be to require the assignee to have policies and procedures in place and do certain things and be willing to cure the loan to avoid being liable for rescission.

That's important because if you give the option to an assignee of either curing or having policies and practices that are responsible in place, an assignee can then just treat the cure as a cost of doing business, and it becomes an ineffective choice. But if they are obligated to both have the policies and procedures and protections in place, and be willing to cure the loan, then they are not going to exercise the option to do the least onerous one of those things.

It is a simple provision, a simple change, although I understand the arguments against it.

And I will, having created the framework and explained what we are trying to do, reserve the balance of my time.

Mr. BACHUS. Madam Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Alabama is recognized for 5 minutes.

Mr. BACHUS. Madam Chairman, as has been discussed both in committee and on the floor of the House this morning, this legislation is a result of Democrats joining with Republicans. Not all. I mean, many Republicans are opposed to this legislation.

But after 2 years of trying to address the subprime lending crisis, many Members of this body came together to craft legislation. That legislation is not perfect, nor will it be. I have concerns about it.

My Members, many of them, are particularly concerned about the liability provisions. And this amendment fundamentally unravels, at least a consensus that some of us have reached with the other part by gutting the safe harbor contained in the legislation that is critical to the functioning of the secondary mortgage market. Without liquidity provided by the secondary market, the homeownership dreams of millions of Americans, particularly low- and middle-income Americans, will simply not be realized.

If this amendment is enacted, the safe harbor for the secondary market would disappear because notwithstanding the satisfaction of the statutory elements of the safe harbor, securitizers would be required to cure any violations of the bill's minimum standards by a creditor. This would effectively eliminate any benefit from the conduct of due diligence by secondary market participants that this bill is intended to promote. Deprived of that safe harbor, securitizers would simply stop purchasing loans. The effect on the availability of mortgage credit and on the housing market across the country would be devastating.

Madam Chairman, I reserve the balance of my time.

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

Mr. BACHUS. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding. I too share great concern about this amendment. I've had concern about assignee liability in this legislation to begin with. But I at least recognized the benefit of having a so-called safe harbor provision.

As I looked at the safe harbor, I was somewhat fearful that there were still some dangerous reefs that were lurking beneath the waves. I'm fearful if this amendment is passed not only will those dangerous reefs be present, but any harbor will have disappeared as well.

Again, we need to step back and decide, on this entire issue of assignee liability, when we look at all the resets that are due to happen in the market, will this legislation add liquidity to the market? Will it subtract liquidity from the market?

For people who are trying to keep their homes, over and above whatever the market is providing, are the actions of us in this body going to exacerbate the situation and dry up even more liquidity?

I think this is a major amendment, that whatever balance was struck in this area completely removes that balance. And I think it will provide for an explosion of liability exposure that could be very, very damaging to the secondary market.

I've heard the distinguished chairman of the committee on a couple of occasions refer to Chairman Bernanke's comments on the subject. And I'm not sure I've seen where he's actually advocated assignee liability, although he has acknowledged that, under certain circumstances, in a very limited situation, it might be helpful.

But I also saw in his testimony before our committee, if I can quote from the chairman: ''We've seen from different States different experiences and there have been examples where assignee liability provisions have driven lenders out of the State.''

Let's not drive them out of the Nation. Let's reject this amendment.

□ 1530

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

Mr. BACHUS. May I inquire as to how much time is remaining?

The Acting CHAIRMAN. The gentleman from Alabama has 1 minute remaining. The gentleman from North Carolina has 2½ minutes remaining.

Mr. BACHUS. Madam Chairman, if this amendment is adopted, it's going to seriously damage this bill. I urge all of my colleagues to resist this amendment.

Madam Chairman, I yield the remaining time to the gentleman from North Carolina.

Mr. MCHENRY. I thank the ranking member.

In brief, my colleagues must understand the simplicity of this amendment. What it would say is the secondary market has to give a road map for those who are facing foreclosure for them to get out of their mortgage. In essence, what it says is, if you want out of your mortgage, here's the road map to do it.

I think this would be a destructive influence on the market. It would further undermine the secondary market and the liquidity in the marketplace and would further harm home ownership. I urge my colleagues to oppose it.

Mr. WATT. I yield myself the balance of the time, and I assure you, I won't use it.

The arguments that have been made are absolutely correct with respect to 99 44/100 percent of the people operating in the market. These are not bad people. But this bill was drawn to get at that small percentage of the market that is out of control. And if you give that small percentage of the market the option of either doing some paperwork or curing, as opposed to having to do both of those things, I guarantee you they will take the option that is most cost beneficial to them. And

that's what we've been trying to stop, those people in the marketplace who are out of control. And that's what this amendment is designed to do.

For the rest of the market, it really won't have any impact at all because they're going to put procedures in place and they are going to be willing to cure, if that's the last resort.

So, I think, unfortunately, there are players in this market that have been out of control. This bill is designed to deal with them, and this amendment would help disincentivize them being out of control without harming anybody else. I would encourage my colleagues to support it.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

The amendment was rejected.

AMENDMENT NO. 10 OFFERED BY MR. PUTNAM

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–450.

Mr. PUTNAM. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. PUTNAM:

Page 79, after line 20, insert the following new section (and amend the table of contents accordingly):

SEC. 214. REPORT BY THE GAO.

(a) REPORT REQUIRED.—The Comptroller General shall conduct a study to determine the effects the enactment of this Act will have on the availability and affordability of credit for homebuyers and mortgage lending, including the effect—

(1) on the mortgage market for mortgages that are not within the safe harbor provided in the amendments made by this title;

(2) on the ability of prospective homebuyers to obtain financing;

(3) on the ability of homeowners facing resets or adjustments to refinance—for example, do they have fewer refinancing options due to the unavailability of certain loan products that were available before the enactment of this Act;

(4) on minorities' ability to access affordable credit compared with other prospective borrowers;

(5) on home sales and construction;

(6) of extending the rescission right, if any, on adjustable rate loans and its impact on litigation;

(7) of State foreclosure laws and, if any, an investor's ability to transfer a property after foreclosure;

(8) of expanding the existing provisions of the Home Ownership and Equity Protection Act of 1994;

(9) of prohibiting prepayment penalties on high-cost mortgages; and

(10) of establishing counseling services under the Department of Housing and Urban Development and offered through the Office of Housing Counseling.

(b) REPORT.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress containing the findings and conclusions of the Comptroller General with respect to the study conducted pursuant to subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from Florida (Mr. PUTNAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. PUTNAM. Madam Chairman, I have an amendment today that would direct the GAO to conduct a study to determine the effects the enactment of H.R. 3915 will have on the availability and affordability of credit for homebuyers and mortgage lending, and then submit a report to Congress containing the findings and conclusions within 1 year of enactment.

With that, I would yield to my chairman.

Mr. FRANK of Massachusetts. Madam Chairman, on the question of this GAO report, I believe it is a reasonable request because I am confident it will come back in support of our bill. And I think it is entirely reasonable to ask them to start, without waiting for passage of the whole bill in both Houses.

Mr. PUTNAM. So the gentleman would agree that we could join together and request the study even prior to final passage of the bill?

Mr. FRANK of Massachusetts. Yes. Well, actually, final passage of the bill is going to, I hope, happen in a couple of hours in the House; but before it gets to the Senate, without waiting for the Senate, yes.

Mr. PUTNAM. I thank the gentleman. And I look forward to joining him on that request to the GAO.

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

Mr. FRANK of Massachusetts. Madam Chairman, I rise in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. And I will yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Let me thank Chairman FRANK, Chairman WATT, Congresswoman WATERS and all the members of the Financial Services Committee for their leadership and commitment to help Americans who are struggling. And we all know, quite frankly, many, many people are struggling to keep their homes as this mortgage crisis continues to claim victims.

This legislation adds a very important piece of what we're trying to do in terms of the protections, including limiting prepayment penalties, requiring that loans be affordable, and that refinancing provide a net benefit to borrowers. However, I have some concerns about H.R. 3915 that I hope will be addressed as it moves through the process, and I would like to just mention a few of those concerns because I think they're very important to hear. They were forwarded by ACORN, the Center for Responsible Lending, the Consumer Federation of America, Leadership Conference on Civil Rights, the NAACP, Ohio Attorney General Marc Dann, and Opportunity Finance Network. They raised concerns with regard to these issues:

One, the ability to pay. They believe the standard does not apply to all loans, it undercuts agency guidelines, and will not change the markets;

Secondly, the prohibition on steering is weak and upselling of loan rates still possible. Homeowners cannot prevent foreclosure. Some feel, and I know that this is being addressed today, that the preemption is too broad.

So, I know that, as this bill moves through the process, we will look at it. It is a starting point. I urge our colleagues to make sure that it does become stronger because this American Dream of home ownership is, quite frankly, turning to a nightmare for so many people.

I want to thank Chairman FRANK for his leadership and for really trying to put together a bipartisan bill. And also, with regard to the Putnam amendment, the reporting, I think, makes sense.

NOVEMBER 15, 2007.

Hon. BARNEY FRANK,
Chairman, House Financial Services Committee.
Hon. SPENCER BACHUS,
Ranking Member,
House Financial Services Committee.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: We, the undersigned organizations, write to present our views on H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007. While we greatly appreciate your efforts to reduce predatory lending and to restore balance to the mortgage market, we believe this bill requires improvements in the areas described below in order for the bill to achieve its goals.

Subprime lending has been a disaster of monumental proportions, shattering hopes of economic progress for millions of families and triggering a devastating chain reaction of losses for communities and businesses. More than two million families will likely lose their homes as a result, and for most families—especially African-Americans and Latinos—their home equity represents the greatest share of their family wealth. Wall Street's demand for risky loans with higher interest rates played a key role in encouraging reckless lending, and brokers delivered whatever loans they could sell.

When H.R. 3915 was introduced, we applauded many of its strongest provisions, such as the originator duty of care and anti-steering rules, the bans on yield spread premiums, prepayment penalties, mandatory arbitration, and single premium credit insurance, and the special protections for extremely high-cost mortgages and for renters.

It is crucial to retain those strong provisions, to improve the remedies and market incentives in the bill, and to avoid preemption of state laws related to these issues. Unfortunately, as the bill has passed through the legislative process, several of the strongest provisions (such as the duty of case and ban on yield-spread premiums) have been weakened, the remedies have been weakened rather than strengthened, and a preemption clause has been added that would eliminate important state claims that help homeowners protect the homes.

Our concerns about the bill fall into four main areas:

''Ability to Pay'' Standard Does Not Apply to All Loans, Undercuts Agency Guidance, and Will Not Change Market: The bill requires no ability to pay standards for approximately 90% of the current mortgage market and creates an irrebuttable presumption that any loan below 8.25% is affordable.

This immunity undercuts the existing joint agency guidance that currently sets ability to pay standards for risky loans, especially loans such as payment options ARMs, the majority of which are ''qualified mortgages.'' Moody's estimates that monthly payments on $220 billion of POARMs will reset—in most cases to much higher monthly payments—between 2009 and 2011. Additionally, because there is no requirement that secondary market purchasers conduct due diligence, we fear that the secondary market will continue to purchase abusive loans and choose to absorb the expense of any cures as part of the cost of doing business.

Prohibition on Steering is Weak and Upselling of Loan Rate Still Possible: Rather than prohibiting yield spread premiums, as was originally intended, the bill as amended now essentially authorizes such practices as long as there is disclosure to the consumer. Research shows that disclosure has virtually no effect on preventing abusive lending practices such as steering. We also fear that incorporating Title II into the Title I standards significantly weakens the entire structure, and the permitted damages are insufficient to change the market. Moreover, the damages for violation of the steering provision are too low to change broker behavior.

Homeowners Cannot Prevent Foreclosure: As currently drafted, homeowners have no rights against the actual holder of the loan (in other words, against the entity that will foreclose on them) until a foreclosure has already begun. At that point, not only has the family been traumatized, but the damage to the homeowner's credit is done, which will likely prevent the use of the rescission remedy. Moreover, even in foreclosure, it is not fully clear that homeowners will be able to reach the holder in the vast majority of situations.

Preemption is Too Broad: Although we appreciate that there is not preemption for the entire bill, the broad preemption in the area of assignee liability would wipe out the many existing state laws, such as UDAP statutes [and UCC protections?], that provide remedies against assignees. Since most loans are sold soon after origination, and since so many originators and creditors are thinly capitalized (assuming they even are still in business), many homeowners will be left without any remedy for unaffordable loans.

Ultimately, unless legislation fundamentally changes the incentive structure both for Wall Street and for mortgage originators, predatory lending is likely to continue in one form or another.

We look forward to continuing to work with the Congress as this bill moves through the legislative process.

Sincerely,

ACORN, CDFI Coalition, Center for Responsible Lending, Consumer Federation of America, Leadership Conference on Civil Rights, NAACP, Ohio Attorney General Marc Dann, Opportunity Finance Network.

Mr. FRANK of Massachusetts. I yield myself 1 minute to comment on what the gentlewoman has said because we've agreed to the gentleman's amendment, so we're on some other subjects now.

What I would say is this: I would want to stress with regard, for instance, to ability to pay and jeopardizing the right of the homeowner, nothing in this bill in any way diminishes State remedies regarding ability to pay on prime loans. That's the argument, that we do not deal with the ability to pay on prime loans, et cetera. But the effect of that is that any remedy a State wants to pursue against the originator of the loan or the lender remains unimpeded. So we did want to make that point.

And just to say also, with regard to the incentive to charge more, the gentleman from North Carolina (Mr. MILLER) and I discussed that. It will be very clear to anybody by the time this bill becomes law that there is no possibility of anyone being given higher compensation in return for getting people into a more expensive loan.

As to preemption, there will be some. There are people who want none at all. I do not think you could have a secondary market if there were no preemption. But we have already, in the manager's amendment, defined it, and I think reassured people that, for instance, fraud, deception, et cetera, that causes arising out of that will not be preempted.

I now yield the remaining time to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the distinguished Chair for yielding the time. And let me acknowledge in this very short time the importance of this legislation, and particularly, its importance to my community in Houston.

The most important point that I would like to emphasize is the issue of the standards being put in place for mortgage brokers. I happen to be very happy that standards are preempting State standards in this instance, because Texas needs that kind of regulation.

Let me also take note of the fact that I know Mr. WATT was intending to bring forward an amendment regarding reverse mortgages, and may submit it or not. But knowing that I just recently dealt with a constituent, an elderly constituent who suffered from a reverse mortgage loan, she utilized the reverse mortgage, and now she can't find any of those that provided that loan and cannot afford to pay it back and she is about to lose her house. So, with the numbers of homeless in our community and with the numbers of homeless across America, the fact that we are talking about creating a better housing market and also creating jobs as we go forward, this is a constructive bill.

I would ask my colleagues to consider the fact that affordable housing only comes from a regulated and positive market. I like the underlying amendment, but I think it is important to set standards for mortgage brokers and to ensure that there is consumer protection in housing for those most vulnerable.

And I appreciate, in particular, that this bill has created a Office of Housing Counseling to help new homeowners. And might I, as I close, Madam Chairman, just indicate that I support the concerns of ACORN and the NAACP and look forward to those issues being corrected as we make our way to conference.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. PUTNAM).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. WATT

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–450.

Mr. WATT. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. WATT:

Page 52, strike lines 13 and 14 and insert the following new subparagraph:

''(B) if such loan is—

''(i) a qualified safe harbor mortgage; or

''(ii) a nontraditional mortgage.''.

Page 56, after line 3, insert the following new subparagraph:

''(D) NONTRADITIONAL MORTGAGE.—The term 'nontraditional mortgage' means any residential mortgage loan that allows a borrower to defer payment of principal or interest.''.

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Madam Chair, you may not have to recognize anybody in opposition to this amendment because I plan to offer it and then withdraw it. But I think I would be remiss not to discuss the issue because of two reasons: Number one, it needs to be discussed because of the very difficult, delicate balance that the Chair has been able to walk to get us to this point; and number two, to illustrate once again that when you allow good things to happen in the marketplace, some people in the marketplace will abuse them. And trying to get the right balance to encourage good things to happen in the marketplace and not discourage that from happening opens up, sometimes, the possibility that people who are not well intentioned will engage in activities that need to be prevented. And this is the classic case of that.

Basically, the bill now presumes that we meet the ability to repay a loan and provide net tangible benefit to a borrower if it is not a subprime loan. If it is a prime loan in the marketplace right now, that interest rate is 8.25 percent, so anything below that we presume to be a good loan.

The market now has done this. They've made available in the market a loan that defers interest and principal. And that is a good thing for about 90 percent of the people, maybe even more than that, who have the ability to do that. I'm the classic example of that. I have a loan in which I can defer for a period of time both the interest and the principal on the loan. But if you make that kind of loan available to somebody who doesn't have the income level that is sufficient

to pay it, under this bill, they can't even go back and offer proof that you shouldn't have done that, because we presumed, irrefutably presumed, that this is a good loan. And so the amendment that I was trying to craft and offer would have tried to close that. The problem is, if I close it for the bad people, then I also close it for the good people.

And so, as an alternative to proceeding with the amendment, I have convinced the Chair, I hope, that we will continue to work on this issue and find a way to stop the bad people from making these kinds of loans or abusing the process without penalizing the people who really deserve and should have these kinds of loans, which I acknowledged from the very beginning serve a useful place in the marketplace.

I yield to the chairman of the committee.

Mr. FRANK of Massachusetts. I will say on this, as on a number of other issues, I will say very sincerely that the gentleman from North Carolina has persuaded me. I think he has clearly identified an issue that needs some further work. And as we go forward, ultimately to get this bill done, I would hope that we can work together on this.

Mr. WATT. And that's all I wish to have acknowledged, and to demonstrate to everybody who is listening, really, that this has been a difficult issue, because just about any kind of loan that can be made in the marketplace, somebody can benefit from.

□ 1545

But when you have a loan that is particularly subject to being abused, you have to have rules to constrain it.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 7 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–450.

Mr. HENSARLING. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. HENSARLING:

Page 73, after line 25, insert the following new section (and redesignate subsequent sections accordingly):

SEC. 211. LENDER RIGHTS IN THE CONTEXT OF BORROWER DECEPTION.

Section 130 of the Truth in Lending Act is amended by adding at the end the following new subsection:

''(j) EXEMPTION FROM LIABILITY AND RESCISSION IN CASE OF BORROWER FRAUD OR DECEPTION.—In addition to any other remedy available by law or contract, no creditor, assignee, or securitizer shall be liable to an obligor under this section, nor shall it be subject to the right of rescission of any obligor under 129B, if such obligor, or co-obligor, knowingly, or willfully furnished material information known to be false for the purpose of obtaining such residential mortgage loan.''.

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Madam Chairman, there are clearly many reasons why home loans go delinquent. The number one reason, we all know, is the loss of a job, or other bad luck like long-term illness or disability. Clearly a phenomenon that has been discussed at quite some length in committee and on the floor, predatory lending has played a significant role as well. And many of us have urged very robust antifraud provisions and increased resources for enforcement.

But I think we also shouldn't underestimate the role of another phenomenon in home loans becoming delinquent, and I call that predatory borrowing. People who knowingly take advantage of the system, who game the system, who give false information in their disclosures and their verifications. And making the risk-based analyses that lenders use to determine how much money a person should be responsibly lent makes that impossible. And there are borrowers, there are borrowers all across America who have knowingly exaggerated their incomes. They represented that they used a home for their primary residence, and they didn't. They acted as straw buyers in property-flipping schemes and used other scams to qualify for loans that otherwise they would not have qualified for and loans that they cannot pay back, and to a great extent many other people are now suffering.

And the result of this predatory borrowing is predictable: higher foreclosure rates; reduced availability of credit in the market; fewer homeownership opportunities for those low-income people, those people who may have a checkered credit past but who are honest, who are responsible, and who just need a second chance.

So, Madam Chairman, I think this is a very, very modest amendment today that would simply remove the civil liability of a lender and cancel the right of rescission for a borrower in instances where the borrower knowingly lied on their mortgage loan application.

Borrowers who have done this, who have misled lenders into giving them these loans, should not be able to turn around and then sue the lender and be able to rescind those loans to compound their deception with some kind of financial advantage. I hope that most, if not all, of us would hopefully conclude that that is an absurd and perverse result. One should not profit from their dishonesty.

I certainly appreciate the chairman's willingness to work with me on this amendment. I have been led to believe that he supports it. And although I respect the views of everybody in this committee, I have clearly said that I do not believe this bill should pass. But if it does pass, if it does pass, there does need to be some minimal acknowledgment of the role of personal responsibility and of predatory borrowing. And I urge the adoption of the amendment.

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

Mr. FRANK of Massachusetts. Madam Chairman, I claim the time in opposition, not in opposition although there is going to be a secondary amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. FRANK OF Massachusetts. The gentleman said he had been led to believe that I would be supportive. I wouldn't want the gentleman to be in suspense as to whether or not he had been misled.

I know there have been conversations between him and the gentleman from North Carolina about a secondary amendment. And assuming everything goes as we have all discussed, he has not been misled. The gentleman can sleep easily tonight that people told him the truth, because I am prepared to be supportive of what we have got worked out.

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

AMENDMENT NO. 8 OFFERED BY MR. WATT TO AMENDMENT NO. 7 OFFERED BY MR. HENSARLING

Mr. WATT. Madam Chairman, I have a secondary amendment to the Hensarling amendment at the desk which has been made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 printed in House Report 110–450 offered by Mr. WATT to amendment No. 7 printed in House Report 110–450 offered by Mr. HENSARLING:

In the amendment, insert ''and with actual knowledge'' after ''willfully''.

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Madam Chairman, my good friend Mr. HENSARLING may be surprised to know that we actually agree very much with the spirit of what he is trying to do. And I am not sure that my amendment will absolutely cure all of the concerns we have with it, but it will certainly make it better, and we will continue to work on trying to really address the issue.

We don't want anybody to walk in and give false information on an application for a loan. One of the reasons we fought so hard to protect State laws

and not to preempt all State laws is because that would be fraud and we think it would be outrageous, it would be shyster. But as everything, there is another side to this, and I will illustrate it with a loan that I just recently closed myself, a loan that was made to me.

I submitted the application. I submitted the financial information. And what happened after that was that because the lender wanted their own form, they took my information that I had submitted to them and put it on their own form. They handed it back to me in a stack of forms that I needed to sign, and I signed them.

Now, what has happened in the marketplace much, much more than the gentleman would like to know is that when that second block of papers came back, somebody had put false information on that application because they knew this borrower was not going to qualify for the loan if they didn't fudge the borrower's income, if they didn't fudge the borrower's credit in some way. So it was not the borrower who gave the false information; it was somebody else in the chain. And that is what we have got to guard against. And that's what the basic bill is all about.

Now, we don't have any problem holding people personally accountable for the information that they knowingly provide; but if somebody just sticks some documents in front of me after I have given them the right information and they go back and change the information or put it on another form and I just happened to sign it because I presumed that the lender I am dealing with or the broker I am dealing with is honorable, I shouldn't be held accountable for that. And my second-degree amendment helps to make that clearer. And I hope by the time this bill gets passed, we can make it absolutely clear that what Mr. HENSARLING is trying to accomplish and what I am trying to accomplish get taken into account.

Madam Chairman, I reserve the balance of my time.

Mr. HENSARLING. Madam Chairman, I would like to claim the time in opposition although I am uncertain at this point whether I am actually opposed to the gentleman's second degree amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HENSARLING. Madam Chairman, although it has been many years, I had a short and unillustrious career as an attorney; so I'm somewhat familiar with the term ''knowingly'' as a legal term of art. I am less familiar with the phrase ''with actual knowledge.'' Hearing the gentleman from North Carolina's explanation, I think we are trying to get at the very same situation. So the only thing that made me somewhat nervous is I am unacquainted with the phrase as a legal term of art. I do believe that the gentleman and myself are trying to achieve the same thing. Perhaps it's innocuous.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. HENSARLING. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would be glad, Madam Chairman, to give the gentleman my assurance. And we can't all, when we see these things, know it's exactly right. If as we go forward, assuming the secondary amendment and the primary amendment are adopted, if the gentleman needs some further clarification of questions that we can deal with between now and the time of the final bill, we are open to continue those discussions.

Mr. WATT. Madam Chairman, will the gentleman yield?

Mr. HENSARLING. I yield to the gentleman from North Carolina.

Mr. WATT. I will give him the same assurance. And I said it in my statement because I just got the gentleman's amendment yesterday or the day before, and I confess that my amendment to his amendment may not accomplish everything that both of us are trying to accomplish either, which is why I said we are going to have to continue to work on this, and I am certainly willing to continue to work with him.

I understand exactly what the gentleman is trying to achieve. We share that objective. But we want to make sure that the concerns I raise don't get washed up in the ''knowingly'' term that the gentleman used.

Mr. HENSARLING. I appreciate the gentleman's comments. I certainly take the distinguished chairman at his word, and I take the gentleman from North Carolina at his word, and I certainly withdraw any objection that I might have to the second-degree amendment.

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

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT) to the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The amendment to the amendment was agreed to.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. MEEKS OF NEW YORK

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110–450.

Mr. MEEKS of New York. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. MEEKS of New York:

Page 15, line 10, strike ''reviewed, approved, and'' and insert ''reviewed, and''.

Page 15, after line 12, insert the following new paragraph:

(3) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer pre-licensure educational courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

Page 15, line 13, strike ''and administered''.

Page 15, line 14, insert ''and administered by an approved test provider'' before the period.

Page 17, line 23, strike ''reviewed, approved, and'' and insert ''reviewed, and''.

Page 18, after line 14, insert the following new paragraph:

(5) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer any continuing education courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from New York (Mr. MEEKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MEEKS of New York. Madam Chairman, over the past few years, the Financial Services Committee has been working to strike the right balance between protecting home buyers without eliminating the viability of the subprime mortgage market. Under the leadership of Chairman FRANK, I believe we have struck that balance in a bipartisan manner. This is why I wholeheartedly agree and wanted to be an original cosponsor of this legislation.

Madam Chairman, one of the new requirements of this bill is that all mortgage originators must be licensed to serve the public. The purpose of this requirement is to have a depository of all mortgage originators and hopefully eliminate from the system those loan originators that take advantage of borrowers. I know in my district this has been a real problem. Along with the fingerprinting and the pulling of a credit report, mortgage originators must also participate in 20 hours of education in a program approved by the Nationwide Mortgage Licensing System and Registry which is to be developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators.

Madam Chairman, I am very supportive of this aspect of the legislation. But I am concerned that it leaves open an opportunity for a conflict of interest. The conflict would take place if

the Nationwide Mortgage Licensing System were to decide to offer the education requirement themselves.

Currently, 34 States have mortgage education requirements for loan originators licensed in those respective States. This training is conducted by many small business providers who are approved to offer mortgage education by each State's regulating bodies. My amendment is quite simple. It does the following:

A, to maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer educational courses for prelicensure or continuing education for mortgage originators.

□ 1600

And, B, in approving courses under this act, the Nationwide Mortgage Licensing Systems and Registry shall apply reasonable standards in the review and approval of courses.

Mr. Chairman, to make it simple, I used to be a judge. A judge cannot preside over a case in which he is the litigant. This amendment has been discussed with the Conference of State Bank Supervisors, and they do not object. I think it is a simple amendment.

I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I claim the time in opposition although I am not opposed to the amendment.

The Acting CHAIRMAN (Mr. HOLDEN). Without objection, the gentleman from Alabama is recognized for 5 minutes.

There was no objection.

Mr. BACHUS. I want to compliment the gentleman from New York (Mr. MEEKS) for offering this amendment. I know it clarifies the role of the Conference of State Bank Supervisors and the approval process for State license mortgage practitioners and originators. I compliment the gentleman. I know that the Conference has worked with the industry in crafting this amendment. I urge support for it.

Mr. MEEKS of New York. Thank you, Mr. BACHUS.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. MEEKS).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–450.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Ms. GINNY BROWN-WAITE of Florida:

Page 54, line 14, strike ''and''.

Page 54, line 16, strike the period and insert ''; and''.

Page 54, after line 16, insert the following new clause:

''(iv) a mortgage insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.).''.

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, it is no secret that Americans are facing a growing crisis in the subprime housing market. Subprime mortgage foreclosures have spiked and crashed for the last 6 years. Rates have ranged as high as 9.25 in 2002 for foreclosures and as low as roughly 3 percent in mid 2005. In the first quarter of this year, they crept back up again to 5 percent.

However, foreclosure rates among loans the Federal Housing Administration insures have stayed somewhat consistent throughout that time. Since there has been less than 1 percent fluctuation in these foreclosure rates since 2001, I think it is very imperative that we have this amendment adopted.

This amendment excludes loans insured by FHA from the provisions of this bill. The language is actually very similar to an amendment that I offered and that was accepted in the Financial Services Committee, one that exempted VA loans.

Mr. Chairman, the provisions in this bill will help Americans in the pursuit of owning their own home, many believe, but there are still millions of Americans who without FHA probably would not have had this opportunity. But if VA and FHA are already writing loans that are clearly good for their customers, Congress should leave them alone and let them carry on with their business. Obviously, it is working, and as the old axiom goes, if it's not broke, don't fix it.

Therefore, I urge Members to support my amendment that exempts FHA-insured loans from the provisions of this bill.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time that is set aside for someone in opposition since no one is.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. FRANK of Massachusetts. I appreciate the gentlewoman coming forward. She has on this and other occasions played a very constructive role in helping us work things out. We have already done this for the Veterans Administration, Department of Veterans Affairs. Yes, in fact, it is our hope to get more people into the FHA program as an alternative to subprime. One of the things we've done, and the Senate is now doing it, is to extend the FHA's reach to people with subprime; although I do want to remind my friends in the Senate, I feel very strongly that when we do that, it would be terrible social policy to make people with weaker credit who are faithfully making their payments pay more than other people, and we will deal with that as we work out the two bills.

But for purposes of this bill, the gentlewoman is absolutely correct. So I intend to support her amendment.

And that leaves me with some extra time, so I would now yield 2 minutes to the gentleman from California, a member of the committee.

(Mr. BACA asked and was given permission to revise and extend his remarks.)

Mr. BACA. Mr. Chairman, I stand in support of this amendment and also rise in support of H.R. 3515. I want to thank Chairman FRANK for his leadership.

The headline from yesterday's San Bernardino Sun, my local paper, read ''Area Number 3 in Nation in Foreclosures.''

Right now, one in 43 houses in San Bernardino and Riverside Counties are undergoing foreclosure. Our families are being torn apart by this crisis. The American Dream of homeownership has become a nightmare for them.

I had a town hall meeting in my district on foreclosures last weekend. I am glad that I did because we were able to assist a lot of families. These families are scared and need help. They feel hopeless, unless Congress addresses this issue.

Our families said that the teaser rate was resetting to a payment that was more than half of their income. Another said they had to take a second job just to afford the new payments after the rates were adjusted. It was clear that these families were steered into loans that they could not afford.

On the other hand, other constituents told me that the interest rate they received on the loans was higher than what they were told that they would receive. Too many consumers are victims of this type of predatory bait-and-switch practice.

This bill includes an amendment which I offered which requires additional disclosures to provide consumers information before signing. This will help put an end to the abusive practice and ensure that consumers have accurate information about the cost of their loan so that they know what they are buying.

H.R. 3915 will help put an end to predatory lending once and for all. And it prohibits prepayment penalties, outlaws discriminatory steering practices and bans yield spread premiums. It also includes stronger underwriting standards to help stop predatory lenders in their tracks.

I ask my colleagues to support H.R. 3915 and support this amendment.

[From the Sun, Nov. 13, 2007]

AREA NO. 3 IN NATION IN FORECLOSURES

(By Matt Wrye)

If you know 43 homeowners in the area there's a fair chance one of them just lost their house to foreclosure.

In a report to be released today Wednesday, Realty Trac, a real-estate service, said there is one foreclosure for every 43 households in San Bernardino and Riverside counties, according to third-quarter 2007 data.

That puts the region at No. 3 nationwide for home foreclosures. Stockton was at the top of the list, followed by Detroit.

The two-county area saw more than 31,661 foreclosure filings on 20,664 between 20,664 properties between July and September.

That number will drop steadily, but higher-than-normal foreclosure rates will continue until 2009 or 2010, said Jack Kyser, chief economist for the Los Angeles County Economic Development Corp.

''It's catching up to us,'' he said about the subprime mortgage fallout. ''Unfortunately, the trend will continue. It's going to be slowing down, but people forget the size of the Riverside-San Bernardino area.''

John Husing, a regional economist based in Redlands, agrees with Kyser.

''There's no question that you have a disproportionately large number of foreclosures and you'll be continuing to have that in the Inland Empire versus other places in the country and Southern California,'' Husing said. ''The trend is going to continue for at least the next year to year and a half because of mortgages that were reset back in 2005 and 2006.''

The top 10 was rounded out by Fort Lauderdale, Fla.; Las Vegas; Sacramento; Cleveland; Miami; Bakersfield and Oakland.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield my remaining time to the gentleman from Oregon.

The Acting CHAIRMAN. The gentleman from Oregon is recognized for 2 minutes.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I appreciate watching the legislative process work here. Too seldom in the last 12 years have we watched this unfold in the way that it has, and I congratulate Mr. FRANK, Mr. WATT, Mr. MILLER, the Ranking Member BACHUS, this is how the legislative process should work.

I will tell you, this is not a Sarbanes-Oxley moment, where Congress stalled and stalled and stalled until the problems got so great they exploded. Then Congress rushed to act; actually didn't know in many instances what people were voting on.

This bill has been a deliberate process. It has not been rushed. It has been bipartisan. And I must say that I feel better than at any point in the last 4 or 5 years, as I have been alarmed as Congress has been missing in action on this issue where the regulatory structures have looked the other way.

The big question for me, though, is where we go from here. I am pleased in the Ways and Means Committee we have been able to make some tax adjustments so that people will not be taxed on phantom ''profits'' if they end up having a loan foreclosed upon.

I am eager to find out if the gentleman, Mr. MILLER from North Carolina, can move forward dealing with fundamental bankruptcy reform so that people who are homeowners get the same protection that would be given to a speculator in an identical home in a subdivision or identical units in a condominium tower. This is extremely critical.

We are talking now not just about the hundreds of thousands of people that will be affected by this legislation. Ultimately, there will be ripple effects throughout the economy, a shaken industry, and millions of innocent homeowners who are going to have their property values drop because regulators were asleep at the switch, because Congress was missing in action, and because abusive practices took place.

H.R. 3915 is a good start. I commend the committee and look forward to working with you as it works its way through for the refinement of this legislation and the next step.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I certainly appreciate the fact that the gentleman from Massachusetts (Mr. FRANK), the chairman of the Financial Services Committee, has worked with me both on the VA and the FHA loan exemption. I think it is the right thing to do, and I would urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 110–450.

Mr. GARRETT of New Jersey. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. GARRETT of New Jersey:

Page 52, strike line 9 and all that follows through line 15 (and redesignate subsequent paragraphs accordingly).

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Before I begin, let me just recognize and appreciate the work by the ranking member of the committee with regard to this overall underlying piece of legislation for his work to try to improve the legislation. I believe his actions have been done in view of his constituents and their concerns with the primary lending market as we see it today.

Getting to the amendment that is before us, Mr. Chairman, the amendment would simply strike the rebuttable presumption paragraph under section 203 of the manager's amendment text. As currently drafted, section 203 of the bill specifically lists several criteria that lenders must meet when they originate a loan and that loan to be considered a qualified safe harbor mortgage. Qualified safe harbor mortgages are loans that: one, document consumer income; two, an underwriting process based on fully indexed rate; three, a debt-to-income ratio not greater than 50 percent; four, no negative amortization; and five, six payments for at least 7 years an adjustable rate loan with an APR that varies less than 3 percent over indexed rate.

Now after meeting this prescriptive list of requirements, the loan can be considered a qualified safe harbor mortgage. It is presumed that the mortgage is an appropriate loan. However, section 203 also contains a provision that, even when all these provisions are met, would allow a borrower to rebut this presumption in a court of law and claim that the creditor has made a loan to them in bad faith anyway.

You see, by allowing lenders to still be held legally liable for a loan even after all these conditions have been met, we are creating even more uncertainty for loan originators. This will in turn lead to further tightening of the credit market and keep more people from getting loans.

Mr. Chairman, if a creditor goes through all these requirements as listed, I do not believe that they should still have to worry about being held legally liable if the borrower cannot make their payments. Such a provision undermines the very nature of a safe harbor vision. It undermines the presumption of good faith that the law itself establishes. How can we on one hand tell the lender that they are providing them with a safe harbor from suit and then turn right around and say that safe harbor can be rebutted? I am afraid this will, at the very least, raise the cost of loans, at the worst, keep the loans from being made at all.

Mr. Chairman, I ask you to help the providers, lenders make some sense of the legal clarity and to make this a safe harbor, a true safe harbor. I would ask every Member to support this important amendment.

I reserve the balance of my time.

Mr. WATT. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. WATT. Mr. Chairman, once again, Mr. GARRETT has focused on an issue that we talked about earlier in the debate. I offered an amendment and withdrew it, and it related to this general section. Basically, what we have done is allowed the lenders to presume, if they meet certain conditions, that their loan will be considered a safe harbor loan and go into the secondary market without any complications.

In certain kinds of loans, we have made that presumption rebuttable because there is still tremendous opportunity for abuse even if they meet all of the safe harbor requirements. In other instances, we have made the presumption irrebuttable, and it was on the irrebuttable part of that that I offered the amendment and withdrew it. This is on the rebuttable part.

Now, the problem with Mr. GARRETT's amendment is that if you take out this rebuttable presumption, then the presumption becomes irrebuttable for all kinds of loans, those that have risks, and those that don't have risks.

□ 1615

So what does that mean to the average lay person when you create a rebuttable or irrebuttable presumption? An irrebuttable presumption makes it impossible for you ever to rebut it. Because it is irrebuttable, you can't even raise it anymore. A rebuttable presumption makes it possible, even though it is presumed, that you can still go and offer evidence that what is generally a fair loan turned out to be, in your particular case, an unfair loan.

So the effect of Mr. GARRETT's amendment would be to make it impossible ever for anybody to get into court and contest any of these loans. Because if you take out the rebuttable presumption, it becomes an irrebuttable presumption. We don't want that. I mean, that is where the marketplace is now. It is out of control. It has been out of control.

While we are setting up a construct to make the market better, we don't want to pass a law that then sanctions going right back to where we are now. That is how we got here in the first place, the market was out of control. And the construct that we have set up allows people to buy mortgages in the secondary market and presume that they will be okay.

But we don't want to set up a situation where it is impossible for anybody to go into the secondary market or against anybody and say under no circumstances will you be able to get liability. That is what Mr. GARRETT would have you do. I think it would be very, very, very bad public policy.

With that, I encourage opposition.

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

Mr. GARRETT of New Jersey. Mr. Chairman, the gentleman misstates the case when he says you can never get into court. You can get into court when these five different criteria are not met. But when these five criteria are met, you have a safe harbor. That is the language of the bill. What is a safe harbor for, if not for giving protection to those who are meeting the requirements.

With that, I yield such time as he may consume to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. I thank the gentleman for his courtesy. I shall try to be brief. I had hoped at the outset the bill would present a uniform national standard so all those engaged in this practice would have legal certainty as to the behavior that complies with the law, no matter where one might extend credit. Unfortunately, that is not the case in the underlying bill.

I had hoped more clarity in the provisions of enforceability. I am troubled by some of the unclear language, the way in which some descriptive phrases have been used, as in, for example, the anti-steering provision, which states that loan products which have predatory characteristics, one cannot be sure what constitutes a predatory characteristic. Third, in contract resolution, we had hoped that we would at least avail ourselves of mandatory arbitration, which is a common business practice to resolve differences without the court being involved. Unfortunately, the bill in its current form prohibits mandatory arbitration, which leads us then to the gentleman's very well-thought-out amendment relative to the safe harbor provision.

At least we should have the statement that if you engage in lending practices of a certain type, that there will be legal certainty you will not be sued at some future point for engaging in the honorable profession of extending credit to people trying to buy homes.

On that point, let me quickly add that 95 percent or more of the people engaged in this practice are honorable people, doing a public service, extending credit to people who pay their obligations on time. It is a mischaracterization on this floor to represent that all people engaged in the business of extending credit for this honorable purpose are up to no good. In fact, when foreclosures occur, it actually costs the industry business.

This is not a helpful environment. We would be legislating with certainty, and the bill in the underlying form does not provide that. The gentleman's amendment is excellent, well-constructed. I hope the House will favorably consider it.

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

Mr. FRANK of Massachusetts. Will the gentleman yield to me?

Mr. WATT. I yield to the chairman.

Mr. FRANK of Massachusetts. As I said to my friend from Louisiana, I know everybody can't hear everything. He defends against an accusation that was not made when he said, Don't say they are all up to no good. Several of us on this side have explicitly said that we believe the majority are well-intentioned. The problem, I think, is that where there are people who are not well-intentioned, there are no rules to stop them. But we did on several occasions quite say the opposite of what the gentleman said we shouldn't have said.

Mr. WATT. I would just add to that, on the floor today time after time after time, I have said that the great, great, great majority of the lenders are abiding by the rules. It's not those lenders who created this crisis. It is those people who are operating outside the rules, and that is what we are trying to put a construct around that is workable to protect those who abide by the rules of the road without shielding those who will abuse the process. This amendment would allow that to happen.

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

Mr. GARRETT of New Jersey. Mr. Chairman, I would like to point out that this amendment is supported by the Mortgage Bankers Association, the American Financial Services Association, and Financial Services Roundtable. I believe they do that because they realize when a bill sets up the language of presumption of ability to repay and net tangible benefits, as it has done on line 1, page 52, and then defines that as a safe harbor, with the one hand, but then immediately takes it away with the other hand by saying that you can still go into court after the lender has met all the requirements as we defined as what is an ability to repay and tangible benefits, we are creating more uncertainty in the market, as the gentleman from Louisiana indicated, one that will hurt the overall economy and the ability to secure loans.

I ask for a ''yes'' vote on this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 110–450.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Is the gentleman the designee of the gentleman from North Carolina?

Mr. FRANK of Massachusetts. Yes, I am.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. FRANK of Massachusetts:

Page 64, line 12, strike the closing quotation marks and the second period.

Page 64, after line 12, insert the following new paragraphs:

''(10) PATTERN OR PRACTICE OF VIOLATIONS.—

''(A) IN GENERAL.—In addition to any money penalty that may be imposed by any agency referred to in subsection (a) or (c) of section 108 under any provision of law referred to in such section in connection with such agency or any other enforcement action taken by such agency under such section, any creditor, assignee, or securitizer which engages in a pattern or practice of originating, assigning, or securitizing residential mortgage loans that violate subsection (a) or (b) shall forfeit and pay a civil penalty of—

''(i) not less than $25,000 for each such loan; and

''(ii) $1,000,000 for engaging in such pattern or practice.

''(B) INFORMATION.—Any person may submit information to any agency referred to in

subparagraph (A) regarding any pattern or practice of violating subsection (a) or (b) and such agency shall promptly bring such complaint to the attention of any other such agency which may have jurisdiction over any person involved in the alleged violation.

''(11) TRUST FUND FOR CONSUMERS WITHOUT REMEDY.—

''(A) IN GENERAL.—Any civil money penalty collected under paragraph (10) shall be transferred to the Secretary of the Treasury to be held in trust in the Consumers Rescission and Cure Remedial Fund for the benefit of borrowers with residential mortgage loans that were originated in violation of subsection (a) or (b) for which the consumers are eligible for rescission or cure but have no party against whom to assert such remedies.

''(B) REGULATIONS.—The Secretary of the Treasury shall prescribe regulations establishing—

''(i) a claims process for consumers described in subparagraph (A) to file claims against the Consumers Rescission and Cure Remedial Fund for rescission or cure of a residential mortgage loan that was originated in violation of subsection (a) or (b);

''(ii) a procedure for administrative determination of claims, and the allowance or disallowance of any such claim, and a review of such determination; and

''(iii) a process for payment of any claim allowed against the Fund to effectuate a rescission or cure as part of a final settlement entered into by the consumer with the Secretary with respect to such claim.

''(C) FINALITY.—Any determination by the Secretary under this paragraph shall be final and not subject to judicial review.''.

The ACTING Chairman. Pursuant to House Resolution 825, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer this amendment, but I do not intend to push it today. I will be withdrawing it with the consent of the body. I was not as careful as I should have been in supervising or making clear my intentions in what I wanted. I do believe one of the two most controversial items in this is preemption. Very few people think we have done preemption just right. Fortunately, a lot of us are here. A lot of other people think we have done too much or too little.

The question of preemption is really twofold: one, should you preempt; and, secondly, having preempted, having prevented the State from acting, have you put sufficient rules in there to defer bad behavior. I think we probably didn't, as I read this over. That is, I think we have preempted, as we have clarified it, the right amount: not too much and not too little. But we have not put into the preemption enough in terms of deterrence.

We do have the policies and procedures in the safe harbor exemption. But what I think we should have and what this amendment was meant to embody is the ability of aggrieved parties or representatives, Attorneys General of the States, others, to go to the regulator of the entity in question and say, Look, there's been this pattern of abuse. When we have a pattern of abuse, you act.

We did not want to make the liability for any one violation too heavy. We didn't want to overkill. But we then would run into the problem the gentleman from North Carolina talked about, where violations at a moderate level of penalty could be simply a cost of doing business. So having a pattern and practice approach in here prevents people from treating a moderate penalty from simply being a cost of doing business.

It was drafted more than I had intended. That is my fault. I should have been paying more attention. I do not think originators ought to be covered in this, certainly not with a $1 million limitation.

So for that reason I am going to offer this and say that I hope to withdraw it now and work on it further.

I would yield to my friend from Colorado who is one of those who brought some of the problems here to my attention.

Mr. PERLMUTTER. Mr. Chairman, I thank the chairman for yielding to me, and I thank the chairman for being willing to work on this particular amendment to zero in on the major players who, in a repeated fashion, time after time, show by pattern and practice an abuse of this predatory lending policy.

I do want to reiterate something that Mr. BLUMENAUER said. I want to congratulate the ranking member and Mrs. BIGGERT and Mrs. CAPITO and a number of the others on the Republican side of the aisle, along with the sponsors of this bill, for working and refining and developing a bill that will deal with the problems that we have seen of predatory lending and subprime loans that have hurt a lot of the people in this country and our financial system.

I also intend to work with the chairman on the eviction piece, the rental piece of this, so we don't harm the single-family, owner-occupied system of FHA and VA-type loans.

Mr. FRANK of Massachusetts. Let me take back my time. The gentleman raised that issue.

The gentleman from Texas (Mr. MARCHANT) raised an issue on renter protection. So you cannot be the homeowner being foreclosed upon and then get the rights of a tenant. The gentleman from Colorado had a further point, which is in those cases where there was a very specific prohibition in the loan against rental, that should not be overcome by what we do.

I would yield the remainder of my time to the gentleman from North Carolina.

The Acting CHAIRMAN. The gentleman from North Carolina is recognized for 2 minutes.

Mr. MILLER of North Carolina. Mr. Chairman, one of my concerns about this bill is the weakness, the inadequacy of the remedies available to the consumer. I have said that earlier today in the debate on this bill that I am very concerned that if industry is looking at one consumer in 50, or one in 100, or one in 200 who has actually been the victim of illegal practices, brings a claim for very modest remedies, many industries or some in industry may simply view that as a minor cost of doing business, a minor nuisance, and just keep doing what they are doing.

This amendment, while I agree it does need to be tinkered with some, would raise the stakes substantially. It does provide a more substantial penalty, $1 million plus $25,000 for each loan. That actually is not that much. Ameriquest, one of the biggest subprime lenders, paid $425 million in a settlement and just kept doing it. Just kept going. It was the cost of doing business. And their CEO is now the ambassador to one of those small, pleasant countries in Europe that big campaign contributors get appointed to be ambassadors to. It hasn't affected them in the slightest.

This amendment would call the attention of the regulatory agencies, the SEC to pay attention to the securitizers, the Goldman Sachses of the world, the big banks; Bank of America would have to answer to the OCC, their regulatory body, and on and on. Mr. Chairman, those industry groups do not want the attention of their regulator that way. They do not want to be under that kind of scrutiny; they do not want to pay those penalties. And this would substantially raise the stakes for them and encourage them to abide by the law.

Mr. FRANK of Massachusetts. Let me take back the time. The gentleman has underlined an important point. We are going to see this back again in somewhat buffed-up form. It goes to the regulators, so this isn't going to lead to court. It is not an explosion of litigation. It would allow a range of people to bring it, including State Attorneys General, but it would be brought to the regulator, someone familiar with that business model and an entity able to discriminate between good and bad practices.

I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 14 OFFERED BY MR. AL GREEN OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 110–450.

Mr. AL GREEN of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. AL GREEN of Texas:

Page 15, line 7, insert ''which shall include instruction on fraud, consumer protection and fair lending issues'' before the period.

Page 16, line 6, strike ''and'' after the semicolon.

Page 16, line 8, strike the period and insert ''; and''.

Page 16, after line 8, insert the following new clause:

(iv) Federal and State law and regulation, including instruction on fraud, consumer protection, and fair lending issues.

Page 17, line 20, insert ", including education on fraud, consumer protection, and fair lending issues.".

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from Texas (Mr. AL GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. Mr. Chairman, I also would like to thank the chairman of the full committee, Chairman FRANK, Ranking Member BACHUS, the subcommittee Chair and ranking member as well.

Mr. Chairman, this is a very simple and straightforward amendment. This amendment deals with minimum standards for mortgage originators, and it requires that mortgage originators receive a certain amount of training.

□ 1630

The bill itself right now requires at least 20 hours of education, of which at least 3 hours of Federal law shall be included in the regulations as well, along with 3 hours of ethics. What this amendment does is include in the ethics training instructions on fraud, consumer protection and fair lending issues. It is very straightforward. It is not complicated.

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

Mr. BACHUS. Mr. Chairman, I claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Alabama is recognized for 5 minutes.

There was no objection.

Mr. BACHUS. Mr. Chairman, I compliment the author, Mr. GREEN, for this amendment. I would anticipate and hope that with the passage of this amendment that mortgage originators would receive instructions on these subjects. So I very much am in support of the amendment.

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

Mr. AL GREEN of Texas. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank Congressman GREEN and express gratitude to Chairman FRANK, Ranking Member BACHUS, Subcommittee Chair Watt and Congressman MILLER for their extraordinary efforts to restore confidence in our Nation's housing markets and address the housing mortgage crisis facing our Nation, this crisis has been felt no more harshly than in the State of Ohio, one of the hardest hit States in our Union, where our foreclosure filing rates have gone up 300 percent since just last year, thousands upon thousands of Ohioans having for sale and foreclosure signs in front of their homes. In Ohio, $20 billion and growing is the gap, the financing gap.

I rise in support of the gentleman's amendment, but want to clarify that under the bill, any legal case that has been filed can proceed forward, indeed until the regulations for implementation of the bill are completed after it is signed by the President. States are not limited in their ability to prosecute in cases of fraud, collusion, misrepresentation, deception, false advertising or civil rights. Importantly, any mortgage made in the future will have to assure the borrower's ability to repay and that the borrower be yielded a net tangible benefit.

As this bill moves forward, I believe it can be perfected even more to restore confidence, discipline and provide accountability in our troubled, very troubled, housing markets, which are helping to drive our Nation into recession.

I just want to say to Chairman FRANK, you are the right man in the right place at the right time. I just hope that the other body and the President of the United States follow your leadership on this really critical issue, take it not just to Ohio, but to our country.

STOCKTON, DETROIT, RIVERSIDE-SAN BERNARDINO POST TOP METRO FORECLOSURE RATES IN Q3

(By RealtyTrac Staff)

IRVINE, Calif.—Nov. 14, 2007—RealtyTrac® (realtytrac.com), the leading online marketplace for foreclosure properties, today released its Q3 2007 Metropolitan Foreclosure Market Report, which shows Stockton, Calif., Detroit and Riverside-San Bernardino, Calif., documented the three highest foreclosure rates among the nation's 100 largest metropolitan areas during the third quarter.

RealtyTrac publishes the largest and most comprehensive national database of foreclosure and bank-owned properties, with over 1 million properties from nearly 2,500 counties across the country, and is the foreclosure data provider to MSN Real Estate, Yahoo! Real Estate and The Wall Street Journal's Real Estate Journal.

"Although cities in just three states—California, Ohio and Florida—accounted for more than two-thirds of the top 25 metro foreclosure rates, increasing foreclosure activity was not limited to just a few hot spots," said James J. Saccacio, chief executive officer of RealtyTrac. "In fact, 77 out of the top 100 metro areas reported more foreclosure filings in the third quarter than they had in the previous quarter. Still, there continue to be pockets of the country—most noticeably metro areas in the Carolinas, Virginia and Texas—that have thus far dodged the foreclosure bullet."

CALIFORNIA, OHIO, FLORIDA CITIES DOMINATE TOP METRO FORECLOSURE RATES

Stockton, Calif., documented one foreclosure filing for every 31 households during the quarter, the highest foreclosure rate along the nation's 100 largest metro areas. A total of 7,116 foreclosure filings on 4,409 properties were reported in the metro area during the quarter, up more than 30 percent from the previous quarter.

Detroit's third-quarter foreclosure rate of one foreclosure filing for every 33 households ranked second highest among the nation's 100 largest metro areas. A total of 25,708 foreclosure filings on 16,079 properties were reported in the metro area during the quarter, more than twice the number of filings in the previous quarter.

The Riverside-San Bernardino, Calif., metropolitan area in Southern California documented the nation's third highest metro foreclosure rate, one foreclosure filing for every 43 households. A total of 31,661 foreclosure filings 20,664 properties were reported in the metro area during the quarter, up more than 30 percent from the previous month.

Other cities in the top 10 metro foreclosure rates: Fort Lauderdale, Fla.; Las Vegas; Sacramento, Calif.; Cleveland; Miami; Bakersfield, Calif.; and Oakland, Calif. California cities accounted for seven of the top 25 metro foreclosure rates, while Florida and Ohio each accounted for five of the top 25 spots.

RIVERSIDE-SAN BERNARDINO, LOS ANGELES, DETROIT REPORT MOST FORECLOSURE FILINGS

The Riverside-San Bernardino metropolitan area reported the most foreclosure filings during the quarter, followed by Los Angeles, with 29,501 filings on 18,043 properties. The Los Angeles foreclosure rate of one foreclosure filing for every 113 households ranked No. 26 among the nation's 100 largest metro areas. Detroit reported the third highest number of foreclosure filings during the quarter.

Atlanta's foreclosure filing total of 21,695 on 18,940 properties was the fourth highest foreclosure filing total, and the metro area's foreclosure rate of one foreclosure filing for every 92 households ranked No. 18 among the top 100 metro areas.

Other cities with foreclosure filing totals among the 10 highest were Phoenix, Fort Lauderdale, Fla., Cleveland, Chicago, Miami and Sacramento, Calif.

REPORT METHODOLOGY

The RealtyTrac Metro Foreclosure Market Report provides the total number of foreclosure filings by metropolitan area, along with the number of households per foreclosure filing. The household numbers are based on the U.S. Census Bureau's 2005 estimates of total housing units.

Beginning with the Midyear 2007 report, the report also includes counts of properties with at least one foreclosure filing reported against them. This new metric only counts a property once, even if there were multiple foreclosure actions filed against the property during the time period covered by the report.

FORECLOSURE ACTIVITY FOR THE NATION'S 100 LARGEST MSAS—Q3 2007

Rate rank		Foreclosure filings: Total filings
1.	Stockton, CA	7,116
2.	Detroit/Livonia/Dearborn, MI	25,708
3.	Riverside/San Bernardino, CA	31,661
4.	Fort Lauderdale, FL	16,595
5.	Las Vegas/Paradise, NV	14,948
6.	Sacramento, CA	15,479
7.	Cleveland/Lorain/Elyria/Mentor, OH	16,332
8.	Miami, FL	15,484
9.	Bakersfield, CA	3,947
10.	Oakland, CA	13,245
11.	Akron, OH	3,992
12.	Denver/Aurora, CO	13,179
13.	Fresno, CA	3,687
14.	Memphis, TN	6,239
15.	Phoenix/Mesa, AZ	18,328
16.	San Diego, CA	12,274
17.	Dayton, OH	4,147
18.	Atlanta/Sandy Springs/Marietta, GA	21,695
19.	Tampa/St. Petersburgh/Clearwater, FL	13,562
20.	Toledo, OH	3,119
21.	Palm Beach, FL	6,387
22.	Dallas, TX	14,717
23.	Columbus, OH	7,265
24.	Indianapolis, IN	6,604
25.	Sarasota/Bradenton/Venice, FL	3,308
26.	Los Angeles/Long Beach, CA	29,501
27.	Orlando, FL	7,189
28.	Warren/Farmington Hills/Troy, MI	9,025
29.	Fort Worth/Arlington, TX	6,328

FORECLOSURE ACTIVITY FOR THE NATION'S 100 LARGEST MSAS—Q3 2007—Continued

Rate rank		Foreclosure filings
		Total filings
30.	Cincinnati, OH	6,144
31.	Orange, CA	6,899
32.	Worchester, MA	2,069
33.	Jacksonville, FL	3,501
34.	Tucson, AZ	2,514
35.	San Antonio, TX	4,300
36.	Houston/Baytown/Sugarland, TX	11,960
37.	Springfield, MA	1,637
38.	Washington/Arlington/Alexandria, DC–VA–MD	9,099
39.	Essex, MA	1,605
40.	Newhaven/Milford, CT	1,850
41.	Chicago, IL	16,314
42.	Ventura, CA	1,400
43.	San Jose/Sunnyvale/Santa Clara, CA	3,245
44.	Austin/Round Rock, TX	3,063
45.	Gary, IN	1,408
46.	Charlotte/Gastonia, NC	3,148
47.	Newark, NJ	3,970
48.	Boston/Quincy, MA	3,386
49.	Tacoma, WA	1,369
50.	Lake/Kenosha, IL–WI	1,110
51.	Milwaukee/Waukesha/West Allis, WI	2,870
52.	Camden, NJ	1,225
53.	Little Rock/North Little Rock, AR	1,250
54.	Kansas City, MO–KS	3,659
55.	Edison, NJ	3,787
56.	St Louis, MO–IL	4,820
57.	Cambridge/Newton/Framingham, MA	2,278
58.	Tulsa, OK	1,497
59.	Nashville/Davidson, TN	2,224
60.	Scranton/Wilkes-Barre/Hazleton, PA	898
61.	Hartford, CT	1,674
62.	Bridgeport/Stamford/Norwalk, CT	1,171
63.	Salt Lake City, UT	1,253
64.	Oklahoma City, OK	1,639
65.	Baltimore/Towson, MD	3,516
66.	Louisville, KY–IN	1,696
67.	Raleigh/Cary, NC	1,242
68.	Bethesda/Frederick/Gaithersburg, MD	1,362
69.	Minneapolis/St Paul/Bloomington, MN–WI	3,699
70.	Philadelphia, PA	4,456
71.	Omaha/Council Bluffs, NE–IA	846
72.	Knoxville, TN	701
73.	Suffolk/Nassau, NY	2,321
74.	Pittsburgh, PA	2,548
75.	Seattle/Bellevue/Everett, WA	2,318
76.	El Paso, TX	527
77.	New York/Wayne/White Plains, NY–NJ	9,240
78.	New Orleans, LA	1,212
79.	Wilmington, DE–NJ	543
80.	Buffalo/Cheektowaga/Tonawanda, NY	960
81.	Poughkeepsie/Newburgh/Middletown, NY	446
82.	Providence/New Bedford, RI	816
83.	Portland/Vancouver/Beaverton, OR–WA	1,474
84.	Rochester, NY	695
85.	Wichita, KS	343
86.	Greensboro/Highpoint, NC	405
87.	San Francisco, CA	940
88.	Albany/Schenectady/Troy, NY	449
89.	Albuquerque, NM	387
90.	Birmingham/Hoover, AL	451
91.	Norfolk/Virginia Beach/Newport News, VA	580
92.	Charleston, SC	254
93.	Columbia, SC	279
94.	Richmond, VA	448
95.	Syracuse, NY	249
96.	Allentown/Bethlehem/Easton, PA	204
97.	Honolulu, HI	197
98.	Baton Rouge, LA	147
99.	McAllen/Edinburg/Pharr, TX	106
100.	Greenville, SC	79

Mr. AL GREEN of Texas. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Chairman, I simply want to correct something I said earlier today. Earlier today I said the Mortgage Bankers Association was opposed to this bill. That is not correct. They do not support the bill. In a letter dated today, they outlined four areas of major concern with the bill, but they did not oppose the bill. They did not support the bill, but they did not oppose it. So what I said earlier today, it was incorrect.

Mr. AL GREEN of Texas. Mr. Chairman, I would like to yield 1 minute to Mrs. STEPHANIE TUBBS JONES, please.

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Chairman, there is a God. For the past 8 years I have introduced legislation called the Predatory Lending Reduction Act, saying to the community and the world that there is a problem happening out here. And here we are in 2007, some 8 years later, and there is a wake-up call going on.

Across the country, people are having problems with their mortgages and communities are losing tax underwriting as a result thereof. I am pleased that H.R. 3915 incorporates language from the Predatory Lending Reduction Act that I introduced 8 years ago and that it requires a licensing and registration for mortgage brokers.

We all know that all subprime lenders are not predatory lenders, but we also know that all predatory lenders are subprime lenders, and we have to get on top of this.

Thank God we are saving the people of America.

Mr. AL GREEN of Texas. Mr. Chairman, I would simply close by indicating I am very pleased to see the bipartisan effort that has been generated by this bill. This is a good bill, and I ask all of my colleagues to please support it.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. MCHENRY

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 110–450.

Mr. MCHENRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. MCHENRY:

Page 80, strike line 1 and all that follows through page 102, line 26 (all of title III) (and redesignate the subsequent title and sections and conform the table of contents accordingly).

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from North Carolina (Mr. MCHENRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MCHENRY. Mr. Chairman, the amendment I offer today is really the crux of this debate that we are having here on the House floor on how to best take on the mortgage crisis that we are facing as a country.

This is a very substantive debate. I think it is a very legitimate debate for the House to have, about how we approach the mortgage marketplace and ensure that individuals, families, can still access credit so they can actually get a home for themselves and their children.

Now, the issue at hand is title III of the bill, the so-called North Carolina standard, put forward by my colleagues from North Carolina, Mr. WATT and Mr. MILLER. What, in essence, they do is make all subprime loans HOEPA loans. These are really high-cost loans, so-called innovative loans.

What this does is make all subprime loans HOEPA loans, and, as the Comptroller of the Currency said in a recent hearing before the Financial Services Committee, ''It is fair to say that in the past HOEPA loans were viewed as so extreme that few institutions provided HOEPA loans because it was such a rigorous and, what is the word, a scarlet letter of sorts that people wouldn't make the loans. So when you look at our home loan registry, for example, you don't find many HOEPA loans anymore.''

Well, there were 10 million mortgages let in 2006. Only 15,200 were HOEPA loans. A very small percentage.

In essence, what title III of this bill does is it, in essence, eliminates the subprime marketplace in America. What it does in North Carolina, it has curtailed refinancing and initial financing in the subprime marketplace. This is very harmful to individuals and families.

With that, I encourage my colleagues to vote for this amendment.

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

Mr. MILLER of North Carolina. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MILLER of North Carolina. Mr. Chairman, title III hardly turns all subprime loans into HOEPA loans. HOEPA loans are very high-cost loans, loans with a very high interest rate. For first loans, it is 8 percent above the Treasury rate, which works out to about 13 percent. Or for subordinate loans, second or third mortgages, it is 10 percent above, which is more like a 15 percent interest rate.

In contrast, this legislation before us, the other provisions of the legislation, the other titles, treats the subprime loans as loans with an interest rate of about 8.5. So there is plenty of room between 8.5 or 13 or 15.

Mr. Chairman, it is simply not true that this legislation in North Carolina has created a problem with lending in North Carolina. We have heard it again and again in the Financial Services Committee for 4 or 5 years. We have heard repeatedly testimony by the North Carolina Commissioner of Banks, Joe Smith, who has said there is a ready availability of credit in the subprime market in North Carolina, and that it is no more expensive than it is anywhere else that he knows of.

We have heard from witnesses from industry who have said repeatedly they have been able to lend in North Carolina on the same terms and at the same rates as everywhere else, and they have been able to do so profitably.

There was a business school study at the University of North Carolina that said there has been no difference in the

availability or the cost of credit in the subprime market in North Carolina because of the protections of the North Carolina law. A Morgan Stanley survey of 280 subprime branch managers said there had been no reduction in subprime lending in North Carolina as a result of these consumer protections. And it just goes on.

In the time between 1998 before the North Carolina law was enacted and went into effect in 2003, there was a 366 percent growth in subprime lending in North Carolina. It is sort of hard to see from that that the North Carolina law killed off subprime lending.

What it did do is it protects consumers from equity stripping, from having huge chunks of their equity in their home, their life savings, taken from them at closing by outrageous upfront costs and fees, many of which were poorly disclosed.

This lowers the trigger for a HOEPA loan from 8 points at closing to 5 points at closing and closes some of the loopholes so that consumers, when they have to borrow money against their home, are not going to have their equity stripped, are not going to have their life savings, the equity in their home, taken from them.

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

Mr. MCHENRY. Mr. Chairman, let me quote Congressman MILLER from our recent subprime markup in Financial Services. ''Yes, there are fewer loans being made in North Carolina,'' is the reference. ''That is also an intended consequence of reform. This is the heart of the bill.''

The statistics for North Carolina, amongst subprime lenders there is a decline of 8.1 percent in the last 5 years. In comparison States, there was a growth of 1 percent of prime lending. In comparison States, loans by subprime lenders increased by 4.6 percent, and loans made in North Carolina decreased, subprime loans, by 8.1 percent. There is a significant disparity there.

Furthermore, in refinancing in subprime loans in North Carolina, there was a decline of 11.4 percent. In comparable States, there was an increase of 4 percent.

It shows that there are fewer loans being made and less availability of credit in North Carolina because of the so-called North Carolina standard.

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

Mr. MILLER of North Carolina. Mr. Chairman, I have the right to close, so I think I will wait until Mr. MCHENRY is done.

The Acting CHAIRMAN. The gentleman reserves the balance of his time.

Mr. MCHENRY. Mr. Chairman, I would inform my colleague I have the right to close.

Mr. MILLER of North Carolina. Only one of us is right.

The Acting CHAIRMAN. The gentleman from North Carolina (Mr. MILLER) has the right to close.

Mr. MCHENRY. Two additional points on my amendment here. It strikes title III, which bans rolling closing costs, points and fees into the financing of subprime mortgages, as well as eliminating prepayment penalties. So if someone currently has a prepayment penalty and they want to get out of this high-cost mortgage they currently have, and they seek to refinance their way into a more affordable mortgage, they would be prevented from rolling that prepayment penalty into the next loan.

So my contention is title III of this bill eliminates people's options and opportunities to refinance their way out of foreclosure and default.

So I would encourage my colleagues to vote for my amendment to strike I think the most egregious title within this bill.

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

Mr. MILLER of North Carolina. Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. MCHENRY. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state it.

Mr. MCHENRY. Who has the right to close on an amendment? Is it those opposed to it or those who are offering the amendment?

The Acting CHAIRMAN. When the Member claiming time in opposition hails from the committee of jurisdiction, he has the right to close.

The gentleman from North Carolina has 1 minute remaining.

Mr. MCHENRY. Thank you, Mr. Chairman.

Let me tell you one story in North Carolina. Ben Ingle is a mortgage broker at NBI Mortgage in Shelby, North Carolina. Ben was able to secure a loan for a woman who was a victim of domestic violence and a victim of her ex-husband's bad credit. Her ex-husband ruined her credit. In this process, she got out of an abusive relationship and wanted to have a home for her son and herself, but she had a tough time because of her credit situation.

Well, Ben was able to work with her over an extended period of time. In fact, when it was all said and done, under this legislation before us today, Ben would have been only able to make $4.16 an hour for the work that he did for this lady to qualify her for a loan.

□ 1645

Now, she is very happy to be in a loan today and have a mortgage today and have a home for her son. But what this bill does is harm our communities and I think our mortgage brokers that are doing the right thing.

At the end of the day, mortgage originators are a part of our community. They are community leaders oftentimes, and what we are trying to do is battle unscrupulous actors and have good protections for homeownership in America.

Title III of this bill would prevent this young lady from having the option to get the lending she needed for a home. This is about homeownership. I urge Members to vote for my amendment and vote against the bill.

Mr. MILLER of North Carolina. Mr. Chairman, the woman from Shelby would be able to borrow under this bill, it just would be a highly regulated loan, only if she is paying more than 13 percent interest or paying more than 5 percent in closing costs, which is a lot in closing costs.

Mr. MCHENRY really got at what is wrong with predatory lending when he said that people need to be able to refinance to pay off the loans they are in now.

That is not the kind of mortgage system we want. We don't want people refinancing to pay off the loan they are in now and pay the prepayment penalties on this loan and pay points and fees for the next loan, and then 2 years later doing it all over again. We don't want people in a cycle of borrowing and borrowing again. We want people to get into loans that they can pay off. They can pay month after month, and at some point have a ceremony, a little party, that people in another generation had of burning the mortgage because it is paid off. So for the rest of their lives, they will own their home free and clear.

Predatory lending traps people in a cycle of borrowing and borrowing again. That is something that North Carolina law successfully dealt with. If there was some slight dip in overall loans, it is because people weren't caught in a cycle of borrowing to pay off the last mortgage and then having to borrow 2 years from now to pay off the mortgage they are entering today.

It ends flipping of loans to generate fees for everybody else in the system who is getting rich off the middle class, off the middle-class homeowners. The North Carolina law is working fine for North Carolina. It will work fine for the rest of us. It has been the model for most of the States that have had their own predatory lending legislation, consumer protection legislation in the last few years. Keep title III in this bill.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MCHENRY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. VAN HOLLEN

The Acting CHAIRMAN. It is now in order to consider amendment No. 17 printed in House Report 110–450.

Mr. VAN HOLLEN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. VAN HOLLEN:

Page 71, line 5, strike the closing quotation marks and the second period.

Page 71, after line 5, insert the following new subsection:

''(m) CLOSING COSTS.—In the case of a residential mortgage loan, any costs incurred in connection with the consummation of the loan may not exceed by more than 10 percent the estimate of the amount of such costs disclosed to the consumer in advance of the consummation of the loan.''.

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentleman from Maryland (Mr. VAN HOLLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. VAN HOLLEN. Mr. Chairman, let me begin by commending the chairman of the Financial Services Committee, Mr. FRANK, and the ranking member, Mr. BACHUS, for crafting a bill that is before us today to help protect homeowners across the country and to stop predatory lending.

The amendment I am proposing is designed to protect consumers from bait-and-switch schemes perpetrated by a small number of unscrupulous lenders who have learned to exploit flaws in the existing system. Under the existing law we have today, lenders are required to provide homeowners with a good-faith estimate of their settlement costs, the costs they will have when they settle on a transaction.

However, under current law there is absolutely no penalty for lenders who are widely off in providing those estimates. We have many cases where you have a few bad actors who lure consumers to borrow by low-balling their estimate of closing costs only to jack-up those costs when it comes to the last minute at the settlement table.

This amendment would address this problem by saying that in the case of residential mortgage loans, the amount of closing costs may not exceed by more than 10 percent any estimate of the closing cost provided to the consumer in advance of closing. By setting that kind of ceiling, we reduce the chance that borrowers will be blindsided by unexpected fees at closing.

The intent of this amendment is to protect consumers from negligent or fraudulent lenders and introduce greater confidence and certainty into the process.

Mr. Chairman, as currently drafted, I believe this amendment is too broad. We need to make sure we hold lenders accountable for estimates that are within their control, not those estimates that may be outside of their control. In a moment I am going to move to withdraw the amendment.

But before that, I would like to yield to the chairman of the committee.

Mr. FRANK of Massachusetts. I thank the gentleman from Maryland.

This is a very complicated subject. It involves a number of moving parts.

At every stage, and we said this from the beginning, at every stage in this bill, from the bill's introduction to the hearing to the markup to now, it has been improved. No one really knew enough. We are in a somewhat unknown area.

I would also say ultimately, I think, if we're going to get any legislation here, as I said before, we are going to get a bill that no single Member of this House likes in every particular because we are going to have to work together.

The gentleman from Maryland has identified one more area where we believe improvement can go forward. It is a subject that has to be refined some. This is the end of the session. We are getting legislation drafted. It can't always be done as carefully as we would like.

I appreciate the gentleman calling this to our attention; and in the bipartisanship spirit we have had, I believe we can continue to work on this, and by the time this bill is finally ready to be signed, we can include the thrust of what the gentleman is trying to accomplish.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. VAN HOLLEN. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, we have discussed this amendment, and I acknowledge that the gentleman brings up a valid point. It is something that we will continue to adjust as the process goes forward.

Mr. VAN HOLLEN. Mr. Chairman, I thank Mr. BACHUS and the chairman of the committee as well. I appreciate your willingness to work on this issue as we go forward.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 18 OFFERED BY MS. SUTTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 18 printed in House Report 110–450.

Ms. SUTTON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Ms. SUTTON:

After section 211, insert the following new section (and redesignate the subsequent sections accordingly):

SEC. 212. 6-MONTH NOTICE REQUIRED BEFORE RESET OF HYBRID ADJUSTABLE RATE MORTGAGES.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 128 the following new section:

''§ 128A. Reset of hybrid adjustable rate mortgages

''(a) HYBRID ADJUSTABLE RATE MORTGAGES DEFINED.—For purposes of this section, the term 'hybrid adjustable rate mortgage' means a consumer credit transaction secured by the consumer's principal residence with a fixed interest rate for an introductory period that adjusts or resets to a variable interest rate after such period.

''(b) NOTICE OF RESET AND ALTERNATIVES.—During the 1-month period that ends 6 months before the date on which the interest rate in effect during the introductory period of a hybrid adjustable rate mortgage adjusts or resets to a variable interest rate, the creditor or servicer of such loan shall provide a written notice, separate and distinct from all other correspondence to the consumer, that includes the following:

''(1) Any index or formula used in making adjustments to or resetting the interest rate and a source of information about the index or formula.

''(2) An explanation of how the new interest rate and payment would be determined, including an explanation of how the index was adjusted, such as by the addition of a margin.

''(3) A good faith estimate, based on accepted industry standards, of the creditor or servicer of the amount of the monthly payment that will apply after the date of the adjustment or reset, and the assumptions on which this estimate is based.

''(4) A list of alternatives consumers may pursue before the date of adjustment or reset, and descriptions of the actions consumers must take to pursue these alternatives, including—

''(A) refinancing;

''(B) renegotiation of loan terms;

''(C) payment forbearances; and

''(D) pre-foreclosure sales.

''(5) The names, addresses, telephone numbers, and Internet addresses of counseling agencies or programs reasonably available to the consumer that have been certified or approved and made publicly available by the Secretary of Housing and Urban Development or a State housing finance authority (as defined in section 1301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989).

''(6) The address, telephone number, and Internet address for the State housing finance authority (as so defined) for the State in which the consumer resides.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 128 the following new item:

''128A. Reset of hybrid adjustable rate mortgages.''.

The Acting CHAIRMAN. Pursuant to House Resolution 825, the gentlewoman from Ohio (Ms. SUTTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. SUTTON. Mr. Chairman, first of all I would like to commend the chairman of the Financial Services Committee for his extraordinary leadership and hard work on this legislation. I also want to thank the ranking member, Mr. BACHUS, along with Mr. FRANK for their extraordinary hard work. I also extend my thanks to Mr. MILLER, the sponsor of this bill, as well.

Today I rise to offer an amendment to H.R. 3915 that I believe will take an important step in preventing avoidable foreclosures. The news stories we see every day remind us that this subprime mortgage crisis is not going away immediately. In fact, it is getting worse.

RealtyTrac just released its third quarter foreclosure numbers, and the numbers are staggering. Foreclosure filings increased 30 percent nationally from the second quarter, which translates to one foreclosure filing for every 196 American households.

Two of the largest metro areas in my district are among the 15 with the highest foreclosure rates nationally. Foreclosures in the Cleveland, Lorain, Elyria area are up 179 percent from last year. One in every 57 homes in that area is in foreclosure. In Akron, it is one of every 76. These are families in my district who are suffering.

Many of the loans involved in the current subprime mortgage crisis are hybrid adjustable rate mortgages. Though these loans typically begin with a low fixed ''teaser'' rate, it resets after 2 or 3 years, often to as much as two or three times the original payment.

According to a recently conducted survey, one in four homeowners with adjustable rate mortgages were not aware how soon their rates could spike, and three-quarters did not know how much their payments might increase.

A homeowner who does not know what is coming may not be able to ask for help until it is too late. The amendment I am offering today would take a simple step to help ensure homeowners have the opportunity to pursue all of the options available to them before the foreclosure becomes inevitable.

My amendment, which is based on a recommendation of the Ohio Foreclosure Prevention Task Force, will require lenders to send a notice to homeowners holding hybrid adjustable rate mortgages 6 months before their interest rates are due to reset. The notice will contain four key pieces of information:

It will include the new interest rate and an explanation of how it will be determined;

Second, it will require the lender to include a good-faith estimate of the monthly payment that will apply after the loan resets;

Third, it contains a list of alternatives the consumer may pursue before the date of the adjustment or reset if they feel they will have difficulty in meeting the payment obligations;

Finally, it will include the contact information of the local HUD-approved housing counseling agencies, as well as the State housing finance authority for the State in which the consumer resides.

Enhanced disclosures will help prevent avoidable foreclosures and ensure our families are not caught by surprise and trapped in a position that may ultimately force them out of their homes. I believe this disclosure is a vital tool for our families, and I urge a ''yes'' vote on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. SUTTON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I want to thank the gentlewoman. She has been very diligent and called to the attention of the committee some of the concerns of the Attorney General of Ohio, with whom she has been working, as have her other Ohio colleagues. I appreciate this particular amendment and also the willingness of the gentlewoman to work with us as we continue to make this a better bill. I hope her amendment is adopted.

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

Mr. BACHUS. Mr. Chairman, I would like to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Alabama is recognized for 5 minutes.

Mr. BACHUS. Mr. Chairman, the gentlewoman from Ohio obviously points out a significant problem with foreclosures in Cleveland. It is actually a heart-breaking experience that the people of Cleveland are going through when one out of every five or six houses are undergoing foreclosures. You hear some pretty devastating figures. I know, I used to be an attorney for the FOP, Fraternal Order of Police, in Birmingham; and there is absolutely nothing more problematic in a community than a vacant house from a crime standpoint as well as from a property value standpoint.

The notice she requires, I think some of that is addressed by Mr. GREEN and Mr. MCHENRY, but it is at an earlier time. I would say this, I personally am not going to ask for a roll call on this.

Going forward, I think parts of this amendment are very good. I think stating what the new interest rate will be, giving somebody a notice. The Federal Reserve said some folks sort of, you know, this is something that they don't always see or focus on. But explaining what the new interest rate is going to be and how it is going to be determined, that could be somewhat problematic, but it could be worked in a range as long as the regulators are given some discretion. Offering the borrower the best estimate of what the new monthly payment will be could also, as long as there was some range or discretion in there.

The last two things I think are very good, offering alternatives that the consumer could pursue. That might be very valuable, as would providing information on HUD-approved house counseling. I think that would be very valuable. I personally am not going to ask for a roll call on this. Other Members might.

Mr. Chairman, at this time I yield the balance of my time to the gentleman from Florida because, as you know, on this side, as with this whole body, we come with different perspectives.

Mr. FEENEY. Mr. Chairman, I appreciate the ranking member yielding on this.

Everybody deserves as much notice as possible when their obligations in life are going to change. Every mortgage describes the terms of how the note and the loan will change.

One of the problems I see with this bill is when you are required to give a borrower 6-months' notice on what their interest rate is going to be, my understanding is that some mortgages are triggered off dates that may be only 3 or 4 months in advance of the reset date. For example, does a lender have to guess high? Does a lender have to estimate 3 or 4 months out rates are going to go up so they are going to basically send the borrower notice 6 or 7 or 8 months ahead of time so they comply with this very burdensome notice regulation, and they are basically going to stick a borrower, perhaps, with a higher interest rate if the market actually lets interest rates come down than they would have otherwise been able to do.

□ 1700

I don't know whether you have to send a new notice or an adjusted notice also in terms of the alternatives that we have to describe. There are lots of alternatives if you are going to have trouble making your mortgage payment. You could hit the lottery, I suppose. You could hope that a rich uncle passes away and endows you. There are all sorts of potential alternatives.

Now, if we had a form list of three or four potential things that a borrower could do, that might make sense. But I think this is very subjective.

And speaking of the subjectivity, something I wanted to get to earlier, one of the big problems with this bill is that it has all sorts of subjective requirements, for example, that lenders cannot make loans that are not the most appropriate loans. Who knows, other than 20/20 hindsight, whether a loan was appropriate in specific circumstances? Supposing that a family gets divorced? A loan that might have been appropriate one day may be inappropriate. Suppose somebody loses their job or gets sick?

And the other huge subjective part of this entire bill is the net tangible benefits test. Supposing I go take out a loan for $100,000. I decide to go down and decide to play the ponies and I win a 10:1 payment, I become a millionaire. Well, that loan after the fact turned out to have huge net tangible benefits to me.

On the other hand, supposing I take out a $100,000 loan and put it in investments in the stock market and the market gets jittery because Congress is talking about all sorts of tax hikes. Supposing my stocks decrease from $100,000 to $50,000. Well, it turns out after the fact that my taking out that loan to put the money in the stock market did not have much net tangible benefit.

These subjective tests are a nightmare for people trying to provide credit in America.

Ms. SUTTON. I would inquire how much time I have remaining.

The Acting CHAIRMAN (Mr. HOLDEN). The gentlewoman from Ohio has 1½ minutes remaining.

Ms. SUTTON. Mr. Chairman, requiring lenders and servicers to include their best estimate of the amount that will be incurred when the loan resets is a commonsense way to deal with providing these borrowers with information that is essential if they are in a position to avoid foreclosure, and all we are asking under this amendment is for a good-faith estimate based on accepted industry standards.

The estimate need not be exact. A lender or servicer simply needs to make a good-faith effort to estimate the payment that will apply after reset.

It is important to keep consumers informed about the date of reset, but if they are not sure what they will face when the loan resets, it will be much more difficult for them to prepare what is coming. This is a simple requirement to insure that not only will homeowners know when this will happen, but also what will happen.

I appreciate greatly the remarks of the ranking member, Mr. BACHUS, and of course the support of the chairman of the Financial Services Committee.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. SUTTON).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–450 on which further proceedings were postponed, in the following order:

Amendment No. 16 by Mr. PRICE of Georgia.

Amendment No. 12 by Mr. GARRETT of New Jersey.

Amendment No. 15 by Mr. MCHENRY of North Carolina.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 16 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) 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 Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 249, not voting 16, as follows:

[Roll No. 1114]

AYES—172

Aderholt
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
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
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—249

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
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
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Gallegly
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
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
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
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
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—16

Akin
Blunt
Bono
Carson
Cubin
Davis (KY)
Doyle
Everett
Fortuño
Jindal
Kucinich
Mack
Oberstar
Paul
Velázquez
Weller

□ 1724

Mrs. MCCARTHY of New York and Messrs. CLEAVER, MORAN of Virginia and TURNER changed their vote from ''aye'' to ''no.''

Messrs. BAKER and BROWN of South Carolina changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) 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 Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 229, not voting 20, as follows:

[Roll No. 1115]

AYES—188

Aderholt
Alexander
Bachmann
Bachus
Baker
Barrett (SC)

Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
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
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
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
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 (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—229

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
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
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
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 (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
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—20

Akin
Allen
Bono
Carson
Cubin
Doyle
Everett
Fortuño
Gilchrest
Jindal
Kucinich
Mack
Mahoney (FL)
Moore (WI)
Neal (MA)
Norton
Oberstar
Paul
Radanovich
Weller

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1729

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. MCHENRY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY) 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 Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 245, not voting 24, as follows:

[Roll No. 1116]

AYES—168

Aderholt
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
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
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)

NOES—245

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Castor
Chabot
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
Dent
Dicks
Dingell
Doggett
Donnelly
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)

Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (KY)
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
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—24

Akin
Bono
Capuano
Carson
Cubin
Deal (GA)
Doyle
Etheridge
Everett
Fortuño
Heller
Holt
Jindal
Jones (OH)
Kucinich
Mack
Norton
Oberstar
Paul
Radanovich
Spratt
Sullivan
Weiner
Weller

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining on this vote.

□ 1733

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Chairman, on rollcall Nos. 1114, 1115 and 1116, had I been present, I would have voted "aye" on all 3 votes.

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr. HOLDEN, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 3915) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes, pursuant to House Resolution 825, 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 MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Speaker, I offer a motion to recommit.

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

Mrs. BLACKBURN. Yes, in its current form.

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

The Clerk read as follows:

Mrs. Blackburn moves to recommit the bill H.R. 3915 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendments:

Page 71, line 5, strike the closing quotation marks and the second period.

Page 71, after line 5, insert the following new subsection:

''(m) APPROVED IDENTIFICATION TO OBTAIN A RESIDENTIAL MORTGAGE LOAN.—

''(1) VERIFICATION REQUIRED.—A creditor may not extend any credit in connection with a residential mortgage loan unless the creditor verifies the identity of an individual seeking to obtain any such loan.

''(2) FORM OF IDENTITY.—A creditor may not accept, for the purpose of verifying the identity of an individual seeking to obtain a residential mortgage loan, any form of identification of the individual other than the following:

''(A) SOCIAL SECURITY CARD WITH PHOTO IDENTIFICATION CARD.—A social security card accompanied by a photo identification card issued by the Federal Government or a State Government.

''(B) REAL ID ACT IDENTIFICATION.— A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109–13; 49 U.S.C. 30301 note) other than an identification card issued under section 202(d)(11) of such Act.

''(C) PASSPORT.—A passport issued by the United States or a foreign government.

''(D) USCIS PHOTO IDENTIFICATION CARD.—A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).''.

The SPEAKER pro tempore. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, we've heard a lot today about H.R. 3915 and how it is a dramatic departure from current law that I believe will have an unintended negative impact on banks and creditworthy home buyers.

I think it's the opinion of many in this Chamber, certainly it's my opinion, that in an attempt to improve conditions in the housing market, this bill instead will likely prevent more hardworking Americans from obtaining a mortgage in a market that is already feeling the pinch. They need more help; they do not need roadblocks.

The legislation before the House today may do more harm than good. Yet reasonable people, which we are in this Chamber, can choose to disagree on issues, and this is one of those where we are in disagreement. I respect my colleagues on both sides of the aisle for their varying positions on this legislation, but there is disagreement.

I believe most of my colleagues cannot disagree with the following proposition, and it is this: American creditors should not be able to extend any credit in connection with a residential mortgage loan unless they verify the identity and legal immigration status of a potential debtor and verify the status with only a secure ID.

Mr. Speaker, this recommittal makes good, solid common sense. The American people do not believe that illegal immigrants and other individuals without proper identification are entitled to the same benefits, privileges and services as U.S. citizens and legal aliens. To extend such benefits only reinforces their notion that the laws of this land exist only on paper.

This motion to recommit will help preserve the faith the American people have left with this government and show that we are serious about denying services to those who are not entitled.

It is quite simple. The motion, number one, requires creditors to verify the identity of an individual seeking to obtain a loan for a residential mortgage; and, number two, prevents a creditor from accepting, for the purpose of verification, any form of identification other than a Social Security card with photo ID, a REAL ID identification card, a passport, or a USCIS-issued photo ID card.

Mr. Speaker, the American people have spoken out loud and clear on this issue. They do not believe that illegal immigrants, international criminals, and those who may wish this Nation harm should have access to American financial markets. That is why I had previously introduced H.R. 1314, the Photo ID Security Act. The legislation responded to plans and actions by firms in the financial services sector to affirmatively target this population by accepting insecure identification. My office was flooded with phone calls, e-mails, letters from across the country; many included credit cards that people had cut up in protest to their bank's decisions.

The motion to recommit adopts much of the language that was found and cosponsored in a bipartisan basis in H.R. 1314 and will provide American citizens the reassurance they need that the American financial services sector is, indeed, secure. It doesn't solve all the problems of the underlying legislation, but it is certainly a start.

Let's take one step forward for the security of the financial services market, Mr. Speaker, and let's all support this motion to recommit.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I rise in opposition to the motion to recommit.

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

Mr. FRANK of Massachusetts. We have, from time to time, debated the issue as to whether or not we could make sure that no one who is not a legal resident or a citizen could qualify, but that's not what we're debating today. Let me read from page 2.

There are four kinds of identification that you must show. By the way, the mortgage industry and the real estate industry will not like the further paperwork here, but listen to this, lines 14 and 15, ''You must show a passport issued by the United States or a foreign government.'' Now, what makes anyone think that people who are in the United States with a foreign passport are here legally? They have foreign passports from other countries.

I think the problem is some on the other side have taken the word ''alien'' too literally, that is, they think an alien is someone who's not from the Earth. Because someone who is in America illegally who is from the Earth might have an Iranian passport or a Venezuelan passport or a Burmese passport.

So understand, what I think is happening is this. I've been seeing these a lot. I do a lot of recommits; it's a heck of a way to spend your life, but that's my job. This foreign government passport is new. I think what happened was this. I think the real estate industry, this is literally my speculation, the real estate industry said to the Republicans, Hey, wait a minute, we make a lot of money selling houses to foreigners. Don't cut out the foreigners.

□ 1745

But you forgot to say legal foreigners. This is what this bill says. So you may have some Americans who don't have all this ID, who don't have a passport, who don't live in a REAL ID State. They may not have this. They may have a driver's license that they can use and it's not a REAL ID State.

An American in a REAL ID State who doesn't have a passport can't make it. But an Iranian with an Iranian passport, Welcome to my home. Here's your mortgage.

Now, I understand the impulse to prevent illegal aliens from getting predatory mortgages. That's a very kind thing that the Republicans want to do for them. But they don't do it competently. Read the bill. It says if you have a foreign passport, you qualify. You vote for this and you will be favoring people from other countries who are here illegally over Americans who don't have a passport and don't live in a REAL ID State. Now, that's irrefutable.

In your desire to further the profitability of the real estate industry, and a lot of them are my friends and I have nothing against their profitability, but why would we want to vote for a recommit that elevates a foreigner who has no legal right to be in the United States and say they can qualify under this recommit, but an American who doesn't have a passport and doesn't live in a REAL ID State, has a driver's license and therefore didn't think they needed something, they wouldn't qualify. So we say to Americans, if you happen to be American, you had better get a passport and, now, it could be a Venezuelan passport, could be a Canadian passport, we don't care where it's from, just get a passport. I am baffled by this and I just think somebody didn't think this one through.

The point is that this recommit says nothing about restricting the mortgage process to people who are here only legally, because if you really think that people who are here illegally don't have a foreign passport, then you don't understand the situation.

So I say let's reject this effort to elevate foreign passports from people who may be here illegally over Americans who happen to not live in a REAL ID State and reject this 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.

RECORDED VOTE

Mrs. BLACKBURN. Mr. Speaker, I demand a recorded vote.

A recorded vote was 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—ayes 188, noes 231, not voting 13, as follows:

[Roll No. 1117]

AYES—188

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
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
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—231

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fortenberry
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)

Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
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
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—13

Bono
Carson
Cubin
Doyle
Everett
Jindal
Kucinich
Mack
Marshall
Oberstar
Paul
Royce
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1804

Mr. ALTMIRE changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above stated.

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

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

Mr. SCOTT of Georgia. 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 291, nays 127, not voting 14, as follows:

[Roll No. 1118]

YEAS—291

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
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
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
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
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kline (MN)
Knollenberg
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—127

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Duncan
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kuhl (NY)
Lamborn
Lewis (KY)
Linder
Lucas
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McMorris Rodgers
Mica
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—14

Bono
Burton (IN)
Buyer
Carson
Cubin
Doyle
Everett
Jindal
Kucinich
Mack
Oberstar
Paul
Salazar
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1812

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BURTON of Indiana. Mr. Speaker, on rollcall No. 1118, had I been present, I would have voted "nay."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3915, MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 3915, to include corrections in spelling, punctuation, references to line numbers, 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 Massachusetts?

There was no objection.

RESTORE ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 746, proceedings will now resume on the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R 3773

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 ''Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective Act of 2007'' or ''RESTORE 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. Clarification of electronic surveillance of non-United States persons outside the United States.

Sec. 3. Procedure for authorizing acquisitions of communications of non-United States persons located outside the United States.
Sec. 4. Emergency authorization of acquisitions of communications of non-United States persons located outside the United States.
Sec. 5. Oversight of acquisitions of communications of non-United States persons located outside of the United States.
Sec. 6. Foreign Intelligence Surveillance Court en banc.
Sec. 7. Audit of warrantless surveillance programs.
Sec. 8. Record-keeping system on acquisition of communications of United States persons.
Sec. 9. Authorization for increased resources relating to foreign intelligence surveillance.
Sec. 10. Reiteration of FISA as the exclusive means by which electronic surveillance may be conducted for gathering foreign intelligence information.
Sec. 11. Technical and conforming amendments.
Sec. 12. Sunset; transition procedures.

SEC. 2. CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

Section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

''CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES

''SEC. 105A. (a) FOREIGN TO FOREIGN COMMUNICATIONS.—Notwithstanding any other provision of this Act, a court order is not required for the acquisition of the contents of any communication between persons that are not United States persons and are not located within the United States for the purpose of collecting foreign intelligence information, without respect to whether the communication passes through the United States or the surveillance device is located within the United States.

''(b) COMMUNICATIONS OF NON-UNITED STATES PERSONS OUTSIDE OF THE UNITED STATES.—Notwithstanding any other provision of this Act other than subsection (a), electronic surveillance that is directed at the acquisition of the communications of a person that is reasonably believed to be located outside the United States and not a United States person for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting that person shall be conducted pursuant to—

''(1) an order approved in accordance with section 105 or 105B; or

''(2) an emergency authorization in accordance with section 105 or 105C.''.

SEC. 3. PROCEDURE FOR AUTHORIZING ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES.

Section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

''PROCEDURE FOR AUTHORIZING ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES

''SEC. 105B. (a) IN GENERAL.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly apply to a judge of the court established under section 103(a) for an ex parte order, or the extension of an order, authorizing for a period of up to one year the acquisition of communications of persons that are reasonably believed to be located outside the United States and not United States persons for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting those persons.

''(b) APPLICATION INCLUSIONS.—An application under subsection (a) shall include—

''(1) a certification by the Director of National Intelligence and the Attorney General that—

''(A) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States;

''(B) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

''(C) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications; and

''(D) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)); and

''(2) a description of—

''(A) the procedures that will be used by the Director of National Intelligence and the Attorney General during the duration of the order to determine that there is a reasonable belief that the targets of the acquisition are persons that are located outside the United States and not United States persons;

''(B) the nature of the information sought, including the identity of any foreign power against whom the acquisition will be directed;

''(C) minimization procedures that meet the definition of minimization procedures under section 101(h) to be used with respect to such acquisition; and

''(c) SPECIFIC PLACE NOT REQUIRED.—An application under subsection (a) is not required to identify the specific facilities, places, premises, or property at which the acquisition of foreign intelligence information will be directed.

''(d) REVIEW OF APPLICATION.—Not later than 15 days after a judge receives an application under subsection (a), the judge shall review such application and shall approve the application if the judge finds that—

''(1) the proposed procedures referred to in subsection (b)(2)(A) are reasonably designed to determine whether the targets of the acquisition are located outside the United States and not United States persons;

''(2) the proposed minimization procedures referred to in subsection (b)(2)(C) meet the definition of minimization procedures under section 101(h); and

''(3) the guidelines referred to in subsection (b)(2)(D) are reasonably designed to ensure that an application is filed under section 104, if otherwise required by this Act, when the Federal Government seeks to conduct electronic surveillance of a person reasonably believed to be located in the United States.

''(e) ORDER.—

''(1) IN GENERAL.—A judge approving an application under subsection (d) shall issue an order—

''(A) authorizing the acquisition of the contents of the communications as requested, or as modified by the judge;

''(B) requiring the communications service provider or custodian, or officer, employee, or agent of such service provider or custodian, who has authorized access to the information, facilities, or technical assistance necessary to accomplish the acquisition to provide such information, facilities, or technical assistance necessary to accomplish the acquisition and to produce a minimum of interference with the services that provider, custodian, officer, employee, or agent is providing the target of the acquisition;

''(C) requiring such communications service provider, custodian, officer, employee, or agent, upon the request of the applicant, to maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished;

''(D) directing the Federal Government to—

''(i) compensate, at the prevailing rate, a person for providing information, facilities, or assistance pursuant to such order; and

''(ii) provide a copy of the portion of the order directing the person to comply with the order to such person; and

''(E) directing the applicant to follow—

''(i) the procedures referred to in subsection (b)(2)(A) as proposed or as modified by the judge;

''(ii) the minimization procedures referred to in subsection (b)(2)(C) as proposed or as modified by the judge; and

''(iii) the guidelines referred to in subsection (b)(2)(D) as proposed or as modified by the judge.

''(2) FAILURE TO COMPLY.—If a person fails to comply with an order issued under paragraph (1), the Attorney General may invoke the aid of the court established under section 103(a) to compel compliance with the order. Failure to obey an order of the court may be punished by the court as contempt of court. Any process under this section may be served in any judicial district in which the person may be found.

''(3) LIABILITY OF ORDER.—Notwithstanding any other law, no cause of action shall lie in any court against any person for providing any information, facilities, or assistance in accordance with an order issued under this subsection.

''(4) RETENTION OF ORDER.—The Director of National Intelligence and the court established under subsection 103(a) shall retain an order issued under this section for a period of not less than 10 years from the date on which such order is issued.

''(5) ASSESSMENT OF COMPLIANCE WITH MINIMIZATION PROCEDURES.—At or before the end of the period of time for which an acquisition is approved by an order or an extension under this section, the judge may assess compliance with the minimization procedures referred to in paragraph (1)(E)(ii) and the guidelines referred to in paragraph (1)(E)(iii) by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.''.

SEC. 4. EMERGENCY AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES.

Section 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

''EMERGENCY AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES

''SEC. 105C. (a) APPLICATION AFTER EMERGENCY AUTHORIZATION.—As soon as is practicable, but not more than 7 days after the Director of National Intelligence and the Attorney General authorize an acquisition

under this section, an application for an order authorizing the acquisition in accordance with section 105B shall be submitted to the judge referred to in subsection (b)(2) of this section for approval of the acquisition in accordance with section 105B.

''(b) EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly authorize the emergency acquisition of foreign intelligence information for a period of not more than 45 days if—

''(1) the Director of National Intelligence and the Attorney General jointly determine that—

''(A) an emergency situation exists with respect to an authorization for an acquisition under section 105B before an order approving the acquisition under such section can with due diligence be obtained;

''(B) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States;

''(C) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

''(D) there are reasonable procedures in place for determining that the acquisition of foreign intelligence information under this section will be acquired by targeting only persons that are reasonably believed to be located outside the United States and not United States persons;

''(E) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;

''(F) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)); and

''(G) minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(h); and

''(2) the Director of National Intelligence and the Attorney General, or their designees, inform a judge having jurisdiction to approve an acquisition under section 105B at the time of the authorization under this section that the decision has been made to acquire foreign intelligence information.

''(c) INFORMATION, FACILITIES, AND TECHNICAL ASSISTANCE.—Pursuant to an authorization of an acquisition under this section, the Attorney General may direct a communications service provider, custodian, or an officer, employee, or agent of such service provider or custodian, who has the lawful authority to access the information, facilities, or technical assistance necessary to accomplish such acquisition to—

''(1) furnish the Attorney General forthwith with such information, facilities, or technical assistance in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that provider, custodian, officer, employee, or agent is providing the target of the acquisition; and

''(2) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished.''.

SEC. 5. OVERSIGHT OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105C the following new section:

''OVERSIGHT OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES

''SEC. 105D. (a) APPLICATION; PROCEDURES; ORDERS.—Not later than 7 days after an application is submitted under section 105B(a) or an order is issued under section 105B(e), the Director of National Intelligence and the Attorney General shall submit to the appropriate committees of Congress—

''(1) in the case of an application, a copy of the application, including the certification made under section 105B(b)(1); and

''(2) in the case of an order, a copy of the order, including the procedures and guidelines referred to in section 105B(e)(1)(E).

''(b) QUARTERLY AUDITS.—

''(1) AUDIT.—Not later than 120 days after the date of the enactment of this section, and every 120 days thereafter until the expiration of all orders issued under section 105B, the Inspector General of the Department of Justice shall complete an audit on the implementation of and compliance with the procedures and guidelines referred to in section 105B(e)(1)(E) and shall submit to the appropriate committees of Congress, the Attorney General, the Director of National Intelligence, and the court established under section 103(a) the results of such audit, including, for each order authorizing the acquisition of foreign intelligence under section 105B—

''(A) the number of targets of an acquisition under such order that were later determined to be located in the United States;

''(B) the number of persons located in the United States whose communications have been acquired under such order;

''(C) the number and nature of reports disseminated containing information on a United States person that was collected under such order; and

''(D) the number of applications submitted for approval of electronic surveillance under section 104 for targets whose communications were acquired under such order.

''(2) REPORT.—Not later than 30 days after the completion of an audit under paragraph (1), the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) a report containing the results of such audit.

''(c) COMPLIANCE REPORTS.—Not later than 60 days after the date of the enactment of this section, and every 120 days thereafter until the expiration of all orders issued under section 105B, the Director of National Intelligence and the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) a report concerning acquisitions under section 105B during the previous 120-day period. Each report submitted under this section shall include a description of any incidents of non-compliance with an order issued under section 105B(e), including incidents of non-compliance by—

''(1) an element of the intelligence community with minimization procedures referred to in section 105B(e)(1)(E)(i);

''(2) an element of the intelligence community with procedures referred to in section 105B(e)(1)(E)(ii);

''(3) an element of the intelligence community with guidelines referred to in section 105B(e)(1)(E)(iii); and

''(4) a person directed to provide information, facilities, or technical assistance under such order.

''(d) REPORT ON EMERGENCY AUTHORITY.—The Director of National Intelligence and the Attorney General shall annually submit to the appropriate committees of Congress a report containing the number of emergency authorizations of acquisitions under section 105C and a description of any incidents of non-compliance with an emergency authorization under such section.

''(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Permanent Select Committee on Intelligence of the House of Representatives;

''(2) the Select Committee on Intelligence of the Senate; and

''(3) the Committees on the Judiciary of the House of Representatives and the Senate.''.

SEC. 6. FOREIGN INTELLIGENCE SURVEILLANCE COURT EN BANC.

Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

''(g) In any case where the court established under subsection (a) or a judge of such court is required to review a matter under this Act, the court may, at the discretion of the court, sit en banc to review such matter and issue any orders related to such matter.''.

SEC. 7. AUDIT OF WARRANTLESS SURVEILLANCE PROGRAMS.

(a) AUDIT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall complete an audit of all programs of the Federal Government involving the acquisition of communications conducted without a court order on or after September 11, 2001, including the Terrorist Surveillance Program referred to by the President in a radio address on December 17, 2005. Such audit shall include acquiring all documents relevant to such programs, including memoranda concerning the legal authority of a program, authorizations of a program, certifications to telecommunications carriers, and court orders.

(b) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the completion of the audit under subsection (a), the Inspector General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report containing the results of such audit, including all documents acquired pursuant to conducting such audit.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by the Inspector General or the appropriate staff of the Office of the Inspector General of the Department of Justice for a security clearance necessary for the conduct of the audit under subsection (a) is conducted as expeditiously as possible.

SEC. 8. RECORD-KEEPING SYSTEM ON ACQUISITION OF COMMUNICATIONS OF UNITED STATES PERSONS.

(a) RECORD-KEEPING SYSTEM.—The Director of National Intelligence and the Attorney General shall jointly develop and maintain a record-keeping system that will keep track of—

(1) the instances where the identity of a United States person whose communications were acquired was disclosed by an element of

the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) that collected the communications to other departments or agencies of the United States; and

(2) the departments and agencies of the Federal Government and persons to whom such identity information was disclosed.

(b) REPORT.—The Director of National Intelligence and the Attorney General shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on the record-keeping system created under subsection (a), including the number of instances referred to in paragraph (1).

SEC. 9. AUTHORIZATION FOR INCREASED RESOURCES RELATING TO FOREIGN INTELLIGENCE SURVEILLANCE.

There are authorized to be appropriated the Department of Justice, for the activities of the Office of the Inspector General, the Office of Intelligence Policy and Review, and other appropriate elements of the National Security Division, and the National Security Agency such sums as may be necessary to meet the personnel and information technology demands to ensure the timely and efficient processing of—

(1) applications and other submissions to the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a));

(2) the audit and reporting requirements under—

(A) section 105D of such Act; and

(B) section 7; and

(3) the record-keeping system and reporting requirements under section 8.

SEC. 10. REITERATION OF FISA AS THE EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE MAY BE CONDUCTED FOR GATHERING FOREIGN INTELLIGENCE INFORMATION.

(a) EXCLUSIVE MEANS.—Notwithstanding any other provision of law, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance may be conducted for the purpose of gathering foreign intelligence information.

(b) SPECIFIC AUTHORIZATION REQUIRED FOR EXCEPTION.—Subsection (a) shall apply until specific statutory authorization for electronic surveillance, other than as an amendment to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), is enacted. Such specific statutory authorization shall be the only exception to subsection (a).

SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C and inserting the following new items:

''Sec. 105A. Clarification of electronic surveillance of non-United States persons outside the United States.

''Sec. 105B. Procedure for authorizing acquisitions of communications of non-United States persons located outside the United States.

''Sec. 105C. Emergency authorization of acquisitions of communications of non-United States persons located outside the United States.

''Sec. 105D. Oversight of acquisitions of communications of persons located outside of the United States.''.

(b) SECTION 103(e) OF FISA.—Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking ''105B(h) or''; and

(2) in paragraph (2), by striking ''105B(h) or''.

(c) REPEAL OF CERTAIN PROVISIONS OF THE PROTECT AMERICA ACT.—Sections 4 and 6 of the Protect America Act (Public Law 110–55) are hereby repealed.

SEC. 12. SUNSET; TRANSITION PROCEDURES.

(a) SUNSET OF NEW PROVISIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), effective on December 31, 2009—

(A) sections 105A, 105B, 105C, and 105D of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) are hereby repealed; and

(B) the table of contents in the first section of such Act is amended by striking the items relating to sections 105A, 105B, 105C, and 105D.

(2) ACQUISITIONS AUTHORIZED PRIOR TO SUNSET.—Any authorization or order issued under section 105B of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, in effect on December 31, 2009, shall continue in effect until the date of the expiration of such authorization or order.

(b) ACQUISITIONS AUTHORIZED PRIOR TO ENACTMENT.—

(1) EFFECT.—Notwithstanding the amendments made by this Act, an authorization of the acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) made before the date of the enactment of this Act shall remain in effect until the date of the expiration of such authorization or the date that is 180 days after such date of enactment, whichever is earlier.

(2) REPORT.—Not later than 30 days after the date of the expiration of all authorizations of acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978 (as added by Public Law 110–55) made before the date of the enactment of this Act in accordance with paragraph (1), the Director of National Intelligence and the Attorney General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on such authorizations, including—

(A) the number of targets of an acquisition under section 105B of such Act (as in effect on the day before the date of the enactment of this Act) that were later determined to be located in the United States;

(B) the number of persons located in the United States whose communications have been acquired under such section;

(C) the number of reports disseminated containing information on a United States person that was collected under such section;

(D) the number of applications submitted for approval of electronic surveillance under section 104 of such Act based upon information collected pursuant to an acquisition authorized under section 105B of such Act (as in effect on the day before the date of the enactment of this Act); and

(E) a description of any incidents of non-compliance with an authorization under such section, including incidents of non-compliance by—

(i) an element of the intelligence community with procedures referred to in subsection (a)(1) of such section;

(ii) an element of the intelligence community with minimization procedures referred to in subsection (a)(5) of such section; and

(iii) a person directed to provide information, facilities, or technical assistance under subsection (e) of such section.

(3) INTELLIGENCE COMMUNITY DEFINED.—In this subsection, the term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

The SPEAKER pro tempore. Pursuant to House Resolution 824, the further amendment printed in House Report 110–449 is adopted.

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

H.R 3773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective Act of 2007'' or ''RESTORE 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. Clarification of electronic surveillance of non-United States persons outside the United States.

Sec. 3. Additional authorization of acquisitions of communications of non-United States persons located outside the United States who may be communicating with persons inside the United States.

Sec. 4. Emergency authorization of acquisitions of communications of non-United States persons located outside the United Statesfwho may be communicating with persons inside the United States.

Sec. 5. 0versight of acquisitions of communications of non-United States persons located outside of the United States fNho may be communicating with persons inside the United States.

Sec. 6. Foreign Intelligence Surveillance Court en banco

Sec. 7. Foreign Intelligence Surveillance Court matters.

Sec. 8. Reiteration of FISA as the exclusive means by which electronic surveillance may be conducted for gathering foreign intelligence information.

Sec. 9. Enhancement of electronic surveillance authority in wartime and other collection.

Sec. 10. Audit of warrantless surveillance programs.

Sec. 11. Record-keeping system on acquisition of communications of United States persons.

Sec. 12. Authorization for increased resources relating to foreign intelligence surveillance.

Sec. 13. Document management system for applications for orders approving electronic surveillance.

Sec. 14. Training of intelligence community personnel in foreign intelligence collection matters.

Sec. 15. Information for Congress on the terrorist surveillance program and similar programs.

Sec. 16. Technical and conforming amendments.

Sec. 17. Sunset; transition procedures.

SEC. 2. CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

Section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

''CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES

''SEC. 105A. (a) FOREIGN TO FOREIGN COMMUNICATIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, a court order is not required for the acquisition of the contents of any communication between persons that are not known to be United States persons and are reasonably believed to be located outside the United States for the purpose of collecting foreign intelligence information, without respect to whether the communication passes through the United States or the surveillance device is located within the United States.

''(2) TREATMENT OF INADVERTENT INTERCEPTIONS.—If electronic surveillance referred to in paragraph (1) inadvertently collects a communication in which at least one party to the communication is located inside the United States or is a United States person, the contents of such communication shall be handled in accordance with minimization procedures adopted by the Attorney General that require that no contents of any communication to which a United States person is a party shall be disclosed, disseminated, or used for any purpose or retained for longer than 7 days unless a court order under section 105 is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily harm to any person.

''(b) COMMUNICATIONS OF NON-UNITED STATES PERSONS OUTSIDE OF THE UNITED STATES.—Notwithstanding any other provision of this Act other than subsection (a), electronic surveillance that is directed at the acquisition of the communications of a person that is reasonably believed to be located outside the United States and not a United States person for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting that person shall be conducted pursuant to—

''(1) an order approved in accordance with section 105 or 105B; or

''(2) an emergency authorization in accordance with section 105 or 105C.''.

SEC. 3. ADDITIONAL AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES.

Section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

''ADDITIONAL AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES.

''SEC. 105B. (a) IN GENERAL.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly apply to a judge of the court established under section 103(a) for an ex parte order, or the extension of an order, authorizing for a period of up to one year the acquisition of communications of persons that are reasonably believed to be located outside the United States and not United States persons for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting those persons.

''(b) APPLICATION INCLUSIONS.—An application under subsection (a) shall include—

''(1) a certification by the Director of National Intelligence and the Attorney General that—

''(A) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States who may be communicating with persons inside the United States;

''(B) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

''(C) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications; and

''(D) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)); and

''(2) a description of—

''(A) the procedures that will be used by the Director of National Intelligence and the Attorney General during the duration of the order to determine that there is a reasonable belief that the persons that are the targets of the acquisition are located outside the United States and not United States persons;

''(B) the nature of the information sought, including the identity of any foreign power against whom the acquisition will be directed;

''(C) minimization procedures that meet the definition of minimization procedures under section 101(h) to be used with respect to such acquisition; and

''(D)(i) the guidelines that will be used to ensure that an application is filed under section 104, if otherwise required by this Act, when a significant purpose of an acquisition is to acquire the communications of a specific United States person reasonably believed to be located in the United States; and

''(ii) the criteria for determining if such a significant purpose exists, which shall require consideration of whether—

''(I) the department or agency of the Federal Government conducting the acquisition has made an inquiry to another department or agency of the Federal Government to gather information on the specific United States person;

''(II) the department or agency of the Federal Government conducting the acquisition has provided information that identifies the specific United States person to another department or agency of the Federal Government;

''(III) the department or agency of the Federal Government conducting the acquisition determines that the specific United States person has been the subject of ongoing interest or repeated investigation by a department or agency of the Federal Government; and

''(IV) the specific United States person is a natural person.

''(c) SPECIFIC PLACE NOT REQUIRED.—An application under subsection (a) is not required to identify the specific facilities, places, premises, or property at which the acquisition of foreign intelligence information will be directed.

''(d) REVIEW OF APPLICATION; APPEALS.—

''(1) REVIEW OF APPLICATION.—Not later than 15 days after a judge receives an application under subsection (a), the judge shall review such application and shall approve the application if the judge finds that—

''(A) the proposed procedures referred to in subsection (b)(2)(A) are reasonably designed to determine whether the targets of the acquisition are located outside the United States and not United States persons;

''(B) the proposed minimization procedures referred to in subsection (b)(2)(C) meet the definition of minimization procedures under section 101(h); and

''(C)(i) the guidelines referred to in subsection (b)(2)(D) are reasonably designed to ensure that an application is filed under section 104, if otherwise required by this Act, when a significant purpose of an acquisition is to acquire the communications of a specific United States person reasonably believed to be located in the United States; and

''(ii) the criteria for determining if such a significant purpose exists require consideration of whether—

''(I) the department or agency of the Federal Government conducting the acquisition has made an inquiry to another department or agency of the Federal Government to gather information on the specific United States person;

''(II) the department or agency of the Federal Government conducting the acquisition has provided information that identifies the specific United States person to another department or agency of the Federal Government;

''(III) the department or agency of the Federal Government conducting the acquisition determines that the specific United States person has been the subject of ongoing interest or repeated investigation by a department or agency of the Federal Government; and

''(IV) the specific United States person is a natural person.

''(2) TEMPORARY ORDER; APPEALS.—

''(A) TEMPORARY ORDER.—A judge denying an application under paragraph (1) may, at the application of the United States, issue a temporary order to authorize an acquisition under section 105B in accordance with the application under subsection (a) during the pendency of any appeal of the denial of such application.

''(B) APPEALS.—The United States may appeal the denial of an application for an order under paragraph (1) or a temporary order under subparagraph (A) in accordance with section 103.

''(e) ORDER.—

''(1) IN GENERAL.—A judge approving an application under subsection (d) shall issue an order—

''(A) authorizing the acquisition of the contents of the communications as requested, or as modified by the judge;

''(B) requiring the communications service provider or custodian, or officer, employee, or agent of such service provider or custodian, who has authorized access to the information, facilities, or technical assistance necessary to accomplish the acquisition to provide such information, facilities, or technical assistance necessary to accomplish the acquisition and to produce a minimum of interference with the services that provider, custodian, officer, employee, or agent is providing the target of the acquisition;

''(C) requiring such communications service provider, custodian, officer, employee, or agent, upon the request of the applicant, to maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished;

''(D) directing the Federal Government to—

''(i) compensate, at the prevailing rate, a person for providing information, facilities, or assistance pursuant to such order;

''(ii) provide a copy of the portion of the order directing the person to comply with the order to such person; and

''(iii) provide a certification stating that the acquisition is authorized under this section and that all requirements of this section have been met; and

''(E) directing the applicant to follow—

''(i) the procedures referred to in subsection (b)(2)(A) as proposed or as modified by the judge;

''(ii) the minimization procedures referred to in subsection (b)(2)(C) as proposed or as modified by the judge; and

''(iii) the guidelines referred to in subsection (b)(2)(D) as proposed or as modified by the judge.

''(2) FAILURE TO COMPLY.—If a person fails to comply with an order issued under paragraph (1), the Attorney General may invoke the aid of the court established under section 103(a) to compel compliance with the order. Failure to obey an order of the court may be punished by the court as contempt of court. Any process under this section may be served in any judicial district in which the person may be found.

''(3) LIABILITY OF ORDER.—Notwithstanding any other law, no cause of action shall lie in any court against any person for providing any information, facilities, or assistance in accordance with an order issued under this subsection.

''(4) RETENTION OF ORDER.—The Director of National Intelligence and the court established under subsection 103(a) shall retain an order issued under this section for a period of not less than 10 years from the date on which such order is issued.

''(5) ASSESSMENT OF COMPLIANCE WITH COURT ORDER.—At or before the end of the period of time for which an acquisition is approved by an order or an extension under this section, the court established under section 103(a) shall, not less frequently than once each quarter, assess compliance with the procedures and guidelines referred to in paragraph (1)(E) and review the circumstances under which information concerning United States persons was acquired, retained, or disseminated.''.

SEC. 4. EMERGENCY AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES.

Section 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

''EMERGENCY AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES

''SEC. 105C. (a) APPLICATION AFTER EMERGENCY AUTHORIZATION.—As soon as is practicable, but not more than 7 days after the Director of National Intelligence and the Attorney General authorize an acquisition under this section, an application for an order authorizing the acquisition in accordance with section 105B shall be submitted to the judge referred to in subsection (b)(2) of this section for approval of the acquisition in accordance with section 105B.

''(b) EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly authorize the emergency acquisition of foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) for a period of not more than 45 days if—

''(1) the Director of National Intelligence and the Attorney General jointly determine that—

''(A) an emergency situation exists with respect to an authorization for an acquisition under section 105B before an order approving the acquisition under such section can with due diligence be obtained;

''(B) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States;

''(C) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

''(D) there are procedures in place that will be used by the Director of National Intelligence and the Attorney General during the duration of the authorization to determine if there is a reasonable belief that the persons that are the targets of the acquisition are located outside the United States and not United States persons;

''(E) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;

''(F) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e));

''(G) minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(h); and

''(H)(i) there are guidelines that will be used to ensure that an application is filed under secion 104, if otherwise required by this Act, when a significant purpose of an acquisition is to acquire the communications of a specific United States person reasonably believed to be located in the United States; and

''(ii) the criteria for determining if such a significant purpose exists require consideration of whether—

''(I) the department or agency of the Federal Government conducting the acquisition has made an inquiry to another department or agency of the Federal Government to gather information on the specific United States person;

''(II) the department or agency of the Federal Government conducting the acquisition has provided information that identifies the specific United States person to another department or agency of the Federal Government;

''(III) the department or agency of the Federal Government conducting the acquisition determines that the United States person has been the subject of ongoing interest or repeated investigation by a department or agency of the Federal Government; and

''(IV) the specific United States person is a natural person.

''(2) the Director of National Intelligence and the Attorney General, or their designees, inform a judge having jurisdiction to approve an acquisition under section 105B at the time of the authorization under this section that the decision has been made to acquire foreign intelligence information.

''(c) INFORMATION, FACILITIES, AND TECHNICAL ASSISTANCE.—

''(1) DIRECTIVE.—Pursuant to an authorization of an acquisition under this section, the Attorney General may direct a communications service provider, custodian, or an officer, employee, or agent of such service provider or custodian, who has the lawful authority to access the information, facilities, or technical assistance necessary to accomplish such acquisition to—

''(A) furnish the Attorney General forthwith with such information, facilities, or technical assistance in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that provider, custodian, officer, employee, or agent is providing the target of the acquisition; and

''(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished.

''(2) PARAMETERS; CERTIFICATIONS.—The Attorney General shall provide to any person directed to provide assistance under paragraph (1) with—

''(A) a document setting forth the parameters of the directive;

''(B) a certification stating that—

''(i) the emergency authorization has been issued pursuant to this section;

''(ii) all requirements of this section have been met;

''(iii) a judge has been informed of the emergency authorization in accordance with subsection (b)(2); and

''(iv) an application will be submitted in accordance with subsection (a); and

''(C) a certification that the recipient of the directive shall be compensated, at the prevailing rate, for providing information, facilities, or assistance pursuant to such directive.''.

SEC. 5. OVERSIGHT OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105C the following new section:

''OVERSIGHT OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES

''SEC. 105D. (a) APPLICATION; PROCEDURES; ORDERS.—Not later than 7 days after an application is submitted under section 105B(a) or an order is issued under section 105B(e), the Director of National Intelligence and the Attorney General shall submit to the appropriate committees of Congress—

''(1) in the case of an application—

''(A) a copy of the application, including the certification made under section 105B(b)(1); and

''(B) a description of the primary purpose of the acquisition for which the application is submitted; and

''(2) in the case of an order, a copy of the order, including the procedures and guidelines referred to in section 105B(e)(1)(E).

''(b) REGULAR AUDITS.—

''(1) AUDIT.—Not later than 120 days after the date of the enactment of this section, and every 120 days thereafter until the expiration of all orders issued under section 105B, the Inspector General of the Department of Justice shall complete an audit on the implementation of and compliance with the procedures and guidelines referred to in section 105B(e)(1)(E) and shall submit to the appropriate committees of Congress, the Attorney General, the Director of National Intelligence, and the court established under section 103(a) the results of such audit, including, for each order authorizing the acquisition of foreign intelligence under section 105B—

''(A) the number of targets of an acquisition under such order that were later determined to be located in the United States;

''(B) the number of persons located in the United States whose communications have been acquired under such order;

''(C) the number and nature of reports disseminated containing information on a United States person that was collected under such order; and

''(D) the number of applications submitted for approval of electronic surveillance under section 104 for targets whose communications were acquired under such order.

''(2) REPORT.—Not later than 30 days after the completion of an audit under paragraph (1), the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) a report containing the results of such audit.

''(c) COMPLIANCE REPORTS.—Not later than 60 days after the date of the enactment of this section, and every 120 days thereafter until the expiration of all orders issued under section 105B, the Director of National Intelligence and the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) a report concerning acquisitions under section 105B during the previous 120-day period. Each report submitted under this section shall include a description of any incidents of non-compliance with an order issued under section 105B(e), including incidents of non-compliance by—

''(1) an element of the intelligence community with procedures referred to in section 105B(e)(1)(E)(i);

''(2) an element of the intelligence community with procedures referred to in section 105B(e)(1)(E)(ii);

''(3) an element of the intelligence community with guidelines referred to in section 105B(e)(1)(E)(iii); and

''(4) a person directed to provide information, facilities, or technical assistance under such order.

''(d) REPORT ON EMERGENCY AUTHORITY.—The Director of National Intelligence and the Attorney General shall annually submit to the appropriate committees of Congress a report containing the number of emergency authorizations of acquisitions under section 105C and a description of any incidents of non-compliance with an emergency authorization under such section.

''(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Permanent Select Committee on Intelligence of the House of Representatives;

''(2) the Select Committee on Intelligence of the Senate; and

''(3) the Committees on the Judiciary of the House of Representatives and the Senate.''.

SEC. 6. DISSEMINATION OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105D (as added by section 5) the following new section:

''DISSEMINATION OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES

''SEC. 105E. The contents of communications collected under section 105B or section 105C, and intelligence reports based on such contents, shall not be disclosed or disseminated with information that identifies a United States person unless an officer or employee of the Federal Government whose rate of basic pay is not less than the minimum rate payable under section 5382 of title 5, United States Code (relating to rates of pay for the Senior Executive Service) determines that the identity of the United States person is necessary to—

''(1) understand the foreign intelligence collected under section 105B or 105C or assess the importance of such intelligence; and

''(2) protect the national security of the United States, the citizens, employees, or officers of the United States, or the members of the United States Armed Forces.''.

SEC. 7. FOREIGN INTELLIGENCE SURVEILLANCE COURT EN BANC.

Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

''(g) In any case where the court established under subsection (a) or a judge of such court is required to review a matter under this Act, the court may, at the discretion of the court, sit en banc to review such matter and issue any orders related to such matter.''.

SEC. 8. FOREIGN INTELLIGENCE SURVEILLANCE COURT MATTERS.

(a) AUTHORITY FOR ADDITIONAL JUDGES.—Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) in paragraph (1) (as so designated)—

(A) by striking ''11'' and inserting ''15''; and

(B) by inserting ''at least'' before ''seven of the United States judicial circuits''; and

(3) by designating the second sentence as paragraph (3) and indenting such paragraph, as so designated two ems from the left margin.

(b) CONSIDERATION OF EMERGENCY APPLICATIONS.—Such section is further amended by inserting after paragraph (1) (as designated by subsection (a)(1)) the following new paragraph:

''(2) A judge of the court shall make a determination to approve, deny, or modify an application submitted pursuant to section 105(f), section 304(e), or section 403 not later than 24 hours after the receipt of such application by the court.''.

SEC. 9. REITERATION OF FISA AS THE EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE MAY BE CONDUCTED FOR GATHERING FOREIGN INTELLIGENCE INFORMATION.

(a) EXCLUSIVE MEANS.—Notwithstanding any other provision of law, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance may be conducted for the purpose of gathering foreign intelligence information.

(b) SPECIFIC AUTHORIZATION REQUIRED FOR EXCEPTION.—Subsection (a) shall apply until specific statutory authorization for electronic surveillance, other than as an amendment to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), is enacted. Such specific statutory authorization shall be the only exception to subsection (a).

SEC. 10. ENHANCEMENT OF ELECTRONIC SURVEILLANCE AUTHORITY IN WARTIME AND OTHER COLLECTION.

Sections 111, 309, and 404 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1811, 1829, and 1844) are amended by striking ''Congress'' and inserting ''Congress or an authorization for the use of military force described in section 2(c)(2) of the War Powers Resolution (50 U.S.C. 1541(c)(2)) if such authorization contains a specific authorization for foreign intelligence collection under this section, or if the Congress is unable to convene because of an attack upon the United States.''.

SEC. 11. AUDIT OF WARRANTLESS SURVEILLANCE PROGRAMS.

(a) AUDIT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall complete an audit of all programs of the Federal Government involving the acquisition of communications conducted without a court order on or after September 11, 2001, including the Terrorist Surveillance Program referred to by the President in a radio address on December 17, 2005. Such audit shall include acquiring all documents relevant to such programs, including memoranda concerning the legal authority of a program, authorizations of a program, certifications to telecommunications carriers, and court orders.

(b) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the completion of the audit under subsection (a), the Inspector General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report containing the results of such audit, including all documents acquired pursuant to conducting such audit.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by the Inspector General or the appropriate staff of the Office of the Inspector General of the Department of Justice for a security clearance necessary for the conduct of the audit under subsection (a) is conducted as expeditiously as possible.

SEC. 12. RECORD-KEEPING SYSTEM ON ACQUISITION OF COMMUNICATIONS OF UNITED STATES PERSONS.

(a) RECORD-KEEPING SYSTEM.—The Director of National Intelligence and the Attorney General shall jointly develop and maintain a record-keeping system that will keep track of—

(1) the instances where the identity of a United States person whose communications were acquired was disclosed by an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) that collected the communications to other departments or agencies of the United States; and

(2) the departments and agencies of the Federal Government and persons to whom such identity information was disclosed.

(b) REPORT.—The Director of National Intelligence and the Attorney General shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on the record-keeping system created under subsection (a), including the number of instances referred to in paragraph (1).

SEC. 13. AUTHORIZATION FOR INCREASED RESOURCES RELATING TO FOREIGN INTELLIGENCE SURVEILLANCE.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Justice, for the activities of the Office of the Inspector General and the appropriate elements of the National Security Division, and to the National Security Agency such sums as may be necessary to meet the personnel and information technology demands to ensure the timely and efficient processing of—

(1) applications and other submissions to the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a));

(2) the audit and reporting requirements under—

(A) section 105D of such Act; and

(B) section 10; and

(3) the record-keeping system and reporting requirements under section 8.

(b) ADDITIONAL PERSONNEL FOR PREPARATION AND CONSIDERATION OF APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE AND PHYSICAL SEARCH.—

(1) NATIONAL SECURITY DIVISION OF THE DEPARTMENT OF JUSTICE.—

(A) ADDITIONAL PERSONNEL.—The National Security Division of the Department of Justice is hereby authorized such additional personnel as may be necessary to carry out the prompt and timely preparation, modification, and review of applications under Foreign Intelligence Surveillance Act of 1978 for orders under that Act for foreign intelligence purposes.

(B) ASSIGNMENT.—The Attorney General shall assign personnel authorized by paragraph (1) to and among appropriate offices of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) in order that such personnel may directly assist personnel of the Intelligence Community in preparing applications described in that paragraph and conduct prompt and effective oversight of the activities of such agencies under Foreign Intelligence Surveillance Court orders.

(2) DIRECTOR OF NATIONAL INTELLIGENCE.—

(A) ADDITIONAL LEGAL AND OTHER PERSONNEL.—The Director of National Intelligence is hereby authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of applications under the Foreign Intelligence Surveillance Act of 1978 for orders under that Act approving electronic surveillance for foreign intelligence purposes.

(B) ASSIGNMENT.—The Director of National Intelligence shall assign personnel authorized by paragraph (1) to and among the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), including the field offices of the Federal Bureau of Investigation, in order that such personnel may directly assist personnel of the intelligence community in preparing applications described in that paragraph.

(3) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.—There is hereby authorized for the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) such additional staff personnel as may be necessary to facilitate the prompt and timely consideration by that court of applications under such Act for orders under such Act approving electronic surveillance for foreign intelligence purposes. Personnel authorized by this paragraph shall perform such duties relating to the consideration of such applications as that court shall direct.

(4) SUPPLEMENT NOT SUPPLANT.—The personnel authorized by this section are in addition to any other personnel authorized by law.

SEC. 14. DOCUMENT MANAGEMENT SYSTEM FOR APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE.

(a) SYSTEM REQUIRED.—The Attorney General shall, in consultation with the Director of National Intelligence and the Foreign Intelligence Surveillance Court, develop and implement a secure, classified document management system that permits the prompt preparation, modification, and review by appropriate personnel of the Department of Justice, the Federal Bureau of Investigation, the National Security Agency, and other applicable elements of the United States Government of applications under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) before their submission to the Foreign Intelligence Surveillance Court.

(b) SCOPE OF SYSTEM.—The document management system required by subsection (a) shall—

(1) permit and facilitate the prompt submittal of applications to the Foreign Intelligence Surveillance Court under the Foreign Intelligence Surveillance Act of 1978; and

(2) permit and facilitate the prompt transmittal of rulings of the Foreign Intelligence Surveillance Court to personnel submitting applications described in paragraph (1), and provide for the secure electronic storage and retrieval of all such applications and related matters with the court and for their secure transmission to the National Archives and Records Administration.

SEC. 15. TRAINING OF INTELLIGENCE COMMUNITY PERSONNEL IN FOREIGN INTELLIGENCE COLLECTION MATTERS.

The Director of National Intelligence shall, in consultation with the Attorney General—

(1) develop regulations to establish procedures for conducting and seeking approval of electronic surveillance, physical search, and the installation and use of pen registers and trap and trace devices on an emergency basis, and for preparing and properly submitting and receiving applications and orders under the Foreign Intelligence Surveillance Act of 1978; and

(2) prescribe related training on the Foreign Intelligence Surveillance Act of 1978 and related legal matters for the personnel of the applicable agencies of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

SEC. 16. INFORMATION FOR CONGRESS ON THE TERRORIST SURVEILLANCE PROGRAM AND SIMILAR PROGRAMS.

As soon as practicable after the date of the enactment of this Act, but not later than seven days after such date, the President shall fully inform each member of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on the following:

(1) The Terrorist Surveillance Program of the National Security Agency.

(2) Any program in existence from September 11, 2001, until the effective date of this Act that involves, whether in part or in whole, the electronic surveillance of United States persons in the United States for foreign intelligence or other purposes, and which is conducted by any department, agency, or other element of the United States Government, or by any entity at the direction of a department, agency, or other element of the United States Government, without fully complying with the procedures set forth in the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) or chapter 119, 121, or 206 of title 18, United States Code.

SEC. 17. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C and inserting the following new items:

''Sec. 105A. Clarification of electronic surveillance of non-United States persons outside the United States.

''Sec. 105B. Additional authorization of acquisitions of communications of non-United States persons located outside the United States who may be communicating with persons inside the United States.

''Sec. 105C. Emergency authorization of acquisitions of communications of non-United States persons located outside the United States who may be communicating with persons inside the United States.

''Sec. 105D. Oversight of acquisitions of communications of non-United States persons located outside of the United States who may be communicating with persons inside the United States.''.

(b) SECTION 103(e) OF FISA.—Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking ''105B(h) or''; and

(2) in paragraph (2), by striking ''105B(h) or''.

(c) REPEAL OF CERTAIN PROVISIONS OF THE PROTECT AMERICA ACT OF 2007.—Sections 4 and 6 of the Protect America Act (Public Law 110-55) are hereby repealed.

SEC. 18. SUNSET; TRANSITION PROCEDURES.

(a) SUNSET OF NEW PROVISIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), effective on December 31, 2009—

(A) sections 105A, 105B, 105C, and 105D of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) are hereby repealed; and

(B) the table of contents in the first section of such Act is amended by striking the items relating to sections 105A, 105B, 105C, and 105D.

(2) ACQUISITIONS AUTHORIZED PRIOR TO SUNSET.—Any authorization or order issued under section 105B of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, in effect on December 31, 2009, shall continue in effect until the date of the expiration of such authorization or order.

(b) ACQUISITIONS AUTHORIZED PRIOR TO ENACTMENT.—

(1) EFFECT.—Notwithstanding the amendments made by this Act, an authorization of the acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) made before the date of the enactment of this Act shall remain in effect until the date of the expiration of such authorization or the date that is 180 days after such date of enactment, whichever is earlier.

(2) REPORT.—Not later than 30 days after the date of the expiration of all authorizations of acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978 (as added by Public Law 110–55) made before the date of the enactment of this Act in accordance with paragraph (1), the Director of National Intelligence and the Attorney General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on such authorizations, including—

(A) the number of targets of an acquisition under section 105B of such Act (as in effect on the day before the date of the enactment of this Act) that were later determined to be located in the United States;

(B) the number of persons located in the United States whose communications have been acquired under such section;

(C) the number of reports disseminated containing information on a United States person that was collected under such section;

(D) the number of applications submitted for approval of electronic surveillance under section 104 of such Act based upon information collected pursuant to an acquisition authorized under section 105B of such Act (as in effect on the day before the date of the enactment of this Act); and

(E) a description of any incidents of non-compliance with an authorization under such section, including incidents of non-compliance by—

(i) an element of the intelligence community with procedures referred to in subsection (a)(1) of such section;

(ii) an element of the intelligence community with minimization procedures referred to in subsection (a)(5) of such section; and

(iii) a person directed to provide information, facilities, or technical assistance under subsection (e) of such section.

(3) INTELLIGENCE COMMUNITY DEFINED.—In this subsection, the term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 19. CERTIFICATION TO COMMUNICATIONS SERVICE PROVIDERS THAT ACQUISITIONS ARE AUTHORIZED UNDER FISA.

(a) AUTHORIZATION UNDER SECTION 102.—Section 102(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1802(a)) is amended by striking ''furnishing such aid'' and inserting ''furnishing such aid and shall provide such carrier with a certification stating that the electronic surveillance is authorized under this section and that all requirements of this section have been met''.

(b) AUTHORIZATION UNDER SECTION 105.—Section 105(c)(2) of such Act (50 U.S.C. 1805(c)(2)) is amended—

(1) in subparagraph (C), by striking ''; and'' and inserting '';'';

(2) in subparagraph (D), by striking ''aid.'' and inserting ''aid; and''; and

(3) by adding at the end the following new subparagraph:

''(E) that the applicant provide such carrier, landlord, custodian, or other person with a certification stating that the electronic surveillance is authorized under this section and that all requirements of this section have been met.''.

SEC. 20. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following new subsection:

(e) STATUTE OF LIMITATIONS.—No person shall be prosecuted, tried, or punished for any offense under this section unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any offense committed before the date of the enactment of this Act if the statute of limitations applicable to that offense has not run as of such date.

SEC. 21. NO RIGHTS UNDER THE RESTORE ACT FOR UNDOCUMENTED ALIENS.

This Act and the amendments made by this Act shall not be construed to prohibit surveillance of, or grant any rights to, an alien not permitted to be in or remain in the United States.

SEC. 22. SURVEILLANCE TO PROTECT THE UNITED STATES.

This Act and the amendments made by this Act shall not be construed to prohibit the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) from conducting lawful surveillance that is necessary to—

(1) prevent Osama Bin Laden, al Qaeda, or any other terrorist or terrorist organization from attacking the United States, any United States person, or any ally of the United States;

(2) ensure the safety and security of members of the United States Armed Forces or any other officer or employee of the Federal Government involved in protecting the national security of the United States; or

(3) protect the United States, any United States person, or any ally of the United States from threats posed by weapons of mass destruction or other threats to national security.

The SPEAKER pro tempore. Time for debate pursuant to House Resolution 746 is considered expired.

Pursuant to House Resolution 824, debate shall not exceed 1 hour, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 15 minutes and the gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 15 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3773.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

Members of the House, the RESTORE Act dealing with FISA addresses the needs of the intelligence community for flexibility in dealing with modern communications networks.

□ 1815

It received the most careful scrutiny and consideration by this Committee on the Judiciary, as well as by the Intelligence Committee, chaired by Chairman REYES, to ensure that it meets every concern our intelligence agencies have raised, every single one of them, and does so consistent with the rules of law, our Constitution, and our values.

Let's begin this discussion this evening by clearing up a few things that the bill will not do. The RESTORE Act will never require our intelligence agencies to stop listening to the bad guys. Never. Special emergency provisions allow us to listen first and get the warrant after the fact, if it's needed. No one will ever have to stop listening to a terrorist plotting an attack. I hope I don't hear that raised on the floor this evening.

The RESTORE Act will not make our intelligence agencies have to get thousands of warrants for terrorists outside the country. It will not do that. Instead, a basket authorization will permit surveillance of an entire foreign terrorist organization. This is the most effective way to target Osama bin Laden, al Qaeda, and other threats to our country and our citizens.

The RESTORE Act does not give the government free rein to listen to Americans. As has always been the case under FISA, this bill requires that the government get a warrant to target an American; any American. We have also a manager's amendment, which continues to promote the goals of intelligence flexibility with appropriate oversight, while safeguarding our security and our liberty. It makes clear that the protections of the act will not inhibit gathering intelligence against present dangers, such as Osama bin Laden, or threats to our troops in the field.

It does provide guidelines to make it easier to determine when the significant purpose of the surveillance act is to acquire information on a United States person and a FISA warrant is needed. It provides important safeguards on dissemination of information about individual Americans when it's acquired under the RESTORE Act's more flexible structure. Specifically, an SES-level manager will review such dissemination on a particularized basis.

Importantly, the RESTORE Act has no retroactive immunity for telecommunications carriers who may have assisted the government in conducting unlawful surveillance on Americans. I am sorry to report to you that the other body has a measure that does give that retroactive immunity. The RESTORE Act now on the floor has no retroactive immunity for telecommunications carriers who may have assisted the government in unlawful surveillance on Americans.

Until we receive the information, the data, the letters that we have requested to know what they have done, information we have been waiting for more than 10 months for, we can't even begin to responsibly consider such a request. So as of now, it's out. No retroactive immunity.

The legislation that we have before us now is a much-needed start to restoring our system of checks and balances, preserving our liberty, and ensuring that our government has the tools they legitimately need to combat terrorism. We got pressed up against the wall in August. It's not going to happen again. There's a 6-month run on the present measure before us. Before we get pushed up against the holidays, we are saying, Let's do it now.

We have had a tremendous working relationship with the chairman of the Intelligence Committee, SILVESTRE REYES, and his staff and my staff. Majority and minority have been working

closely together to bring to you a commonsense and balanced piece of legislation that does what we set out to do, and that is to preserve our liberties and make sure we have effective security. We want our intelligence agencies strong, but we want to bring the FISA Court back into the picture, and we do in the measure before us.

Six years ago, the administration unilaterally chose to engage in warrantless surveillance of American citizens without court review. That decision has—to be charitable—created a legal and political quagmire. Officials resigned, the program was riddled with errors, it was shut down for several weeks, officials rushed to the hospital to ask a sick man to reauthorize it over his deputy's objections, and vital prosecutorial resources were diverted. Most importantly, our own citizens questioned wheher their own government was operating within the confines of the law.

Two months ago, when that scheme appeared to be breaking down, the administration forced Congress to accept an equally flawed statute. This new law gutted the power of the FISA court. It granted the administration broad new powers to engage in warrantless searches within the U.S., including physical searches of our homes, computers, offices and medical records. The law contained no meaningful oversight whatsoever.

The legislation before us today seeks to once again strike the appropriate balance between needed government authority and our precious rights and liberties. It tells the government they need no warrant when foreign agents communicate with other foreigners. It reiterates that warrants are needed when Americans are being targeted. The bill also allows the interception of communications of foreign targets who may communicate with U.S. persons. However, it insists that procedures be in place—approved by the FISA court—to insure that no American is being targeted, and that his or her privacy is protected.

The bill also provides for several critical safeguards. We include periodic audits by the Inspector General, we narrow the scope of the authority to protect against threats to our national security, and we protect the privacy of Americans traveling abroad. We also sunset the legislation in December 2009.

The RESTORE Act, which has received careful consideration by the Judiciary Committee and by the Intelligence Committee, addresses the needs of the intelligence community for flexibility and the ability to deal with modern communications networks.

It meets every concern that our intelligence agencies have raised and does so consistent with the rule of law, our Constitution, and our values.

Let me be clear on a few things this bill will NOT do:

The RESTORE Act will never require our intelligence agencies to stop listening to the bad guys. Never. There are emergency provisions and the ability to get a warrant after the fact. No one will ever have to stop listening to a terrorist plotting an attack.

It will not make our intelligence agencies get thousands of warrants for terrorists outside of the country. Instead, they can get a basket authorization to surveil the entire foreign terrorist organization. This is the most effective way to target Osama bin Laden, al Qaeda, and other threats.

The RESTORE Act does not give the government free rein to listen in to Americans. As has always been the case under FISA, this bill requires the government to get a warrant if it wants to target an American.

The Managers' Amendment also reflects the RESTORE Act's goals of intelligence flexibility and oversight, while ensuring both safety and civil liberties. It makes it clear that the protections of the Act will not inhibit gathering intelligence against present dangers, such as Osama bin Laden or threats to our troops in the field. It provides guidelines to flesh out what should be considered when determining whether a significant purpose of collection is to acquire information about a U.S. person, such that a FISA warrant would be required.

The Manager's Amendment also provides important safeguards on dissemination of information about individual Americans when it is acquired under the RESTORE Act's more flexible structure. Dissemination of U.S. person communications acquired under the RESTORE Act's basket authorities can only happen when an SES-level supervisor determines that the identity of that person is needed to understand or assess the importance of the foreign intelligence, and to protect the national security of the United States. This is not a blanket authorization to unmask everyone intercepted, but must be done on a person-by-person basis.

Importantly, the bill has no retroactive immunity for telecommunications carriers. Until we receive the underlying documents relating to their conduct from the administration—and we have been waiting for more than ten months—we cannot even begin to consider this request. Sending a small set of the documents to a subcommittee of the other body does not begin to meet this test.

There is one of the grave concerns about the Protect America Act that bears mention as we consider the RESTORE Act. The Protect America Act was overbroad in the types of entities from which the government could compel information, reaching into business or medical records or libraries. We have narrowed the scope of the acquisitions in the RESTORE Act to ensure that the government can only seek information under the ''basket authorizations'' from telecommunications service providers and related companies.

I share the concern of our library community that believes their mission and the chance to bring knowledge and freedom of expression abroad will be diminished if the U.S. government can indiscriminately monitor American libraries when they serve foreign users. This is not a hypothetical concern in an age of distance learning. While a library certainly is not the same kind of ''communications service provider'' as AOL or AT&T, it may allow patrons to access the internet, to send emails, and to conduct research on-line, so it literally ''provides'' these communications services to patrons. The Judiciary Committee report indicates that these now-standard library services do not make them ''telecommunications service providers'' for a 105B or 105C acquisition, but let me be clear—nothing in the bill is intended to leave libraries outside of the protections of the Foreign Intelligence Surveillance Act.

The legislation before us today is a much needed start to restoring our system of checks and balances, to preserving our precious liberties, and to insuring that our government has all the tools they legitimately need to combat terrorism. I urge my colleagues on both sides of the aisle to support this common sense and balanced legislation.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a time and place for politics and partisanship. But there are in fact important issues that transcend politics. The security of our Nation outweighs politics, especially when our country is at war.

One of the finest moments of bipartisanship in Washington came after one of the darkest days in our history. On the evening of September 11, 2001, Members of Congress stood shoulder to shoulder on the steps of the Capitol as a symbol of strength and unity in response to the terrorist attacks. In that moment, we stood together, not as Republicans or Democrats, but as Americans resolved to protect our Nation. However, as we stand here today, that same spirit of bipartisanship we shared on 9/11 no longer exists.

We began in August to address a very specific and very urgent issue facing our intelligence community. We learned from the Director of National Intelligence, Admiral McConnell, that the Foreign Intelligence Surveillance Act, or FISA, was outdated for today's technology. But the bill we are considering today does not modernize FISA; it weakens it. Why, after 30 years of lawful foreign intelligence collection, does the Democratic majority suddenly object to a law that their party originally enacted in 1978? Why make it harder to gather intelligence on terrorists after 9/11 than before?

Now, after only a few hours' notice, we are considering the RESTORE Act, which actually restores little. Rather, it undermines our national security and increases the risk of a future terrorist attack on our country. It prevents our intelligence community from gathering critical intelligence information. It ignores the need for legal protection for communications companies that assist law enforcement and intelligence officials. We are at war with terrorists who spend every day plotting attacks against us. Our intelligence community needs to detect and disrupt these plots. To deny this ability could have catastrophic consequences.

Admiral McConnell testified in great detail before the Judiciary Committee about the specific needs of the intelligence community and the need to reform FISA. Admiral McConnell's recommendations are ignored, unfortunately, in the RESTORE Act. Instead, it requires the intelligence community to obtain FISA court orders for all communications of persons reasonably believed to be outside the United States. FISA has never applied to persons outside of the United States.

Under the RESTORE Act, FISA court orders will be required for the first time ever for thousands of overseas terrorist targets. Also, section 18 of the

manager's amendment is bluntly titled: ''No Rights Under the RESTORE Act for Undocumented Aliens.'' That is what it says. But the practical effect of the RESTORE Act will be to allow unregulated, warrantless wiretapping of illegal immigrants in the United States. Is this really what the Democratic majority intends?

Finally, the RESTORE Act omits any liability protection for telephone companies and other carriers that assisted the government after September 11, 2001. These companies deserve our thanks, not a flurry of harassing lawsuits. Communications technology has changed since 1978. We can no longer gather foreign intelligence without the assistance of private communications companies. Extending commonsense liability protection to communication providers who acted in good faith to protect the United States from another terrorist attack is completely appropriate. If we fail to provide this protection, we risk losing the future cooperation of communication providers in gathering foreign intelligence.

Democrats made a promise to the American people in 2006 that Members of Congress would put aside politics and work together to find bipartisan solutions to issues facing the American people. That promise has apparently been broken.

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

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

Mr. Speaker, I rise once again in support of H.R. 3773, the RESTORE Act. I would also like the RECORD to reflect that Congressman BARON HILL intended to be listed as a cosponsor of H.R. 3773, and we are certainly grateful for his support.

In early September, at the direction of Speaker PELOSI, the Intelligence Committee and the House Judiciary Committee took up the call to improve the Protect America Act, or PAA. Passed in August, the PAA modified FISA and gave sweeping and unprecedented surveillance powers to the executive branch, while requiring minimal oversight and without providing a meaningful judicial check on the President's use of the new powers.

While we were charged with undoing the excesses of PAA, we also have the mandate to provide our intelligence professionals the legal authorities required to protect the country from our enemies. Six years after the tragic attacks of 9/11, Osama bin Laden remains at large and America continues to face threats from al Qaeda and other terrorist organizations. The war in Iraq continues to act as a recruitment tool for all our enemies.

Mindful of these threats, we drafted the RESTORE Act as a bill that we can all support and be proud of. The RESTORE Act arms our intelligence community with powerful new authorities to conduct electronic surveillance of targets outside the United States while maintaining our fundamental liberties. First, it exempts truly foreign-to-foreign communications from any judicial review, even when the communication passes through the United States or the surveillance device is still actually located in the United States. Second, it authorizes the acquisition of foreign intelligence information for all matters of national defense, including information relating to terrorism, espionage, sabotage, and other threats to the national security of our country.

Third, the act clarifies that nothing in the act or the amendments to the act shall be construed to prohibit lawful surveillance necessary to prevent Osama bin Laden, al Qaeda, or any other terrorist organization from attacking the United States or our allies. But these powerful authorities are subject to the checks and the balances required by our Constitution.

The RESTORE Act puts the FISA Court back in business where the rights of Americans are at stake. The RESTORE Act tightens overbroad language in the PAA that authorized physical searches of Americans' homes and offices without a warrant. The RESTORE Act restores meaningful, robust, and continuous oversight by the judicial and legislative branches to ensure that the powerful intelligence-gathering tools authorized by the RESTORE Act are being used effectively and within the boundaries set by our Constitution.

In sum, the RESTORE Act provides tools to keep the Nation safe and upholds our constitutional liberties. This debate has gone on long enough, I believe, Mr. Speaker. It has been unnecessarily prolonged bipartisan maneuvering from some in this House. I am sure that we will see more of that partisan gamesmanship tonight. But I urge my colleagues to reject partisan politics in favor of sound policy and support this critically important bill.

I urge all my colleagues to vote ''yes'' for the RESTORE Act.

With that, I reserve the balance of my time.

□ 1830

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES), the ranking member of the Crime Subcommittee of the Judiciary Committee.

Mr. FORBES. Mr. Speaker, unfortunately some things never change, and unfortunately this bill happens to be one of them. No matter how dangerous law enforcement says this bill is, it hasn't changed. No matter how dangerous the intelligence community says it is, this bill hasn't changed. And unfortunately there is a cycle that won't change either, and that cycle is simply this.

In the nineties, we cut our intelligence capabilities. On 9/11/2001, we had the worst terrorist attack that has ever hit our shores. Since that time our intelligence community and our law enforcement people have worked hard and they have kept us safe. But if we have another hit, and this bill puts us on the same cycle, because what are we doing now? We are cutting our intelligence capabilities once again, like we did in the nineties. If we have another terrorist attack, the cycle will repeat itself, and they will bring back in law enforcement and they will point their fingers and they will say, why didn't you stop it?

Mr. Speaker, we have an opportunity tonight not to repeat that cycle by not passing this bill and making the amendments necessary to keep our intelligence strong.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize a very effective member of our committee, Mr. SCHIFF of California, as well as the gentleman Mr. FLAKE of Arizona, and I would yield them 2 minutes.

Mr. SCHIFF. I thank the chairman for yielding and for his leadership.

Over the last 2 years, I have worked with my Republican colleague JEFF FLAKE of Arizona to ensure that the government has all the tools necessary to pursue al Qaeda and all the other terrorists who would seek to harm our country while ensuring that the requirement of court approval of surveillance of Americans on American soil is met.

I am pleased that the committee has included many of the items we proposed, including reiterating FISA's exclusivity, providing robust oversight reporting, requiring FISA Court involvement when U.S. persons are involved, and clarifying that the interception of foreign-to-foreign communications does not require a court order.

To address a concern raised by Mr. FLAKE, our language makes clear that a court order would not be required for electronic surveillance directed at the acquisition of communications between persons that are not known to be U.S. persons and are reasonably believed to be located outside the U.S., without respect to whether the communication passes through the U.S. or the surveillance device is located in the U.S.

We have also placed additional safeguards to ensure this section is not abused and used to acquire communications of U.S. persons.

I am pleased to yield the balance of my time to my colleague.

Mr. FLAKE. I thank the gentleman for yielding. I have enjoyed working with Representative SCHIFF on this, and I thank the committee for addressing our concerns. Our concerns had to do mostly, my own concern in particular, with making sure that we are not involving a court when you are talking about foreign-to-foreign communications or communications between persons who are not known to be U.S. residents or not known or reasonably believed to be within the U.S. I believe those concerns were addressed here, and I appreciate the work that was done to do that.

As mentioned, our language also requires that if a U.S. citizen is inadvertently tripped up in the communication, that proper procedures are taken to deal with that and that the information is disseminated to the right people and committees. So I appreciate the committee's work on this.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT), the deputy ranking member of the Crime Subcommittee of the Judiciary Committee.

Mr. GOHMERT. Mr. Speaker, to be accused of partisan maneuvering is pretty insulting. Some of us are not concerned about partisan maneuvering; we are concerned about the security of the United States. That is why I am here right now, not because of partisan maneuvering.

Do you want to talk partisan maneuvering? How about when I go out to get a copy of the most current bill and we have got a bait and switch. This isn't even the most current bill out there that we can get ahold of to come in and talk about. But I know the provision, and I appreciate my fine chairman talking about we have taken care of emergency situations, and then we had two Members just talk about emergency situations.

If you take these provisions, and hopefully the part I am talking about is the latest, that is the way I understand from what you are talking about, it says specifically in here, yeah, there is an emergency provision, but in order to get it, the Director of National Intelligence, Admiral McConnell, who was the National Security Advisor for President Clinton, he and the Attorney General have to jointly be able to swear that the targets of their acquisition are not reasonably believed to be located outside of the United States and they are not reasonably believed to be United States persons.

You take that with their testimony, the testimony was I cannot ever swear that. The way you do this intelligence is you go after a foreign target, and I can never testify, he said, as to who the person will be that they call. I can never testify that I reasonably believe they will be outside the United States when they call or that they will not be a United States person.

So, if he comes in and does this after he has testified ''I cannot say I reasonably believe that they will not call somebody in the U.S., when I don't know who they will call,'' then we got problems. This does not protect the problem. We need to vote ''no.''

Mr. REYES. Mr. Speaker, I yield 10 seconds to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. I thank the gentleman and I support the bill.

I submit for the RECORD an op-ed by our friend and former colleague, the Honorable Lee Hamilton, cochair of the 9/11 Commission, regarding the issue of retroactive immunity. The op-ed fully expresses my concerns regarding this issue, and I wish for all Members to have the benefit of reviewing it.

[From the Baltimore Sun, Nov. 4, 2007]

IMMUNITY FOR WIRETAP ASSISTANCE IS RIGHT CALL

(By Lee H. Hamilton)

If the local fire company asked for your help putting out neighbor's blaze, you would not force the firefighters to justify their request. You would just help, right? That's what the phone companies did when the Bush administration asked them in secret for help with wiretaps to target al-Qaida communications into and out of the country.

However, the president's warrantless wiretap program caused a furor when it became public. The administration had circumvented the Foreign Intelligence Surveillance Act, raising many doubts about the legality and even constitutionality of its wiretap program. The controversy prompted class-action lawsuits against phone companies that cooperated with the government.

The Senate Intelligence Committee has reported out a bipartisan bill that would bring this wiretap program back under the FISA statute and court review. It would ensure the legality and robust congressional oversight so lacking in the original program. It also would give the phone companies immunity for their previous actions.

The committee made the right call. To the extent that companies helped the government, they were acting out of a sense of patriotic duty and in the belief that their actions were legal. Dragging them through litigation would set a bad precedent. It would deter companies and private citizens from helping in future emergencies when there is uncertainty or legal risk.

The help and cooperation of all our citizens are vital in combating the threats we face today. Companies in various sectors of the economy are going to have information that could save the lives of thousands of Americans. When they respond in an emergency, at the call of our highest elected officials and on assurances that what they are doing is legal, they must be treated fairly. To do otherwise would put our security at risk.

This is particularly true of communications companies. They are critical to our intelligence and ''early warning'' against terrorist attacks. The increasing complexity of communications technology has made the voluntary cooperation of these companies vital.

Government actions require public review. Actions by private companies in response to government requests also should place the burden of accountability on the government. We should not expect private companies to second-guess the propriety and legality of government requests. That is the job of our public servants in the executive branch, the legislators who oversee them, and ultimately the courts.

Unless Congress provides immunity, the clear message will be that private citizens should help only when they are certain that all the government's actions are legal. Given today's threats, that is too high a standard. We should hold public officials accountable for their actions—and hold harmless private citizens and companies when they respond to government requests to help protect us.

Mr. REYES. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO), who serves as the chairwoman of our Subcommittee on Intelligence Community Management.

Ms. ESHOO. I thank the distinguished chairman of the House Intelligence Committee.

Mr. Speaker, this legislation very importantly covers espionage, terrorism, sabotage and all threats to our national security. That sentence alone frames what this issue is about and the seriousness of it.

The other part of it that fills out the frame is that it restores the FISA Court. It restores the FISA Court to its prominence, and, by doing so, it restores a legal framework for surveillance that must be conducted to protect our national security.

This legislation provides every meaningful tool of the legislation that was passed last August. But, unlike that bill, it protects the rights of the American people.

The legislation is true to its name. It restores the role for all three branches of our government by reestablishing the checks and the balances that have protected our security, as well as our rights as Americans. This is what the American people not only expect, it is what they have become accustomed to, and they like it.

This legal framework for the NSA surveillance is absolutely essential. When no Americans are involved, no judicial oversight is required. When an American communication may be intercepted, the court must approve the procedures for handling it. Finally, when an American is targeted, the court must be asked for an order.

The American people know all too well that this administration is now considered the most secretive in the history of our country. It has operated with unchecked power and without judicial or congressional oversight. We now know that the President went around the courts to conduct a program of warrantless surveillance of calls to Americans. We now know that the FBI abused the authorities granted under the PATRIOT Act improperly using National Security Letters to American businesses, including medical, financial and library records, instead of seeking a warrant from the court. In hundreds of signing statements, the President has quietly claimed he had the authority to set aside statutes passed by Congress.

Mr. Speaker, I think enough is enough. This bill says that the executive is not the imperial branch of government. It restores the fundamental balance struck by our Framers, to secure our Nation and to protect the rights of all Americans. Preserving that balance makes our Nation stronger, and this is at the core of the legislation before us. I urge my colleagues to support it.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LUNGREN) who is the senior member of both the Judiciary and Homeland Security Committees.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in opposition to this bill, and I am sorry that I have to do that. I respect the gentleman from Michigan (Mr. CONYERS). We have worked on many things together. I believe he is a prime time player, but I disagree with his statement that this bill is ready for prime time.

To just give one example, if you look at section 6 of this bill, section 6 of the bill differs with the way we handle minimization under current law by saying that if there is evidence of a crime, it cannot be disseminated to a criminal justice entity. Now, maybe there is a reason for that, but that has never been discussed whatsoever.

Secondly, I would say that in the two 1-hour Special Orders I gave, I raised the problem that exists in the underlying bill as we now see it, which is in the very beginning of the bill, and it deals with a section entitled ''treatment of inadvertent interceptions.''

It deals with a situation where the intelligence community believes in good faith that they are dealing with foreign-to-foreign, but inadvertently they capture communication that deals with foreign-to-domestic. And what we say here is that you cannot use that information for any purpose, any purpose. It cannot be disclosed. It cannot be disseminated. It cannot be used for any purpose or retained for longer than 7 days, unless what? A court order is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily harm to any person, that the information indicates that.

I have stood on this floor on several occasions and said what that means is if we have a conversation or a communication involving Osama bin Laden, and everybody recognizes that might be the case, because in the manager's amendment we talk about Osama bin Laden, if in fact that occurs and the communication deals with someone within the United States, and he doesn't in that communication have information indicating a threat of death or serious bodily harm to any person, but indicates where he happens to be, the exact cave where he is at, we cannot operate on that in a timely fashion.

I would challenge any Member on the other side of the aisle to read the language in the underlying merged text, page 3, entitled ''Treatment of Inadvertent Interceptions,'' and tell me that I am wrong. This is, whether it is by mistake or you intended it to happen, giving greater protection to a terrorist around the world than you give to an American citizen charged with a crime.

I have said it before and I will say it again: I don't believe you intended this, but it is in the bill. As a matter of fact, the gentleman from New York, the chairman of the Constitutional Rights Subcommittee, came to me after we had an exchange on the floor on the issue and said, ''You are right. We goofed up. We should get rid of it.'' Yet we are here with it on the floor. For that reason alone, we ought to defeat the bill.

Mr. CONYERS. Mr. Speaker, I am stunned by my friend from California's comments, but I yield now 2 minutes to the gentleman from New York (Mr. NADLER), the chairman of the Constitution Subcommittee in Judiciary.

Mr. NADLER. I thank the gentleman.

Mr. Speaker, this legislation restores the proper role of the Foreign Intelligence Surveillance Court in the maintenance of our national security infrastructure. Let's get the terms of this debate clear before we begin. Anyone who can read will see that this bill does not inhibit the government's ability to spy on terrorists or on suspected terrorists or to act swiftly and effectively on the information we gather.

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The American people expect that their government will keep us all safe and free. This bill does that.

The bill does not require individual warrants of foreign terrorists located outside the United States. That has been the law for three decades; that is still the law.

The bill does provide reasonable FISA Court oversight to ensure that when our government starts spying on Americans, it does so lawfully by getting a warrant from the FISA Court. It will put an end to this administration's well-worn ''trust me'' routine.

I trust our intelligence community to gather solid intelligence on threats to our Nation. But protecting constitutional rights is not their prime job. That is why we have courts.

This bill provides for Congress to receive independent reports on how the act is working and what our government is doing. This administration's penchant for secrecy and aversion to accountability will come to an end, at least in this area.

Let me say a word for demands for retroactive immunity for the telecom companies. As many of our colleagues have pointed out, any such discussion is premature. We do not even know what we are being asked to immunize or whose rights would be compromised if we did so.

More importantly, Congress should not decide legal cases between private parties; that's for the courts. If the claims are not meritorious, the courts will throw them out. But if the claims do have merit, we have no right to wipe them without even reviewing the evidence. How dare we have the presumption to decide the rights of allegedly injured parties in the blind.

Mr. Speaker, this bill meets every single principle set forth by the Congressional Progressive Caucus. As one of the co-chairs of the caucus' FISA Task Force, I am pleased to support this important bill. It is true to our Constitution. It is true to our values. It is true to our safety. It will keep us safe and free.

This bill gives our intelligence agencies the tools they have told us they need to make us safe, and gives the FISA Court the tools it needs to ensure that the extraordinary powers we are giving to the intelligence community are used correctly and consistently with our laws and our Constitution.

It's called the separation of powers, with each branch of the government doing what it is supposed to do and acting as a check on the others. FISA exists to ensure that the balance between the needs of intelligence gathering and the protection of the rights of all Americans are balanced.

Most importantly, it restores the role of FISA as the exclusive legal basis for foreign intelligence surveillance. No more making it up as you go along.

Did the telecoms break the law? Were they acting appropriately? Were the rights of innocent Americans violated? We don't know.

How dare we have the presumption to decide the rights of allegedly injured parties in the blind?

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG), a senior member of the Commerce Committee.

Mr. SHADEGG. I thank the gentleman for yielding.

I think this is a very, very important debate. I understand the frustration of the majority in trying to deal with this issue, but I believe they have created a structure that even they themselves don't understand, and a structure that fundamentally turns the Constitution and the role of at least two branches of the government upside down.

We have the executive branch which is charged with defending the Nation against foreign enemies and we have the judicial branch which is charged with applying and interpreting the laws. But it is charged with judging disputes between American citizens, not with making decisions how about to gather foreign intelligence.

Now, how does this bill work? Number one, it says if the executive branch in carrying out its duty to protect the country from foreign enemies knows in advance that both people, both ends of a telephone communication or some other electronic communication, are in fact foreigners, no warrant is needed.

Well, if we could be mind readers and if we could hire mind readers as intelligence officers, that might be useful. But everyone in the intelligence community tells you that have targeted one person, and without the ability to read the mind of that person, you don't know who the other person they are calling is.

So as a matter of fact, you can never know, never ever know, no CIA agent, no judge, nobody can ever know that both people are foreigners. And so if the law says if you don't know that both are foreigners, you must get a warrant from a judge.

Now they have said we are going to be reasonable about it; it is going to be a basket warrant. But that then gives the duty of protecting the Nation to a judge, an unelected judge.

Mr. REYES. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), our chairman of the Select Intelligence Oversight Panel.

Mr. HOLT. I thank my friend and colleague from Texas.

Mr. Speaker, I rise in support of this bill. As many of you know, when the committee reported this bill to the floor, I expressed concerns that it

lacked provisions ensuring that the courts would decide whether the executive branch could seize and search communications of Americans.

The RESTORE Act now before us includes provisions via the manager's amendment that will ensure that it is the courts, not an executive branch political appointee, who decides whether or not the communications of an American can be seized and searched and that such seizures and searches must be done pursuant to an individualized court order.

This bill gives our citizens the best protection we can provide them, a sound intelligence collection that will foil our enemies and the review of the executive branch's surveillance actions by the court. In other words, each of us can say to each of our constituents: you have the protection of the court.

Now, it is important to note that this bill will provide better intelligence than existing law, the existing law which was passed in haste and fear. This bill, by applying checks and balances, improves intelligence collection and analysis. It has been demonstrated that when officials establish before a court that they have reason to intercept communications, we get better intelligence, better intelligence than we get through indiscriminate collection and fishing expeditions.

Mr. Speaker, this does it right. Mr. Speaker, I would like to close by thanking the staff of the committee, Jeremy Bash and Eric Greenwald; and from the Judiciary Committee, Lou DeBaca and Burt Wides; as well as the chairmen, Mr. REYES and Mr. CONYERS, who took my concerns to heart and made them their own concerns. It has produced a good bill. I urge my colleagues to vote ''yes'' for the RESTORE Act.

Mr. Speaker, the RESTORE Act will ensure that it is the courts—and not an executive branch political appointee—who decide whether or not the communications of an American citizen can be seized and searched, and that such seizures and searches must be done pursuant to a court order. This bill gives our citizens the best protection we can provide them: good intelligence collection against our adversaries, and review of the executive branch's surveillance actions by a court.

I was pleased to be able to work with my colleagues on the House Permanent Select Committee on Intelligence to add several key provisions to this bill. For example, the bill's most critical new provision ensures that the government must have an individualized, particularized court-approved warrant based on probable cause in order to read or listen to the communications of an American citizen. Inclusion of this provision was vital. We must be able to assure our citizens that their communications cannot be seized and searched by the government in the absence of a court order, and with this provision now in the bill, we can provide that assurance.

Another provision I worked to include requires the Court to review and approve not only the procedures and guidelines required under this Act, but also the application of those guidelines. This provision provides another important point of review by the courts that will help ensure that the Attorney General and the Director of National Intelligence are actually doing what they claim they are doing.

I also asked that a provision be inserted that makes it clear that the Foreign Intelligence Surveillance Act (FISA) is the sole statutory basis for domestic surveillance. This language was needed to remove any ambiguity. We cannot have any President inventing other claims for secret, warrantless surveillance.

The bill also provides additional resources to both the executive and judiciary branches for processing FISA applications and orders. The bill increases the number of Foreign Intelligence Surveillance Court (FISC) judges from 11 to 15, provides additional personnel to both the FISC and government agencies responsible for making and processing FISA applications, creates an electronic filing, sharing, and document management system for handling this highly classified data, and mandates training for all government personnel involved in the FISA process. All of this will help modernize and streamline the FISA application approval process.

Finally, the bill requires the Bush administration to ''fully inform'' Congress on all surveillance programs conducted since 9/11. It's outrageous that the Bush Administration has continued to stonewall this Congress over documents for the one program it has acknowledged. If we're to do our job of oversight, we need all the facts about past and current surveillance programs, and this provision will help us get those answers.

I hope our colleagues in the Senate will quickly pass the RESTORE Act, and I call upon the President to end his veto threats and work with Congress to bring America's surveillance activities into compliance with the Constitution.

President Bush has no inherent Constitutional authority to spy on our own citizens in the name of national security. If the President is serious about passing a law that allows us to protect our citizens from all enemies—foreign and domestic—he will sign this bill.

Mr. SMITH of Texas. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished minority whip of the House.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding and for his hard work on the floor this evening, for the leadership of Mr. HOEKSTRA and others on this important bill. We need to modernize FISA to keep up with changes in communications technology and the continually evolving tactics of our terrorist enemies.

We made some important steps in this direction only 90 days ago. We all understand that more needs to be done. But rather than responding to this need, this legislation actually impedes the intelligence community's ability to conduct effective investigations and to prevent future terrorist attacks.

This act requires FISA court orders for the first time for thousands of overseas terrorist targets. The Director of National Intelligence, Admiral McConnell, has described this requirement as unworkable and impractical.

This act contains a sunset date which fails to provide the certainty under the law that our intelligence community needs to effectively do its job.

It doesn't provide the liability protections for telephone companies and other carriers that assisted the government after 9/11 who now have a flurry of harassing lawsuits facing them.

Mr. Speaker, the majority claims that this legislation will restore a balance between civil liberties and national security. In fact, this bill will restore the intelligence gap that existed prior to our actions the 1st of August.

I urge this legislation be defeated. The current bill is better than this bill. We need to deal with it certainly between now and the end of the 6 months, but let's not take a step backwards. Let's let the law do what this law was intended to do in 1978 and is doing today.

Mr. CONYERS. Mr. Speaker, it is my pleasure now to recognize the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), a member of the Judiciary Committee, for 1¼ minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, in August I urged my colleagues to vote against an unconstitutional Senate bill. Simply put, that bill trampled on our constituents' constitutional right to privacy.

Today, I am proud to rise in support of the RESTORE Act, a bill that provides the intelligence community the tools it needs, but that restores the constitutional rights of Americans.

Mr. Speaker, we can be both safe and free, and this bill strikes the right balance.

This bill permits surveillance of foreign-to-foreign communication. It allows us to listen in on Osama bin Laden or any other terrorist who threatens our troops or country. This bill will keep us safe.

But this bill also requires a warrant from the FISA Court in order to eavesdrop on the communications of ordinary Americans, and it requires a court review of targeting procedures to ensure Americans' rights are protected. This bill restores our civil liberties.

Mr. Speaker, our colleagues across the aisle would rather play politics with this bill and unleash arguments of mass distortion, so let me be clear: nothing in this bill gives our constitutional rights to terrorists.

Our Republican colleagues create this smoke screen in order to hide the fact that they have taken away those same constitutional freedoms from Americans.

We need not choose between our secure and liberty. With the RESTORE Act, we can have both.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 1 minute.

This morning as we did the rules debate, I asked some questions of my colleagues on the other side of the aisle, and they said we will cover that during general debate tonight.

So the questions I have that I hope will be answered is in the manager's amendment that was presented this

morning and was voted on in the self-enacting rule talks about illegal aliens. The questions I have:

Would it allow surveillance against possible illegal aliens for law enforcement purposes?

Would it allow foreign intelligence surveillance to be conducted against transnational smuggling rings?

Would it allow surveillance to determine whether someone is an alien not permitted to be in or remain in the United States?

Would the amendment exempt undocumented aliens from the physical search requirements of FISA? Exactly how far does this amendment go? What is it intended to do?

These were the questions that I asked this morning that I hope will be answered tonight.

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

Mr. REYES. Mr. Speaker, could I ask how much time remains on each side.

The SPEAKER pro tempore. The gentleman from Texas (Mr. REYES) has 6½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 3¾ minutes remaining. The time has expired for the gentleman from Texas (Mr. SMITH). The gentleman from Michigan (Mr. HOEKSTRA) has 14 minutes remaining.

Mr. REYES. Mr. Speaker, I reserve the balance of my time so we can balance the time out with the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY), a member of the committee.

Mr. THORNBERRY. Mr. Speaker, it is unfortunate that here we are again debating a FISA bill that is more about politics than it is about the country. This bill is a cobbled-together mess designed to keep most of the Democratic Caucus together rather than a bill designed to meet the national security needs of the country. It is full of contradictory, unworkable provisions.

Most of this body and most of the American people agree that our intelligence professionals, civilian and military, should be able to gather foreign intelligence on terrorists and others without having a pack of lawyers trail along behind you. Unfortunately, that is exactly what they will need if this bill were to ever become law.

It is also sad that those who have volunteered to help defend us against terrorists are being punished. We debate Good Samaritan laws from time to time. The country needs Good Samaritans, as well, to help prevent terrorist attacks.

What the country needs, Mr. Speaker, is an updated law that intelligence professionals can really use, that really works in the field, not some cobbled-together mess designed to achieve a political purpose just before a recess. We can do better. I continue to hope that someday this House actually will.

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Mr. REYES. I continue to reserve the balance of my time.

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

Mr. HOEKSTRA. I yield 2 minutes to the gentleman on the committee, Mr. TIAHRT of Kansas.

Mr. TIAHRT. I thank the gentleman from Michigan for yielding to me. I rise in opposition to this bill.

I am really surprised by the procedure we have gone through to get to this point in this legislation. You know, under the underlying bill we had open hearings, we had closed hearings, we looked at a lot of the details and openly debated them and I thought we were making pretty good progress. But then, in the self-enacting rule, we have a whole bunch of new language that is dumped into this bill that has had no hearings.

In fact, section 18 says in this bill now, no rights under the RESTORE Act for undocumented aliens. It says: This Act shall not be construed to prohibit surveillance of an alien not permitted to be in the United States.

Undocumented aliens, no rights.

Then we get to what, the rights that the terrorists have in the underlying bill. Section 3 has procedures for authorizing acquisitions of communications, and there are 8 pages telling how we are going to protect the terrorists. They have got some rights protected under this bill.

Then we get to section 4, the emergency authorization. We have 8 more pages explaining how terrorists have more rights than undocumented aliens right here in the United States.

So then we listened to the gentleman from California (Mr. LUNGREN), who is the former Attorney General of the State of California, and he explains that, through the minimization procedures, that we are actually giving terrorists more rights than we do our own U.S. common criminals.

So what is the deal with this? It is really a mess. You have got terrorists at a higher status than undocumented aliens that are here in America and a lot of them just trying to make a living, and then you have got a higher standard for terrorists than you do for our own criminals. Now, why don't we balance things out here? Why don't we balance things out? You have tried to push this thing through without hearings, you have hodgepodged it together, and it truly is a mess. We ought to send this back to committee and do the right thing on this.

We want to protect the rights of American citizens, and we think that humans have a certain set of rights, too. But this bill does not provide it. It has mixed standards. It is a mess, and I think we should vote it down.

Mr. REYES. Mr. Speaker, I reserve the balance of my time until we balance out the time.

Mr. HOEKSTRA. Mr. Speaker, I think we have balanced the time. We chose on our side to go with the 15 minutes of Judiciary time and then 15 minutes of Intelligence time. I believe the people in opposition to this bill now have 10 minutes; the people who are supportive of this bill have 11. That sounds like balance to me.

I reserve the balance of my time.

Mr. REYES. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Texas (Mr. REYES) has 6½ minutes remaining. The gentleman from Michigan (Mr. HOEKSTRA) has 10½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 3¾ minutes remaining.

Mr. REYES. Mr. Speaker, I will now yield 1½ minutes to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of the RESTORE Act because I believe that the way we conduct the fight against terrorism says a great deal about who we are as a people.

We all want to keep the country safe from terrorism and to provide the necessary tools to our intelligence community, but I am not willing to sacrifice who we are and what we stand for just because this President says so.

The President's Protect America Act cut the FISA Court out of the process. The RESTORE Act puts the court back in. Now, the court, not the President, will decide whether the constitutional legal requirements are met. The court will assess in advance a program of surveillance that may intercept the communications of Americans. The court will ensure that the system the NSA establishes will protect the rights of any Americans they come across. The RESTORE Act clarifies the Protect America Act cannot be used to conduct secret searches of Americans' homes, businesses, computers, and medical records. It reiterates the exclusivity of FISA, which would put an end to secret, warrantless spying programs. It makes clear that the President has to obey the laws.

The RESTORE Act requires meaningful reporting to the Congress about the warrantless surveillance programs that have occurred since September 11, and it will require meaningful oversight in the future. The RESTORE Act will make America safer and keeps us true to who we are as a Nation. I urge my colleagues to vote ''yes.''

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to my colleague from California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Once again, I would ask my friends on the other side of the aisle: Can anyone explain why, on page 3, you give stronger rights to someone who is a suspected terrorist, even Osama bin Laden, if he has a communication we intercept believing it was going to be foreign-to-foreign, now foreign to someone in the United States, and in that he reveals where he is, why we cannot use that information as we are able to with a legal wiretap in the United States on an American citizen

charged with a crime who calls someone who is not a target of a crime? I do not understand it. Page 3. Is there anybody on your side who can explain why you would have that?

The silence has been deafening for a month now on this.

Mr. CONYERS. Would the former Attorney General of California yield?

Mr. DANIEL E. LUNGREN of California. I would be happy to yield if the gentleman would tell me exactly what I just asked.

Mr. CONYERS. That is why I seek to have you yield to me, sir.

Osama bin Laden is never going to have any rights superior to any citizen.

Mr. DANIEL E. LUNGREN of California. Reclaiming my time, because I asked you to specifically talk about the language in the bill. I have read it and read it and read it, and you have refused to respond to it, even though the chairman of the Subcommittee on Constitutional Rights told me that I was correct in my reading of the bill and that you folks were going to change it. You didn't change it. I expect that is because you forgot about it.

I would invite the gentleman from New York to respond to me, because he intellectually honestly told me just 2½ weeks ago that you folks were going to change it. Why haven't you done it?

Mr. Speaker, the silence I think speaks volumes. This is a bill that is not ready for prime time. It inadvertently protects Osama bin Laden with greater rights than an American citizen charged with a crime.

Mr. CONYERS. Mr. Chairman, it is very important that we understand that Mr. LUNGREN in his dramatic presentation about the cumbersomeness and the protections that we are affording bin Laden almost begs the question here.

We have been on this bill for several times. We have got a carve-out here. Nothing prevents conducting lawful surveillance that is necessary to, one, prevent Osama bin Laden and al Qaeda or any other terrorists, Mr. LUNGREN, or any ally of those persons from receiving any of these protections. We can operate against them without giving them any rights, and I think you must know that by now.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I can't give you time. I have got less than anybody here. No. I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROSS). All Members are reminded to address their remarks to the Chair.

Mr. HOEKSTRA. Mr. Speaker, at this time I yield 2 minutes to my colleague from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I want to point out that this bill raises a fundamental question: Do we trust judges, unelected judges, to control foreign intelligence? Are we going to move that responsibility from the executive branch to judges? Or is that not their job?

As I explained earlier, this measure requires that a warrant be obtained every single time you are seeking to gather foreign intelligence. That means that we are asking Federal judges, who are unelected, to decide in 100 percent of the cases whether we can or cannot gather intelligence.

Now, I respect judges. I admire judges. But judges have the duty of deciding disputes between Americans. They do not have the responsibility to protect our Nation. But this bill says you can never gather intelligence from a foreigner without first going and getting a warrant.

So a job that under our Constitution has been given to the executive branch, that is, to conduct foreign intelligence and protect the Nation, we are now taking from the executive branch and giving to judges. Because unelected Federal judges, who have no responsibility to protect our Nation, no responsibility to gather foreign intelligence, now get to decide, this has never been true in the history of our Nation, whether or not the Federal Government will gather any intelligence.

I respect judges. I am all for judges. If I am in a dispute over the civil rights of an American, I want a judge to decide. But when it comes to gathering intelligence about terrorists, we are going to take that authority away from the executive branch, which we have never done in the past, and give it to judges and judges only? Judges whom we cannot defeat in office, judges who are appointed, judges who do not stand for election, judges who cannot be voted out of office? We are going to take the authority away from the executive branch to protect our Nation and in 100 percent of cases give it to unelected judges. That is a mistake.

Mr. REYES. Mr. Speaker, I think we just saw some shrill out of options articulation there.

I now yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I rise in support of H.R. 3773. This legislation does exactly what our Constitution requires us to do: protect security while preserving civil liberties.

Maintaining that balance has sometimes been difficult, and the events of 9/11 have made it even more challenging. However, the RESTORE Act is a carefully crafted solution. We all recognize the gravity of the threats facing our country, and this bill gives the Director of National Intelligence all the authority he has asked for to fight terrorism while at the same time it protects civil liberties.

Further, the RESTORE Act provides for rigorous and independent oversight from the courts, the Congress, and the Department of Justice Inspector General. In our committee markup, I successfully offered an amendment to even strengthen this oversight by preserving the FISA Court's role to review compliance with their rules every 90 days for the life of a court order.

Rigorous oversight is why the Bush administration objects to this bill. They want unfettered authority. Unfortunately, we have seen what happens without checks and balances, and I will not allow that to happen again. As Members of Congress, we took an oath to defend the Constitution and the principles on which it was founded.

I urge my colleagues to support H.R. 3773, which provides security while preserving the fundamental values that make this country so great.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to my colleague from the State of New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, my colleague from Rhode Island talked about the importance of upholding the Constitution, and there is something in the manager's amendment to this bill that was inserted without any hearing in the committee that I don't understand, that makes no sense to me. It is a provision that says, very plainly: This act and the amendments made by this act shall not be construed to prohibit surveillance of, or grant any rights to, an alien not permitted to be in or remain in the United States.

Now, I think there are probably a lot of people on this side of the aisle who don't have a problem with that provision. What I don't understand is why you all are proposing it.

Here is the irony here. This bill will extend rights under our Constitution to foreigners in foreign countries, while denying the protections of the Constitution to some 12 million people who are not legally in the United States, when the case law is clear that they do have rights. Whether we think they should have rights or not, the case law is absolutely clear. So we will deny those rights to people in the United States while extending them to people in foreign countries?

I think we should be clear with the American people why we insisted on fixing the Foreign Intelligence Surveillance Act, and did so successfully in August. We had soldiers who were kidnapped in Iraq by insurgents.

□ 1915

And because of changes in technology and the demands of the court, the American military had to go to lawyers in the United States to get a warrant to try to intercept the communications of the terrorists trying to kill them. That took time, too much time. And the law had to be fixed.

Soldiers should not need an army of lawyers in Washington to listen to the communications of the enemy that's trying to kill them. This needed to be fixed, and we fixed it the first week of August.

We all remember where we were on the morning of 9/11. We remember who we were with, what we were wearing, what we ate for breakfast.

But people don't remember where they were the day that the British Government arrested 16 people who were within 48 hours of walking on to airliners and blowing them up simultaneously over the Atlantic. We don't remember it because it didn't happen. And the reason it didn't happen is because of exceptional intelligence and the cooperation of the British, Pakistani and American Governments.

Mr. REYES. Mr. Speaker, I'm concerned about the self-induced confusion on the other side.

I now yield 1¾ minutes to the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) who served in Iraq and also serves with me on the Armed Services Committee, as well as our Intelligence Committee.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today in support of the RESTORE Act and to set the record straight on an issue that is close to my heart.

In May of 2007, three men from the 10th Mountain Division were captured in Iraq. They're names are Specialist Alex Jiminez, Private First Class Joseph Anzak, and Private Byron Fouty. I recite their names because the right wing attack machine never does. But these are the facts, and they're not pretty.

The intelligence community stood ready to help find these three soldiers. But for 5 hours, for 5 hours, the Bush administration could not decide what to do. When they decided to go ahead, no Bush administration official could authorize it, could be found to authorize it. But when they finally found the Attorney General in Texas, it took an additional 2 hours to authorize the surveillance, even though he could have granted the authority in just minutes. Hours of indecision and incompetence while these three soldiers went missing.

* * * * *

While the RESTORE Act can solve many problems posed by the current FISA law, it will not solve the problem in these soldiers' situations.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask the gentleman's words be taken down with respect to the use of the word ''deceit.''

The SPEAKER pro tempore. All Members will suspend.

The Clerk will report the words.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, this has been a very powerful and emotional debate today, and the issue is very close to my heart. I did not mean to offend anyone across the other side of the aisle. And I ask the Speaker and the other side for unanimous consent to withdraw the paragraph that may have given offense to some Members that were on the floor.

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

There was no objection.

The SPEAKER pro tempore. In this debate, the gentleman from Texas (Mr. REYES) has 1¾ minutes remaining, the gentleman from Michigan (Mr. CONYERS) has 2 minutes remaining, and the gentleman from Michigan (Mr. HOEKSTRA) has 3½ minutes remaining.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 30 seconds.

I just want to make a couple of points. Again, no one has answered the questions that I asked earlier today and that I asked in the debate tonight. The amendment talking about illegal aliens, would it allow for surveillance against possible illegal aliens? Would it allow for foreign intelligence surveillance to be conducted against transnational smuggling gangs? Would the amendment exempt undocumented aliens from the physical search requirements?

And then just to reiterate the point that my colleague made in the previous speech, this is all about lawyering up the process, and that's what extends the time.

At this point, I yield 1 minute to my colleague, Mr. KIRK of Illinois.

Mr. KIRK. I thank the gentleman. And as the leader of the moderates in this, I would say that this issue should unite us all as Americans, not divide us along partisan lines.

I also speak as a Navy intelligence officer that would say that the provision that was newly included in this legislation says that nothing in this act shall prevent an intelligence officer from monitoring someone related to al Qaeda, Osama bin Laden or Ayman al-Zawahiri to prevent an attack against the United States. But so much of our intelligence is beyond the imminent attack on the United States. So much of us in the intelligence world, we have to watch the earliest signs of this.

Let's be clear, this bill before us has nothing to do with the rights of U.S. citizens; those are already protected. As an intelligence officer, we are always drilled on the code of conduct in dealing with U.S. persons. This bill has everything to do with creating new rights for people overseas. And I think we should let our intelligence community monitor whoever Osama bin Laden is talking with to protect the United States, even if an attack is not imminent.

□ 1945

Mr. CONYERS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks.)

Mr. SCOTT of Virginia. Mr. Speaker, I rise in favor of the legislation.

Mr. Chairman, I appreciate your leadership on efforts to address warrantless surveillance under the Foreign Intelligence Surveillance Act, or ''FISA'' and for introducing a bill that corrects many of the shortcomings of the bill that passed the House last August.

The RESTORE Act establishes a strong framework, much stronger than the Administration's PROTECT Act, to fight terrorism effectively, while providing reasonable safeguards to protect personal privacy.

One important change in the Restore Act is that it draws the appropriate distinctions based on the physical location and types of targets. There has never been any controversy over the fact that surveillance directed at people all of whom are overseas does not need any warrant at all. This bill rightly makes it clear that no court orders are required for the government to conduct surveillance on foreign targets outside the United States, even if the technical surveillance is conducted on U.S. soil. But if any surveillance is intentionally conducted on a U.S. person, this bill makes it clear that the government needs to apply for an individual warrant to conduct that surveillance. And if information on U.S. persons is incidentally collected, the Manager's Amendment to the bill rightly limits dissemination of that information among government agencies.

Second, the bill removes vague and overbroad language from the bill passed in August that would allow the wiretapping of conversations without a warrant if the communication was ''concerning'' a foreign target. That, by its own wording, suggests that if two citizens are in the United States talking about somebody overseas, that you could wiretap their communications without a warrant. The bill before us makes it clear that the persons involved in the communications must be overseas, not just that the subject of their conversation must be overseas.

Third, the RESTORE Act goes a step further than the Administration's bill and allows for the expanded wiretapping authority only in cases involving ''national security,'' as opposed to the over-expansive ''foreign intelligence.'' ''Foreign intelligence'' could include trade, deals or anything involving general foreign affairs activities.

Finally, the RESTORE Act was made even stronger in Committee by requiring the Department of Justice, in its application to the Court, to identify the ''primary purpose'' of its wiretapping. Under the original FISA, when an agent wanted to obtain the authority to conduct electronic surveillance or secret searches, a certificate was necessary detailing what the purpose of the surveillance was in order to obtain the warrant. The standard was altered by the Patriot Act, which provided that obtaining foreign intelligence only has to be ''a significant purpose.''

We have to put this change in context because the Department of Justice has not credibly refuted the allegations that some U.S. Attorneys were fired, because they failed to indict Democrats in time to affect an upcoming election. So if the Department of Justice wiretapped someone when foreign intelligence was not the primary purpose, you have to wonder what the primary purpose was. This bill would allow the surveillance to be conducted but the administration would be required to reveal the true purpose of the wiretap to the secret FISA court.

Mr. Speaker, I want to emphasize that we do not have to balance security and privacy. It is therefore important to note that everything that the administration can do in its own bill, it can do under this bill. We just require them to get a warrant before they do it, or if they are in a hurry, get a warrant after they do it, but they can wiretap and get the information. We just provide a modicum of oversight to ensure that our laws are being obeyed. I urge my colleagues to support the bill.

Mr. CONYERS. Mr. Speaker, I am now pleased to yield 1 minute to the Speaker of the House, the gentlewoman from California, NANCY PELOSI.

Ms. PELOSI. Mr. Speaker, as one who has long served on the Intelligence Committee, I understand full well the threats to our national security. I understand full well the need for us to have legislation that strikes the proper balance between liberty and security. I think this legislation does just that. And I commend Chairman CONYERS, chairman of the Judiciary Committee; and the chairman of the Intelligence Committee, Chairman REYES, for their important work and their leadership in presenting this legislation to the floor for consideration.

The bill is important and accomplishes the goal of striking the balance between security and liberty in the following ways: it defends Americans against terrorism and other threats; it protects Americans' civil liberties; and it restores checks and balances.

The bill protects Americans by providing the Director of National Intelligence with the flexibility he has requested of Congress to conduct electronic surveillance of persons outside the United States. No warrants are required whenever foreign-to-foreign communications are captured regardless of the point of collection or anywhere in the world.

It protects our civil liberties in a number of ways. The DNI has agreed that when Americans are targeted for surveillance, a warrant is required. We have now included certain criteria that the government must take into account in considering whether a warrant is required. This will help prevent inappropriate warrantless surveillance and ''reverse targeting'' of Americans under the guise of foreign intelligence.

The bill restores checks and balances. This is very, very important because it, again, is part of our oath of office to protect the Constitution of the United States. The bill rejects groundless claims of ''inherent executive authority.''

There are those who claim that the President has inherent authority from the Constitution to do whatever he wishes. Long ago our Founders rejected that concept in founding our country. We must do that as well and continue to make that clear.

The legislation also makes clear that FISA is the exclusive means for conducting electronic surveillance to gather foreign intelligence. The government must seek approval from a FISA Court. So we are talking about the Congress of the United States passing legislation, as it did in the late seventies, passing this legislation today which is in light of the new technologies and new reality in the world, and recognizing the authority of the third branch of government: the courts.

This legislation includes extensive reporting to Congress with respect to the interception and dissemination of communications among Americans and from Americans. This is very important because we want to minimize the use of that information and keep it for the purpose for which it is collected.

Most significantly, the bill does not provide immunity to telecommunications companies that participated in the President's warrantless surveillance program. We cannot even consider providing immunity unless we know exactly what we are providing immunity from. And even then, and even then, we have to proceed with great caution.

It is important to note that the bill sunsets on December 31, 2009, the date the PATRIOT Act sunsets, so the next administration and the next Congress can review and reassess the program.

This legislation is supported by organizations dedicated to protecting our national security and protecting our civil liberties, including the Center for National Security Studies, the Center for Democracy and Technology, and many other groups that work to protect privacy rights. The bill protects both national security and civil liberties, reaffirms our constitutional system of checks and balances, and deserves the support of this House.

Mr. Speaker, all of us want our President to have the best possible intelligence, our President and our policymakers, so they can do the best possible job to protect the American people. But no President, Democrat or Republican, should have the authority, to have inherent authority, to collect on Americans without doing so under the law. This legislation establishes that principle; and it establishes it in a very focused way in keeping with the need for flexibility for the Director of National Intelligence, in keeping with honoring our oath of office to the Constitution. I urge our colleagues to support this important legislation.

I, for one, am very, very proud of the work of Mr. CONYERS and Mr. REYES and thank them for their leadership.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 1 minute.

A month after I originally came to the floor to oppose this bill, I now rise in opposition to this flawed legislation, which, disappointingly, has been made worse ever since we started the process.

In August Congress finally acted, after months of prodding from Republicans, to close significant intelligence gaps against potential foreign terrorists in foreign countries that jeopardize America's ability to protect and prevent potential terrorist attacks and to effectively collect intelligence on foreign adversaries.

Now we have a simple choice: Do we do what is necessary to provide long-term legal authority for our intelligence community to conduct necessary surveillance, or do we reopen that intelligence gap?

It now seems that the majority is determined to move a bill intended to make political statements rather than to give intelligence professionals the tools that they need to protect our country.

I urge my colleagues to vote against this bill.

Mr. REYES. Mr. Speaker, I yield 1 minute to our distinguished majority leader, Mr. HOYER of Maryland.

Mr. HOYER. I thank my friend for yielding. I thank him for his leadership as well. I thank Mr. CONYERS for his leadership, and I thank Mr. HOEKSTRA and Mr. SMITH for their participation.

This is a serious issue that confronts us. Mr. Speaker, this legislation, the RESTORE Act, is nothing less than the fundamental reiteration of the most basic concepts of our Constitution, our constitutional form of government that we, indeed, are a Nation of laws and that our Founders deliberately designed our three branches of government to serve as a check and balance on each other.

One of my colleagues, my friend, I believe, from Arizona, stood and said it was not the job of judges to conduct intelligence. He was correct. It is not the job of judges to conduct intelligence. But it is the constitutional duty given by our Founding Fathers, who understood that King George too often abused his sovereign power and who said to all that they would have adopt this Constitution that we will protect you from the abuse of power of government, and we will do it by having it reviewed by independent judges, not by the legislature.

We can be told by judges that we are not acting constitutionally, and that is a protection for our people against congressional abuse of power. And the executive department can be told by judges you are abusing your constitutional power. No power, no protection was felt to be more necessary and important by our Founding Fathers than their right to personal privacy and a lack of intrusion by King George just because he wanted to do it. And they said King George had to have probable cause, in this case, the Government of the United States. So that's why they established the courts. And we, in our wisdom, in my view, established the FISA Court to do just that.

Every single one of us here recognizes that our highest duty is to protect the American people. Indeed, we must detect, disrupt, and eliminate terrorists who have no compunction about planning and participating in the mass killing of innocent people. We saw that tragically on 9/11. We also, each one of us, come to this well or stand at our seats and raise our hand and swear an oath to defend the Constitution of the United States, to protect its laws and to honor the values and principles that are contained therein. That is our oath. That is what we do here this night, including the fourth amendment right that Americans are secure in their persons, houses, papers, and effects against unreasonable searches and seizures. That's not an assertion on any individual or any government or even the

legislature. It was an assertion by our Founding Fathers that they had seen too often abuses by the executive agencies of government.

Our basic duties as Members of this Congress, protecting the American people and protecting the values that define us as Americans, are not mutually exclusive. We can protect our country and protect our Constitution. That is our duty.

And that is precisely what this historic act, introduced by Chairman REYES and Chairman CONYERS, has done. This legislation gives our intelligence community the tools it needs to listen in on those who seek to harm us while addressing concerns that the bill passed in August could authorize warrantless surveillance of Americans. That is our concern. That is our focus.

Among other things, this legislation modernizes the technologically outdated Foreign Intelligence Surveillance Act of 1978 by restoring a checks and balances rule for the FISA Court and addressing the intelligence gap asserted by the Director of National Intelligence.

□ 2000

We heard Director McConnell. We want to help Director McConnell. Let us be clear. This legislation does not require a warrant for listening in on suspected and known terrorists, period. An assertion to the contrary is not accurate. In fact, it clarifies that no court order is required for surveillance of conversations where both parties are foreign citizens. It does not extend constitutional rights to suspected or known terrorists, assertions to the contrary notwithstanding. Nor does it delay the collection of intelligence information.

Furthermore, it grants the Attorney General and the Director of National Intelligence authority, authority to apply to the FISA Court for a block order, not an individual order, not a discrete order, but a block order saying that you can pursue this gathering of information to protect America, but you cannot do it simply because you want to do it. You've got to do it consistent with the Constitution of the United States and the laws thereof. You cannot conduct freelance surveillance without some authority of law.

The FISA Court can give a block order to conduct surveillance on large groups of foreign targets for up to a year, and that can be renewed, ensuring that only foreigners are targeted and Americans' rights are preserved. That was the whole reason in a bipartisan way we adopted FISA, to make sure that was the case.

Why do you fear a FISA Court reviewing that basic principle that was its intent at its adoption?

Finally, the legislation is silent on the issue of retroactive immunity for telecommunications companies that possibly violated privacy laws in turning over consumer information to the government. We don't make that judgment today. We need to review information to know what was done before we immunize conduct which we do not know. Simply stated, it would be grossly irresponsible for Congress to grant a blanket immunity for companies without even knowing whether their conduct was legal, appropriate, reasonable or not. Don't you think the American public, each one of our constituents, expects that of us?

In closing, Mr. Speaker, let me quote The Washington Post, which stated in October, the measure produced by the House Intelligence and Judiciary Committees would alleviate the burden of obtaining individualized warrants for foreign targets while still maintaining a critical oversight for the FISA Court. In other words, we are relieving the administration from the burden of discrete approval. But we are providing for the protections that Americans expect under our Constitution.

Mr. Speaker, we must give our Commander in Chief, the President of the United States and the intelligence community the resources, the authority, and flexibility that is necessary to protect our people and defend our Nation. I believe each of us in this Congress support that objective. But we must also honor the values and principles that make us Americans. This legislation allows us to do both.

I urge my colleagues on both sides of the aisle, facilitate the interception of information and terrorist communication dangerous to our people and our country. And at the same time, redeem that oath of protecting and defending our Constitution.

Mr. HOEKSTRA. Mr. Speaker, may I inquire as to the order of closing.

The SPEAKER pro tempore (Mr. ROSS). The Chair will recognize for closing speeches in the reverse order of opening, the gentleman from Michigan (Mr. HOEKSTRA), the gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. CONYERS).

The gentleman from Michigan (Mr. HOEKSTRA) has 1 minute remaining. The gentleman from Texas (Mr. REYES) has 45 seconds remaining. The gentleman from Michigan (Mr. CONYERS) has 1 minute remaining.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleagues and thank you for this debate.

At this point in time to close our debate I would like to recognize the distinguished minority leader, Mr. BOEHNER of Ohio.

Mr. BOEHNER. Let me thank my colleague for yielding.

Mr. Speaker, in August the Congress passed the Protect America Act. Before that bill passed, our intelligence officials did not have the tools they needed to protect our troops and to detect and prevent terrorist plots. This was made clear in a story we read about just last month about our, how our FISA laws failed our soldiers who were kidnapped in Iraq, and I think these outdated laws actually hampered their rescue. That is because our FISA laws in place before the Protect America Act entrusted government lawyers, not our intelligence professionals, to protect our troops and our security.

Yet the bill we are considering today only makes this problem worse. It reopens the terrorist loophole and doesn't ensure that we can act quickly on vital intelligence to protect our troops and the American people. I think it would be a boon to trial lawyers who could take actions against third parties who assisted our government at our request after 9/11. It is yet another example of a troubling pattern of behavior on the part the majority, a pattern of behavior that is undermining our national security. Let me just give you a few examples.

The majority want to extend habeas corpus rights to terrorists. The majority has had over 40 votes in the Congress trying to force retreat in Iraq. The majority wants to close down our Guantanamo detention facility and move those terrorists into American communities. The majority, in their intelligence authorization bill and appropriation bill, are diverting key intelligence resources away from terrorist surveillance to study global warming.

In August, all the Members of this House succeeded in modernizing FISA and closing the terrorist loophole. We did so because terrorists were plotting to kill Americans and our allies, and there is no nice way of saying that. So why on Earth would we tie the hands of our intelligence officials again and open up this loophole that allows terrorists to jeopardize the safety of our troops and jeopardize the safety and security of the American people?

Our country is safer today because of our efforts, and Republicans want to work with Democrats to make the Protect America Act permanent. We were very close to a bipartisan agreement on this bill just about 5 weeks ago, very close. As a matter of fact, there was an agreement in principle until the ACLU got ahold of it and blew the entire bipartisan process up. I think the American people want us to do everything we can to make sure that they are safe and secure. The bill that we have before us will once again tie the hands of our intelligence officials and make America less safe. This is not the bill that I want to vote for.

Mr. REYES. Mr. Speaker, this bill, the RESTORE Act, is about balance. It is about putting checks and balances back in the process. It puts the FISA Court back in the process of protecting Americans. It corrects unchecked authority that we gave through the Protect America Act. Some would want us to continue to rubber-stamp what the administration wants. The American people deserve better.

Mr. Speaker, Halloween is over. Why do our colleagues continue to pull ghouls out of the closet? It is now time to talk turkey.

I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I am privileged to yield the balance of our

time on our side to the distinguished gentlewoman from Texas, SHEILA JACKSON-LEE, an invaluable member of the Judiciary Committee.

Ms. JACKSON-LEE of Texas. I thank both chairmen, Chairman CONYERS for his leadership and Chairman REYES. In the month of August, I stood here and shredded paper to reflect that the vote we took on that bill was really a destruction of the Constitution. I am very glad to be able to stand here today to hold the Constitution sacredly in my hand and to indicate that this bill does, in fact, offer a restoration of the civil liberties of Americans but yet does not protect one single terrorist.

It is a bill that avoids reverse targeting of Americans. But it is a bill that provides the opportunity that if there was a pending threat against the United States, the Attorney General, the National Security Director, and three others could, in fact, prevent a terrorist act from occurring in the United States. This restores justice and it protects the American people.

Mr. Speaker, I rise today in support of H.R. 3773, introduced by my colleague Mr. CONYERS. Had the Bush administration and the Republican-dominated 109th Congress acted more responsibly in the 2 preceding years, we would not be in the position of debating legislation that has such a profound impact on national security and on American values and civil liberties in the crush of exigent circumstances. More often that not, it is true, as the saying goes, that haste makes waste.

Mr. Speaker, the legislation before us is intended to fill a gap in the Nation's intelligence gathering capabilities identified by Director of National Intelligence Mike McConnell, by amending the Foreign Intelligence Surveillance Act, FISA. It gives our intelligence professionals the tools they need to legally monitor suspect foreigners outside the United States, while protecting the fundamental rights of Americans at home.

Nearly two centuries ago, Alexis de Tocqueville observed that the reason democracies invariably prevail in any martial conflict is because democracy is the governmental form that best rewards and encourages those traits that are indispensable to martial success: initiative, innovation, resourcefulness, and courage.

The United States would do well to heed de Tocqueville and recognize that the best way to win the war on terror is to remain true to our democratic traditions. If it retains its democratic character, no nation and no loose confederation of international villains will defeat the United States in the pursuit of its vital interests. A major challenge facing the Congress today is to ensure that in waging its war on terror, the administration does not succeed in winning passage of legislation that will weaken the Nation's commitment to its democratic traditions.

This is why the upcoming debate over congressional approval authorizing the administration to conduct terrorist surveillance on U.S. soil is a matter of utmost importance. I offer some thoughts on the principles that should inform that debate.

In the waning hours before the August recess, the House acceded to the Bush administration's request and approved the woefully misnamed "Protect America Act," which gives the Federal Government enlarged powers to conduct electronic surveillance of American citizens under the guise of conducting surveillance of foreign terrorists.

Mr. Speaker, FISA has served the Nation well for nearly 30 years, placing electronic surveillance inside the United States for foreign intelligence and counter-intelligence purposes on a sound legal footing. Given the exigent circumstances claimed by the administration, I am prepared to support a number of temporary changes to FISA legislation, provided that they follow certain principles.

First, I am prepared to accept temporarily eliminating the need to obtain a court order for foreign-to-foreign communications that pass through the United States. But I do insist upon individual warrants, based on probable cause, when surveillance is directed at people in the United States. The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, but the FISA Court should not be allowed to issue a "basket warrant" without making individual determinations about foreign surveillance. There should be an initial emergency authority so that international surveillance can begin while the warrants are being considered by the Court. And there must also be congressional oversight, requiring the Department of Justice Inspector General to conduct an audit every 60 days of U.S. person communications intercepted under these warrants, to be submitted to the Intelligence and Judiciary Committees.

This legislation allows the interception of electronic communications between foreigners outside of the United States without a warrant and permits the director of national intelligence and the attorney general to seek "blanket" warrants to intercept communications of people reasonably believed to be outside the United States, even if such communication happens to involve "U.S. persons." Wiretap surveillance could be conducted for 7 days before a warrant must be sought, and the secret Foreign Intelligence Surveillance court would have to act on the application for a blanket warrant within 15 days.

This legislation has many other important provisions. It affirms that FISA is the exclusive source of legal authority for conducting electronic surveillance for foreign intelligence. Crucially, it does not grant amnesty to telecommunications companies for any past violations of law. Finally, it gives the FISA Court more oversight authority and terminates the authorization to conduct foreign surveillance on U.S. soil after 2 years.

In all candor, Mr. Speaker, I must restate my firm conviction that when it comes to the track record of this President's warrantless surveillance programs, there is still nothing on the public record about the nature and effectiveness of those programs, or the trustworthiness of this administration, to indicate that they require any legislative response, other than to reaffirm the exclusivity of FISA and insist that it be followed. This could have been accomplished in the 109th Congress by passing H.R. 5371, the "Lawful Intelligence and Surveillance of Terrorists in an Emergency by NSA" Act, LISTEN Act, which I have cosponsored with the then ranking members of the Judiciary and Intelligence Committees, Mr. CONYERS and Ms. HARMAN.

The Bush administration has not complied with its legal obligation under the National Security Act of 1947 to keep the Intelligence Committees "fully and currently informed" of U.S. intelligence activities. Congress cannot continue to rely on incomplete information from the Bush administration or revelations in the media. It must conduct a full and complete inquiry into electronic surveillance in the United States and related domestic activities of the NSA, both those that occur within FISA and those that occur outside FISA.

The inquiry must not be limited to the legal questions. It must include the operational details of each program of intelligence surveillance within the United States, including: (1) who the NSA is targeting; (2) how it identifies its targets; (3) the information the program collects and disseminates; and most important; (4) whether the program advances national security interests without unduly compromising the privacy rights of the American people.

Given the unprecedented amount of information Americans now transmit electronically and the post–9/11 loosening of regulations governing information sharing, the risk of intercepting and disseminating the communications of ordinary Americans is vastly increased, requiring more precise—not looser—standards, closer oversight, new mechanisms for minimization, and limits on retention of inadvertently intercepted communications.

Mr. Speaker, the legislation before us is necessary. It is incumbent on the Congress to act expeditiously to amend existing laws so that they achieve the only legitimate goals of a terrorist surveillance program, which is to ensure that Americans are secure in their persons, papers and effects, but terrorists throughout the world are made insecure. The best way to achieve these twin goals is to follow the rule of law. And the exclusive law to follow with respect to authorizing foreign surveillance gathering on U.S. soil is the Foreign Intelligence Surveillance Act. It is my sincere hope that my colleagues will join together today in enacting important and much needed reforms to FISA.

Finally, Mr. Speaker, I am proud to support the Manager's Amendment to this legislation. This amendment clarifies that nothing in this act can be construed to prohibit lawful surveillance necessary to prevent Osama Bin Laden, al Qaeda, or any other terrorist organization from attacking the U.S., any U.S. person, or any ally of the U.S.; to ensure the safety and security of our Armed Forces or other national security or intelligence personnel; or to protect the U.S., any U.S. person, or any U.S. ally from the threat of WMD or any other threats to national security.

Mr. Speaker, even as we work to protect our Nation, we must remember the fundamental need to protect Americans. At bottom, America is its people connected to each other, and to past and future generations, as in Abraham Lincoln's unforgettable phrase, by "the mystic chords of memory stretching from every heart and hearthstone." America, in other words, is Americans coming together in a community of shared values, ideals and principles. It is those shared values that hold us together. It is our commitment to those values that the terrorists wish to break because that is the only way they can win.

Thus, the way forward to victory in the war on terror is for this country to redouble its commitment to the values that every American

will risk his or her life to defend. It is only by preserving our attachment to these cherished values that America will remain forever the home of the free, the land of the brave and the country we love.

H.R. 3773 does just that. It balances the interest in protecting the Nation from terrorists who would do us harm and, at the same time, ensures that the constitutional rights of American citizens and persons in America are not abridged. I strongly urge my colleagues to join me in supporting this legislation.

Mr. LANGEVIN. Mr. Speaker, I rise in support of H.R. 3773.

Today, as we have so many times in our history, we are wrestling with the question of how best to protect security while preserving liberty. That struggle has always been challenging, and the events of 9/11 made it even more so. But today, the RESTORE Act provides a carefully crafted solution to that problem.

We all recognize the gravity of the threats facing our country, and that is why this bill gives the Director of National Intelligence all the authority he has asked for to fight terrorism. The legislation updates FISA to address new developments in technology so that our intelligence activities are not constrained based on what method of communication suspects happen to be using or where the communication may be routed. The bill also clarifies that no warrant is needed for foreign-to-foreign communications. These are requests that the DNI has made and which are included in the bill.

However, unlike the so-called Protect America Act, which passed in August, the RESTORE Act provides for rigorous and independent oversight from the courts, the Congress, and the Department of Justice Inspector General.

Additionally, during the Intelligence Committee's consideration of the bill, I successfully offered an amendment to strengthen the oversight by preserving the FISA Court's role to review compliance with their rules every 90 days for the life of a court order. By having the FISA Court review the procedures and guidelines used by the DNI and Attorney General when determining that prospective targets are located outside the U.S., we provide another safeguard against the collection of communications of people inside the U.S. Finally, the bill requires greater congressional oversight of the program so that we can monitor how it is being implemented and make any changes that may become necessary.

Such rigorous oversight is why the Bush administration objects to this bill. To them, the Protect America Act that passed in August is just fine the way it is. They want unfettered authority, without checks and balances. But we have seen what happens when the administration is given free rein, and I will not let that happen again.

I want to be clear that this is not a perfect bill. While in theory it is a vast improvement over the Protect America Act, in reality, this legislation will only work if everyone involved follows the rules that Congress establishes and remains within the confines of the law. Like any program, and indeed more so than most, this one could be subject to abuse, and we must remain vigilant in our efforts to ensure that does not happen. We have included meaningful safeguards and significant checks and balances in this measure. However, these provisions are only as strong as the individuals and agencies implementing them. Congress must continue to conduct robust oversight and insist on the briefings and information to which we are entitled. If we fail in these efforts and abuses occur, we will have ourselves to blame.

Mr. Speaker, we have faced grave threats before. Our Constitution was drafted at a time when the very survival of our Nation was in doubt. Yet our Founding Fathers made the preservation of basic liberties part of the fabric of our national identity.

As Members of Congress, it is our sworn duty to defend the Constitution and the principles on which our Nation was founded. I urge my colleagues to support H.R. 3773, which protects security while preserving the liberties that make this country great.

Mr. MAHONEY of Florida. Mr. Speaker, I rise today in support of H.R. 3773, the RESTORE Act.

On my first day, I took an oath of office to support and defend the Constitution. Tonight we will vote to protect our Fourth Amendment rights by passing this bill. Never again will we give any person the ability to conduct surveillance on American citizens without court approval.

America must be vigilant in our fight against terrorism. Congress has a duty to give our intelligence agencies the tools they need to hunt down those who threaten our Nation while protecting the constitutional rights of every American.

The RESTORE Act gives the Attorney General and the Director of National Intelligence the flexibility they need to pursue the terrorists, while keeping the checks and balances enshrined in our Constitution.

Mr. Speaker, it is critical that our intelligence community have the resources necessary to protect America. It is also critical that Americans are protected from unreasonable searches and seizures. This bill accomplishes both of these objectives.

I urge my colleagues to vote in support of the RESTORE Act.

Mr. BLUMENAUER. Mr. Speaker, as a chamber, we have come a long way since August when the disgraceful ''Protect America Act'' was strong-armed into law. The RESTORE Act, a comprehensive and thoughtful overhaul of the Foreign Intelligence Surveillance Act, could not cut a more striking contrast.

Over the past 7 years I have been highly critical of Republican wiretapping legislation. I have voted against every effort to expand the ability of this administration to intrude in the lives and privacy of innocent citizens.

But this is a Democratic Congress and a Democratic bill. The RESTORE Act strikes an unprecedented balance between civil defense and civil liberties. I deeply appreciate the hard-won progress we've made on this issue and I am heartened by our leadership's determination to end a Republican legacy that so blatantly disregards the rights of ordinary Americans.

The bill before us will not solve every potential abuse of FISA, but it does greatly strengthen legal protections for Americans and introduces robust congressional oversight. As this issue continues to play out into the future, it is my hope that our next steps will include even stronger protections for innocent Americans, clearer legal standards for FISA to judge surveillance procedures, and explicit requirements for the destruction of unnecessary data.

Ms. BEAN. Mr. Speaker, I rise today in support of H.R. 3773.

Giving our intelligence community the tools they need to uncover threats to our Nation's security is one of Congress's most important duties. This bill soundly provides that.

This legislation explicitly clarifies that a warrant is not needed when conducting foreign to foreign surveillance. Importantly this bill also includes reasonable safeguards to ensure U.S. citizens at home and abroad are not subject to surveillance without proper oversight.

It lays out a responsible yet workable framework for the Director of National Intelligence and Attorney General to get FISA certification when U.S. persons may inadvertently be involved yet allows our intelligence community to act immediately in emergency situations prior to FISA court certification.

I commend the committee for its hard work on an issue important to our national security.

While Congress should continue to pursue all relevant information from the administration's surveillance program since September 11, 2001, telecommunications providers should not be held liable for providing requested information that they were told could prevent future attacks on our Nation.

An October editorial in the Washington Post noted that these companies were ''acting as patriotic corporate citizens in a difficult and uncharted environment.''

Therefore I support retroactive immunity for participating companies and I'm hopeful it will be included in the final bill.

With that, I urge my colleagues to support H.R. 3773.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to voice my support for H.R. 3773—the Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective (RESTORE) Act of 2007.

In August, Congress unfortunately passed the Protect America Act, a piece of legislation that allowed the surveillance activities of this Administration to go unchecked. Though I opposed that bill, the House was left little choice but to pass that flawed bill. While it is true that modernization of our foreign intelligence laws was necessary to meet the security and intelligence needs of this nation, the Protect America Act went beyond what was essential and instead allowed the continued infringement of American's civil liberties.

Thankfully, today we have before us a piece of legislation that gives the intelligence community the authority it needs to protect Americans while also protecting civil liberties that are the bedrock of our nation. This bill modernizes our foreign surveillance system and authorizes necessary funding for training, personnel and technology resources at DOJ, NSA and the FISA Court to expedite the FISA process. Additionally, it ensures that nothing inhibits lawful surveillance for the purpose of protecting the nation and the troops from threats posed by terrorists.

Also of great importance, unlike previous bills considered by the House, this bill includes vital checks and balances on the Administration. It prohibits warrantless surveillance of Americans and requires a court order before targeting Americans' phone calls or emails. It also requires a finding of probable cause before conducting surveillance on Americans abroad, which was not required under previous legislation. To ensure greater accountability, the legislation mandates audits on the

Administration's warrantless surveillance program and the communications collected under the program.

Most importantly, this legislation ensures that it is the courts and not the Administration that decides whether or not an American's communications are targeted. The bill requires the FISA Court to review targeting procedures to ensure that they are reasonably designed to protect Americans and target people outside the United States. It also requires the Court to review the Administration's compliance to ensure that when the government conducts electronic surveillance on Americans, it obtains traditional, individualized warrants from the FISA Court.

Mr. Speaker, for far too long this Administration has been able to extend its power and authority, often to the detriment and subversion of our nation's basic principles. Today, we are passing a bill that will finally curb the Administration's actions and restore a measure of accountability that has been sorely lacking for too long. For these reasons, I support the vitally necessary RESTORE Act.

Mr. DINGELL. Mr. Speaker, I voted against the original Patriot Act, I voted against the reauthorization of the Patriot Act in 2005, I voted against the President's Protect America Act that was signed into law last August, and I was prepared to vote against the RESTORE Act if it did not adequately protect our constitutionally guaranteed civil rights. I had strong reservations about this legislation when it was first reported out of Committee, particularly with respect to the degree it appeared to give the Administration the ability to monitor the conversations of U.S. citizens without an individualized warrant. However, after reviewing the changes made to this legislation in the managers' amendment, I am satisfied that the RESTORE Act now contains adequate Fourth Amendment protections.

I applaud Congressman HOLT for working with Chairmen CONYERS and REYES to address this issue. While this legislation is not perfect, I believe that it represents a substantial improvement over existing law. I realize it is likely we will find ourselves revisiting this issue again in the coming months when the Senate is finished with its own legislation on this matter. As this debate continues, I will continue to insist that any legislation I support contains adequate protections for civil rights.

Mr. STARK. Mr. Speaker, I rise today in support of the RESTORE Act. Unlike past national security measures, this bill will prevent the administration from violating our basic civil liberties in the name of its phony war on terror.

I appreciate the hard work of my colleagues, Chairmen CONYERS, REYES and HOLT. Thanks to their efforts, this bill is a marked improvement from the legislation President Bush requested and from the Orwellian ''Protect America Act'' the House passed in August.

Unlike the President's proposal and the legislation I voted against, the RESTORE Act will prevent domestic spying. As its name implies, this bill restores the judiciary's vital role in checking the administration's desire to conduct surveillance on whomever they want, whenever they want.

It prohibits the government from spying on Americans without the explicit approval of the FISA court. It also empowers the FISA court to determine if domestic communications picked up during blanket sweeps directed at international correspondence can be seized or searched.

Importantly, this bill does not grant immunity to telecommunications companies. The RESTORE Act will allow individuals who have had their rights violated to sue the telecommunications companies that made spying possible by sharing telephone conversations and email correspondence with the government.

The President has made it clear that he believes the three branches of government are "me, myself, and I." Thankfully, this legislation dissolves him of that notion and firmly re-establishing the important and necessary role that the judiciary plays in protecting our civil liberties.

I urge my colleagues to stand up in opposition to this President and vote yes to protect our civil liberties.

Mr. GORDON of Tennessee. Mr. Speaker, I would submit the following editorial from the Los Angeles Times for the RECORD.

[From the Los Angeles Times, Nov. 15, 2007]

WHEN THE CIA COMES CALLING

(By R. James Woolsey)

When I was director of Central Intelligence during President Clinton's first term, I had occasion to go hat in hand to the private sector several times. In one case, it was a detail that, if made public, could have caused a valuable source to be captured or killed; in another, there was a technical feature of a system in production that, slightly modified, was of great help to the nation. In these several cases, executives of American companies heard me out and willingly met my requests, to the substantial benefit of our national security.

They had no legal requirement to do so, and they knew it. They were helping solely out of a sense of patriotism and an understanding that some steps that the nation needs to take in a dangerous world cannot be taken in public, simply because informing the public informs an opponent or an enemy.

Shortly after 9/11, something similar happened. Senior U.S. officials asked telecommunications companies to assist the government in intercepts involving terrorist groups such as those that had just attacked us and killed thousands of people. In these cases, President Bush authorized the intercepts and the senior officials gave written assurances to the companies that their cooperation was legal.

In my judgment, the president acted properly; he had the authority under the Constitution to ask for such intercepts. In addition, his request was reasonable because surveillance of enemy-to-American communications is a time-honored means of intelligence gathering in the U.S. George Washington did it; those under his command intercepted and read correspondence between Benedict Arnold and his spy handler, foiling the plot to turn the fort at West Point over to the British.

But even if one believes the request was illegal and unreasonable—and there are distinguished constitutional lawyers and patriotic citizens on both sides of this debate—the issue currently before the Senate Judiciary Committee is much narrower. It is whether the telecommunications companies that complied with the president's request and trusted the government's assurances of legality should be granted immunity from about 40 lawsuits demanding billions of dollars.

Sen. John D. ''Jay'' Rockefeller (D–W.Va.), chairman of the Intelligence Committee, has stated that companies ''should not be dragged through the courts for their help with national security.'' And now Sen. Dianne Feinstein (D–Calif.), a member of the Judiciary Committee, has endorsed his statement, saying that the companies should not be ''held hostage to costly litigation in what is essentially a complaint about [Bush] administration activities.''

Feinstein is a member of the one-vote Democratic majority on the Judiciary Committee, and it is possible that her position will determine the outcome. I hope it does. Her stance is farsighted. Having once, when I was practicing law, taken depositions for months about a single one-hour meeting, I know something about how burdensome litigation can be. If, in the end, the surveillance request made by the government is deemed improper, the government should be held accountable, not those who complied with its request.

We live in a world of terrorism, the possible proliferation of nuclear weapons and a host of other risks to our security. Intelligence, and the cooperation of the private sector in obtaining and protecting it, will be among our most important tools to avoid catastrophes such as 9/11 or worse.

If some future senior government official needs to make a call on a CEO of the sort I did, and that others did after 9/11, we and our children will be better off if the official can answer the question ''Can you guarantee that my company won't be sued if we help the country?'' with ''If it happens, we'll get protective legislation approved as in 2007.'' We would be in much more danger if, because companies that helped after 9/11 became ensnared in years of litigation and financial losses, that official has to answer the question with a shrug.

Mr. UDALL of Colorado. Mr. Speaker, I have reservations about this bill, but I will vote for it today.

It is similar to one that I supported earlier this year but that failed to receive the two-thids vote necessary for passage under the procedure that applied to its consideration.

In my opinion, the RESTORE Act is far preferable to the legislation—the so-called ''Protect America Act''—that I voted against but which the House, to my regret, approved and is now law.

Fortunately, that law will expire early next year, so we have the opportunity—and, I would say, the responsibility—to replace it with a better, more balanced measure.

By a more balanced measure, I mean one that fulfills two equally important requirements—first, that of enabling our intelligence community to do its job to protect us against terrorism and other threats, and second, respecting and safeguarding the rights and liberties of all Americans.

And while this bill is not perfect, I think it does meet those tests and deserves to be passed today.

It is based on the legislation I supported earlier this year but in several important ways it is even better than that bill.

For example, it is more carefully focused, applying not to all foreign intelligence but specifically to intelligence collection related to terrorism, espionage, sabotage and threats to national security. It also provides that the minimization rules—the steps agencies will take to limit their actions so as to avoid inadvertent or unnecessary surveillance—as well as the guidelines for intelligence collection regarding all targets must be approved by the FISA court, not merely by an administrative monitor.

It includes critical language that says that actions in compliance with the Foreign Intelligence Surveillance Act, and with that law's

procedural safeguards, will be the exclusive means to conduct surveillance for intelligence purposes. And the bill restates current law stipulating that surveillance targeting Americans requires an individualized FISA court order.

It takes a great step toward greater accountability by requiring an audit of past surveillance activities by the National Security Agency and by mandating record-keeping on any interception of communications by American citizens and legal residents.

The bill eliminates ambiguous language in the ''Protect America Act'' that appeared to authorize warrantless searches inside the United States, including physical searches of homes, offices, and medical records. And it makes clear that the Administration cannot conduct surveillance against Americans without probable cause—even if they are outside the United States.

Furthermore, this bill, like the one hastily passed earlier this year, is not permanent but will expire at the end of 2009, at which time Congress will be able to reconsider it with the benefit of greater knowledge of how it has worked in practice and whether further refinements should be made.

Also important is what the bill doesn't do. It does not provide constitutional protections to foreign terrorists. The bill does not require the government to obtain a FISA order in order to intercept ''foreign to foreign'' communications of suspected terrorists, even if these communications pass through the United States. Nor does this bill permit the National Security Agency to collect the communications of Americans through a ''basket'' court order. Instead, the bill requires the Administration to certify that the targets are not Americans, and if it wants to conduct surveillance on Americans, the Administration must get a formal FISA order.

And, as now amended, it includes additional language to make clear that there are other things it will not do. Specifically, it will not prevent the lawful surveillance necessary to: prevent Osama Bin Laden, al Qaeda, or any other terrorist organization from attacking our country, our people, any of our allies. It will not prevent surveillance needed to ensure the safety and security of our Armed Forces or other national security or intelligence personnel. It will not prevent surveillance needed to protect the United States, the American people, or any of our allies from the threat of weapons of mass destruction or any other threats to national security. And it will not prohibit surveillance of, or grant any rights to, undocumented aliens.

The bill does grant authority to the Director of National Intelligence and the Attorney General to apply to the FISA court for a single court order, or a ''basket'' order, authorizing surveillance of a suspected terrorist organization abroad for up to one year, as long as there are procedures in place to ensure that only foreigners are targeted and the rights of Americans are preserved.

In general, I am wary of the concept of broad scope ''basket warrants,'' which are not normal under our laws. But I am prepared to support this part of the bill on the understanding that it is limited in scope and not applicable within the United States and with the expectation that the question will be revisited if the audits indicate a need for reconsideration of this part of the legislation. In this context, I am glad to note that this legislation is not permanent and will expire at the end of 2009.

President Bush has criticized the bill, in part because it does not include a provision granting retroactive immunity for telecommunications companies that assisted in the Administration's secret surveillance program without a warrant. I think it might be appropriate to consider such a provision, but not until the Bush Administration responds to bipartisan requests for information about the past activities of these companies under the program. I am not ready to grant immunity for the companies' past activities while we don't know what activities would be covered.

Mr. Speaker, this bill is not perfect, but I am not prepared to insist on perfection at this point. I believe we must do all we can to correct the shortcomings of the ''Protect America Act,'' even if it takes Congress a number of attempts to get it right. The RESTORE Act will give the Administration the authority it says it needs to conduct surveillance on terrorist targets—while restoring many of the protections that the ''Protect America Act'' has taken away. For that reason, I will vote for this bill today.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 746, the previous question is ordered on the bill, as amended.

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

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

MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. SMITH of Texas. I am in its current form.

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

The Clerk read as follows:

Mr. Smith of Texas moves to recommit the bill, H.R. 3773, to the Committee on the Judiciary with instructions to report the same back to the House promptly with the following amendments:

In section 18 in the heading, strike ''**ALIENS**'' and insert ''**ALIENS, STATE SPONSORS OF TERRORISM, OR AGENTS OF STATE SPONSORS OF TERRORISM**''.

In section 18, strike ''This Act and'' and insert ''(a) IN GENERAL.—This Act and''.

In section 18, strike ''United States'' and insert ''United States, a State sponsor of terrorism, or an agent of a State sponsor of terrorism''.

At the end of section 18 add the following new subsection:

(b) STATE SPONSOR OF TERRORISM DEFINED.—In this section, the term ''State sponsor of terrorism'' means a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act) (50 U.S.C. App. 2405), section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or any other provision of law, to be a government that has repeatedly provided support for acts of international terrorism.

In paragraph (1) of the undesignated section relating to Surveillance to Protect the United States added to the bill pursuant to the adoption of House Resolution 824, insert ''members of the al-Quds Iranian Revolutionary Guard,'' after ''al Qaeda,''.

In the undesignated section relating to Surveillance to Protect the United States added to the bill pursuant to the adoption of House Resolution 824, strike ''This Act and'' and insert ''(a) This Act and''.

At the end of the undesignated section relating to Surveillance to Protect the United States added to the bill pursuant to the adoption of House Resolution 824 add the following new subsection:

(b) Notwithstanding any other provision of this Act, or the amendments made by this Act, the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) shall be permitted to conduct surveillance of any person concerning an imminent attack on the United States, any United States person, including a member of the United States Armed Forces, or an ally of the United States by Osama Bin Laden, Al Qaeda, members of the al-Quds Iranian Revolutionary Guard, or any other terrorist or foreign terrorist organization designated under section 219 of the Immigration and Nationality Act.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

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

Mr. CONYERS. Mr. Speaker, I reserve a point of order, and I object to waiving the reading of the motion to recommit.

The SPEAKER pro tempore. The point of order is reserved.

The Clerk will read.

The Clerk concluded the reading of the motion.

□ 2015

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. SMITH of Texas. Mr. Speaker, the motion to recommit says ''promptly,'' because the bill needs to go back to committee immediately. Members were given almost no notice of what was going to be in this bill. There are many questions remaining about the text because it has not gone through the regular committee process.

This motion addresses a major problem created by the manager's amendment. Under existing law, court orders are required to conduct certain surveillance of illegal immigrants within the United States. Section 18 of the manager's amendment strips away any rights that illegal immigrants have under FISA, stating clearly that there will be ''no rights under the RESTORE Act for undocumented aliens.''

If that is really what the Democratic leadership wants to do, then we should ensure that the legislation does not treat terrorists more favorably than illegal immigrants. To fix this problem, the motion adds ''state sponsors of terrorism and their agents'' to section 18

to ensure that they are treated equally. There is no reason that the law should provide greater protection to terrorists than to illegal immigrants.

Also, the motion preserves the ability of our intelligence community to conduct surveillance of Osama bin Laden, al Qaeda, the Iranian Revolutionary Guard, and other terrorist organizations to protect America from an imminent terrorist attack. When faced with a life-or-death situation, a ticking bomb, an imminent threat of attack, do we really want to subject intelligence agents to unnecessary legal hurdles in order to protect our country?

The RESTORE Act hinders our intelligence community's ability to collect foreign intelligence needed to prevent al Qaeda and other terrorists from attacking our country. It requires the government to obtain court orders to conduct surveillance of overseas terrorists. The implication of this requirement, Mr. Speaker, could be catastrophic.

Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. HOEKSTRA), who is the ranking member of the Intelligence Committee.

Mr. HOEKSTRA. Mr. Speaker, the new manager's amendment that self-executed with a rule this morning included broad new language that would treat illegal immigrants differently than other threats to the homeland. This was a poorly conceived and ill-advised provision that has created a lot of confusion.

Through the day, when we discussed the rule this morning, as we had the debate tonight, I had a series of questions: Would this amendment allow surveillance against possible illegal aliens for law enforcement purposes? Would it allow surveillance to determine whether someone is an alien not permitted to be in or remain in the United States?

During the rule, I was told I would get the answers during general debate. During general debate there was nothing but silence.

If we take a look at the bill, for a month we have been dealing with a bill that provided protections and legal protections to terrorists. Overseas terrorists having access to the courts, having warrants, and those types of things were moved. Then today, at the last minute, or yesterday at the last minute, we get an amendment, a manager's amendment, that provides or, it appears, rips away any type of protection for another threat.

Is the majority saying that the threat to the homeland is greater for aliens, illegal aliens living in the United States, than state sponsors of terrorism? It appears that it does because they have 40 or 50 pages of protections and a paragraph of exceptions that says: ''No rights under the RESTORE Act for undocumented aliens.'' Many on our side may think that that is a good idea.

What this manager's amendment says very simply is if there are no rights under the RESTORE Act for undocumented aliens, maybe we should put that same provision in here for state sponsors of terrorism and agents of sponsors of terrorism. It's very clear. We think that if a threat to the homeland, as identified by the other side, are illegal aliens, perhaps it's also time that we recognize that state sponsors of terrorism pose the same type of threat to the United States.

Is the majority saying that illegal aliens are a greater threat to the United States than Cuba, than Iran, North Korea, Sudan and Syria? It appears from the bill that we have before us tonight that is exactly what they are saying, because they have 50 pages of protections and one page of exceptions.

Let's make sure that we treat illegal aliens the same way we treat North Korea and Cuba.

The SPEAKER pro tempore. Does the gentleman from Michigan continue to maintain his reservation?

Mr. CONYERS. Mr. Speaker, I do not insist upon my point of order.

The SPEAKER pro tempore. The reservation is withdrawn.

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

The SPEAKER pro tempore. Is the gentleman opposed to the motion to recommit?

Mr. CONYERS. Mr. Speaker, I am.

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

Mr. CONYERS. Mr. Speaker, ladies and gentlemen of the House, here we are again at another one of these so-called motions to recommit. Approach them with great care. I strongly oppose this motion.

The minority has just made it clear that they are not seeking to change the bill; they are seeking to kill the bill. The tactic is getting pretty old in the House of Representatives. If they wanted to vote on their proposal today, they would have used the word, doesn't everybody know it now, ''forthwith,'' as I have suggested. But they have refused under well-established House rules and precedents.

Other words do not have that effect, even if they sound like they should. The minority used the word ''promptly.'' It's no accident that they chose that word. The authors of this motion know full well the effect of choosing this word, and so do we. That is why they chose it. They wanted to send the bill back to the graveyard, which is what will happen if this motion is adopted.

I would now yield to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, I would note that the motion to recommit itself leads to a nonsense sentence, adding ''United States, a State sponsor of terrorism,'' to section 18. It's inexplicable nonsense. It also guts the bill.

On August 2, I rushed to the floor to say that we were passing a bill that was a terrible offense to the Constitution. It gutted the fourth amendment. This bill does not. Mr. Speaker, I urge its passage.

Mr. CONYERS. Mr. Speaker, I am proud to yield to the distinguished chairman of the Intelligence Committee, the gentleman from Texas (Mr. REYES).

Mr. REYES. I thank the gentleman for yielding.

Mr. Speaker, this is a sham solution in search of a problem. This language is unnecessary, and it would kill this bill. The bill already states that this act and the amendments made by this act shall not be construed to prohibit the intelligence community from conducting lawful surveillance that is necessary, one, to prevent Osama bin Laden, al Qaeda, or any other terrorist or terrorist organization from attacking the United States. It also provides the means to protect the United States, any United States person or any ally of the United States from threats posed by weapons of mass destruction or other threats of national security.

Mr. Speaker, the answer to the ranking member's question about undocumented aliens, all they have to do is check section 235 and 287 of the Immigration and Naturalization Act. This does not confer any additional rights not provided by the Constitution.

Mr. CONYERS. I thank the chairman.

I am really moved by the sudden concern for immigration rights that the other side has begun to display, to my surprise.

I yield now to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding. I think this has been an interesting debate. I have sat through every minute of it. During the debate on the rule, I spoke for this bill and for the rule; and now I speak strongly against this motion to recommit. As you have already heard, it is redundant. We have inserted language in this bill that takes care of the problem. In the manager's amendment, language was added at the request of the Blue Dogs, and I am proud to be a co-chair of the Blue Dog Coalition, and that language specifically refers to terrorist organizations, and the Revolutionary Guards are one such organization.

So I would like to say for two reasons there's no need to support this motion to recommit: one, it kills the bill by using the word ''promptly''; number two, it is redundant with excellent language that we added to the bill in the manager's amendment. As I have said before, this is not a zero sum game. We don't get more security and less liberty or more liberty and less security. We either get more of both or less of both.

These amendments carefully restore, it's called the RESTORE Act, the balance of the Foreign Intelligence Surveillance Act, which Congress wisely

passed 20 years ago. Vote for this bill and against the motion to recommit. We will restore that balance.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WESTMORELAND. Mr. Speaker, is it not true that if indeed this motion passed, this bill could be reported back to the two respective committees to which it is designated and that the bill could be reported back to the House on the next legislative day?

The SPEAKER pro tempore. As the Chair reaffirmed on October 10, 2007, the adoption of a motion to recommit with instructions to report back promptly sends the bill to committee, whose eventual report, if any, would not be immediately before the House. Unlike the case of a motion to recommit with instructions to report back forthwith, a motion to recommit with ''non-forthwith'' instructions does not operate in real time. As the Chair put it on May 24, 2000: ''At some subsequent time the committee could meet and report the bill back to the House.''

Mr. FRANK of Massachusetts. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, would adoption of the motion to recommit promptly have the effect of suspending any of the committee or House rules which require certain numbers of days before action can be taken?

The SPEAKER pro tempore. Although the Chair does not interpret the substance of a pending proposition, the Chair can make an observation about its procedural attributes. Thus, the Chair will observe that an order of recommital does not necessarily forestall the operation of a committee rule otherwise applicable to further proceedings.

Mr. WESTMORELAND. Mr. Speaker, further parliamentary inquiry. Is it not true that different committees have different rules and that some committees have emergency rules where these bills can be brought back to the floor as early as the next legislative day?

The SPEAKER pro tempore. The Chair cannot say what in the rules of a committee might constrain the timing of any action it might take. Neither can the Chair render an advisory opinion whether points of order available under the rules of the House might preclude further proceedings on the floor.

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. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 3773, if ordered; and motion to suspend the rules on H.R. 4136.

The vote was taken by electronic device, and there were—yeas 194, nays 222, not voting 16, as follows:

[Roll No. 1119]

YEAS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
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.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Peterson (PA)
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)

NAYS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
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
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)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
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
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
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
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—16

Bono
Carson
Cubin
Doyle
Everett
Jindal
Kucinich
LaHood
Mack
McCaul (TX)
Nunes
Oberstar
Paul
Slaughter
Taylor
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2048

Messrs. ELLISON and OLVER changed their vote from ''yea'' to ''nay.''

Messrs. CRENSHAW, JOHNSON of Illinois and MCHENRY changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 1119, had I been present, I would have voted "nay."

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 227, noes 189, not voting 16, as follows:

[Roll No. 1120]

AYES—227

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
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
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
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)
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
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
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
Serrano
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—16

Bono
Carson
Cubin
Deal (GA)
Doyle
Everett
Hayes
Higgins
Hunter
Jindal
Kucinich
LaHood
Mack
Oberstar
Paul
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2055

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HIGGINS. Mr. Speaker, on rollcall No. 1120, I was unavoidably detained and missed the vote on bill H.R. 3773, the Restore Act. Had I been present, I would have voted "aye" on passage.

Stated against:

Mr. HAYES. Mr. Speaker, on rollcall No. 1120, had I been present, I would have voted "no."

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 259. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

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

S. 2371. An act to amend the Higher Education Act of 1965 to make technical corrections.

ENHANCING THE EFFECTIVE PROSECUTION OF CHILD PORNOGRAPHY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4136, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 4136, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 1121]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella

Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Bean
Bono
Carson
Cubin
Doyle
Everett
Hill
Jindal
Kucinich
LaHood
Mack
Oberstar
Paul
Udall (NM)
Watt
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2103

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3773, RESTORE ACT OF 2007

Mr. CONYERS. Madam Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 3773, the Clerk be authorized to correct section numbers, cross-references, punctuation, and indentation, and to make other technical and conforming changes as necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mrs. TAUSCHER). Is there objection to the request of the gentleman from Michigan?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is further consideration of the veto message of the President on 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.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Wisconsin (Mr. OBEY) is recognized for 1 hour.

Mr. OBEY. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from New York (Mr. WALSH).

GENERAL LEAVE

Mr. OBEY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 3043.

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

There was no objection.

Mr. OBEY. I yield myself 30 seconds.

Madam Speaker, I think we have an understanding that the other side will have two statements; we will have one. We do not expect to take anywhere near the full hour.

I reserve the balance of my time.

Mr. WALSH of New York. Madam Speaker, Mr. Chairman, I do not intend to take a lot of time since this is the sixth time this year that I have spoken on this legislation, twice in committee and now four times on the floor of this House.

I would like to thank Chairman OBEY and to thank his staff for the good, solid work product that they have delivered. I have enjoyed our work together this year, and as I said before, this bill, the people's bill, is a thoughtful piece of legislation.

If Congress does not override the President's veto, I will look forward to working with the chairman to negotiate a good bill that can be enacted. If the veto is sustained, I would hope that all parties, the White House and both houses of Congress, will come together quickly and work in good faith to complete the appropriations process in a timely manner.

There is no good reason why we can't compromise this bill. In times past, people in this body of good faith have overcome differences far greater than we have tonight.

If the proposal is to split the difference, to reduce the amount of spending above the President's request by $11 billion, I would advise the President to take ''yes'' for an answer.

Let's go home for Thanksgiving, thank God for all the blessings that He has bestowed upon this country, and pray for wisdom and good sense, and come back and get our work done in December.

I yield the balance of my time to the distinguished ranking member of the committee, the gentleman from California (Mr. LEWIS).

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Madam Speaker, I had planned to make a 10-minute, maybe even a 20-minute speech this evening expressing my concerns about the Labor-HHS conference report. However, given the late hour and Members' desire to join their families for the Thanksgiving Day holiday, I will submit my written statement for the RECORD.

As I do so, Madam Speaker, I am reminded of the words of my friend Will Rogers, whose statue stands outside the door of this very Chamber. He said, ''Never miss a good chance to shut up.''

With that, I urge a vote to sustain the President's veto, and I yield back the balance of my time.

Madam Speaker, here we are on November 15th and only two appropriations bills have been sent to the President—only one of which was enacted. I must confess that I find it quite ironic that the majority party spent the better part of the beginning of this year criticizing Republicans for not getting our work done in a

timely fashion when now those same critics find themselves in an identical, or perhaps even worse, situation.

For those of us who serve on the Appropriations Committee, this will be the sixth time we have voted on this bill this year. Six times! It is the fourth time the full House will have voted on it.

The fiscal year 2008 Labor, Health and Human Services, and Education, and Related Agencies bill reflects a fundamental difference in opinion on the level of funding necessary to support the Federal government's role in education, health, and workforce programs. Regardless of that disagreement, House Republicans agree that many of the programs funded in this bill are vitally important. The majority party would have the public believe otherwise.

The recent rhetoric we have heard with respect to the president's veto of this bill diminishes all that we do as elected officials, and it does not serve this Congress or our country well. It is targeted at raw, base emotions rather than fact. It is intended to mislead the American people. It is, in short, intended for political gain.

The primary difference between the parties on this bill is that Republicans believe we must balance the benefits of these worthwhile programs with the fact that the American taxpayer must pay for them.

The vetoed bill that we are being asked to consider today is nearly $10 billion over the President's budget request and $6 billion over the fiscal year 2007 enacted level. It represents roughly half of the $22 billion the majority party in this Congress wants to spend over what the president requested.

When Labor-HHS Chairman Neil Smith—a Democrat—presented his bill in 1994, it totaled $65 billion. If you had predicted in 1994 that the very same bill—which largely covers the same agencies today as it did then—would increase by $85 billion over the next 13 years, the Chairman of the full Committee—who happened to be DAVID OBEY—probably would not have believed it.

Let's put that into perspective. In 1994 the Defense bill spent $242 billion. The Defense bill signed just this week spends $459 billion. That is an 89 percent increase over thirteen years for a function that is quite clearly and constitutionally the primary responsibility of the Federal Government—defending our home, our citizens and our way of life against foreign threats. This bill contains a 130 percent increase since 1994—it has more than doubled in size!

By any objective standard—whether you are JERRY LEWIS or DAVID OBEY—that is a healthy increase.

And today, the House is being asked to override the president's veto and spend nearly $10 billion more than was requested and $6 billion more than last year under the mistaken notion that throwing money at our nation's problems will cause them to fade away.

Under the mistaken notion that the Federal Government is the panacea—

That government health insurance is the answer for the uninsured;

That the judgment of bureaucrats in Washington who contribute only 9 cents of every dollar spent to educate our children is superior to the judgment of parents and local school districts who face very different circumstances across our country;

That job training is somehow the responsibility of the Federal Government rather than of schools, private employers and individuals.

I contend that government is not the long-term solution. While government offers safety net programs that I support, these programs are and should be short-term solutions to help our fellow citizens move toward self-sufficiency. These programs are meant to be a hand up, not a hand out.

As we move forward with consideration of these FY 2008 appropriations bills, Members of Congress ought to be aware that voting to override the president's vetoes on this and other appropriations bills—in short, voting to support this majority's spending spree—will increase the average annual burden on the individual taxpayer by roughly $3,000.

That is $3,000 that cannot be used to buy food, to save for college, to pay for health insurance, or, for that matter, to contribute to public television.

Finally, I must express my dismay at remarks made by the chairman of the committee with respect to the fate of member projects if this veto is sustained. I would hope that my colleagues do not take the bait on what I consider an inappropriate threat that suggests that members care more about pork than they do about bad fiscal policy.

Mr. OBEY. Madam Speaker, I yield myself 10 minutes.

Madam Speaker, I recognize Members want to get out of here and, as I indicated, we are going to facilitate that. But this is an important issue, and it deserves a few minutes of discussion.

As I said on the floor last week, in November I believe the American people sent two messages to this body and to the White House. Number one, they wanted a change in policy in Iraq; and, number two, they wanted a change in domestic priorities here at home.

I think that the White House, by its insistence on no compromise on both the Iraqi front and on the domestic appropriations front, has indicated that it would prefer to tell the American people: We don't care what you thought you were telling us in November, we are going to do it our way; and, it is our way or the highway.

Madam Speaker, it is simply not credible for a President who is asking us to spend $200 billion in additional money in Iraq, it is not credible for a President who is asking us to spend $50 billion to $60 billion again this year on tax cuts for people who make over $1 million a year, to then say that we cannot afford to make basic investments in education, in health care, in medical research.

The President insists that we follow his budget with respect to this bill. If we do, we would cut vocational education 50 percent; we would eliminate every student aid program except Pell Grants and work study; we would cut handicapped education by $300 million; we would cut mental health resources by $100 million; we would cut the training in children's hospitals by 63 percent; we would cut rural health by 54 percent; and, we would cut low-income heating assistance by 18 percent.

The gentleman from New York mentioned the need for compromise on this bill. We have already had incredible compromise. We have had compromise on virtually every item in this bill, on every issue ranging from family planning to special education, and the minority has been involved every step of the way. When the bill was reported out of subcommittee, every single member of the subcommittee signed the committee report, and yet today we face a Presidential veto.

Madam Speaker, I want to make one thing clear. We have said from the beginning to the White House we would like to compromise. We have asked the White House, I have asked Mr. Nussle, I know our leadership has asked the President personally, to sit down and work out our differences. We have been told as recently as last Saturday by the press secretary speaking for the White House that the White House had no intention of compromising, and that all the Congress had to do to meet the President's standards was to submit a bill which was fully identical with his budget.

□ 2115

I'm sorry, this is an independent branch of government, and we have an obligation to do better than that.

Now, I was asked by a number of members of the press earlier today why the Senate majority leader had released information indicating that I and Senator BYRD were in the process of trying to put together a split-the-difference appropriation bill for all of the remaining appropriation items that still have yet to be finished. I want to take this opportunity to explain why we've done that.

People might like to cast a vote without having to take responsibility for knowing the consequences, but there are severe consequences for voting against overriding the President's veto of the Labor-Health-Education bill.

If this veto is not overridden, the best that could happen is that we will wind up splitting the difference with the President's wholly inadequate budgets. If we were to do a 50 percent cut to the difference between the Labor-Health-Education bill and the President's budget, what will that mean for the programs that so many Members of Congress claim that they are for?

For medical research into diseases like cancer, Parkinson's and diabetes at the National Institutes of Health, meeting the President halfway would put us $700 million below the bill we are considering today. That means 700 fewer grants for research to treat and cure all of the deadly diseases that all of us like to tell our constituents we're sworn to try to overcome. I don't want to have to go back home and explain that kind of cut in NIH, but that's one of the things that will happen undoubtedly, if this veto is not overridden tonight.

For health care access, to provide 1.2 million more Americans with access to community health centers, this bill is

$200 million above the President's request. Under a split-the-difference scenario, access for 600,000 Americans will evaporate.

Likewise, this bill provides $95 million so that 200,000 Americans who can't get insurance because they are medically high risk will have access to health insurance at the State level. That insurance also evaporates for 100,000 people if we split the difference.

Under the President's budget, vocational education would be cut by 50 percent. This bill eliminates that cut, but meeting him halfway would still mean a 25 percent cut.

My Republican colleagues worked hard to push funding up for special education, even beyond what I had proposed in committee, funding the program $800 million above the President's request. Defeat of this bill will slash that increase by $400 million.

This bill provides $400 million above the President to serve nearly 120,000 more low-income kids with title I grants. But 60,000 of those kids will be out of luck if we meet the President's budget halfway.

For the LIHEAP program, this bill also helps around 1½ million more families to pay their energy bills by providing $630 million more than the President's budget. Anyone who votes against this bill will be making inevitable at least a $315 million cut. That means 750,000 fewer families will have help this winter.

Now, please remember, everything that I've described is, at best, a best-case scenario if this bill is defeated and we have to pursue a split-the-difference alternative. In fact, as long as a sufficient number of Republican Members continue to follow the President's budget priorities, the result is likely to be even worse. Those who vote against overriding this veto will take full responsibility for the cuts in these essential investments.

I would like to make one other point. I know most of you on that side of the aisle, and I recognize that there are probably 50 or 60 of you who are so indifferent to these programs that you could care less what happens, but I don't believe that that's true about the rest of you. I think you care about America's children as much as I do. I think you care about medical research as much as I do. And many of you have told me that you wish you could vote for this bill, but your party leadership won't give you a permission slip.

I ask you to use your own judgment. I ask you to recognize that this issue may not be important to you, but it's important to the American families who are affected by what you do here tonight. It affects the quality of their education; it affects the degree to which we will protect the health and safety of American workers; it protects our ability to dig into the problem of serious disease across the board.

You know in your hearts that this is a decent bill. This is a bipartisan product put together in a bipartisan way. It deserves a bipartisan vote.

Mr. GENE GREEN of Texas. Madam Speaker, I support this effort to override the President's veto of the fiscal year 2008 appropriations bill funding the Departments of Labor, HHS, and Education.

After years of too little attention to our important domestic programs, this legislation makes important investments in our health care and education programs. Several years of flat funding and small increases have resulted in funding reductions for the health, education and labor programs that Americans rely on every day.

I am pleased that the bill provides the National Institutes of Health with a 4-percent increase over current funding levels. The $30 billion in this legislation will help expand our nation's commitment to life-saving medical research, much of which is performed in my back yard at the Baylor College of Medicine, the MD Anderson Cancer Center and many other impressive research facilities located in the Texas Medical Center.

I also support the legislation's $225 million increase for the Health Centers program. I know the administration supports this program, but by vetoing this bill, the President puts in jeopardy our goal to expand the program to a level that will provide 30 million Americans with a health care home.

H.R. 3043 also provides $200,000 in funding for Gateway to Care, for the Community Health Center Technology Improvement Program. Gateway to Care is the community health care access collaborative in Harris County.

Gateway to Care will utilize this funding to help coordinate the deployment of health information technology among the county's health care clinics. This funding will allow Gateway to Care to offer technical support to the developing health centers in Harris Co. during the implementation of a common Management Information System.

Additionally, this funding will allow Gateway to Care staff to lead workforce development and training activities at health centers to utilize technology to improve the business management and health care delivery in area health centers.

In this bill, the appropriators also generously dedicated $415,000 in equipment funding for the Harris County Hospital District's Diabetes Program.

This project would help the Harris County Hospital District procure the necessary equipment to establish a Diabetes Program, which will provide comprehensive diabetes care in an appropriate setting for a multi-ethnic, indigent population.

The interdisciplinary program will include an outpatient referral center, diabetes specialists, educators, nurses, nutritionists, social workers, case managers and specialist services related to the screening and treatment of diabetes complications.

Houston is the only large city in the U.S. without a single comprehensive diabetes program, which is why this funding is so important to our community. The establishment the diabetes program at the Harris County Hospital District would improve health outcomes for its 40,000 patients with diabetes.

I want to thank the Appropriations Committee for all of their hard work on this bill. This piece of legislation provides critical and necessary funding for programs that all of our districts need.

Madam Speaker, I again urge my colleagues to join me in supporting this veto override.

Mr. UDALL of Colorado. Madam Speaker, I rise today in support of this veto override.

The conference report includes funding for many important programs and I am disappointed that the President has vetoed it. I recognize that the conferees had a challenging task in shaping the report because of budget constraints, but Congress did a good job balancing critical health, education and labor needs with the tight budget.

This conference report provides much needed funding for health, education and labor programs for the nation and for Colorado. For example, included in the overall increase for the Department of Health and Human Services is an increase in funding for essential research at the National Institute of Health (NIH) to increasing health care access in rural areas, as well as additional funding for the Center for Disease Control (CDC). It also includes critical funding increases for several important education programs, including No Child Left Behind, Individuals with Disabilities Act (IDEA), and Pell Grants. I am also pleased the labor provisions of this report reflect a new direction and commitment to expanding job training and enhancing the safety of workers, by increasing funding for a number of employment, education, and protection programs for the American workforce.

I am encouraged that the report includes an increase in funding for the Low-Income Home Energy Assistance Program (LIHEAP). LIHEAP is a critical program that helps many Colorado families, who are struggling to get by, avoid having to make choices between paying their heating bill and putting food on the table. The conference report will increase funding for this program by $250 million over the fiscal year 2007 budget.

There are also critical Colorado-specific funds in the report. The report contains funding for Children's Hospital of Denver to help build the North Campus Ambulatory Surgery Center, which will broaden access to pediatric care in the north Denver metro area. This new development will also add more convenient alternative to patients, families, pediatricians, and physicians while also decreasing the burden on other health centers in the Denver metro area.

It also contains funding for Avista Hospital, a leader in the Electronic Medical Record field, to help Avista continue to implement a cutting edge system.

The funding for programs included in this report is a cause for celebration, not a veto. The President's budget request underfunded many of these critical programs and I am pleased that Congress has crafted a much better appropriations plan. While I am disappointed in the President's veto of the conference report, I am encouraged that we are attempting to override that veto today. This report is good for Colorado, good for the country and I encourage my colleagues to support it.

Mr. VAN HOLLEN. Madam Speaker, today Republicans in Congress ignored the will of the American people and rubber-stamped the President's veto of important funding for our domestic priorities. After 7 years of unrestrained spending and a ballooning deficit, the President and his Republican allies in Congress have, under the guise of fiscal responsibility, rejected a $6.2 billion funding increase

for education, health care, and workforce development, even as the President requests nearly $200 billion in unbudgeted, no strings attached funding to continue the Iraq War for another year. That is no way to balance America's checkbook.

Under the budget passed by the New Democratic Congress, we can take care of America at home—increase funding for our schools, offer more student assistance for college, invest in biomedical research at NIH, expand health care access, and help Americans compete in the global economy—and balance the budget by 2012. These priorities are America's priorities, and Democrats in Congress will continue to fight for them.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 277, nays 141, not voting 15, as follows:

[Roll No. 1122]

YEAS—277

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
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
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
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
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—141

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)

NOT VOTING—15

Bono
Carson
Cubin
Doyle
Everett
Jindal
Kucinich
LaHood
Lynch
Mack
Oberstar
Paul
Stark
Van Hollen
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2141

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

So (two-thirds not being in the affirmative) the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The veto message and the bill will be referred to the Committee on Appropriations.

The Clerk will notify the Senate of the action of the House.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH DECEMBER 4, 2007

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

WASHINGTON, DC,
November 15, 2007.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through December 4, 2007.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, DECEMBER 5, 2007

Mr. HODES. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, December 5, 2007.

The SPEAKER pro tempore (Mr. PERLMUTTER). Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

□ 2145

COMMENDING DEAN AGUILLEN

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

Mr. HODES. Mr. Speaker, I rise today to commend Dean Aguillen, an important member of this body's staff, on the occasion of his transition. He's moving on from his job here.

Dean is the Director of Member Services for Speaker NANCY PELOSI, and there are a number of new Members here tonight, and as we all remember, Dean was one of the first, if not the first, members of the staff of the

Speaker whom we had the pleasure to deal with.

We arrived here for our orientation, quite disoriented and needing a lot of orientation; and we found Dean to be a calm, knowledgeable mentor. He was a guide, he was kind, he was compassionate, and he was smart.

As I began to help organize the Democratic new Members into what would become the class of 2006, it was Dean who was the go-to guy for that effort. He is a consummate professional of integrity, dedication, kindness, and wisdom. And we wish him well in his new life. We will miss him.

Dean, thank you very much.

Mr. Speaker, I now yield to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. This may well, Mr. Speaker, turn into a bit of a pile-on. There were a lot of new Members in the class, and Dean Aguillen was the person that greeted us. And if there was one person that we met who seemed to have worked harder than the Speaker, it was Dean.

And I remember every single one of us, as new Members, being anxious about what our place was going to be, how to find our way. We were very anxious about committee assignments, about how you become an effective and contributing Member of the House. And, Dean, you were terrific in just giving us calm advice, getting us together to work together, giving us some reassurance that we needed as new Members of Congress, that, in fact, it wasn't an accident that we were elected, and helped all of us find our way. And you've been the same way all of the time that we have been here.

In politics so much of the interactions that we have are transactional, and all of us all of the time are trying to make them a bit more than that. And, Dean, you really helped provide the glue that made this class such a memorable experience for all of us who are Members of it.

I thank you for the wonderful contribution you made to me and to all of us in our entry into the United States Congress.

IN APPRECIATION TO DEAN AGUILLEN

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

Mr. WALZ of Minnesota. Mr. Speaker, I too am here to give a heartfelt thank you to Dean. You're going to hear several colleagues talk about him.

When I came to this institution, I came directly from the public school classroom. And the learning curve was very steep. And every step of that way, Dean was right there to help us. He is someone who understood this institution. He is someone who was willing to give his knowledge. And he was here, Mr. Speaker, for one purpose in mind: to make this country a better place. And for that I am eternally grateful. Dean has not only been a great mentor and a great resource for me here; he's turn into a great friend. And we have talked a little bit of everything from policy to procedures, but also a lot of football too.

And, Dean, I thank you for all you do. You exemplify what makes this Nation great. People are willing to give up careers in private service to serve their Nation in public service, and you have done that incredibly well. I commend you for that and thank you as a friend.

CONGRATULATING DEAN AGUILLEN

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

Mr. SARBANES. Mr. Speaker, I want to join with all the others who have spoken tonight about Dean Aguillen and his service to this Chamber.

Ten years is a long time. It's no surprise that Dean rose through the ranks and was counted on by so many. I got to know him, as you've heard, in those early days. We were elected last November. We came in here, and it was like drinking out of a firehose, trying to absorb everything.

And everywhere we turned, Dean, you were there as a calming influence and continued in that role over time in the Chamber, in the hallways, on the phone, always a resource when we needed it.

So I wish you the very best. I know you go on to great things, whatever you choose to pursue. I know you will be taking with you a tremendous amount of knowledge and expertise and skills away from this Chamber. But I also know that you've shared it with so many that the benefits of what you brought to this Chamber will continue for years and years to come. So congratulations on your service.

IN GRATEFUL APPRECIATION TO DEAN AGUILLEN

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

Mr. GONZALEZ. Mr. Speaker, I have known Dean for a number of years, and we share a passion for the Spurs and he's homegrown, San Antonio.

And Dean will tell you the story that his interest in politics was a result of watching my father, the late Henry B. Gonzalez, on Sundays when Dean was just a little boy. Now, I remember watching Dad. I was a lot older. But the thing was they didn't exactly give my father prime time. It was very early on Sunday mornings. And the reason that many of the children in San Antonio watched my father was that he came on right before the cartoons.

So, Dean, I'm on to you. I know exactly why you were watching the television, and I'm glad that you watched Dad before the cartoons.

Dean had the hardest job of anyone on Speaker PELOSI's staff. Every Thursday at 11:30, he would report to the Congressional Hispanic Caucus weekly luncheon meeting, at which time we were able to express ourselves and say many things that we couldn't say to the Speaker. We are confident that he conveyed some of it in more diplomatic terms.

But, seriously, I think he took our message back to the Speaker. He was the conduit. The Speaker can't be in 200 places at one time, though we wish she could. So Dean was a very valuable player, obviously, in this whole organization and made, I believe, the Speaker's Office much more responsive to the needs of so many different Members of our very, very diverse caucus.

And for that, Dean, we extend our grateful appreciation. We wish you well, but we have a sense that we are going to be seeing you, of course, and I am definitely going to see you when the Spurs are in the championship round again.

FAREWELL AND GODSPEED TO DEAN AGUILLEN

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

Mr. AL GREEN of Texas. Mr. Speaker, I am so honored to stand here tonight and say farewell to a very dear friend.

Dean Aguillen has had a tremendous impact on my life. I have a legislative director that he recommended who has done a stellar job. And while I am sure he has been helpful to many and probably a little bit more helpful to some than others, I think he deserves the title of a real live angel in the House of Representatives.

And ''while some measure their lives by days and years, others by heartthrobs, passions, and tears, the surest measure under God's sun is what for others in your lifetime have you done.''

Dean, I thank you for what you have done for others in your lifetime. God bless you.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO ELESTINE NORMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. BARRETT) is recognized for 5 minutes.

Mr. BARRETT of South Carolina. Mr. Speaker, I rise today to pay tribute to Mrs. Elestine Smith Norman. Born December 12 of 1949 to the late Wilbert and Elese Morton Smith in the Promise Land Area of Greenwood, South Carolina, she is the youngest of five children.

She attended the public schools in Greenwood and is a graduate of Piedmont Tech and Limestone College. She was the first in her family to graduate from college.

She has been married to Pastor Willie Neal Norman for 37 years. Willie is the pastor of Weston Chapel AME Church in Greenwood where Elestine and he have served faithfully for over 18 years. She and Neal have never had any children of their own, but there are lots of folks that would call Elestine their spiritual mother.

She has survived a diagnosis of breast cancer twice in her life and has ministered to many, many others with cancer throughout the years. Her positive attitude through these trials has always inspired others to fight a strong fight. She has trusted faithfully in her Lord Jesus Christ to bring her through the many hardships.

Mr. Speaker, she is a former president of the Greenwood Business and Professional Women's Club. She has served on the Greenwood United Way Board, the Lander University Board of Visitors, and the Piedmont Technical College Board of Visitors. She is also the recipient of the 2007 Women's History Month Government Award from the AME Church for the State of South Carolina.

In 1972 she went to work for then-Congressman of the Third Congressional District of South Carolina, Bryan Dorn. She has continued to work as a senior caseworker in the Greenwood district offices for the following Members: Congressman Butler Derrick and Congressman, now Senator, LINDSEY GRAHAM. She has worked for both Democrat and Republican Congressmen, always putting the love of serving people above politics.

When I was elected to succeed Senator GRAHAM as the Representative from the Third Congressional District, I was honored that Elestine agreed to continue her dedicated service in my Greenwood office. Now after 34 years of public service, she has decided to retire. And all these years of compassionate service, she has never lost her heart for people. And I know she will always continue to serve throughout the community for as long as the good Lord keeps her on this Earth.

Mr. Speaker, I had these prepared remarks that I wanted to say so I didn't forget anything. But I want to share one short story about Mrs. Elestine Norman. When I was elected in 2002, I knew Elestine had worked for three other Congressmen, and I thought to myself, well, there is no way that she could have the compassion and the fire and the desire to help people. And this lady has proved me wrong time and time again. Her love, her can-do attitude, her sweet spirit, she has been a rock for me, for my staff, and for all the people of the Third Congressional District.

Mrs. Elestine, I hope you're watching tonight. We love you. I love you. We will miss you greatly. Godspeed.

The SPEAKER pro tempore. Under a previous order of the House, the 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 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, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her 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.)

□ 2200

PROPOSED CHANGES TO MEDIA OWNERSHIP RULES IN SEATTLE, WASHINGTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, last Friday, the FCC held the last of six public hearings about proposed changes to media ownership rules. They did so in Seattle after I called for that meeting so that people in the State of Washington could let their government know what they thought. It was really an unbelievable showing at this hearing. The FCC callously only gave them 5 days' notice. But still it is estimated that 1,000 people showed up on a Friday night for a 9-hour hearing that ended up at 1 a.m. on Saturday morning.

Most Friday nights Americans won't be going out to hearings. But in Puget Sound country, and indeed across the country, people understand how important a media consolidation could be as a threat to our diversity and our democracy, and 1,000 people showed up to testify. I encouraged my constituents to attend. I want to credit Reclaim the Media, the Free Press and the Seattle Times who also got the word out about this important hearing.

At the hearing, FCC Commissioner Jonathan Adelstein prophetically stated that if the FCC quickly proposed a new rule, ''you know your input was dismissed.'' He was right, unfortunately. Despite the protestations of almost every single witness in Seattle on Friday displaying the overwhelming sentiment against this consolidation, on Tuesday, one business day later, Chairman Martin announced his plans to end a 32-year-old ban on radio and television broadcasters owning newspapers in the Nation's largest media markets, including right in Seattle where 1,000 people asked him not to do so.

The fact that Mr. Martin had an op-ed piece published in Tuesday's New York Times just a couple days later shows this was clearly a preordained decision and that appearance in Seattle was just a stunt, and, frankly, an insulting one to the citizens who attended. He went through the motions, but Seattle people did not.

Now, those people knew that weakening the ownership rules would allow the media landscape to be dominated by a few massive corporations, putting too much control in a few hands and producing a system where only the powerful can be heard in our democracy. It would lead to a lack of diversity of voices, programming that is out of touch with local concerns, as well as a continuation of the homogenization of our news and our entertainment.

Already, consolidation has brought us to the point where in the average radio market, two companies control 70 percent of market revenue. That is why the Senate voted to overturn the first try, the first run that Mr. Martin and then-Chairman Powell took in 2003 to loosen these rules. It is why a Federal court tossed out the ill-advised rules in the Prometheus decision, and it is why we need to stop a second attempt to do the same thing that 1,000 people in Seattle asked to be stopped.

Therefore, I am working with my colleague, Congressman MAURICE HINCHEY, to reintroduce our legislation that would derail Commissioner Martin's cross-ownership scheme that is so contrary to the wishes of the public. Mr. Martin claims that his proposal is a modest one. In fact, it would impact half of Americans who live in the top 20 media markets and could impact even more with possible waivers and exemptions. I wish 1,000 voices in Seattle and thousands more in hearings across the Nation would have knocked some sense into a particular commissioner, maybe three of them on the FCC who are heck-bent, or perhaps hell-bent, on loosening media consolidation rules.

Now that this Federal agency has disclosed its real plan to move ahead with a plan that runs so counter to public sentiment and the public interest, the time has come for Congress to weigh in. We are one voice that the

FCC can't tune out. It is time for Congress to act. Let's make sure the will of the American people is heard, not just this preordained stunt by an FCC commissioner.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oklahoma (Ms. FALLIN) is recognized for 5 minutes.

(Ms. FALLIN addressed the House. Her 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 gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her 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.)

HONORING MRS. MARIANNE HEINEMANN RUSSO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MEEK) is recognized for 5 minutes.

Mr. MEEK of Florida. Mr. Speaker, I am honored and I want to thank Members of Congress for allowing me to make this statement. This is concerning the death of a very dear friend of mine and a great American that has served our country, Marianne Russo. On November 12, 2007, Ms. Russo died at the age of 71 in her home in Elkdale House in Lincoln University, Pennsylvania.

Ms. Russo was born on May 7, 1936, in New Canaan, Connecticut. She graduated from Little Red Schoolhouse, New Canaan Country Day School, the Baldwin School and Mount Holyoke College.

She earned a master's degree in history at Columbia University and a master's in linguistics at the University of Delaware. During the peak of the civil rights movement, Ms. Russo and her husband, the late Paul Anthony Russo, made a significant contribution to history by teaching at Lincoln University, a historically black institution.

Ms. Russo's passion for teaching and writing prompted her to organize a local writers' group and participated in the Key West Literary Seminar, which created the Marianne Russo scholarship for inspiring writers.

In addition to this achieving excellence as a teacher and a writer, Ms. Russo coordinated grass-roots efforts to elect progressive Democratic candidates to serve on local, State and Federal Government levels. In fact, she was the recipient of the Lifetime Achievement Award from the OxGrove Democratic Committee.

Today I ask Members of Congress to take time to honor Ms. Russo who is not only a patriot but a great American. Ms. Russo dedicated her life to serving others as a teacher and a published writer.

As an accomplished author, teacher, political activist, and recipient of numerous awards and honors, Ms. Russo has truly left behind an excellent legacy. Her excellence will continue to shine through her four children and four grandchildren, all of the individuals she enriched in her classrooms, organizations and literary works.

As a member of the Congressional District 17 in Miami, Florida, I have the honor to be the Congressman for her daughter, Monica Russo, President of SEIU Healthcare Florida, and also serves on the international board of SEIU.

In addition, I have the opportunity and great honor and the blessed privilege to be the godfather for her granddaughter, Giovanna, who I love and appreciate, and I know that she will continue the family legacy.

Mr. Speaker, I think it is important that we recognize Americans like Ms. Russo and her husband, Mr. Russo. They are in a better place now. And what they have left here in this country and here in the United States of America is a sense of pride, a sense of activism, and a sense of love.

I would also like to state into the RECORD that a memorial and celebration in her honor celebrating her life will be held on Saturday, November 17, 2007, at 2:00 p.m. at Penns Grove School Auditorium, 301 South Fifth Street, Oxford, Pennsylvania.

Mr. Speaker, I would like to furthermore say that many times Members come to the floor to share with the Members of Congress the great contributions of Americans that have moved on to a greater place, some on the battlefield in an area of war, some that were patriots here teaching and pushing Americans to take part in this democracy. I am very proud of Ms. Russo's accomplishments. I know that her spirit will continue to live in this country, and I know there are other Ms. Russos that are out there that are going to carry the spirit at the grassroots level.

I say to the Russo family that is gathered at the family home to celebrate her life, celebrate her life as though she is still here, because she is. And she will live within you and live within me and live within other Americans that appreciate Americans like her.

Mr. Speaker, it gives me great honor, before we go on this Thanksgiving break when we surround ourselves with family and friends, to let you know that sometimes we have to cry, sometimes we have to pray, and sometimes we even have joy. I ask during the holiday season, and especially for the Russo family, to live within the joy that you remember in your heart and your mind of her contributions to your family and to our country.

□ 2210

LETTER FROM REBECCA SHOWERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. SARBANES) is recognized for 5 minutes.

Mr. SARBANES. Mr. Speaker, I rise today in the people's House to give voice to the pain and courage of Rebecca Showers, one of my constituents. I do so, believing that we must take every opportunity in this Chamber to tell the stories of the American people.

With Rebecca's permission, I would like to read part of a letter she sent to me earlier this month. Rebecca's husband had every expectation of completing his service in the Army after two tours in Iraq. But recently he received word that he now faces a third deployment, this one for 15 months.

Speaking of her husband, Mrs. Showers writes this: ''I don't want him to miss a year and a half of our lives. Our son is 2, and he will miss the most important times in his life, the forming of sentences, learning new words, learning the alphabet, even two of his birthdays, which, by the way, he already missed him turning 2 on October 17.

''He will also miss two Christmases and two Thanksgivings. Just to let you know, in the last 6 years he has only been home twice for Christmas, and not once for Thanksgiving. I'm sure you hear this a lot from other Army spouses, but I just want my husband to be home with his family, where he belongs. I would like to know what the government is willing to do about getting our guys home sooner, or at least if they are willing to send them over for shorter tours. A year and a half is just too long, and I am not sure they understand that.

''Is there anything you can do for me and my son or know anything else that maybe I could do? Please help me, Mr. SARBANES. He shouldn't have to go for so long. It's tearing me apart.''

Mr. Speaker, I don't know whether it's possible to accelerate this young man's return, but I have contacted the Department of the Army, asking for its consideration based on these circumstances. In the meantime, my colleague, Ellen Tauscher, has introduced

legislation to require that between these extended tours, our troops would at the very least receive the same amount of time home with their family that they have spent deployed in Iraq.

I again salute Rebecca Showers's courage and her husband's service to our country.

THANKSGIVING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Missouri (Mr. AKIN) is recognized for half of the remaining time until midnight as the designee of the minority leader, approximately 50 minutes.

Mr. AKIN. Mr. Speaker, it's a treat to be able to join you and take a look at a very interesting subject, a subject that we in America will all be thinking about here before so very long, the subject of Thanksgiving. There are, of course, many different Thanksgivings that each of us have enjoyed with our families. But I am here to talk particularly about a little group of marines, they might be considered, a group of marines that undertook a great adventure to America, and that is, of course, the story of our Pilgrims.

There is some debate and some belief that there was a Thanksgiving celebration in the area of Berkley or the Jamestown area in maybe the 16th, 17th-ish vicinity. But the one that springs to most people's minds is the story of the Pilgrims. Perhaps the reason is because the Pilgrim story is such a fantastic adventure. It sparks the imaginations of not only children but adults as well. It goes back some time.

So I thought what I might share this evening is this great adventure story, but with a purpose. The purpose is to suggest that there was something far more significant. In fact, a number of things more significant than the Pilgrims brought us, even in the tradition of our turkeys and cranberry sauce, better than the tradition of Thanksgiving, and far more significant to particularly those who meet in this Chamber.

The story of the Pilgrims goes back a long way. The idea and the thing that separated the Pilgrims, to a certain degree, were the writings of a theologian from Scotland that followed Knox. As he looked into the Old Testament, he saw a pattern that had been overlooked by many in European history. He looked into the Old Testament and he noticed that there was a Moses, and that Moses seemed to run the government, but there was Aaron, who seemed to run the worship of that which you might call a church.

Through the Old Testament he noticed there was a difference between church government and civil government. Now this was, in a way, a novel idea because those two had been confused for hundreds of years in European history. So he started to write about the idea that really maybe the church should be separate from the civil government.

Now in those days in jolly Old England it was James who was King. He wasn't exactly the model of a good church leader, perhaps. So there were those who, as they read these writings, took them to heart. They were called Brownists or Separatists. They came up with the idea that they would start their own church separate from the King.

Now this idea didn't go over politically very well at all. So this group of people met together, created their own little, if you would, New Testament church. They elected their own leaders and they met in a manor house in Scrooby, England. Well, the King, in response to these things said, I am going to hurry them out of England. So he put them in stocks and he taxed them and harassed them and charged them falsely with all kinds of things and persecuted them to the point that these Separatists had to leave England, one group after the next. There weren't that many, maybe several thousand in England at the time.

They went, as many of you know to Lieden, over in the Netherlands and Holland. There they worked a very, very hard existence and had their difficulties there trying to learn a new language and trying to find a way to make a living.

One of the things they found after they had been there some period of time was that their children started picking up some bad habits, in their opinion, of the Dutch children. So they determined that they needed to do something different. It was then that they looked around for the idea of perhaps finding a different place to build a new civilization based on new ideas that they had been thinking about.

So the Separatists, particularly under the leadership of their pastor, John Robinson, started to consider the idea of coming to America and planting a colony. That, of course, required a lot of money. So they looked for some people to finance this expedition. They found the merchant adventurers. The merchant adventurers helped them raise the capital to fund the Mayflower. They also hired another smaller ship called the Speedwell. The picture of the Speedwell you can see on the rotunda, as the Pilgrims were having a prayer meeting aboard the Speedwell.

So it was after a period of time these Separatists or Brownists, as they were called, got onboard.

□ 2220

They traveled from Leiden, which was their hometown, to Delfthshaven. You can see in the Capitol Rotunda Delfthshaven in the background, and the Pilgrims at prayer about to leave to come over to England, where they would rendezvous with the Mayflower and other separatists who were going to be making this expedition, along with just some plain old families, jolly old blokes off the street of England. So this expedition was taking shape.

The trouble was the Speedwell was a pretty leaky ship and the captain wasn't too enthused about going across the ocean. They put the gear into the ships, started to try to get off in the summertime and made one start. And the Speedwell started leaking after 3 days. They had to turn around and come back. They re-caulked the ship and set off again. It started leaking again. They could find no leaks in it. They finally decided to leave the Speedwell behind. The Mayflower had to put off with just the people they could fit in the Mayflower.

Now, as they took off, you can imagine what started to happen. You have got men and women and children, a little over 100 of them, cramped in very tight quarters aboard the Mayflower. And if you have been at ship at sea for a little while, you know what happened. They started turning greenish in color and started getting violently seasick.

In the meantime, they had a bosun that made kind of a sport of making fun of them, saying, ''Puke socks, we have seen this before. We will be soon wrapping you up in a sail and sending you down to feed the fish.''

So it was that they started this very long and difficult voyage in the Mayflower across the stormy North Atlantic.

Now, these people were praying people, a good many of them, and you can imagine they were hoping they would get a nice, easy voyage. But it didn't happen that way. Instead, the storms just howled around them, and they continued seasick. And it was about a 66-day voyage that they were pretty much not quite locked, but kept completely underneath the deck.

There was one of them that just couldn't stand this, the foul air down in the cabin with all of these kids crying and mothers and everybody seasick, who came up on deck, and a wave about washed him overboard. And he was in the ocean for a while, and he put his arm out, grabbed a rope and was hauled back into the ship. He was about blue, he was so cold, and he went down under the deck and didn't stick his head out again until they finally sighted land.

Well, as they were about two-thirds or so away across the Atlantic, the ship was pitched from side to side in the huge storms. There was a groan and a terrible creak as the main beam that supported the mast, the main mast of the Mayflower started to give way. It was cracking and sagging under the weight of the mast and the duress of the wind and the sails of the Mayflower.

The captain, taking a look, thought they might have to put back, but they were in very bad shape with the beam cracking this way. It was then that some of the passengers remembered the big printing press that was in the hold of the Mayflower. They wrestled it into position, jacked it up and forced the huge oak beam back into place, and the Mayflower continued on.

Finally sighting land, not in Virginia where they had intended to go, but blown north of their course by the heavy storms and sighting the windswept coast of Cape Cod. Now, they immediately tried to sail south to get down toward the Hudson River. The south side of the Hudson River in those days was known as the Virginia area. It was really what we think of as New York. And the storms did not allow the Mayflower to make that. The ships are not very good at running close hull to the wind, and the treacherous shoals and sandbars around Cape Cod were threatening.

The decision was made then to anchor in Provincetown Harbor and then to find a suitable location for their plantation north up in the area that we now know as Cape Cod and Massachusetts.

This brought on a little bit of a political crisis, and it is one of the beginning and most amazing stories of the Pilgrims, because when they were there in Provincetown Harbor, the people that were not so much known as Christians, the jolly old blokes off the street of England, they were known as strangers. There were saints and strangers. The saints were known as the Christians. The strangers were just the people off the streets of England.

The strangers said, hey, when we get to shore, no rules, mate, like down under, and we will do whatever we want.

Sensing a certain amount of anarchy, the saints decided on a course of action. They took out a piece of paper and they wrote the Mayflower Compact. It starts out, ''In ye name of God, Amen. We do covenant and combine ourselves together unto a civil body politic for the glory of God, for the advancement of the Christian faith,'' and it goes on to say ''to frame such just and equal laws as would be meek and necessary for our little plantation.''

In other words, what had happened, the very first time in all of human history, a group of free people under God created a civil government covenantly and elected their own leadership to that little civil government. This was the first written constitution in all of history that we know of, and it was the very beginning of all of American civil government.

If you think about that formula, under God, a group of free people creating their own civil government to protect their basic rights to make basic laws, this was essentially the Declaration of Independence 170 years earlier. And it was in extreme contrast to what was going on in Europe, because in Europe, the basic model of all of government was the divine right of kings. When the king says ''jump,'' everybody is supposed to say ''how high?'' But here in America, there was a new model, completely new technology, the idea of a written Constitution, that under God a group of free people could create a civil government to be their servant.

And so it was that the Pilgrims at this very time in Provincetown had taken their idea of a New Testament church, a group of free people under God, covenanting together to create a church, and they picked up the idea, even though they knew very well that there was a difference between church government and civil government, but they used the same pattern, and they picked it up and carried it across and applied it in the Mayflower Compact. So you have in the first time in history the beginning of a whole new view of how a country should be built.

Now, this was very much in keeping with the sermon that Pastor Robinson had given to the Pilgrims as they left. He had been a wonderful pastor to these people in Leiden and steered them from a lot of dangers. But as he said good-bye to them, knowing probably that he would never see them again, he said, Now, be very careful when you go to America to plant this Christian civilization, be very careful what you adopt as true, sayeth he, for it is unlikely that a Christian civilization should spring so rapidly out of such anti-Christian darkness.

What he was saying was that the patterns of the way things had been done in Europe were maybe not consistent with the Bible, and that they should be very careful how they built this new civilization. And this first step, this creation of a covenant, the Mayflower Compact, is essentially the beginning of all of our civil government in America.

Well, of course, they couldn't stay in Provincetown forever. They took a prefabricated boat called a shallop that it was put together in the hold of the Mayflower in pieces. They took it out and assembled it on the shore. It had been damaged by the storms, and they continued to explore around the inside of Cape Cod. As they did, they had an encounter with the Indians who attacked them. Fortunately, nobody was hurt on either side.

The Pilgrims continued on around, almost freezing and getting caught in the surf, and, miraculously, almost at the time when there was no more sunlight, the wind was blowing hard and the ice was freezing on their clothes, they came into the shelter of an island, which they didn't really know quite where they were, and they had sailed around the inside of Cape Cod over to Plymouth Harbor.

In the morning they discovered that they were on an island that was safe, there were no other Indians there, and they made a whole series of discoveries that they were in a harbor that was more than twice deep enough for the Mayflower. They found there was land that had been cleared and nobody appeared to claim it, fresh water coming down the hillsides of what we now know as Plymouth, even a pretty good size rock, I suppose, that they could land on.

So, taking the shallop back to the Mayflower, the Mayflower came across from Provincetown over to Plymouth, anchored in the harbor, and they started there late in December on putting together their little civilization. In fact, it was Christmas Day that they started in on some of the buildings in Plymouth Plantation.

□ 2230

Well, things became very difficult for the Pilgrims at that time. They started to die. They died from what they called the general sickness. It was probably caused by scurvy and colds and pneumonia and various things that weakened them. In December, eight of the 100 or so Pilgrims died. And then it got worse in January and February. By the time they got to March, almost half of the crew and half of the Pilgrims had died.

Now, that I suppose would be kind of a discouraging thing for people who felt that they had come over here with this noble expedition in mind, the idea of building a new civilization on new principles.

At that time the captain of the Mayflower, who had been standing with them, the Mayflower had been anchored in Plymouth harbor, said: it is about time for us to go back to England. It has been a great try, but half of my crew is dead and half of you are dead. You need to get on the Mayflower and come back to England with me.

You can picture yourself now on the shore of Plymouth and the boatswain is giving the calls. The anchor cable is winched up from the bottom of the harbor, covered with seaweed. The boatswain gives the commands and the yardarms are swung to the wind. At first large and then small, the Mayflower disappears over the horizon. The wind is blowing through the pine trees behind and 50 people, a little over 50 people, the Pilgrims, left standing on the shore amid some primitive huts they had been able to build.

You may ask: What was the dream? Why would these people dare take such a tremendous risk?

And the answer was found by the sermon Robinson preached about the idea of building a new civilization on new ideas. So it was then not so many days later that they were greeted by a cry from the lookout: Indian coming.

You mean Indians?

No, Indian coming.

Here walking down the main street of their little village was an Indian with nothing but a loincloth. It was very cold weather, and he said in very broken English, Do you have any beer?

What an interesting thing to ask for. It turned out it was Samoset. He was an Indian chief from up in Maine. He had a little bit of wanderlust and he was down visiting Massasoit. He heard about the settlers that were trying to make a go of things at Plymouth, and he came over to see how they were doing. After they fed him a good meal, they told him about the Indians they had seen in the distance, but none had bothered them at their site in Plymouth.

What they found out was that the Indians that had lived in the land there at Plymouth were the Patuxets, quite a war-like tribe, but the war-like tribe had been destroyed by a plague a few years before. Almost all of the Patuxets was dead. There was one at least alive. He had been taken by a sea captain and was going to be sold into slavery in Spain, and he was rescued by some monks and managed to get to England and later got across the ocean back ultimately to find his village and home gone because of the damages of the plague that had come before.

So it was that Samoset introduced them to another Indian by the name of Tisquantam, one of the last of the Patuxets. Tisquantam, or Squanto, as we know it, had not really had a whole lot to live for. But when he came to see these hard-pressed Pilgrims, he felt sorry for them so he taught them how to plant corn and how to find those eels by going barefoot in the mud by the side of the streams. And he helped them to survive through the first year. And following that and their being able to plant some corn, they celebrated in the fall their first Thanksgiving.

The idea was that the settlers, the Pilgrims, invited Massasoit, who turned out to be a very fine Indian chief, and contrary to some people's understanding of history, was very loyal and followed all of the treaties they set up and was a good chieftain, as was his son.

Massasoit was invited to celebrate the first Thanksgiving that the Pilgrims had, and he decided to bring some of his other Indian friends along, quite a few Indian friends, so you had even more Indians than there were Pilgrims at the first Thanksgiving. They had a good meal. The Indians weren't in any mood to leave, and so Thanksgiving continued for 3 days. There was wrestling and foot racing and sort of military drills, and all kinds and manner of things. The Indians did the hunting for turkey and deer and the Pilgrims were cooking and baking fruit pies, perhaps, and things like that. So they celebrated Thanksgiving, not just for a day but for 3 days, and it was an event that was a great celebration and was a great success.

So we have the tradition that particularly the Pilgrims and other groups passed on to us. Thanksgiving became a popular day in the colonies. All sorts of towns celebrated it on different days and times of year.

To my knowledge, the first national Thanksgiving was declared in 1777 by the Continental Congress many, many years later. That was to celebrate the victory at Saratoga. That also is depicted in our rotunda in the beautiful, large Trumbull-painted rendition of the surrender of the British at Saratoga. So that was a national day of Thanksgiving that was recommended by the Continental Congress.

The words of these Thanksgivings, for instance the actual declaration of Thanksgiving by the Continental Congress, were explicitly Christian. It starts out: ''Forasmuch as it is the indispensable duty of all men to adore the superintending Providence of Almighty God; to acknowledge with gratitude their obligation to Him for benefits received and to implore such further blessing as they stand in need of; and it having pleased Him in his abundant mercy not only to continue to us the innumerable bounties of His common Providence to smile upon us as in the prosecution of a just and necessary war for the defense and establishment of our unalienable rights and liberties.''

And it goes on to talk about Christ and the Holy Ghost. This is a product of the Continental Congress in 1777 after winning the Battle of Saratoga. There were other Thanksgivings, and then eventually George Washington declared a national day of Thanksgiving in 1789. He says: ''Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for his benefits, and humbly to implore his protections and favor.'' That is Washington as he declared a day of Thanksgiving in celebration of the adoption of the U.S. Constitution.

So that is the tradition of Thanksgiving. The Pilgrims passed Thanksgiving along to us, and of course this first Thanksgiving was a pretty good one. It lasted 3 days with the Indians.

If we look back and think about this little group of heroes that came to America, what we find was it was an awful lot more than Thanksgiving they gave us. They gave us a whole view of civil government, the idea that government is created by a group of free people and that there is no sovereign.

In fact, in the War of Independence, the battle cry was ''No King But King Jesus.'' It was the idea of a group of people created under God to defend a set of rights. And as we later worded it, life, liberty and the pursuit of happiness.

So they give us this idea of a written Constitution in 1620. They also understood that we celebrate civil government from church government. That may seem ho-hum to most Americans, but we have to realize that the Europeans still use tax money to pay for their churches. And, of course, the Islamists tend to mix civil and church government completely together. So this technology that the Pilgrims brought us was extremely significant, far more significant probably than the celebration of Thanksgiving.

So we have the whole constitutional form of government, the separation of civil and church governments, and then later in the fall, the Pilgrims took another step. The loan sharks in England who had arranged the journey over on the Mayflower had insisted that everyone work in a common store. That was socialism, that is, everybody owned everything. Well, that didn't work.

Governor Bradford took a good look at that. It was not working. The people were going to starve to death, and so they basically canned socialism and he wrote in his history of ''Plymouth Plantation'' as though men were wiser than God and the ancient conceit of Plato and others who thought that they were smarter than God and he said this thing has been tried among Godly and sober people, and it just doesn't work. And so they pitched socialism out and were able to do a lot better in the colonies.

□ 2240

Even so, it would be another 7 years before Governor Bradford would write that they could relax and taste the goodness of the land. It was a very hard time for the Pilgrims in this time period.

But I think it is important for us to remember as we join together with our families and we enjoy the wonderful tradition of Thanksgiving, to remember the other blessings that this little group, this adventuresome little group of men and women and children that came to this land. Of course, Jamestown was settled by men; they called them adventurers. But they were not women and children so much. These were people that put their families onboard ship and risked it all to make a beachhead in a new land. And they came with new ideas, ideas that have been a great blessing to us. I think it is important for us to remember how it was that God heard their prayers and used them. And Governor Bradford would write a little wistfully saying that he hoped that as a candle can kindle other candles, yet that they might be a bit of a light to a whole new country that would be born. Little did he know what would happen as a result of the blessings that they brought us across the ocean, this first little group of waterlogged marines as they landed in Provincetown and then Plymouth Harbor.

And so the story of Thanksgiving is mixed tightly and connected tightly together with our heritage as a Nation, and I think it is important for us to remind our children and our families the high price that was paid even at an early date.

Another thing that many people don't understand or don't know is that when the first Constitution in the Mayflower Compact was 1620, it was only 18 years later in the Fundamental Orders of Connecticut that you had the entire U.S. Constitution, the whole technology for our U.S. Constitution pretty much in place in Connecticut in 1638. The license plates in Connecticut say ''The Constitution State,'' and with good reason, because the Fundamental Orders of Connecticut had federalism and most of the developments in terms of civil government that we now have in the U.S. Constitution.

People sometimes say, well, this was the product of enlightenment thinking. This was way, way before the enlightenment. This was the result of a group of people who came here, first of all,

the Pilgrims, who took their principle of a new testament church and simply applied it to government; and, following that, by a pastor by the name of Hooker, who was Cambridge educated, came from England, first landed in Boston, was a friend of Winthrops, and then went to found Connecticut. And as a result of his sermons, this Fundamental Orders of Connecticut is drafted.

I think the only thing that is missing possibly is the bicameral nature of the legislature, and some of us in this body are not sure that the Senate was a good invention anyway. But be that as it may, you had this Constitution, which is pretty much the U.S. Constitution, as early as 1638.

And so as we celebrate Thanksgiving once more, I think we can remember the idea of separating civil government from church government, the idea of a written Constitution, the idea of pitching socialism out, and the tremendous courage and dream that they had for a new Nation, which we have inherited and have been blessed with. So it is a beautiful time to celebrate Thanksgiving.

Thank you for sticking with me as we think a little bit about this little group of courageous people that settled these shores.

GREEN THE CAPITOL INITIATIVE

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the majority leader.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the opportunity. As we are concluding our activities wrapping up on the floor, preparing for the Thanksgiving recess, as people go back to work in their districts, and hopefully spend a little time with their families, it is appropriate for us to reflect on the important work that has been done here in Congress under the leadership of Speaker PELOSI, Majority Leader HOYER, working with our House Chief Administrative Officer Dan Beard, to develop a Green the Capitol initiative.

We have made it clear under the new Democratic leadership in the House that it is not appropriate to ask the American people to address the challenges of global warming and climate change without first carefully examining the ways that we reduce our own work energy consumption and sustainable practices here in the workspace.

Mr. Speaker, I have spent most of my career working with environmental issues at the State, the local, and now the Federal level, working in partnership with people in the private sector to be able to make our communities more liveable, to make families safer, healthier, and more economically secure by virtue of our environmental initiatives, how we put the pieces together.

Over the years, I have had lots of ideas myself. I have heard them from others. We have looked at policies and practices, rules and regulations. I will tell you that the one thing, if I were empowered for a day to be able to set the rules and regulations, it wouldn't be any new regulation, any new tax, any new environmental law. It would simply be to make sure that the Federal Government practiced what we ask the rest of America to do in terms of our behavior regarding the environment.

The Federal Government is the largest manager of infrastructure in the world. It is the largest consumer of energy. We have facilities from coast to coast. We are the largest employer in the United States. And the extent to which we are able to put in practice the best practices, it will have a transformational effect, not only in terms of the Federal operations themselves, but in terms of what difference it will make as we are setting trends and move forward.

I am extraordinarily impressed with what has happened already. I can't say enough about this initiative. The goals that were adopted were to operate the House in a carbon neutral manner by the end of the 110th Congress; to reduce the carbon footprint of the House by cutting energy consumption 50 percent in 10 years; and, to make House operations a model of sustainability.

There are a number of steps that the Chief Administrative Officer has already done to implement these goals. They purchased renewable energy power for electricity, funding that was approved in the Legislative Branch appropriations bill. We have switched the Capitol power plant, which provides heating and cooling to the House, to natural gas. It will improve the air quality on Capitol Hill for the residents. This was also already approved. I personally have been appalled at looking at the belching gas coal-fired plant that powers many of the energy needs for Capitol Hill. That is being changed.

To improve energy efficiency, the House will use metering, commissioning, and tracking to improve operations, install energy-efficient lighting, adopt new technologies and operation practices, other office equipment, update heating and ventilation. We are looking for sustainability in all House operations. Purchased carbon offsets from the Chicago Climate Exchange. These are initiatives, Mr. Speaker, that are extraordinarily exciting as they are spreading out across Capitol Hill.

Before turning to some of my colleagues this evening, I however must note that our friends in the minority office have decided to somehow try and politicize this effort issuing a broadside, and I am willing to talk about this further if we have time with my colleagues, but issuing a broadside against this initiative, claiming that it is somehow, the term the House Minority Leader BOEHNER used, green pork. It is sort of disappointing, I guess, to see that the minority leader doesn't see the value in leading by example and reducing the House energy costs and modeling the behavior we expect from citizens. I am disappointed he would prefer to have the Capitol continue to waste energy, limit transportation options for House employees, and continue to force Capitol Hill residents to experience the pollution of the Capitol Power Plant.

The green pork update has taken issue with a number of initiatives that the CAO has undertaken, taking to task the notion of working with the Chicago Climate Exchange.

I wish that the House could offset all our emissions on premise, but it is not possible at this point. But the Chicago Climate Exchange is a credible mechanism, the world's first and North America's only voluntary, legally binding greenhouse gas emissions reduction registry and training program.

The minority leader attacks initiative here on Capitol Hill for car-sharing. It is kind of ironic, we actually have higher per capita use of auto commuting on Capitol Hill with our 7,000 employees than in Washington, D.C. as a whole. One of the initiatives to help solve the problem of forcing people to drive their cars is to use car-sharing, something my colleague from the Seattle area can speak to.

□ 2250

We've had Flex Car and Zip Cars. The average car is only used 2 hours, less than 2 hours a day. Car-sharing is something that's moving across the country. It's been pioneered in a number of European cities.

The minority leader dismisses this as a ''hybrid loaner car for staffers wishing to run errands or catch a movie during work hours.''

I find that offensive in the extreme. The 7,000 men and women who work for us on Capitol Hill are amazing.

Now I don't know what happens in the minority leader's office, maybe he has employees that go off in the middle of the day to catch movies. I don't know of anybody, Republican or Democrat, who experiences that. And it's a slander against the outstanding primarily young men and women who work with us. It's illegal in the first instance to do this. But I think it really is demeaning for the people that we work with.

Car-sharing, if that's what they're trying to get at, is a very successful business around the country. It's recently on the GSA schedule. I'm pleased to have a small part in encouraging that to happen here on Capitol Hill. We now have over 100 employees that have signed up for it. There are cars that are parked here that people can use before or after hours for business or after hours on their own time and avoid having to drive a vehicle.

I will return to this in a moment. I am obviously quite disappointed in the

minority leader slandering our employees and demeaning this effort, even picking out, claiming that he's concerned about the notion of using Segways. The Segway personal transporter is not in the initiative. It's nothing that we have done in bringing forward this program. They were part of a green products fair that was conducted here 2 weeks ago on Capitol Hill, fabulously successful. But it's an example of the fuzzy thinking and sloppy research that I think typifies the Republican approach to trying to green the Capitol and their dismissive nature of it now.

I would, however, if I could, recognize my colleague from the State of Washington, JAY INSLEE, a gentleman who is deeply involved with the environmental issue, who's just published a book, I think it's entitled ''Apollo's Fire,'' where he has spent, with a coauthor, over a year researching these issues, has tremendous insights and is using the work that he has done to help implement a sense of vision here on the House floor. It informs his work on the Commerce Committee, and I am privileged to serve with him on the Speaker's Special Committee on Global Warming and Energy Independence where he has made invaluable contributions, and would recognize him at this point.

Mr. INSLEE. Thanks, Mr. BLUMENAUER, for leading this discussion. You know, when people come through the Capitol here, you can see them beaming with pride of the Capitol, and it's because we lead the world in democracy and people feel good about this building. Now, they're going to have another reason to feel good about the U.S. Capitol and the House of Representatives, because we intend to be the greenest parliamentary Chamber in the world. And, in fact, we probably will become the first zero carbon, become a carbon-neutral legislative body, the first in the world. And that's something that America can take pride in. And we're accomplishing that because we want to, on a bipartisan basis, do these commonsense things to try to reduce our CO_2 emissions.

And we're doing that. Switching from coal, first, to natural gas in our power plant, which reduces carbon dioxide something like 20 to 30 percent. We're then taking a look at the possibility of going to a totally renewable fuel of wood pellets grown in New Hampshire and some other places which would go to essentially zero CO_2 on a net basis.

Under the leadership of NANCY PELOSI and Dan Beard, we're having a green cafeteria. A new contract's been let so our cafeteria reduces by 50 percent the matter of waste. And when you reduce waste, you quit using energy.

Mr. BLUMENAUER. Would the gentleman just yield on this point?

Mr. INSLEE. Yes.

Mr. BLUMENAUER. Just in referencing the work that's already under way, now we are implementing in our cafeteria products that will add less than a nickel to the overall price of a meal that are fully biodegradable, items here that will turn to dirt within 90 days, unlike the typical foam clam shell and plastic cup that will be here thousands of years. These are being implemented on Capitol Hill, something that will be responding to the desires of the outstanding young men and women who work here who've been agitating about this. Having biodegradable products that are completely compostable will reduce the problems of land fill and pollution for centuries to come.

Mr. INSLEE. And the importance of this waste disposal from a global warming position is that every time you reduce the amount of waste you throw away by a ton, you reduce the amount of carbon dioxide going into the atmosphere by two tons by not wasting all that production and energy associated with it.

So what we're doing in this House is doing what a picture I have here of Mike and Meg Town of their home in Redmond, Washington, one the rainiest places in the United States, who built a home that's essentially carbon neutral. By doing the same kinds of things they're doing in their house, we're now going to do in the people's House, which is to use some commonsense waste disposal systems, decent insulation, energy-efficient lighting, energy-efficient heating and cooling system. They use solar photovoltaics to get to a carbon neutral house.

People are doing this across the country. I'm proud to say we're starting to do it in this House. And I know I'd like to yield to Mr. FARR who can help us on that.

Mr. FARR. First of all, thank you for doing this Special Order. It's very important for the American public to know that their Capitol, this is a public building, the people of this country own it. But we, as caretakers of it, are changing it into a model place to work and to have as a seat of government.

And just a few things that Mr. BLUMENAUER talked about, we're eliminating plastics and Styrofoam from the food service has totally been eliminated. As he showed, they're using compostable food service items. We're running a commercial composting operation, reducing waste by 50 percent. We've installed 30,000 compact fluorescent lights and use one-quarter of the energy that will last 10 times longer than the regular light bulbs.

We've changed the settings on heating and ceiling fans to reduce the runtimes by 14 percent. We've replaced 84 vending machines with energy efficient equivalents. People don't think about these vending machines. They're all plugged in and they have lights and everything on them.

Analyzing the electrical energy usage throughout the 6 million square feet of the House buildings, the offices that we occupy, we're doing that audit now to find savings. We've activated economizers on building air conditioners, which cut the annual cooling cost by 20 percent. And we've initiated a study to relight the Capitol dome. Those lights are on all night, and I think we're all proud of it, but that study will reduce the energy requirements and do very efficient lighting.

And as you said, what you see here is that I think this is a real response to what the voters asked for last November, which was a change in direction in America in their House of Representatives and their Senate. They elected new majorities. The new majorities elected new Speakers. And the new Speaker has led us in a new direction.

□ 2300

And in just a short period of time, a number of months, we've done some dramatic changes in this building, and it's just historic. And I would like to compliment both of my colleagues, we're all west coasters, Washington, Oregon and California. And I think what we're reflecting here in the Capitol is what we bring from your own States, that have been very conscious about the sound economics of energy efficiency.

And the last thing I would just like to say is that this blast that the Republican leadership put out about the greening of the Capitol is so un-business, it's so dumb, it's sort of that dinosaur politics that just says, you know, don't change. If you look at the businesses in America, the new investment is in all the stuff that we're doing. And this is the direction this country is going. It's the direction the planet is going. It makes good economic sense and it makes great environmental sense. And we ought to be applauding ourselves for stepping up to the plate and not criticizing those who have taken the lead.

Mr. BLUMENAUER. I appreciate, Congressman FARR, both your being here and the work that you have done for years, dating back to your tenure as a local official and as a legislator in the State of California, continuing a fine family tradition of sensitivity to the environment.

The point you just made about the difference between having an energy policy that our friends on the other side of the aisle that would be perfect for the 1950s, maybe, but not where business is going, not where local government is going, not where any of our three State governments are going, is unfortunate. And people are turning to change these practices not just because they are fuzzy-headed tree huggers, but because it makes good, solid business sense.

The initiatives that have been undertaken in the House to this point are anticipated to reduce our energy bill by more than $5 million a year at the end of the 10-year period. We invest a little money at the outset, like businesses are doing across the country,

like some families are doing, with energy-efficient appliances or more energy-efficient vehicles, but it pays for itself.

I was particularly put off when they were taking to task the environmentally sensitive adhesives and materials that we're putting on Capitol Hill. One of the problems right now in our households is that people use building products, use materials that are not environmentally sensitive, that actually put people at risk, put people at risk in terms of the health of their family, that we have in business. When they use environmentally sensitive adhesives, for instance, it not only enables a little shoe company in my State, Nike, to meet U.S. EPA air quality standards in Thailand by using these water-based solvents, it's a better product, it's a safer product, and it's safer for the producer and for the user.

It seems to me that this is the type of thinking that I commend Chief Administrative Officer Beard for bringing into play here in the House.

I would turn to my colleague to maybe elaborate based on his experience.

Mr. INSLEE. Well, the point I would like to make is to point out why these things are happening. They're happening because of leadership. We have leadership from the top with Speaker NANCY PELOSI who, when she assumed office I think in the first week or two, said we're going to have a green House of Representatives, and we're going to save money in the process. And she had a good leader, Dan Beard, take charge of this.

And the reason I point this out is that you look at, in corporate America we see similar leadership. The President of Dow Chemical, who 10 years ago basically said we're going to save money, they have now reduced their energy usage by at least 30 percent, and they intend to reduce it another 20 percent. And when I asked him, Why did you do this? He said, Really simple, it saves money.

British Petroleum, a petroleum and oil company under the leadership of former Chairman Sir Henry Brown, had reduced their usage of energy and saved $300 million and actually met what would have been their CO_2 emissions target. It happens because of leadership.

And I want to comment on one thing the House is doing as well. We are committing to buying green electricity. That means electricity that is generated by non-CO_2-emitting sources. And I just want to make a point. This is not something that is just a pipe dream; it is really happening.

I want to show two types of technology that are working today. One, I want to show a solar thermal technology. This is a solar thermal technology manufactured by the Ausra Energy Company. The Ausra Energy Company just signed contracts with the Florida Public Power and Light Company and the California Public Utility for over 400 megawatts. That's enough to do over 400,000 homes of pure CO_2 solar energy. And the way this works is, they've discovered a way to manufacture mirrors that are flat, that are very inexpensive, that focus the radian energy of the sun on a pipe that has water or a liquid metal in it, very long sheaths here. This is several acres of mirrors. This hot water then makes steam, the steam makes CO_2-emitting energy. And they intend to make this for prices competitive with coal within the decade.

Now, I point this out for our Members in the Chamber who think we can't do solar power in Florida. It's happening in Florida now, and in California. And if people think that this is some type of thing that just the hemp-wearing folks of America believe in, people are going to make money on this, because for every two acres of these mirrors, you can power 1,000 homes. This is not just to run your little fan, it's to run all of your electricity in your house. And that's what we intend to do in this House, because this House, under the leadership of NANCY PELOSI, understands the future of technology to allow this.

I want to point out just one other technology that has the capability of helping in this regard, and I will show just a quick story.

This is a picture of the Imperium biodiesel company. It's called Imperium Energy. It's in Grays Harbor, WA. You see these tanks here; this is where biodiesel, which is essentially a zero CO_2-emitting biodiesel plant, that's in a former failing lumber town that has now reinvigorated the economy of Grays Harbor, WA. It happened because a guy named John Plaza had the guts and the vision to go out and buy some old vats from the Rainier Brewery in Seattle, WA, I used to be a fan of Rainier Brewery, for various reasons, and built himself, in his garage, in a little warehouse, a biodiesel plant, then went out and raised some venture capital and has now built the largest biodiesel plant in the world in Grays Harbor, Washington. And he is now going to be providing biodiesel, going to probably have 10 to 30 plants like this around the country.

Now, our proposal in the House to go to a green economy is based on the genius of guys like John Plaza, who know how to blend technology with venture capital and go out and make a buck and help us provide green technology. And this is what we're doing in the House, and I'm excited about it. And I think there is a reason to be proud of it.

I wonder if I could yield to Mr. GEORGE MILLER, who has been instrumental in this program.

Mr. GEORGE MILLER of California. I want to thank you very much for taking this time to discuss what is almost now a year of the effort by Speaker PELOSI to provide for the greening of the Capitol and the surrounding areas here on Capitol Hill in Washington, D.C.

And her choice of Dan Beard as the Chief Administrative Officer to lead this effort is a wise choice. Dan Beard worked for the Resources Committee when I was Chair of that committee, and really led a transformation in western water usage throughout the western United States. When he was at the Committee, and later at the Bureau of Reclamation, he transformed those programs from huge, wasteful water projects into projects of conservation, ending subsidies that the taxpayers were paying in many cases, or reducing the subsidies that taxpayers were paying that led, again, to water conservation, to new technologies being brought onto the farmland, to level those lands, to provide for drip irrigation, to provide for computerization of irrigation, to mingle water with fertilizers or other things that were necessary for the growing of those crops. That has saved farmers a huge amount of money. It has provided for better utilization of the resource. Water was able to be recycled into fish and wildlife protection in other parts of the State and all through the Southwest, in Montana, in Utah and in California. So, he has a long experience for this.

When he left the Congress and the administration, he went on to work in dealing with public-private partnerships to bring about environmental solutions to very difficult problems and was able to engage the public sector, the private sector, the nonprofit sector to build teams, to build organizations to solve some very thorny problems around this country.

That's the expertise he brought to the greening of the Capitol. And as we've seen in this first year, many things that were just taken for granted here that were so wasteful of our environment, were so wasteful of energy, so wasteful of taxpayer dollars, that now has changed, or started to change. And it's a work in progress, but I think as Members see it, one, they're proud that they're part of this effort. We go back and we have town hall meetings with our constituents and we talk to them about the urgency and the necessity to do this. And sometimes maybe we don't lead as well as we should, but here we are leading in this wonderful, wonderful United States Capitol.

□ 2310

The other one is that this Capitol is part of a neighborhood, and to the extent in which we can reduce our reliance on coal-fired plants in this neighborhood, we improve the air quality from the people who live downwind from the plants that supply the power for the Capitol. The extent to which the Chief Administrative Officer that been able to role that into green energy is very, very important, to reduce the carbon footprint, which so many businesses now see as just not nice talk; it's really about hard decisions,

the yield, immense savings over relatively short periods of time, in many cases for those corporations, allow them to increase their investment in their businesses, their employees, or their own profits. And that's the kind of change that we need. It's the kind of change that we should be leading on. And under this effort to green the Capitol by the Speaker and the leadership with the Chief Administrative Officer, Dan Beard, we all see the benefits of it.

And, again, as Mr. BLUMENAUER was pointing out, these choices weren't difficult. They weren't costly. They weren't complex. But they weren't being made. And once they are made, people go on with their lives, and all of a sudden they are participating in reducing the tax that our activity puts on the environment, on the climate, on the resources of this Nation.

So I really want to thank you. I want to join and associate myself with your remarks that you've all made. All of you have been involved in this effort on a national basis with your leadership and the protection of the oceans and new forms and methods of transportation and for communities. And, Jay, certainly your efforts on alternative energy has led the way in this Congress. Hopefully, over the next couple of weeks, we will be able to go to even a broader initiative, which is the passage of the energy bill, which will lead to alternative energy sources being developed, alternative fuels, and the savings on the cafe standards so that people who are now looking at a $3.50 gasoline, $4 gasoline will be able to have the alternative of buying a more efficient automobile, a less polluting automobile. They'll feel good about it. Their pocketbook will feel good about it, and I think their children will really like the idea too.

So thank you so much for taking this time on the floor tonight.

Mr. BLUMENAUER. Thank you, Congressman MILLER. Thank you for your decades of leadership.

And I appreciate what you said a moment ago about our responsibility as a neighbor. I have been privileged to be a Member of Congress for 12 years. And 3 of those 12 years on Earth Day, we went down and had press conferences using that coal smoke belching out of the Capitol power plant as an example of what we would like to change. And it's interesting, I remember, Congressman FARR, when I first came here, we were concerned about the whole House of Representatives, with gazillions of tons of paper. Sam, help me. I think it was something like $21.17 for a year.

Mr. FARR. We didn't recycle, and we put an effort into doing that. Where that has grown now is all of the paper that's sold to all the offices, and there are 70 million pieces of paper per year used in the U.S. Capitol, we are replacing all that virgin paper, which cut down about 30,000 grown trees, it is all now 100 percent post-consumer waste recycled paper. So just that alone. And in the store where we buy all our supplies, that store sells recycled printer cartridges. That store becomes the receptacle for all the batteries that are used, for cell phones, and for BlackBerrys. So that they will all be part of the recycling stream. So we have just changed the entire approach to how we do business just in our office supplies in this Capitol.

Mr. BLUMENAUER. I must note, Mr. Speaker, that that first year when we were trying to get the House under the Republican leadership to change their policies, the entire House of Representatives, with all this paper, with the staff, they recovered what I think was less than a Boy Scout troop would do in my neighborhood in Portland, Oregon. It was embarrassing. We've turned the corner. It is a significant change.

And I deeply appreciate, Sam, the work that you've done personally to sort of pound that drum and make it happen.

Mr. FARR. Can I just tell you our offices led this effort on recycling, and my staff really got involved with it. And I'm really surprised how much we are doing, and I am sure a lot of other offices are doing the same.

We use only recycled paper products. The paper that is printed on only one side, we go through and have our interns make sure that that becomes the fax paper so that the clean side is used again in the fax process. The white paper, mixed paper, and newspapers each have their own recycling bin. Cardboard is set aside to be recycled. As long as they have a clean side, mail campaign postcards are bundled and used as scratch paper.

Each work station in my office has three bins, one for white paper, one for mixed paper, and one for wet trash. The officer manager will spot check the bins to make sure that everyone is separating their trash correctly. And we also have a separate bin for plastics, glass, and cans. Now, that's just one office. And the point here is we can all do this. And there is money to be made by the government in these recycled products.

What you are talking about is the Department of Agriculture just down the street has about as many employees as the House of Representatives. They were making tens of thousands, I think about $80,000 a year profit on recycling in the Department of Agriculture. And as you pointed out, the United States Congress was making about $21 a year.

So that has all changed thanks to this new leadership. And I am very proud to be a part of this greening of America by starting here in the Capitol of the United States.

Mr. INSLEE. I want to just express an experience that we have had and these companies that have gone down this route have had. Two things they've learned: Number one, hardly anybody gripes about it. I mean it's amazing. We have done all these things we have been talking about here tonight, changing the coal plant, changing the cafeteria, changing paper usage, changing lighting usage, changing some of our transportation usage, and, frankly, nobody is griping about it. We have got 435 people here griping about everything from the weather to the price of bananas, but none of our Members are griping about this because we are finding out that we can accommodate our businesses and our lifestyles just fine if we do this. And businesses have learned this as well. That's the first rule of greening an organization.

The second rule is that people find out that virtue is cumulative. When people take one little step forward, they get into it, and then they take another step, and then they take another step. And companies continue. That's why Dow Chemical, even though they have been spectacularly successful in reducing their energy use by 20, 30 percent, they are going to get another 20, 30 percent because people get excited about it, and we're seeing that.

I wanted to just touch on transportation that Mr. BLUMENAUER was talking about. Mr. BOEHNER was criticizing this effort to give our employees flexibility to use cars. I want to mention two technologies that I think can help reinvent our transportation system in America.

One is we are now testing a software system in Seattle which will give you instantaneous ride-sharing so that on your text message or your BlackBerry, you can say I want to go to this theater, get my ride, and this software system will patch you through to whoever is going in that direction. In 5 minutes, boom, you've got a ride. And that system has incredible promise to reduce congestion and reduce your cost of transportation if we can all start sharing rides in that regard. And I'm very excited about this. It has just gone in the first stage of trials.

The second technology I want to mention, this is well beyond the House, but I want Members to know about this. We are having this discussion about improving average fuel economy standards. In the next 2 weeks, hopefully, we will have it on this floor for debating on. But I think the capability exists to blow way beyond anything that we have even thought about in fuel mileage. We're arguing about whether we can get 35 miles a gallon. I drive a car today that gets 45 miles a gallon. I'm six-two, 200 pounds. It's a five-passenger car. It's very convenient and it's safe.

□ 2320

We have a technology coming on in 5 or 6 years in cars that are on the road today called plug-in hybrid cars, and I learned about them when I was writing this book that Mr. BLUMENAUER talked about. It is plug-in hybrid technology. And here is a car that General Motors has. It is in reality. Here is a picture of it. It is the GM Volt. They want to have it on the road, mass production in

5 or 6 years. And the way it works is using an incredible battery technology. You plug it in at night; it has a little port. You plug it in, charge it for 6 to 8 hours. You unplug it in the morning, go about your driving. You can drive 40 miles with just electricity, no gasoline, no ethanol, just pure juice out of your plug. And it costs two-thirds less per mile than gasoline.

Now, if you want to drive more than 40 miles, then you have a hybrid engine like the one in the car I am driving, in the Ford Escape or Toyota Prius. It will take you wherever you want to go for 200, 300 miles. Someday it will burn cellulosic ethanol as well as gasoline. Right now these cars are on the road today. I've driven one on the Capitol grounds. They get 100 miles per gallon of gasoline today. When you drive it with ethanol, you will get 500 miles of gasoline. And the electricity you use will get cleaner over time. This car will get better over time as the electric grid becomes cleaner. You start using more solar power, more wind power, you actually put out less carbon. Nothing gets better in life as it gets older except wine and a plug-in electric car.

I point this out because when we have this debate on the House floor in a few weeks, some people are going to say, Gee, I don't know if we can get to 35. Baloney. Hogwash. We have scads of cars that get 10 or 15 over that today, and you have a car that is going to get 100 miles per gallon in 5 or 6 years. This is something we can do in this new spirit in the House led by NANCY PELOSI, to head down this route to the future, is one people are going to be happy with, and they have.

Mr. BLUMENAUER. I must confess, and you and I have endured some fascinating hearings on our global warming committee having these new technologies explained that are not, as you say, some far distant point in the future. They are available today for people to implement. I must, however, as the Chair of the congressional bicycle caucus, make a mention of proven technology that we have available now, where people can burn calories instead of electricity or fossil fuel.

One of the things that I really appreciate Dan Beard working with us on is to make the cycling choice more readily available to employees on Capitol Hill. As I mentioned a moment ago, we have about 14,000 car trips a day to Capitol Hill. The majority of the trips to the Capitol by our employees are made by car, higher, at a higher percentage than the rest of D.C., where fewer than half of the residents drive to work.

Mr. Beard has been working with us to be able to deal with making this Capitol more cycle friendly, working with the Washington Area Bicycling Association, the League of Bikers, to have more bike racks here on Capitol Hill, more secure facilities, lockers perhaps inside the garages. When I first came here, there are showers that are available for the staff, but people didn't want to let it on, I guess, because they wanted to be able to sort of use it on their own. But we have made some real progress. We have got maps now where the showers are available. We have added employee locker and gym facilities in Rayburn. But we have more work to do in terms of improving the choices for cyclists.

Part of it, and I would defer to any of my esteemed colleagues here who are more senior, if there is something we do with the Capitol police so they don't have different standards for cyclists than people in cars or pedestrians, allowing the bikers to have the ramps, barriers that are lower for people who are cycling. So like I am cycling to Capitol Hill to vote, I don't have to choose to go on the sidewalk and harass pedestrians. In all seriousness, cycling is the most efficient form of urban transportation ever invented. It is something that helps promote health. It does not have any impact in terms of the environment, wear and tear on the roads, congestion, and in 13 years on Capitol Hill, almost 12 years now on Capitol Hill, I have never had to look for a parking place or be stuck in traffic. And I hope there is more we can continue to do with Mr. Beard working on this program for cycling promotion.

Mr. INSLEE. I want to note as far as cycling, as a biker myself, the things we are talking about in a lot of communities that are improving their bike options, we are just giving people options. This is not the storm troopers coming down making everybody ride a bike. We are talking about giving Americans more options in how to get to work and back. This is one that in my town of Seattle, every year there are scads more people riding bikes.

Mr. BLUMENAUER. You are almost caught up to Portland.

Mr. INSLEE. Almost, to compliment Mr. BLUMENAUER's hometown, Portland, Oregon, is the first city in the United States to reduce the number of miles that people drive per capita. And that is a fundamental achievement, and I know how they have done it because they have visionary leadership, Mr. BLUMENAUER included; they have more public transportation options with light rail and buses, more bike options, better land use, planning that allows people to live close to public transportation options, and they are well on their way to meeting the CO_2 targets that they have set. And it has happened because they have simply given people options. They haven't told people what to do. They just gave people a smorgasbord, and people did what was comfortable for them. A lot of it is bicycling, if they can catch Mr. BLUMENAUER.

Mr. GEORGE MILLER of California. I want to thank you. It has been a long day. It is now 11:30, so I want to thank you for recognizing what has been done here for the greening of the Capitol under the leadership of Dan Beard and the Speaker. And I want to take my very efficient cell phone, I am going to walk, and it is going to be very efficient, pretty carbon neutral, and I am just going to walk home. And if you are still here I will watch you on C–SPAN. But it has been a great education, and I am sure this House staff would like to officially go home. I think this has been a very important review of our first year, and it is only the beginning. And as Congressman INSLEE has said, so many of the changes we are not even aware of because they really don't interfere. They don't change the way we do business or the way we eat at the cafeteria or wherever it is. It is just greener, better, smarter, and in many instances it saves us money. So thank you very much for your recognizing this first year of the greening of the Capitol.

Mr. BLUMENAUER. Thank you for joining us and for your work.

Mr. GEORGE MILLER of California. Is your bike outside?

Mr. BLUMENAUER. Do you want to borrow one?

Mr. GEORGE MILLER of California. Maybe I will take your bike.

Mr. FARR. What is interesting in talking about the cafeteria, it hasn't been mentioned what Dan Beard did is we put out a contract. As you know we have cafeterias in buildings and takeout centers. We have a lot of food service here. They redid the contract for all the food services, and a firm won this contract. It is a big one. I think it is about $20 million. They are going to provide all fair trade coffee, which is the coffee that is paid the best price because you grow it for organic conditions, for taking care of the employees, paying good wages of doing it environmentally sensitive, and Starbucks and everybody else is participating in this. Also, the foods in our cafeterias are going to be organic. We are going to make sure that the eating habits of Congress become a lot healthier along with the way we are doing business in our offices.

Lastly, I am going to walk home with GEORGE MILLER, so I will leave, but I want to tell you, that in our office and I think other offices, we don't throw out the magazines, as we send them to the VA and community health clinics and senior centers. We don't put any dead batteries into the trash. We deposit them in a single place so they can be recycled. This is interesting, all the CDs you get sent in the mail for promotional advocacy efforts, they are not thrown out. They are provided to local gardeners to use to scare off birds and squirrels in their vegetable garden.

Mr. BLUMENAUER. Do they play them to scare them?

Mr. FARR. They use them as reflectors.

I just want to say to my colleagues, especially to you, Earl, that you have been a champion every day reminding people of the art of the possible, whether it is the bike caucus or the livable cities caucus or all of these things that end up being essentially the best that

America can reach for. I am very proud to serve with you. Thank you for asking us all to participate in tonight's caucus.

Mr. BLUMENAUER. Thank you, Sam. Thank you for your efforts and your kind words. I want to just elaborate for a moment on a point that Congressman INSLEE said in terms of providing choices.

□ 2330

What we are talking about here today is to provide Americans with better choices that meet their needs, giving them options, because too many people are trapped in a car, too many people don't have environmentally-sensitive opportunities available to them. Every day, Americans make billions of decisions about where to shop, what to buy, how to move, where to go. The extent to which we get it right, to give them a range of choices about where they live, how they can move that are available to them that meet their needs, we find that people inevitably gravitate toward things that are better for them and better for the community.

We are seeing it now coast to coast in terms of opportunities of livable communities where, if they can walk safely, they will; if they can bike safely, they will. They will take transit if it's available to them.

I think, Congressman INSLEE, your point a moment ago about choice, about choice and leveling the playing field, is really what this battle is about. If we are able to squeeze out the incentives for things that really aren't environmentally sensitive, because we tend to subsidize a lot of things that are actually environmentally destructive. If we even out the economics, if we give people those choices, it's going to make a difference. We are seeing it here on Capitol Hill, greening the Capitol in a way that will save us money while we give people better choices.

I know you have a lot of thoughts about ways to give people more choices in areas of energy conservation and production. I wonder as we are wrapping up if you have some thoughts that you would like to share in that direction.

Mr. INSLEE. Just one general one, and that is that the reason our approach to greening the Capitol works is that we are the optimists in this debate. We are the people who believe that options exist, that technologies will continue to grow, and as a result of that, Americans will have more choices of how they use energy and how they produce energy.

We have mentioned some of those new technologies tonight. I will just give you an example of a couple I've learned about in the last year about how to produce green electricity. We have made a commitment to buy green electricity for the U.S. House of Representatives. I just want to mention a couple of new ways to produce it.

One is wave power. If you have ever watched a big ship bob up and down on the waves, you understand how much power there is on the ocean. We have people capturing that energy and able to create electricity. This is a picture of a buoy. A similar one is going off the coast of Oregon this fall. The first wave power buoys in the world to be deployed were in Hawaii and are now powering some naval stations.

These are designed to essentially capture energy. As these buoys bob up and down, they compress water or air, creating pressure, which drives a generator, creates electricity, goes to the shore on a wire. Each have the capability to power close to 1,000 homes. There is enough energy in the waves in a 10-by-10-mile stretch off the Pacific Coast to produce all of the electricity for the State of California.

We are not guaranteed these are going to work because we have to make sure they can survive the terrible stresses at sea. But according to the Department of Energy, they have the capacity to produce 10 percent of all the electrical usage in the United States. I point this out because this technology wasn't even dreamed of 10 years ago.

Now, we have another option that could be available to Americans that right now, big investment, there's a lot of private investment in these companies. A company Finavera in Washington, a company called Ocean Power Technologies, there is a company associated with Oregon State University in Mr. BLUMENAUER's State. All work different approaches to this.

A second one that is intended to capture the power of the oceans are tidal-powered turbines that work sort of like a wind turbine, but they work on the currents that are driven by the tides. This is a picture of one. This is one by Verdant Power that works just like a wind turbine, but uses water through the blades instead of wind. Verdant actually has these in the East River in New York City. They are actually powering a grocery store right now with electricity.

We found out when the first six went in the water, there's actually more power than they knew, which actually disabled some of these so they have got to rebuild them to make them stronger, which is good news because there is more power than they thought.

We have someone in the State of Washington looking at potentially powering 50,000 homes with these tidal turbines now in the estuaries of Puget Sound.

I just point this out that we believe there are numerous options; we believe there are technologies that are going to free us from the constraints of the past. We are proving it in the U.S. Capitol. You can look at the dome and see the citadel of democracy and the citadel of new ways to save energy and produce it. I think Americans can be proud of that. I think we have a right to be a little bit, too.

Mr. BLUMENAUER, I thank you for your leadership on this and in leading in discussion.

Mr. BLUMENAUER. Thank you, Congressman INSLEE. I appreciate your being here, I appreciate your explanations, and I appreciate your continued work on our various committees that we serve on.

One final point that I would say in conclusion that we haven't talked about is that this is not just an issue of greening the Capitol in terms of providing examples. This is also fundamentally that the same principles that we are talking about here make a huge difference for American security. The first hearing that we had on our Global Warming and Energy Independence Committee was a panel of retired military and intelligence experts.

The United States Department of Defense is the largest consumer of energy in the world. An aircraft carrier gets 17 feet to the gallon. The war in Iraq is the most energy-intensive military operation in the history of the world. It is four times more energy-intensive than the first Iraq war. We are delivering gasoline to the front at a price of over $100 a gallon, and it's being delivered in tanker trucks that might as well have great big bull's eyes on them.

Our military understands that part of the reason they are engaged in Iraq now is because it is the second largest source of proven oil reserves. They understand that their budgets are being tortured out of all proportion because of the rapidly escalating energy costs. They understand that our dependence on petroleum in areas that are extraordinarily volatile in the Middle East, in other parts of the world and Africa, Venezuela, and being linked to a decline in petroleum whenever that peak hits, if it hasn't already, and handcuffs them, puts them at risk, costs them money.

So while we are talking about greening the Capitol, empowering people in the neighborhoods to live more environmentally-sensitive lives and to be able to have policies that will reduce the threat of global warming and greenhouse gases, there is a very real and very tangible element here that is the very security of the United States and the protection of our soldiers.

The things that you have been talking about here, Mr. INSLEE, and others, that we have talked about on Capitol Hill, if we are able to implement them for the Department of Defense, it's going to make a huge difference for the taxpayer and the safety and the military effectiveness of our soldiers.

Mr. INSLEE. We know we can do this. We know, because we have had success. In the late 1970s and early 1980s, we improved our mileage of our cars by 60 percent. Then in 1994 those efforts stopped and we stopped making any progress. Our cars are getting actually less mileage than they did in 1984. If we had simply continued on that rate of improvement, we would be free of Saudi Arabian oil today. Now we have got to get back on this bandwagon of using our brains to get better mileage. We know we can do this.

Just as a closing comment, I want to express my appreciation to the Americans doing this. We are not the only ones doing this in the Capitol. I know a woman on Bainbridge Island that greened up her home. I would like to say we're meeting that bar here in the House.

Again, thank you, Mr. BLUMENAUER.

Mr. BLUMENAUER. Thank you, Congressman INSLEE. I think it's safe to say that we are running to catch up with the American people, and that is one of the reasons why I think we are ultimately going to be successful in this, because the American public gets it.

□ 2340

Whether it is college campuses, churches, Girl Scout troops or Optimist Clubs, people are moving in this direction. I appreciate working with you and your joining us this evening.

Mr. Speaker, I know this will disappoint you because there are potentially another 15 minutes that we could have you and the dedicated desk staff held hostage, but I think we might sort of celebrate breaking for the holiday, and I am happy to yield back my time.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, NOVEMBER 14, 2007, AT PAGE H13937

CALL OF THE HOUSE

Mr. OBEY. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. A quorum is not present.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1106]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. BONO (at the request of Mr. BOEHNER) after 4 p.m. on November 14 and for today on account of personal reasons.

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 Mr. INSLEE) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BARRETT of South Carolina, for 5 minutes, today.

ADJOURNMENT

Mr. BLUMENAUER. Mr. Speaker, pursuant to House Concurrent Resolution 259, 110th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p.m.), pursuant to House Concurrent Resolution 259, 110th Congress, the House adjourned until Tuesday, December 4, 2007, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4147. A letter from the Assistant to the Board, Department of the Treasury, transmitting the Department's ''Major'' final rule — Risk-Based Capital Standards: Advanced Capital Adequacy Framework-Basel II [Docket No. OCC-2007-0018] (RIN: 1557-AC91) received November 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4148. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the ''21st Century Department of Justice Appropriations Authorization Act,'' related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202; to the Committee on the Judiciary.

4149. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, -243, -301, -321, -322, -323, -341, -342, and -343 Airplanes; and Model A340-200 and -300 Series Airplanes [Docket No. FAA-2007-27741; Directorate Identifier 2006-NM-261-AD; Amendment 39-15141; AD 2007-16-02] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4150. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, 747-400D, and 747-400F Series Airplanes [Docket No. FAA-2006-23803; Directorate Identifier 2005-NM-238-AD; Amendment 39-15108; AD 2007-13-04] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4151. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-100 and A320-200 Series Airplanes [Docket No. FAA-2005-22918; Directorate Identifier 2005-NM-172-AD; Amendment 39-15143; AD 2007-16-04] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4152. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2004-18814; Directorate Identifier 2003-NM-286-AD; Amendment 39-15144; AD 2007-16-05] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4153. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-300, 747-400, 747-400D, and 747SR Series Airplanes [Docket No. FAA-2007-28015; Directorate Identifier 2006-NM-210-AD; Amendment 39-15147; AD 2007-16-08] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4154. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310-203, A310-204, A310-222, A310-304, A310-322, and A310-324 Airplanes [Docket No. FAA-2007-28017; Directorate Identifier 2007-NM-005-AD; Amendment 39-15146; AD 2007-16-07] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4155. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and A330-300 Series Airplanes; and Model A340-200, A340-300, A340-500, and A340-600 Series Airplanes [Docket No. FAA-2007-28036; Directorate Identifier 2006-NM-278-AD; Amendment 39-15145; AD 2007-16-06] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4156. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes [Docket No. FAA-2007-28920; Directorate Identifier 2007-NM-162-AD; Amendment 39-15152; AD 2007-16-13] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4157. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes and Model ERJ 190 Airplanes [Docket No. FAA-2007-28094; Directorate Identifier 2006-NM-258-AD; Amendment 39-15148; AD 2007-16-09] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4158. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 and -300 Series Airplanes [Docket No. FAA-2006-25326; Directorate Identifier 2006-NM-081-AD; Amendment 39-15151; AD 2007-16-12] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4159. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200B, 747-300, and 747-400 Series Airplanes [Docket No. FAA-2007-28940; Directorate Identifier 2007-NM-131-AD; Amendment 39-15158; AD 2007-16-19] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4160. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Taylorcraft A, B, and F Series Airplanes [Docket No. FAA-2007-FAA-2007-28478; Directorate Identifier 2007-CE-057-AD; Amendment 39-15153; AD 2007-16-14] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4161. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ Airplanes [Docket No. FAA-2007-28256; Directorate Identifier 2007-NM-041-AD; Amendment 39-15155; AD 2007-16-16] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4162. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model SN-601 (Corvette) Airplanes [Docket No. FAA-2007-28259; Directorate Identifier 2007-NM-024-AD; Amendment 39-15154; AD 2007-16-15] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4163. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Series Airplanes and Model A310 Series Airplanes [Docket No. FAA-2007-28159; Directorate Identifier 2006-NM-257-AD; Amendment 39-15156; AD 2007-16-17] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4164. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric (GE) CF6-80E1 Series Turbofan Engines [Docket No. FAA-2005-21238; Directorate Identifier 2005-NE-12-AD; Amendment 39-15159; AD 2007-17-01] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4165. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Allied Ag Cat Productions, Inc. (Type Certificate No. 1A16 formerly held by Schweizer Aircraft Corp.) G-164 Series Airplanes [Docket No. FAA-2007-27860; Directorate Identifier 2007-CE-034-AD; Amendment 39-15160; AD 2007-17-02] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4166. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 31, 31A, 35, 35A (C-21A), 36, 36A, 55, 55B, and 55C Airplanes, and Model 45 Airplanes [Docket No. FAA-2007-28016; Directorate Identifier 2006-NM-227-AD; Amendment 39-15175; AD 2007-17-17] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-300, 747-400, 747-400D, 747SR, and 747SP Series Airplanes [Docket No. FAA-2007-27525; Directorate Identifier 2006-NM-159-AD; Amendment 39-15089; AD 2007-12-11] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4168. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2007-27359; Directorate Identifier 2006-NM-042-AD; Amendment 39-15136; AD 2007-15-07] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4169. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2006-26441; Directorate Identifier 2006-NM-204-AD; Amendment 39-15139; AD 2007-15-10] (RIN: 2120-AA64) received November 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. GORDON: Committee on Science and Technology. H.R. 2406. A bill to authorize the National Institute of Standards and Technology to increase its efforts in support of the integration of the healthcare information enterprise in the United States; with an amendment (Rept. 110–451). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 661. Resolution honoring the accomplishments of Barrington Antonio Irving, the youngest pilot and first person of African descent ever to fly solo around the world; with amendments (Rept. 110–452). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 772. Resolution recognizing the American Highway Users Alliance on the occasion of its 75th anniversary, and for other purposes (Rept. 110–453). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 409. A bill to amend title 23, United States Code, to inspect highway tunnels (Rept. 110–454). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3712. A bill to designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the ''James M. & Thomas W.L. Ashley Customs Building and United States Courthouse''; with amendments (Rept. 110–455). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3985. A bill to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, and for other purposes (Rept. 110–456). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 2768. A bill to establish improved mandatory standards to protect miners during emergencies, and for other purposes; with an amendment (Rept. 110–457). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE XII

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than December 14, 2007.

H.R. 2830. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 7, 2007.

H.R. 3890. Referral to the Committee on Ways and Means extended for a period ending not later than December 7, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BURGESS:

H.R. 4190. A bill to amend title 5, United States Code, to exclude Members of Congress from the Federal employees health benefits program, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, 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. TURNER:

H.R. 4191. A bill to redesignate Dayton Aviation Heritage National Historic Park in the State of Ohio as ''Wright Brothers-Dunbar National Historic Park'', and for other purposes; to the Committee on Natural Resources.

By Mr. TANCREDO:

H.R. 4192. A bill to reform immigration to serve the national interest; to the Committee on the Judiciary, and in addition to the Committees on Armed Services, Homeland Security, Oversight and Government Reform, Ways and Means, Education and Labor, Foreign Affairs, and Energy and Commerce, 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. MORAN of Kansas (for himself, Mr. GOODLATTE, Mr. LUCAS, Mr. NEUGEBAUER, Mr. CONAWAY, Mr. THORNBERRY, Mr. BOUSTANY, Mr. DAVIS of Kentucky, Mr. BAKER, Mr. KING of Iowa, Mrs. EMERSON, Mrs. MUSGRAVE, Mr. GRAVES, Mr. PICKERING, Mr. JOHNSON of Illinois, Ms. FOXX, Mr. GOHMERT, Mr. HAYES, Mr. HALL of Texas, Mr. SMITH of Nebraska, Mr. KINGSTON, Mr. WALBERG, Mr. SMITH of Texas, Mr. TIAHRT, Mr. BURGESS, Mr. CUELLAR, and Mr. BLUNT):

H.R. 4193. A bill to provide for an automatic one-year extension of the authorizations of appropriations and direct spending programs of the Farm Security and Rural Investment Act of 2002, and for other purposes; to the Committee on Agriculture.

By Mr. TOWNS (for himself, Mr. WHITFIELD, Ms. BERKLEY, Ms. ROS-LEHTINEN, Mr. GORDON, Ms. JACKSON-LEE of Texas, and Mr. WYNN):

H.R. 4194. A bill to establish a grant to increase enforcement of laws to prohibit underage drinking through social sources, to improve reporting of Federal underage drinking data, to establish grants to increase parental involvement in school-based efforts to reduce underage drinking, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, 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. RANGEL (for himself and Mr. MCCRERY):

H.R. 4195. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 4196. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to improve public notification and community relations concerning actions for the removal of environmental hazards; to the Committee on Energy and Commerce, and in addition to the Committee on 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. LANTOS:

H.R. 4197. A bill to prevent the admission of any member or leader of the Magyar Garda into the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. LAMPSON (for himself, Mr. COOPER, Mr. AL GREEN of Texas, Mr. PASTOR, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. BARROW, Mr. MARSHALL, Mr. POMEROY, Mr. SPACE, Mr. RODRIGUEZ, Mr. BRALEY of Iowa, Mr. CLAY, Mr. MCGOVERN, Mr. KAGEN, Mr. HILL, and Mr. BACA):

H.R. 4198. A bill to provide for competitive grants for the establishment and expansion of programs that use networks of public, private, and faith-based organizations to recruit and train foster and adoptive parents and provide support services to foster children and their families; to the Committee on Ways and Means.

By Mr. TURNER:

H.R. 4199. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mr. TOWNS (for himself, Mr. DAVIS of Illinois, Mr. WYNN, and Mr. RUSH):

H.R. 4200. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for medical research related to developing qualified infectious disease products; to the Committee on Ways and Means.

By Mr. DENT (for himself, Mr. MARSHALL, Mr. GOHMERT, Mr. REICHERT, Mr. SESSIONS, Mr. FORTUÑO, Mr. SOUDER, Mr. SHAYS, Mr. TIM MURPHY of Pennsylvania, Mr. POE, Mr. PLATTS, Mr. HOLDEN, Mr. FEENEY, Mr. DUNCAN, Mrs. BLACKBURN, Mr. SHUSTER, Mr. GERLACH, Mrs. CAPITO, Mr. MARCHANT, Mr. COBLE, Mr. BILBRAY, Mr. DAVIS of Kentucky, Mr. CARNEY, and Mr. SAXTON):

H.R. 4201. A bill to require State and local law enforcement agencies to determine the immigration status of all individuals arrested by such agencies for a felony, to require such agencies to report to the Secretary of Homeland Security when they have arrested for a felony an alien unlawfully present in the United States, to require mandatory Federal detention of such individuals pending removal in cases where they are not otherwise detained, and for other purposes; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mr. MOORE of Kansas, Mr. BRADY of Pennsylvania, Mr. LANTOS, Mr. DAVIS of Illinois, Ms. WATSON, Mr. HINCHEY, Mr. KIRK, Mr. WYNN, Mr. GRIJALVA, Mr. FARR, Mr. WALSH of New York, Mrs. LOWEY, Ms. BALDWIN, Ms. BORDALLO, and Mr. MCGOVERN):

H.R. 4202. A bill to require all newly constructed, federally assisted, single-family houses and town houses to meet minimum standards of visitability for persons with disabilities; to the Committee on Financial Services.

By Mr. JOHNSON of Georgia:

H.R. 4203. A bill to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the ''Jamaal RaShard Addison Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. BOSWELL (for himself, Mr. LOEBSACK, Mr. BRALEY of Iowa, Mr. MICHAUD, Mr. SHULER, Mr. PATRICK MURPHY of Pennsylvania, Mr. ETHERIDGE, Mr. ALTMIRE, Mr. REYES, Mr. THOMPSON of California, Mr. FILNER, Mr. ELLSWORTH, Mr. BOYD of Florida, Mr. KAGEN, Mr. MOORE of Kansas, Ms. BEAN, Mr. SCOTT of Virginia, Mr. BACA, Mr. BARROW, Ms. HERSETH SANDLIN, Mr. MARSHALL, Mr. FRANK of Massachusetts, Mr. EDWARDS, Mr. DAVIS of Illinois, Mr. RUSH, and Mr. TOWNS):

H.R. 4204. A bill to direct the Secretary of Veterans Affairs to conduct a study on suicides among veterans; to the Committee on Veterans' Affairs.

By Mr. ALLEN:

H.R. 4205. A bill to reauthorize and improve programs of the National Health Service Corps; to the Committee on Energy and Commerce.

By Ms. BERKLEY (for herself, Mr. BURGESS, Mrs. MALONEY of New York, Mr. MCNULTY, Mr. PAUL, Mr. ROTHMAN, Mr. GOODE, Mr. SESSIONS, Mrs. MYRICK, Mr. GENE GREEN of Texas, Mrs. CAPPS, Mr. KLEIN of Florida, Ms. LORETTA SANCHEZ of California, Ms. MOORE of Wisconsin, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Ms. SOLIS, Ms. MATSUI, Mr. BERRY, Mr. HINCHEY, Ms. SCHAKOWSKY, Ms. GIFFORDS, Ms. CASTOR, Mrs. GILLIBRAND, Mr. ELLSWORTH, Ms. WOOLSEY, Ms. WATSON, Ms. BORDALLO, Ms. SCHWARTZ, Mr. ISRAEL, Ms. VELÁZQUEZ, Mr. PASCRELL, Ms. MCCOLLUM of Minnesota, Mr. CROWLEY, Mr. HARE, Mr. JOHNSON of Georgia, Mrs. MCCARTHY of New York, Ms. HOOLEY, and Mrs. NAPOLITANO):

H.R. 4206. A bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program; 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 Ms. BERKLEY:

H.R. 4207. A bill to provide States with the incentives, flexibility and resources to develop child welfare services that focus on improving circumstances for children, whether in foster care or in their own homes; to the Committee on Ways and Means.

By Ms. BERKLEY (for herself, Mr. HINOJOSA, Ms. BORDALLO, Mr. ELLISON, and Mr. CONYERS):

H.R. 4208. A bill to create the income security conditions and family supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes; to the Committee on Ways and Means.

By Mrs. BOYDA of Kansas:

H.R. 4209. A bill to authorize the voluntary purchase of certain properties in Treece, Kansas endangered by the Cherokee County National Priorities List Site, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BUTTERFIELD (for himself, Mr. PRICE of North Carolina, Mr. ETHERIDGE, Mr. JONES of North Carolina, Mr. SHULER, Mr. WATT, Mr. MILLER of North Carolina, Mrs. MYRICK, Mr. MCINTYRE, and Mr. COBLE):

H.R. 4210. A bill to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the ''Dock M. Brown Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. BUTTERFIELD (for himself, Mr. PRICE of North Carolina, Mr. ETHERIDGE, Mr. JONES of North Carolina, Mr. SHULER, Mr. WATT, Mr. MILLER of North Carolina, Mrs. MYRICK, Mr. MCINTYRE, and Mr. COBLE):

H.R. 4211. A bill to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the ''Judge Richard B. Allsbrook Post Office''; to the Committee on Oversight and Government Reform.

By Mr. CRAMER:

H.R. 4212. A bill to authorize the Administrator of the Small Business Administration to deem certain small business concerns qualified HUBZone small business concerns; to the Committee on Small Business.

By Mr. CRAMER:

H.R. 4213. A bill to amend the Small Business Act to provide for an increase in the amount of awards under the first and second phases of the Small Business Innovation Research program; to the Committee on Small Business, and in addition to the Committee on Science and Technology, 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. CUMMINGS (for himself, Mr. SARBANES, Mr. TOWNS, and Mr. WYNN):

H.R. 4214. A bill to improve the prevention, detection, and treatment of community and healthcare-associated infections (CHAI), with a focus on antibiotic-resistant bacteria; to the Committee on Energy and Commerce.

By Mr. DAVIS of Alabama (for himself and Mr. LEWIS of Kentucky):

H.R. 4215. A bill to amend the Internal Revenue Code of 1986 to update the optional methods for computing net earnings from self-employment; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois:

H.R. 4216. A bill to amend the Higher Education Act of 1965 to authorize grant programs to enhance the access of low-income Black students to higher education; to the Committee on Education and Labor.

By Mr. DAVIS of Illinois:

H.R. 4217. A bill to study the access to and success in education of minority males, including high school graduation and college participation; to the Committee on Education and Labor.

By Ms. DEGETTE (for herself, Mr. CASTLE, Mr. BECERRA, Mr. KIRK, and Mr. ALTMIRE):

H.R. 4218. A bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certain certified diabetes educators as certified providers for purposes of outpatient diabetes self-management training services under part B of the Medicare Program; 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. DONNELLY (for himself and Mr. UPTON):

H.R. 4219. A bill to direct the Secretary of Veterans Affairs to assign a temporary disability rating to certain members of the Armed Forces upon separation, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. EMERSON (for herself, Mr. MORAN of Kansas, and Mr. MCGOVERN):

H.R. 4220. A bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food; to the Committee on Oversight and Government Reform.

By Ms. ESHOO (for herself, Mr. CHANDLER, Mr. BLUMENAUER, and Mr. LAHOOD):

H.R. 4221. A bill to mandate satellite carriage of qualified noncommercial educational television stations; to the Committee on Energy and Commerce.

By Mr. FORTENBERRY:

H.R. 4222. A bill to amend title I of the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and title XXII of the Public Health Service Act to extend COBRA benefits for certain TAA-eligible individuals and PBGC recipients; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, and Energy and Commerce, 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. FORTENBERRY (for himself, Mr. TOWNS, Mr. SMITH of New Jersey, Mr. ADERHOLT, Mr. FRANKS of Arizona, and Mr. MCCOTTER):

H.R. 4223. A bill to establish the Congressional-Executive Commission on the Socialist Republic of Vietnam; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, 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. FOSSELLA:

H.R. 4224. A bill to prohibit the Secretary of State from making a contribution to the United Nations until such time as the United Nations is in compliance with fire, building, and safety codes; to the Committee on Foreign Affairs.

By Ms. GIFFORDS:

H.R. 4225. A bill to establish the William H. Rehnquist Center on the Constitutional Structures of Government at the University of Arizona James E. Rogers School of Law; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, 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. GILCHREST (for himself and Mr. OLVER):

H.R. 4226. A bill to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that will limit greenhouse gas emissions in the United States, reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, Natural Resources, Foreign Affairs, Agriculture, and 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. GONZALEZ:

H.R. 4227. A bill to amend title 18, United States Code, to modify an exception to certain prohibitions; to the Committee on the Judiciary.

By Mr. GRIJALVA (for himself and Ms. GIFFORDS):

H.R. 4228. A bill to withdraw certain Federal lands and interests located in Pima and Santa Cruz counties, Arizona, from the mining and mineral leasing laws of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. HALL of New York (for himself, Mr. FILNER, Mr. SPACE, and Mr. KAGEN):

H.R. 4229. A bill to amend title 38, United States Code, to establish in the Department of Veterans Affairs a Bonus Review Board; to the Committee on Veterans' Affairs.

By Ms. HOOLEY (for herself, Mrs. CAPITO, Mr. ALLEN, Mr. BLUMENAUER, Ms. BORDALLO, Mr. CLEAVER, Mr. COURTNEY, Mr. ENGEL, Mr. HONDA, Mr. MCGOVERN, Mr. MICHAUD, Mr. VAN HOLLEN, Mr. WYNN, Mr. WU, Ms. KILPATRICK, Mr. AL GREEN of Texas, Mr. KILDEE, and Ms. SCHAKOWSKY):

H.R. 4230. A bill to amend the Public Health Service Act to establish a school-based health clinic program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KAGEN (for himself, Mr. SHULER, Mr. POMEROY, Mr. WEXLER, Mr. WAMP, Mr. TAYLOR, Mr. JOHNSON of Georgia, Ms. CLARKE, Mr. BLUMENAUER, Mr. MELANCON, Mr. SESTAK, Mr. CARNEY, Mr. HOLDEN, Mr. ELLISON, Ms. BERKLEY, Mrs. BOYDA of Kansas, Mr. KILDEE, Mr. FILNER, Mr. BOSWELL, Mr. SCOTT of Virginia, Mr. BACA, Mr. BARROW, Mr. BRALEY of Iowa, Mr. DICKS, Ms. HERSETH SANDLIN, Mr. DONNELLY, Mr. HINCHEY, Mr. MCDERMOTT, Ms. TSONGAS, Mr. PERLMUTTER, Mr. HIGGINS, Mr. ALTMIRE, and Mr. LARSON of Connecticut):

H.R. 4231. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide mental health services to certain veterans of Operation Enduring Freedom and Operation Iraqi Freedom; to the Committee on Veterans' Affairs.

By Mr. KENNEDY (for himself and Mr. RAMSTAD):

H.R. 4232. A bill to improve mental and substance use health care; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 4233. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to freshness dates on food; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 4234. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that foods containing spices, flavoring, or coloring derived from meat, poultry, or other animal products (including insects) bear labeling stating that fact and their names; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 4235. A bill to amend the Internal Revenue Code of 1986 to restore the estate tax, to repeal the carryover basis rule, to reduce estate tax rates by 20 percent, to increase the unified credit against estate and gift taxes to the equivalent of a $3,000,000 exclusion and to provide an inflation adjustment of such amount, and for other purposes; to the Committee on Ways and Means.

By Mr. LYNCH:

H.R. 4236. A bill to provide for the protection and the integrity of the United States mail; to the Committee on Oversight and Government Reform.

By Mrs. MALONEY of New York (for herself and Mr. HONDA):

H.R. 4237. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to prohibit States from refusing to accept balloting materials solely because the materials are generated through the use of a computer program, are not printed on a specific type of paper, or do not otherwise meet similar extraneous requirements which are not clearly necessary to prevent fraud in the conduct of elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, 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. MARKEY (for himself, Mr. GRIJALVA, Mr. HINCHEY, Mr. VAN HOLLEN, Ms. SLAUGHTER, Mr. DELAHUNT, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Ms. LEE, Mr. BLUMENAUER, Mr. DEFAZIO, and Mr. STARK):

H.R. 4238. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MURPHY of Connecticut (for himself and Mr. SPACE):

H.R. 4239. A bill to establish a House ethics commission, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Rules, 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. PERLMUTTER (for himself, Mrs. MUSGRAVE, Ms. DEGETTE, Mr. SALAZAR, Mr. LAMBORN, Mr. TANCREDO, and Mr. UDALL of Colorado):

H.R. 4240. A bill to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the ''Felix Sparks Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. POE:

H.R. 4241. A bill to prohibit the transfer of personal information to any person or business outside the United States, without notice; to the Committee on Financial Services.

By Mr. POMEROY:

H.R. 4242. A bill to amend the Internal Revenue Code of 1986 to retain the estate tax with an immediate increase in the exemption, to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, and for other purposes; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. BRADY of Texas, and Ms. HERSETH SANDLIN):

H.R. 4243. A bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and Labor, and Natural Resources, for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR (for himself, Mr. MICHAUD, Mrs. MCMORRIS RODGERS, Mr. KIND, and Mr. UDALL of Colorado):

H.R. 4244. A bill to amend the Internal Revenue Code of 1986 to allow a credit for qualified expenditures paid or incurred to replace certain wood stoves; to the Committee on Ways and Means.

By Mr. SALI:

H.R. 4245. A bill to amend the Healthy Forests Restoration Act of 2003 to provide for the categorical exclusion of certain projects on Federal land located adjacent to non-Federal land from documentation in an environmental impact statement or environmental assessment when conditions on the Federal land pose a serious risk to the non-Federal land, to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into contracts or agreements for forest projects on Federal land with non-Federal entities that own adjacent land, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr. MANZULLO, Mr. CROWLEY, and Mr. BLUNT):

H.R. 4246. A bill to improve the performance of the defense trade controls functions of the Department of State, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SMITH of Washington (for himself, Mr. ETHERIDGE, Mr. CROWLEY, Mr. MORAN of Virginia, Mr. GONZALEZ, Mrs. GILLIBRAND, Mr. PERLMUTTER, Mrs. TAUSCHER, Mr. TAYLOR, and Mr. ELLSWORTH):

H.R. 4247. A bill to improve certain compensation, health care, and education benefits for individuals who serve in a reserve component of the uniformed services, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, 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 Mrs. TAUSCHER (for herself and Mr. ENGLISH of Pennsylvania):

H.R. 4248. A bill to ensure access to recreational therapy in inpatient rehabilitation facilities, inpatient psychiatric facilities, and skilled nursing facilities under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. UDALL of Colorado:

H.R. 4249. A bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho-Roosevelt National Forests in Colorado and to adjust the boundary of such National Forests; to the Committee on Natural Resources.

By Mrs. WILSON of New Mexico (for herself, Ms. GIFFORDS, Mr. SPRATT, and Mr. SMITH of Texas):

H.R. 4250. A bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities; to the Committee on Science and Technology.

By Mr. FRANK of Massachusetts:

H. Con. Res. 259. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. MCCOTTER, Mr. HINCHEY, Mr. FORTUÑO, Mr. MILLER of Florida, Mr. MACK, Mr. RENZI, Mr. WOLF, Mrs. MYRICK, Mr. PUTNAM, Mr. GONZALEZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mr. KELLER, Ms. CORRINE BROWN of Florida, Mr. ENGLISH of Pennsylvania, Mr. BUCHANAN, Mr. WELLER, and Ms. GRANGER):

H. Con. Res. 260. Concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release; to the Committee on Foreign Affairs.

By Mrs. DRAKE (for herself, Mr. TAYLOR, Mr. FORBES, Mr. TOM DAVIS of Virginia, and Mr. SCOTT of Virginia):

H. Con. Res. 261. Concurrent resolution commemorating the centennial anniversary of the sailing of the Navy's ''Great White Fleet,'' launched by President Theodore Roosevelt on December 16, 1907, from Hampton Roads, Virginia, and returning there on February 22, 1909; to the Committee on Armed Services.

By Mr. ISRAEL (for himself, Mr. WOLF, and Mr. WEINER):

H. Con. Res. 262. Concurrent resolution expressing the sense of Congress regarding Saudi Arabia's policies relating to religious practice and tolerance, including Saudi Arabia's commitment to revise Saudi textbooks to remove intolerant and violent references; to the Committee on Foreign Affairs.

By Mr. KINGSTON (for himself, Mr. ADERHOLT, Mr. AKIN, Mrs. BLACKBURN, Mrs. BONO, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mrs. CAPITO, Mr. CARTER, Mr. CASTLE, Mr. CHABOT, Mr. CRENSHAW, Mr. CONAWAY, Mr. CULBERSON, Mr. DEAL of Georgia, Mr. DENT, Mr. DOOLITTLE, Mrs. DRAKE, Mr. EHLERS, Mr. EVERETT, Ms. FALLIN, Mr. FEENEY, Mr. FLAKE, Mr. FORBES, Mr. FORTENBERRY, Ms. FOXX, Mr. GILCHREST, Mr. GINGREY, Mr. GOODE, Mr. GOODLATTE, Mr. GOHMERT, Ms. GRANGER, Mr. HASTERT, Mr. HENSARLING, Mr. INGLIS of South Carolina, Mr. ISSA, Mr. JONES of North Carolina, Mr. KING of New York, Mr. KING of Iowa, Mr. KIRK, Mr. KLINE of Minnesota, Mr. LAHOOD, Mr. LAMBORN, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCHENRY, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. PENCE, Mr. PITTS, Mr. PORTER, Mr. PRICE of Georgia, Mr. REHBERG, Mr. RENZI, Mr. ROHRABACHER, Mr. ROSKAM, Mrs. SCHMIDT, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. STEARNS, Mr. TERRY, Mr. THORNBERRY, Mr. TIAHRT, Mr. WALBERG, Mr. WESTMORELAND, Mr. WAMP, Mr. WELDON of Florida, and Mr. WOLF):

H. Con. Res. 263. Concurrent resolution to establish the Joint Select Committee on Earmark Reform, and for other purposes; to the Committee on Rules.

By Mr. BARROW (for himself, Mr. KINGSTON, Mr. GINGREY, Mr. MARSHALL, Mr. SCOTT of Georgia, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. BROUN of Georgia, Mr. DEAL of Georgia, Mr. BISHOP of Georgia, and Mr. LINDER):

H. Res. 828. A resolution honoring the firefighters and other public servants who responded to the wildfires in south Georgia during the spring of 2007; to the Committee on Oversight and Government Reform.

By Mrs. BOYDA of Kansas (for herself, Mr. MOORE of Kansas, Mr. SKELTON, and Mr. CLEAVER):

H. Res. 829. A resolution recognizing the region from Manhattan, Kansas, to Columbia, Missouri, as the Kansas City Animal Health Corridor, and for other purposes; to the Committee on Agriculture.

By Mrs. CHRISTENSEN (for herself, Mr. RUSH, Mr. BILBRAY, Mrs. DAVIS of California, Mr. BUTTERFIELD, Mr. DAVIS of Illinois, Mr. BISHOP of Georgia, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mr. JEFFERSON, Mr. WYNN, Mr. MEEKS of New York, Mr. TOWNS, and Mr. CLEAVER):

H. Res. 830. A resolution urging health care providers to engage in a strong program to prevent, detect, and treat diabetes, including through the use of a treatment regimen that includes certain minimum clinical practice recommendations, including measurements of body weight and other associated risk factors; to the Committee on Energy and Commerce.

By Mr. HUNTER:

H. Res. 831. A resolution encouraging Americans to purchase American-made products during the holiday season, and for other purposes; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. EDWARDS, Mr. LAMPSON, Mr. HINOJOSA, Mr. GONZALEZ, Mr. ORTIZ, Ms. GRANGER, Mr. BURGESS, Mr. GENE GREEN of Texas, Mr. PAUL, and Mr. REYES):

H. Res. 832. A resolution honoring the Texas Water Development Board on its selection as a recipient of the the Environmental Protection Agency's 2007 Clean Water State Revolving Fund Performance and Innovation Award; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. MCDERMOTT, and Mr. CAMP of Michigan):

H. Res. 833. A resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children; to the Committee on Education and Labor.

By Mr. ORTIZ (for himself and Mr. ABERCROMBIE):

H. Res. 834. A resolution regarding the readiness decline of the Army, Marine Corps, National Guard, and Reserves, and the implications for national security; to the Committee on Armed Services.

By Mr. PALLONE (for himself and Mr. KUHL of New York):

H. Res. 835. A resolution condemning Syria for its destablizing actions in the Middle East region and calling on Iraq not to reopen its oil pipeline to Syria; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

215. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution

No. 107 memorializing the Congress of the United States to reauthorize Amtrak funding and support states in their efforts to expand passenger rail service; to the Committee on Transportation and Infrastructure.

216. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 102 memorializing the Congress of the United States to provide for the construction and maintenance of a national cemetery in Michigan's Upper Penninsula; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 35: Mr. FORBES.
H.R. 39: Ms. MATSUI.
H.R. 158: Mr. FALEOMAVAEGA.
H.R. 160: Mr. FALEOMAVAEGA.
H.R. 171: Mr. COURTNEY.
H.R. 303: Mr. ALEXANDER.
H.R. 333: Mr. GUTIERREZ.
H.R. 368: Mr. ALLEN.
H.R. 460: Mr. BLUMENAUER.
H.R. 549: Ms. ROYBAL-ALLARD, Mr. KILDEE, Mr. ALTMIRE, Mr. SIRES, Mr. HINCHEY, Mr. COURTNEY, and Mr. YARMUTH.
H.R. 552: Mr. CARNEY, Mrs. BOYDA of Kansas, Ms. WOOLSEY, and Mr. SHADEGG.
H.R. 578: Ms. LORETTA SANCHEZ of California, Mr. SHIMKUS, Mr. SCOTT of Georgia, Mrs. SCHMIDT, Mr. BOREN, Mr. CONAWAY, Mr. BUTTERFIELD, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. CALVERT, and Mr. FORBES.
H.R. 583: Mr. FRANK of Massachusetts.
H.R. 594: Mr. HODES.
H.R. 618: Mr. PETERSON of Minnesota.
H.R. 621: Mr. CARNEY.
H.R. 627: Mr. KILDEE, Mr. YARMUTH, Mr. ALTMIRE, Ms. CASTOR, Mr. PASCRELL, and Mr. DELAHUNT.
H.R. 648: Mr. SIRES and Mr. DENT.
H.R. 695: Mr. CARNEY.
H.R. 699: Mr. GOHMERT.
H.R. 729: Mr. HODES.
H.R. 748: Mr. SARBANES, Mr. DOYLE, and Mrs. TAUSCHER.
H.R. 770: Ms. CLARKE.
H.R. 821: Mr. HINCHEY, Mr. YARMUTH, Mr. ALTMIRE, Ms. CASTOR, Mr. PASCRELL, and Mr. MORAN of Kansas.
H.R. 847: Mr. BAIRD and Mr. PRICE of Georgia.
H.R. 850: Mr. BARROW.
H.R. 854: Ms. KILPATRICK.
H.R. 882: Mr. SESTAK, and Mr. CARNEY.
H.R. 887: Mr. HONDA.
H.R. 1076: Mrs. MYRICK, Mr. ALTMIRE, and Mr. HILL.
H.R. 1078: Mrs. MALONEY of New York, Mr. KILDEE, and Mr. PRICE of North Carolina.
H.R. 1084: Ms. SCHAKOWSKY, and Mr. LATHAM.
H.R. 1108: Ms. VELÁZQUEZ, Mr. ROSS, and Ms. WATSON.
H.R. 1112: Mr. GERLACH.
H.R. 1134: Mr. SNYDER.
H.R. 1166: Mrs. CHRISTENSEN, Ms. WOOLSEY, Mr. SIRES, and Mr. HONDA.
H.R. 1169: Mr. SIRES, Ms. CASTOR, and Ms. WOOLSEY.
H.R. 1174: Mr. FERGUSON, Mr. BOUCHER, and Mr. KILDEE.
H.R. 1193: Mr. FATTAH, Mr. LARSON of Connecticut, Mr. ROGERS of Kentucky, Mr. MEEKS of New York, Mr. SESTAK, Mrs. BONO, and Mr. CROWLEY.
H.R. 1198: Mr. ROGERS of Michigan.
H.R. 1216: Mr. FOSSELLA.
H.R. 1232: Mrs. BOYDA of Kansas.
H.R. 1237: Mr. SENSENBRENNER and Mr. KING of New York.
H.R. 1275: Ms. CASTOR.
H.R. 1293: Mr. CARNEY.
H.R. 1295: Mr. FEENEY.
H.R. 1304: Mr. BRALEY of Iowa.
H.R. 1320: Mrs. MUSGRAVE.
H.R. 1321: Mr. BUTTERFIELD, Mr. TOWNS, and Mr. MEEK of Florida.
H.R. 1328: Mr. PETERSON of Minnesota.
H.R. 1333: Mr. CARNEY.
H.R. 1357: Mr. CARNEY.
H.R. 1363: Mr. CLEAVER, Mr. UDALL of New Mexico, and Mr. CONYERS.
H.R. 1405: Mr. ETHERIDGE and Ms. CLARKE.
H.R. 1422: Mr. VAN HOLLEN and Mr. PERLMUTTER.
H.R. 1436: Mr. ALEXANDER.
H.R. 1440: Mr. HOLT.
H.R. 1464: Mr. GERLACH.
H.R. 1474: Mr. WALSH of New York and Ms. SCHWARTZ.
H.R. 1497: Ms. ESHOO.
H.R. 1512: Mr. GARY G. MILLER of California.
H.R. 1518: Ms. ZOE LOFGREN of California.
H.R. 1524: Mr. WYNN and Mr. HONDA.
H.R. 1542: Mr. VAN HOLLEN, Mr. DAVIS of Illinois, Mr. KILDEE, and Ms. LEE.
H.R. 1552: Mr. DEFAZIO and Ms. KILPATRICK.
H.R. 1553: Ms. FALLIN, Mr. JEFFERSON, Ms. BORDALLO, Mr. COHEN, Mr. ROSKAM, Mr. CALVERT, and Mr. COURTNEY.
H.R. 1576: Mr. FERGUSON.
H.R. 1584: Mr. CROWLEY.
H.R. 1608: Mrs. DAVIS of California.
H.R. 1609: Mr. MURPHY of Connecticut and Mr. JOHNSON of Georgia.
H.R. 1610: Mr. THOMPSON of California.
H.R. 1621: Mrs. LOWEY and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1647: Mr. LEWIS of Georgia, Mr. WYNN, and Mr. JONES of North Carolina.
H.R. 1665: Mrs. LOWEY.
H.R. 1711: Mr. SIRES and Ms. CASTOR.
H.R. 1728: Ms. ROYBAL-ALLARD.
H.R. 1738: Mr. PORTER, Mr. LEWIS of Georgia, and Mr. MCGOVERN.
H.R. 1740: Mr. GILCHREST.
H.R. 1742: Mr. PRICE of North Carolina and Ms. BERKLEY.
H.R. 1783: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1791: Mr. UDALL of Colorado.
H.R. 1829: Mr. ENGLISH of Pennsylvania.
H.R. 1866: Mr. LATOURETTE.
H.R. 1881: Mr. KILDEE.
H.R. 1884: Mr. SCHIFF and Mr. PERLMUTTER.
H.R. 1890: Mr. CARNEY.
H.R. 1909: Mr. CARNEY, Mr. GILCHREST, and Mr. FRANKS of Arizona.
H.R. 1921: Mr. TOWNS and Mr. MORAN of Kansas.
H.R. 1974: Mr. CHANDLER.
H.R. 1983: Ms. SCHWARTZ.
H.R. 1992: Mrs. LOWEY.
H.R. 2012: Mr. CARNEY.
H.R. 2046: Mr. BLUMENAUER.
H.R. 2053: Mr. UDALL of New Mexico, Mr. SESTAK, and Mr. LATOURETTE.
H.R. 2067: Mr. WESTMORELAND.
H.R. 2070: Mr. SIRES, Ms. BERKLEY, Mr. MCGOVERN, and Ms. CASTOR.
H.R. 2087: Ms. BERKLEY, Mr. SIRES, Mr. ALLEN, Mr. TIM MURPHY of Pennsylvania, Ms. CASTOR, Mr. COURTNEY, and Ms. SOLIS.
H. R. 2091: Mr. PATRICK MURPHY of Pennsylvania and Mr. CLEAVER.
H.R. 2108: Mr. NEAL of Massachusetts.
H.R. 2109: Mr. GARY G. MILLER of California.
H.R. 2166: Ms. CASTOR and Mr. SIRES.
H.R. 2169: Ms. LORETTA SANCHEZ of California, Mr. GORDON, Mr. SARBANES, Ms. ESHOO, Ms. ROYBAL-ALLARD, and Mrs. MALONEY of New York.
H.R. 2188: Ms. SCHWARTZ and Mr. CHANDLER.
H.R. 2210: Ms. ZOE LOFGREN of California.
H.R. 2231: Mr. WELCH of Vermont.
H.R. 2244: Mr. CARNEY.
H.R. 2265: Mr. STARK.
H.R. 2266: Mr. SHIMKUS.
H.R. 2267: Ms. SCHWARTZ and Mr. PITTS.
H.R. 2287: Mr. SIRES, Mr. KILDEE, Mr. ALTMIRE, Mr. COURTNEY, Mr. YARMUTH, Mr. SHUSTER, and Mrs. BIGGERT.
H.R. 2303: Mr. PORTER.
H.R. 2329: Mr. ROTHMAN.
H.R. 2332: Ms. GRANGER, Mrs. CAPITO, Mr. ALEXANDER, Mr. CARNEY, and Mr. WESTMORELAND.
H.R. 2353: Mr. GENE GREEN of Texas, Mr. CARNEY, and Mr. ISRAEL.
H.R. 2407: Mr. MOORE of Kansas.
H.R. 2438: Mr. ACKERMAN.
H.R. 2464: Mr. UDALL of New Mexico, Mr. ALLEN, Mr. CARNEY, and Mr. WEINER.
H.R. 2470: Mrs. CHRISTENSEN, Mr. SIRES, and Mr. UDALL of Colorado.
H.R. 2508: Mr. BARROW.
H.R. 2520: Mr. HODES.
H.R. 2522: Mr. SNYDER.
H.R. 2523: Mr. WYNN.
H.R. 2526: Mr. PASCRELL.
H.R. 2606: Ms. SCHWARTZ, Mr. CARNEY, Mr. MARKEY, and Mr. KAGEN.
H.R. 2609: Mr. MURPHY of Connecticut.
H.R. 2668: Mrs. CHRISTENSEN, Mr. SIRES, Mr. ALTMIRE, Mr. YARMUTH, Ms. BERKLEY, Mr. COURTNEY, Ms. CASTOR, Mr. KENNEDY, Mr. MOORE of Kansas, and Mr. SMITH of New Jersey.
H.R. 2674: Mr. HINOJOSA, Mr. BACA, Mr. SALAZAR, Mr. GONZALEZ, Mrs. NAPOLITANO, Mr. BECERRA, Mr. GUTIERREZ, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. SIRES, Mr. REYES, and Mr. HONDA.
H.R. 2695: Ms. CORRINE BROWN of Florida, Mrs. NAPOLITANO, and Mr. HOLT.
H.R. 2718: Mr. TOWNS.
H.R. 2744: Mr. LEWIS of Georgia and Mr. KUHL of New York.
H.R. 2762: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARNEY, Mr. ARCURI, Mrs. LOWEY, Mr. KENNEDY, Mr. CRENSHAW, Mr. COBLE, Mr. WEINER, Mr. GALLEGLY, Mr. ROSS, Mr. BRALEY of Iowa, Mr. KLEIN of Florida, Mr. JACKSON of Illinois, Mr. SULLIVAN, Mr. GRIJALVA, and Mr. WEXLER.
H.R. 2820: Mr. CARNEY.
H.R. 2826: Mr. WATT.
H.R. 2833: Ms. SCHWARTZ.
H.R. 2842: Mr. COURTNEY.
H.R. 2846: Mrs. CHRISTENSEN, Mr. ALTMIRE, Mr. SIRES, Mr. SCOTT of Georgia, Mr. COURTNEY, Ms. WOOLSEY, and Ms. CASTOR.
H.R. 2880: Mr. PORTER and Mr. MCCOTTER.
H.R. 2894: Mr. MITCHELL and Mr. PETERSON of Minnesota.
H.R. 2897: Mr. JACKSON of Illinois.
H.R. 2910: Mr. DELAHUNT.
H.R. 2915: Mr. SPRATT and Mr. COURTNEY.
H.R. 2933: Mr. GILCHREST.
H.R. 2946: Mrs. CHRISTENSEN, Mr. HONDA, and Mr. SIRES.
H.R. 2994: Mr. RUSH, Mr. KILDEE, Mr. DEAL of Georgia, and Mr. BUTTERFIELD.
H.R. 3010: Ms. SCHWARTZ, Mr. BOSWELL, and Mr. SPACE.
H.R. 3057: Mr. OLVER.
H.R. 3103: Mr. CALVERT.
H.R. 3107: Mr. ROSS.
H.R. 3109: Mr. JORDAN.
H.R. 3130: Mr. CARNEY.
H.R. 3133: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3136: Mrs. LOWEY.
H.R. 3175: Mr. AL GREEN of Texas.
H.R. 3196: Mr. KING of New York, Mr. KUHL of New York, and Mr. WEINER.
H.R. 3209: Mr. SESTAK.
H.R. 3212: Mr. PASTOR.
H.R. 3251: Mrs. CAPPS.
H.R. 3257: Mr. NEAL of Massachusetts.
H.R. 3282: Mr. KLEIN of Florida and Mr. KILDEE.

H.R. 3298: Mr. HOLDEN.
H.R. 3331: Mr. HONDA.
H.R. 3337: Mr. COHEN.
H.R. 3347: Mrs. CHRISTENSEN, Mr. GEORGE MILLER of California, and Mr. WYNN.
H.R. 3359: Mr. LARSON of Connecticut, Ms. FOXX, Mr. JORDAN, and Mr. FEENEY.
H.R. 3360: Mr. HALL of New York.
H.R. 3368: Mr. DICKS and Mr. WYNN.
H.R. 3372: Mr. INSLEE and Mr. JEFFERSON.
H.R. 3393: Ms. GIFFORDS, Mr. PETERSON of Minnesota, Mr. LEWIS of Georgia, and Mr. MCGOVERN.
H.R. 3396: Mr. ABERCROMBIE.
H.R. 3450: Ms. SCHAKOWSKY.
H.R. 3464: Mrs. CHRISTENSEN, Mr. FILNER, and Mr. CLAY.
H.R. 3496: Mr. BARROW.
H.R. 3531: Mr. GARY G. MILLER of California and Mr. WAMP.
H.R. 3533: Ms. WATSON, Mr. ROTHMAN, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. CARNEY, and Ms. CASTOR.
H.R. 3548: Mr. TOWNS.
H.R. 3616: Mrs. CAPITO.
H.R. 3635: Mr. HASTINGS of Florida.
H.R. 3636: Mr. KUCINICH, Mr. NADLER, Mr. HINCHEY, and Ms. LORETTA SANCHEZ of California.
H.R. 3637: Mr. AL GREEN of Texas.
H.R. 3646: Mr. GORDON.
H.R. 3654: Mrs. BOYDA of Kansas, Mr. LATHAM, Mr. BAIRD, Mr. PRICE of Georgia, and Mr. TOM DAVIS of Virginia.
H.R. 3660: Mr. BRALEY of Iowa and Ms. ZOE LOFGREN of California.
H.R. 3684: Mr. HIGGINS.
H.R. 3689: Mr. ENGEL and Mr. MCCAUL of Texas.
H.R. 3697: Mr. GENE GREEN of Texas.
H.R. 3700: Mr. JACKSON of Illinois and Mr. BRALEY of Iowa.
H.R. 3718: Mr. WILSON of Ohio.
H.R. 3738: Mr. STEARNS.
H.R. 3749: Mr. CARNEY.
H.R. 3750: Mr. ROTHMAN and Mr. JONES of North Carolina.
H.R. 3781: Mr. POMEROY.
H.R. 3793: Mr. HAYES, Mr. BARTON of Texas, Mr. SIRES, Mr. MILLER of North Carolina, Mr. WELDON of Florida, Mr. WEXLER, Ms. CASTOR, Mr. KINGSTON, Mr. ACKERMAN, Mr. REYES, Ms. LORETTA SANCHEZ of California, Mr. ORTIZ, Mr. GRIJALVA, Mr. MCINTYRE, Mr. LANGEVIN, Mr. COHEN, Mr. CAPUANO, Mr. FRANK of Massachusetts, Ms. ZOE LOFGREN of California, Mr. MCNERNEY, Mr. POMEROY, Ms. HARMAN, Mr. DEFAZIO, Mr. ENGEL, Mr. HOLT, Mr. KLEIN of Florida, Mr. GENE GREEN of Texas, Mr. LARSON of Connecticut, Mr. RAHALL, Mr. MAHONEY of Florida, Mr. CUMMINGS, Mr. ISRAEL, Mr. MCNULTY, Mrs. MCCARTHY of New York, Mr. PERLMUTTER, Mr. WATT, Mr. PICKERING, Mr. NEAL of Massachusetts, Ms. ROYBAL-ALLARD, Mr. MEEKS of New York, Mr. PASTOR, Mr. INSLEE, Mr. VAN HOLLEN, Mr. BUTTERFIELD, Mr. DOGGETT, Mr. TANNER, Mr. MARSHALL, Mrs. MALONEY of New York, Mr. JACKSON of Illinois, Mr. ABERCROMBIE, Mr. BISHOP of Georgia, Mr. WELCH of Vermont, Mr. SCOTT of Virginia, Mr. BISHOP of New York, Mr. VISCLOSKY, Mr. DAVIS of Kentucky, Mr. AL GREEN of Texas, Mr. ROTHMAN, Mr. PRICE of North Carolina, Mr. BERMAN, Mr. GUTIERREZ, Mr. DICKS, Mr. CARDOZA, Mr. EDWARDS, Mr. RUSH, Ms. BALDWIN, Mr. DAVIS of Illinois, Mrs. CAPITO, Mr. BOSWELL, Mr. DINGELL, Mr. WILSON of Ohio, Mr. HASTINGS of Florida, Mr. RYAN of Ohio, Mr. CLEAVER, Mr. ARCURI, Mr. NADLER, Mr. WYNN, Mr. HODES, Mr. LIPINSKI, Mr. COSTA, Mr. EMANUEL, Mr. CUELLAR, Mr. LANTOS, Mr. HONDA, Mr. WEINER, Mr. BACA, Ms. BEAN, Mr. RODRIGUEZ, Mrs. CAPPS, Mr. WAXMAN, Mr. DELAHUNT, Mrs. LOWEY, and Mr. TOM DAVIS of Virginia.
H.R. 3797: Mr. BRADY of Pennsylvania, Mr. WELCH of Vermont, Mr. FARR, Mr. YOUNG of Alaska, and Ms. CASTOR.
H.R. 3800: Ms. LORETTA SANCHEZ of California.
H.R. 3807: Mr. ETHERIDGE.
H.R. 3817: Mr. REHBERG.
H.R. 3818: Mr. COBLE and Mr. JONES of North Carolina.
H.R. 3825: Mr. SHAYS, Mr. ENGEL, Mr. GENE GREEN of Texas, Mrs. TAUSCHER, Mr. ALLEN, Mr. GRIJALVA, Mr. GONZALEZ, Ms. HERSETH SANDLIN, Mr. SIRES, Mr. BOUCHER, Mrs. CAPPS, Mr. BACA, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. SALAZAR, Mr. LAMPSON, Ms. SOLIS, Ms. VELÁZQUEZ, Mr. RODRIGUEZ, Mr. CARDOZA, Mr. BECERRA, Mr. STARK, Ms. LORETTA SANCHEZ of California, Mr. CUELLAR, Mr. GUTIERREZ, Mr. SERRANO, Ms. LINDA T. SÁNCHEZ of California, Ms. DELAURO, Mrs. LOWEY, Ms. LEE, Mr. JACKSON of Illinois, Mr. KENNEDY, Mr. HONDA, Mr. RYAN of Ohio, Ms. WASSERMAN SCHULTZ, Ms. BERKLEY, and Ms. RICHARDSON.
H.R. 3834: Mr. RYAN of Ohio.
H.R. 3835: Mr. WELCH of Vermont and Mr. KUCINICH.
H.R. 3836: Ms. RICHARDSON and Mr. UDALL of Colorado.
H.R. 3861: Mr. GERLACH, Mr. SESSIONS, and Mr. CUMMINGS.
H.R. 3865: Mr. GONZALEZ, Ms. CLARKE, Mr. ALTMIRE, Mr. RYAN of Ohio, Ms. ZOE LOFGREN of California, Mr. SIRES, Mr. REYNOLDS, and Mr. HODES.
H.R. 3870: Mr. ELLISON.
H.R. 3874: Mr. MOORE of Kansas.
H.R. 3886: Mr. MCNULTY.
H.R. 3887: Mr. BACHUS, Mr. RAMSTAD, Mr. BILIRAKIS, Mr. FORTUÑO, and Ms. CLARKE.
H.R. 3890: Ms. ESHOO, Mr. DEFAZIO, Mr. WELCH of Vermont, Mr. SOUDER, and Mr. KENNEDY.
H.R. 3903: Mr. DONNELLY.
H.R. 3916: Mr. MITCHELL and Ms. GIFFORDS.
H.R. 3932: Mr. PRICE of North Carolina, Mr. KILDEE, and Mr. CLAY.
H.R. 3934: Mrs. TAUSCHER and Mr. ROTHMAN.
H.R. 3947: Mr. WU, Mr. BAIRD, and Mr. BRALEY of Iowa.
H.R. 3951: Ms. ROYBAL-ALLARD.
H.R. 3958: Mr. PENCE.
H.R. 3966: Mr. HONDA.
H.R. 3968: Mr. BOUCHER.
H.R. 3981: Ms. PRYCE of Ohio and Mr. REYNOLDS.
H.R. 3995: Mr. SHAYS.
H.R. 4001: Mr. LEWIS of Kentucky.
H.R. 4008: Mr. COHEN and Ms. CASTOR.
H.R. 4014: Mr. GENE GREEN of Texas.
H.R. 4015: Mr. GENE GREEN of Texas.
H.R. 4016: Mr. GENE GREEN of Texas.
H.R. 4029: Mr. ALLEN.
H.R. 4040: Mr. WALSH of New York, Mr. DEFAZIO, Mr. MCNULTY, Mr. HASTINGS of Florida, Mr. WILSON of Ohio, Ms. GIFFORDS, Ms. CASTOR, Ms. LEE, and Mr. LANGEVIN.
H.R. 4053: Mr. WILSON of Ohio.
H.R. 4063: Ms. WOOLSEY.
H.R. 4067: Mr. SARBANES.
H.R. 4078: Mrs. EMERSON.
H.R. 4088: Mrs. MUSGRAVE, Mr. BILIRAKIS, Mr. MORAN of Kansas, Mr. GOHMERT, Mr. BURGESS, Mr. WHITFIELD, and Mr. GILCHREST.
H.R. 4096: Mr. CAMPBELL of California.
H.R. 4100: Mr. KIRK.
H.R. 4105: Ms. MATSUI, Mr. FARR, and Mr. ELLISON.
H.R. 4114: Mr. COURTNEY and Mr. CASTLE.
H.R. 4119: Mr. ROHRABACHER.
H.R. 4130: Mrs. BLACKBURN.
H.R. 4132: Mr. PAUL and Mr. CANTOR.
H.R. 4149: Mrs. MYRICK.
H.R. 4155: Mr. MCINTYRE.
H.R. 4160: Mr. GERLACH, Ms. GINNY BROWN-WAITE of Florida, Mr. CARTER, Mr. FORTENBERRY, Mr. GILCHREST, and Mr. UPTON.
H.R. 4165: Mr. FEENEY.
H.R. 4171: Mr. ADERHOLT, Mr. TIAHRT, Mr. CALVERT, Mr. MCCOTTER, Mr. LAMBORN, and Mr. ISSA.
H.R. 4174: Mrs. CAPPS.
H.R. 4176: Mr. CARTER, Mr. GILCHREST, Mr. BUCHANAN, Mr. SMITH of New Jersey, Mr. BARTLETT of Maryland, Mr. BARROW, and Mr. UPTON.
H.J. Res. 54: Mr. REYNOLDS, Mr. SMITH of Texas, and Mrs. DRAKE.
H. Con. Res. 81: Mr. KING of New York, Mr. MURTHA, and Mr. ROTHMAN.
H. Con. Res. 204: Mr. Gary G. Miller of California.
H. Con. Res. 214: Ms. WATERS, Mr. DAVIS of Illinois, and Mr. PAYNE.
H. Con. Res. 237: Mr. MCCOTTER.
H. Con. Res. 239: Mr. WILSON of Ohio, Mr. GARY G. MILLER of California, Mr. CALVERT, and Mr. WOLF.
H. Con. Res. 244: Mr. WILSON of Ohio, Mr. BARROW, Mr. REHBERG, Mr. BRALEY of Iowa, Mr. CAMPBELL of California, Mr. FRANKS of Arizona, Mrs. MCMORRIS RODGERS, and Mr. TIAHRT.
H. Con. Res. 256: Mr. MCCOTTER.
H. Res. 102: Mr. TANCREDO.
H. Res. 111: Mr. MCHUGH, Mr. KANJORSKI, Mrs. MYRICK, Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, Mr. BROUN of Georgia, Mr. SENSENBRENNER, and Mr. ETHERIDGE.
H. Res. 148: Mr. PASCRELL.
H. Res. 175: Mr. CARNEY.
H. Res. 356: Mr. ROTHMAN, Mr. CARTER, Mr. MARKEY, and Mr. GINGREY.
H. Res. 457: Mr. KIRK.
H. Res. 556: Mr. SOUDER.
H. Res. 661: Ms. RICHARDSON and Mr. BOOZMAN.
H. Res. 690: Mr. WOLF and Mr. FOSSELLA.
H. Res. 705: Mr. CALVERT.
H. Res. 743: Mr. HIGGINS.
H. Res. 748: Mr. MCCARTHY of California.
H. Res. 783: Mr. WHITFIELD.
H. Res. 785: Ms. ROYBAL-ALLARD.
H. Res. 786: Mr. FORBES.
H. Res. 796: Mr. SHAYS.
H. Res. 800: Mr. BROWN of South Carolina, Mr. FORBES, Mr. CALVERT, Mr. MCKEON, Mr. TERRY, Mr. LAMBORN, Mr. ADERHOLT, Mrs. BLACKBURN, Mr. STEARNS, Mr. JORDAN, Mr. PLATTS, Mr. WAMP, Mr. GILCHREST, and Mr. UPTON.
H. Res. 814: Mr. BLUMENAUER.
H. Res. 815: Mr. PETERSON of Minnesota, Mr. DAVIS of Illinois, Mr. SHULER, Mr. VISCLOSKY, Mr. LINDER, and Mr. BOUCHER.
H. Res. 819: Ms. BALDWIN and Mr. ARCURI.
H. Res. 821: Mr. BILIRAKIS and Mr. WOLF.
H. Res. 826: Mr. LANTOS.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

186. The SPEAKER presented a petition of the Coral Springs/Parkland Democratice Club, Florida, relative to a Resolution expressing dissatisfaction with the continued funding or continued presence in Iraq beyond the safe withdrawal of troops; to the Committee on Armed Services.

187. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-1110-07 urging the Legislature of the State of Florida, the Florida Office of Insurance Regulation, and the Citizens Property Insurance Corporation to develop and implement a system for providing homeowners discounts on their property insurance if they install carbon monoxide detectors; to the Committee on Financial Services.

188. Also, a petition of the Martin Luther King, Jr. County Labor Council, Washington, relative to a Resolution opposing the reauthorization proposal for the No Child Left Behind Act (NCLB); to the Committee on Education and Labor.

189. Also, a petition of Po Kee Wong, a citizen of Silver Spring, Maryland, relative to petitioning the Congress of the United States for an appeal for redress; to the Committee on the Judiciary.

190. Also, a petition of Ms. Victoria Lin, a citizen of San Mateo, California, relative to petitioning the Congress of the United States for an appeal for redress; to the Committee on the Judiciary.

191. Also, a petition of the Council of the District of Columbia, relative to Council Resolution No. 17-378, the ''Sense of the Council Urging the Federal Government to Adopt a Sensible Immigration Policy Emergency Resolution of 2007''; to the Committee on the Judiciary.

192. Also, a petition of the League of United Latin American Citizens, Texas, relative to a Resolution pertaining to the need for humanitarian assistance for Ramiro ''Ramsey'' Muniz; to the Committee on the Judiciary.

193. Also, a petition of the County of Los Angeles Department of Mental Health, California, relative to a Resolution commenting on the Proposed Medicaid Medicare Rehabilitation Rule Changes; jointly to the Committees on Energy and Commerce and Ways and Means.

194. Also, a petition of the City Commission of the City of Parkland, Florida, relative to Resolution No. 2007-97 supporting Senate Bill 1115, the ''Energy Efficiency Promotion Act''; jointly to the Committees on Education and Labor, Energy and Commerce, and Oversight and Government Reform.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 4. November 15, 2007, by Mr. ROBERT B. ADERHOLT on House Resolution 748, was signed by the following Members: Robert B. Aderholt, Joe Barton, Louie Gohmert, and Michael C. Burgess.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, THURSDAY, NOVEMBER 15, 2007 No. 177

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KEN SALAZAR, a Senator from the State of Colorado.

PRAYER

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

Let us pray.

Eternal Lord God, at a time when people expect much from their leaders, give these public servants the wisdom to do the work of legislation, administration, and justice for the common good. When criticism comes from those who expect miracles and look for weakness, give to the Members of the Senate, their families, and staffs the grace of patience and love. Help them to be compassionate and forgiving toward the critics who would tear down and destroy. Give them courage to live above hostility and to be faithful to their tasks when circumstances are discouraging and negative. Lord, brace them in Your strength against the enervating effects of frustration and futility as You infuse them with confidence in Your providential power. Bless them, Lord, with love, laughter, and life. We offer this prayer in the spirit of Him who came to set us free. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KEN SALAZAR 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 15, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MINORITY LEADER

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

VETERANS SPENDING

Mr. MCCONNELL. Mr. President, if the majority leader is not coming out, I will use a little of my leader time.

Americans were shocked earlier this year to learn about the conditions at Walter Reed Medical Center, and Members of Congress were right to seize the moment by pledging to veterans they would do everything they could to give them what they need. As Speaker PELOSI put it, in the military, we always say: In battle, we will never leave a soldier in the battlefield; and we say when they come home, we will not abandon them, so we should have the best possible opportunities for them when they do come home.

The veterans spending bill gave Speaker PELOSI and the rest of the Democrats in Congress an opportunity to make good on that pledge. So far, that opportunity has been squandered. The veterans bill was ready more than 2 months ago. It had overwhelming bipartisan support in both Chambers. The House version passed in June by a vote of 409 to 2, the Senate version passed in September by a vote of 92 to 1, and the President has been ready to sign it for weeks. What is the holdup? Democrats must have decided somehow it works to their advantage to hold onto this bill for political leverage. We know this because they attached it to a bill the President said he would reject, and which he did reject, and now it is back on the shelf and veterans are still waiting. Americans need to know what is going on. The majority is holding onto this bill which contains money for critical new programs for veterans returning from battle.

There is still time to change course and we must. So I call on the majority to end this game. The fiscal year has come and gone without acting on this bill. Veterans Day passed without enacting the bill. Now is the time to take it off the shelf, blow the dust off, and get it to the President's desk for his signature before the Thanksgiving recess.

The majority's strategy on this bill is meant to put pressure on President Bush, but all it is doing is putting pressure on our already strained VA and delaying critical help to veterans and their families. Troops are finally coming home from Iraq. They deserve better than this when they get here, remove their uniforms, and return to our communities.

At this moment, two very good and worthy goals stand before us: funding our veterans and getting funding for our troops in harm's way. We promised them we would do this with both the Gregg and Murray amendments earlier this year. We can achieve it before the recess. Republicans are ready. I would call on the Democrats to join us in achieving these good things before the recess.

HONORING OUR ARMED FORCES

SERGEANT MATTHEW L. DECKARD

Mr. MCCONNELL. Mr. President, I rise today because a son of Kentucky has fallen. I am speaking of SGT Matthew L. Deckard of Elizabethtown, KY. He was 29 years old.

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

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On September 16, 2005, Sergeant Deckard was driving an M1A1 Abrams tank during patrol operations in Baghdad when an improvised explosive device set by terrorists detonated near another tank in his patrol, killing two soldiers and wounding two others.

Sergeant Deckard heroically left the shelter—left the shelter—of his M1A1 Abrams to help tend to his fallen and wounded comrades. Shortly after returning to his own tank, a second device exploded, this time tragically taking Sergeant Deckard's life.

For his courage and bravery as a soldier, Sergeant Deckard received numerous medals and awards, including the Bronze Star Medal and two Purple Hearts. His family saw him laid to rest in Harlan, KY, with full military honors.

Sergeant Deckard—Matt to his family and friends—was in that tank because he wanted to be there. More specifically, he wanted to follow in the footsteps of his stepfather, Glenn Gill, a retired U.S. Army staff sergeant and former tanker himself.

Matt was ''learning about the M1 tank before he ever went into the Army,'' Mr. Gill says.

When the M1 Abrams tank was still new in the early 1980s, Mr. Gill would receive the tank's training manuals. Young Matt often borrowed them to read. He borrowed them so often that when Mr. Gill couldn't find one of his manuals, he knew right where to look.

Matt grew up in Elizabethtown, and he also spent several years of his childhood at Fort Knox, KY, where his stepfather was stationed. A ''normal country boy,'' as his stepfather describes him, he grew up hunting, fishing and learning to work on cars.

Matt graduated from Elizabethtown High School in 1994, and in December of that year married his high school sweetheart, Angela. Then in January 1995, Matt fulfilled his lifelong goal and joined the U.S. Army.

Matt took his training at Fort Knox, did a tour of duty in South Korea, and was assigned to the 4th Battalion, 64th Armor Regiment, 4th Brigade Combat Team, 3rd Infantry Division at Fort Stewart, GA.

Matt and Angela were blessed with three children, and Matt's family was the pride of his life. Daughter Makayla was his ''princess,'' elder son Matthew Noah his ''little man,'' and younger son Austin the baby of the family. Matt loved to take his kids fishing or to the beach.

Family came first whenever Matt had time away from work. ''We had date nights, just me and him,'' says his wife, Angela. ''We had movie nights with the kids. When he came home for R&R, or just any time he came home from work, he would just jump for joy that they were right there with him. It made his night, every night.''

Matt was deployed to Iraq twice. The first time, he was originally sent to Kuwait in November 2002, later moving into Iraq and staying there until August 2003. He was among the first American troops to enter Baghdad in the liberation of that country from dictatorship in 2003.

Matt's second Iraq deployment began in January 2005. An experienced soldier with 10 years of service, he spent his time where he had always wanted to—around tanks. He served as a driver, gunner, and loader.

''Matt was in the Army as a career soldier and to make a better life for his family,'' Mr. Gill says. ''Definitely, he loved it. . . . That was his ambition.''

The family he left behind is in my thoughts and prayers today as I recount Matt's story. I wish to recognize his wife, Angela, his mother and stepfather, Cassie and Glenn Gill, his daughter, Makayla, his sons, Matthew Noah and Austin, his brother, Michael Deckard, his sister, Michelle Best, and other beloved family members and friends.

Today, in the Elizabethtown Memorial Gardens cemetery in Elizabethtown, KY, there is a monument to Sergeant Deckard. His family designed it, had it built, and with help from friends, paid for it to be erected in tribute to their lost husband, son, brother, and father.

Matt's family held a dedication ceremony for this monument on February 3 of this year. A color guard team from Fort Knox raised the flags, and the local American Legion post performed the wreath-laying ceremony.

Flying underneath the American flag, Matt's stepfather, Glenn, has raised the Armed Forces Memorial Tribute flag, so we will never forget the brave men and women in uniform who have given their lives for this Nation.

On the monument, Matt's face is boldly etched into a slab of black granite. Next to that perches a bronze eagle. Underneath the eagle are the words, ''Freedom is not free.''

The loss of Sergeant Deckard proves that true. His family and friends all have paid a very heavy price.

Nothing we can say here today can ease their terrible loss. But we can remind them that Matt lived to fulfill—in the words of his stepfather, whose career path he followed—his life's ambition.

And we can reassure them that America will forever honor and remember SGT Matthew L. Deckard's sacrifice.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the Senator from Wisconsin, Mr. FEINGOLD, recognized first for 15 minutes and with Republicans controlling the next 30 minutes, and the majority controlling the final 15 minutes.

The Senator from Wisconsin.

IRAQ

Mr. FEINGOLD. Mr. President, I ask the Chair to notify me when I have 1 minute left on my time, and I thank the Chair; and I, of course, join the Republican leader in paying tribute to all the members of our Armed Forces, those who continue to serve, those who have completed their service, and particularly those whom we have lost and their families.

But the Senate still needs to address Iraq. The American people voted a year ago to end the war and we haven't followed through. We need to address this issue and to end this misguided war now, before more Americans are injured and killed.

The bridge fund passed yesterday by the House isn't good enough. The goal for redeployment doesn't cut it. We need a binding deadline, which means we need to pass the Feingold-Reid bill.

Despite recent reports of a downturn in violence in Iraq, violence remains at unacceptable levels. 2007 has already been declared the bloodiest year since the war in Iraq started, and that is with almost 2 months still to go. Those counts don't bring in the number of Iraqis killed. On a relatively quiet day earlier this week, with no reported coalition tragedies, at least 33 Iraqis were killed and an equal number wounded in violence around the country. We can't say violence is down when violence around the country remains so high, when so many Americans are being killed and when so many Iraqis are afraid to walk the streets.

The underlying reality is we are working with both sides of the Iraqi civil war and deepening our dependence on former insurgents and militia-infiltrated security forces.

Meanwhile, the situation in the North and South is precarious at best. Unrest in these areas threatens the security of our supply lines.

The most recent National Intelligence Estimate largely attributed the decline in violence—particularly in Baghdad—to population displacements. Baghdad is now predominantly Shi'ite. While the purpose of the surge was to foster reconciliation, the reality is that the number of Iraqis displaced by the conflict doubled since the start of the surge, adding to millions already pushed out of their homes from 2003 to 2006.

Meanwhile, we have put our troops outside the forward operating bases in more dangerous territory for the purpose of policing the Iraqi civil war. When they are out in those joint security stations, they have to spend half

their time watching their backs because our ''allies'' are former Sunni insurgents and Iraqi Security Forces, neither of whom can be trusted.

We continue to supposedly ''train'' Iraqi Security Forces despite the fact that we finished training over 300,000 of them over a year ago. Of course, we may well be simply contributing to the Iraqi civil war by ''training'' and arming forces that are infiltrated by militias. We can't even account for the guns we have given them.

The ''al Anbar'' strategy—signing cease fires I with insurgents who were attacking our guys not too long ago—does not have the support of the Iraqi government. It is a poor substitute for meaningful reconciliation, which supposedly the surge is going to foster. Now the administration is shifting the goal posts and talking about ''bottom-up'' reconciliation.

We have seen the levels of violence in Iraq shift before—this is nothing new. If my colleagues think the surge is working and violence is down—let's get out while the getting is good. Without meaningful reconciliation, the violence will spike up again, that's for sure. So let's not wait around for that to happen.

Many U.S. troops currently in Iraq are now in their second or third tours of duty. Approximately 95 percent of the Army National Guard's combat battalions and special operations units have been mobilized since 9/11.

Mr. President, 1.4 million Americans have served in Iraq, and over 400,000 have served multiple tours in Iraq and Afghanistan. Nearly 4,000 have been killed in Iraq and over 27,000 have been wounded.

The Army cannot maintain its current pace of operations in Iraq without seriously damaging the military. Young officers are leaving the service at an alarming rate.

Readiness levels for the Army are at lows not seen since Vietnam. Every active Army brigade currently not deployed is unprepared to perform its wartime mission.

More than two-thirds of active duty Army brigades are unready for missions because of manpower and equipment shortages—most of which can be attributed to Iraq.

There are insufficient Reserves to respond to additional conflicts or crises around the world, of which there are, of course, potentially many.

This failure to prioritize correctly has left vital missions unattended. Natural disaster response, U.S. border security, and international efforts to combat al Qaida are all suffering due to the strain on military forces caused by poor strategy and failed leadership in Iraq.

Thousands of our troops have returned home with invisible wounds; such as PTSD and TBI—traumatic brain injury, which will have a long-term impact on veterans and their families. These invisible wounds are not counted in the casualty numbers, but we will be struggling with them for a generation or more.

The cost of the War? America has been in Iraq longer than it was in World War II.

Secretary Rumsfeld said the war would cost less than $50 billion. The administration has now requested over $600 billion for the war.

If we don't change course in Iraq, the cost of the war is likely to balloon to $3.5 trillion.

If we keep a ''Korea-like presence'' in Iraq, as Secretary Gates has predicted, this means we will have 55,000 troops in Iraq by 2013—a level that remains constant until 2017. And while this drop would certainly be cheaper, it would still mean an additional $690 billion. CBO has estimated that, just paying the interest on the money we have borrowed to pay for the war to date, will cost another $415 billion.

We are currently spending nearly $9 billion a month in Iraq. In 3 months in Iraq, we spend nearly the same amount that we spend on foreign relations and aid worldwide in 1 year.

The fiscal year total spending of the war—$150 billion—is greater than the combination of spending on our national transportation infrastructure, health research, customs and border protection, higher education assistance, environmental protection, Head Start, and the CHIP program. Our national programs are being neglected because of this disastrous war and future generations will bear the brunt of our misguided policy.

The costs are only rising. We spent twice as much this year in Iraq as we did in 2004.

The President continues to mislead the country about al-Qaida and Iraq. Contrary to the President's assertions, Pakistan and Afghanistan, not Iraq, are the key theater in this global conflict. While the administration has focused on Iraq, al-Qaida has reconstituted itself along the Afghanistan-Pakistan border.

The President also presents a false choice between fighting al-Qaida in Iraq and doing nothing. Every single redeployment proposal includes the option of targeted operations against al-Qaida within Iraq. The difference is that the President seems to think that 160,000 or 180,000 troops, sent to Iraq for an entirely different purpose, need to stay.

We cannot ignore the rest of the world to focus solely on Iraq. Al-Qaida is and will continue to be a global terrorist organization with dangerous affiliates around the world. Contrary to what the administration has implied, al-Qaida is not abandoning its efforts to fight us globally so that it can fight us in Iraq. That is absurd.

We need a robust military presence and effective reconstruction program in Afghanistan. We need to build strong partnerships where AQ and its affiliates are operating—across North Africa, in Southeast Asia, and along the border between Afghanistan and Pakistan. And we need to address the root causes of the terrorist threat, not just rely on military power to get the job done.

For example, right now, Iran's strategic position continues to improve and the situation on the Turkish border is explosive. We are bogged down in Iraq and exposed to attack from all sides, and our ability to promote regional stability from a position of strength is undermined.

Maintaining a huge, open-ended presence is igniting tensions in the region, and playing into the hands of the Iranian regime. Iran is able to expand their influence while we take the hits, in terms of casualties and finances. Our open-ended presence in Iraq is a blessing for Iran because it provides them with a buffer and mitigates any potential conflict between those two countries. It also removes any incentive for Iran to engage in a constructive manner.

Maintaining a significant U.S. troop presence in Iraq is undermining our ability to deter Iran as it increases its influence in Iraq, becomes bolder in its nuclear aspirations, and continues to support Hezbollah.

The American people want us out of Iraq. The administration's policy is clearly untenable. The American people know that, which is why they voted the way they did in November. More than 60 percent of Americans are in favor of a phased withdrawal. They do not want to pass this problem off to another President, and another Congress. And they sure don't want another American servicemember to die, or lose a limb, while elected representatives put their own political comfort over the wishes of their constituents.

The Feingold-Reid amendment requires the President to safely redeploy U.S. troops from Iraq by June 30, 2008. At that point, funding for military operations in Iraq is terminated, with narrow exceptions for targeted operations against al-Qaida and its affiliates; providing security for U.S. Government personnel and infrastructure; and training Iraqis.

We have narrowed the training exception to prevent training of Iraqi Security Forces—ISF—who took part in sectarian violence or attacks against U.S. troops. The exception also prohibits U.S. troops training Iraqis from being embedded with or taking part in combat operations with the ISF. These changes are intended to address concerns about the performance of the ISF—which has been infiltrated by Shia militias and accused of attacks upon U.S. troops—and to make sure that ''training'' is not used as a loophole to allow substantial numbers of U.S. troops to remain in Iraq for combat purposes.

The other two exceptions are appropriately narrow: the counterterrorism exception applies to operations against al-Qaida and affiliated international terrorist organizations, while force protection applies to protecting U.S.

Government personnel and infrastructure.

The time has come for the Senate to seriously engage on this issue. The costs and the tragedy of this war are plainly unacceptable and contrary to the will of the American people.

UNANIMOUS-CONSENT REQUEST—S. 1077

Mr. President, I now ask unanimous consent that S. 1077 be discharged from the Foreign Relations Committee, be placed on the calendar, and at a time to be determined by the majority leader following consultation with the Republican leader, the Senate may proceed to consideration of S. 1077 and it be considered under the following limitations: that the only amendment in order be a Feingold-Reid amendment which is the text of the amendment offered on the DOD authorization measure; that there be a total time limitation of 2 hours of debate on the bill and the amendment, with the time divided and controlled in the usual form, and upon the use of that time the Senate proceed to vote in relation to the amendment; that upon disposition of the amendment, the bill, as amended, if amended, be read a third time and the Senate then proceed to vote on passage of the bill, without further intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BOND. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Wisconsin.

Mr. FEINGOLD. I am, of course, disappointed Republicans have again blocked us from debating and voting on legislation to end the war in Iraq. S. 1077 is the bill I introduced with the majority leader, HARRY REID, and eight other Senators earlier this year to safely redeploy troops from Iraq. The substitute amendment is the amendment we offered to the Defense authorization bill in September. It is, in effect, just a tweaked version of S. 1077. The majority leader joins me in these efforts.

There is simply no good reason to block a vote on this important bill. I assure my colleagues I am not going to go away, and this issue will not go away either, much as they might prefer it. Until Congress brings a halt to the President's open-ended, misguided war in Iraq, we will have debates and votes on this issue again and again and again.

I yield the floor.

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

Mr. BOND. Mr. President, here we go again. We have had an effort to take another vote on whether we should pull out of Iraq. Apparently, it is based on public opinion polls. Some think it would be popular, and certainly the moveon.org and Code Pink wing of the majority party would be very happy if we could have crammed down a measure to make a substantial change in our policy without even allowing an amendment. It is absolutely unacceptable on its face.

I object not only on behalf of myself and many of my colleagues but for the brave men and women from America who volunteered to go into harm's way for our security and to promote security in the world. Retreat and defeat may be politically popular with some, but this kind of poison pill does great injustice to what our American volunteers have done. From the people on the ground, when we first started considering these retreat-and-defeat measures, I heard a very heartfelt plea: We have made too many contributions and made too many sacrifices to see it all go for naught because of political maneuvering on Capitol Hill. That comes from people who have seen their comrades fall in battle.

This year alone, the Democrats have attempted at least nine times to force the President to change the military strategy and tactics in Iraq, on the misbegotten notion that somehow we, in this comfortable setting of Congress, can make better military, tactical, and strategic decisions than our commanders on the ground. I find that deplorable.

It used to be the tradition of this body, of America, that we supported our troops when they were going in harm's way. Now some are doing everything possible to undermine their efforts. Nine times they have tried to change the policy. After 77 of us voted to send troops into Iraq because we knew it was a dangerous place, we found out—by the Iraq Survey Group—that it was even more dangerous.

Make no mistake, while some in this body may not think Iraq is important, two people whose activities I try to follow fairly closely in intelligence, Osama bin Laden and Ayman al-Zawahiri, his No. 2 man, think Iraq should be the headquarters of their caliphate, the headquarters of their vicious terrorist empire that wants to subjugate the region and threaten the United States.

Now, however, there is a key difference from earlier because we are seeing dramatic improvements in the security situation in Iraq, in particular in Al Anbar Province, which a year ago was a deadly place, a deadly place into which American troops could only go under heavy fire.

My son and several thousand marines are coming home because they have succeeded. Yes, there is a strategy for drawing down our troops. The President has announced it. It is called ''return on success.'' We bring the troops back when they have succeeded in their mission.

In Iraq, in Al Anbar, I have heard from people who are imbedded with Iraqi security forces that times have changed. There now are Iraqi citizen groups, citizen watch groups, who look for IEDs, who will identify foreign terrorists—al-Qaida types—who come into the area, and who will point out factories designed to build explosive vehicles. They turn that over to the Iraqi police in the area, and they clean it up. I have heard from a guy on the ground who is responsible for maintaining stability and security from the terrorists that the marines were no longer needed. So they are coming back. This is being replicated in places throughout Iraq.

Have we finished? We have not finished the job. There are still other areas, but it means we are succeeding. Iraqis are going about their normal business. Unfortunately for our fighting men and women and the Iraqi people who put their trust in us to see this mission through, too rarely are their successes being reported. They are ignored, although the New York Times, on the back page, I think, this past weekend, pointed out that we had routed al-Qaida in Iraq. Surprise. That wasn't on the front page, did not make headlines, because it has indicated a major change. Have you heard much about the success of General Petraeus and the counterinsurgency strategy after he testified on Capitol Hill? If you are like most Americans, the answer is you have heard very little, because it has fundamentally changed. While the media has always been quick to report bombings and failures in Iraq, it is simply not providing all of the good news.

They have been remarkably successful in 2007 in reducing violence. Yes, with the surge, with the new strategy, there was violence. But, according to General Odierno, the operational commander of U.S. forces in Iraq, enemy attacks are now at their lowest level since January 2006 and continue to drop. There has been a 60-percent decrease in IED attacks.

The reduction in violence is partly as a result of the presence of additional American forces and their adoption of the sound counterinsurgency strategy—go in and clear an area, work with the Iraqi security forces, and help them build an economy, a neighborhood, a safe place. It is also because the leaders on the ground in Iraq, the Sunni sheiks, have said—they have seen what continued terrorist attacks do to their country, to their people. The most frequent victims are Iraqis, good Muslim Iraqis who are being killed by the terrorists. They want to cooperate with us, and they are building, from the ground up, a stable, reliable, peaceful control over the area with the Iraqi security forces. Yes, some of them fought against us in the past, but they are now on our side because we are on their side and we are helping them. And when they take over, we will move back.

Now, I am fully aware of and concerned about the lack of political reconciliation. But, again, from boots on the ground, I hear: How do you expect them to establish a perfect democracy when this country is still not secure? Our goal in Iraq must be to work with the Iraqis, the Iraqi security forces, and responsible leaders to establish relative peace and security in the area.

What would happen if we withdrew precipitously for a political goal? We learned in an open hearing of the Intelligence Committee in January that if we pull out before we have stabilized this area and left in place Iraqi security forces, there would be chaos, and three bad things would happen: No. 1, there would be greatly increased violence among Sunni and Shia; there would likely be intervention by other states coming into Iraq to protect their coreligionists, potentially a civil war spreading into a region-wide war in a vital security and energy part of the world; but most dangerous for United States, and this is something my colleagues who want to cut and run seem to refuse to acknowledge, is that al-Qaida would be able to establish a safe haven. Yes, they have been driven off to the hills, the mountainous regions somewhere in Afghanistan and Pakistan, but they cannot mobilize and exercise their command and control. If they had a place for command and control, had access to the oil riches of Iraq to fund their deeds, we would be significantly at greater risk to weapons of mass destruction attacks by terrorist groups funded and supported by al-Qaida.

We need to be realistic in defining what reconciliation is. It is a long process. To this day, for example, not all outstanding political tensions have been reconciled in Northern Ireland, in Bosnia, or Kosovo. Yet the civil wars and the terrorist campaigns that once threatened to engulf those areas have ended, and competing factions are pursuing their agendas primarily by peaceful political means.

Our men and women in uniform are fighting in Iraq to bring violence under control, to destroy al-Qaida, to drive out destabilizing Iranian meddling, and to establish a relatively stable and secure structure in Iraq, and they are making progress to those goals.

Getting a perfect democracy—we thought we had a perfect Jeffersonian democracy; then we had to have a Lincolnian republic after the Civil War. We are continuing to see the democracy. While it is the best of all the other bad situations, it is not perfect and does not work in a clear upward path; it takes time. And now we are seeing the questions being worked out at the local level on revenue sharing, oil revenue sharing. But to push a retreat-and-defeat, a delay-and-deny battle for the funds for our troops on the ground is unthinkable. This unanimous consent agreement to which I objected would be the ultimate cut and run: declare defeat, and hope to be rewarded in 2008 at the polls—a very regrettable effort by our colleagues on the other side.

The 2008 Defense appropriations bill recently passed by Congress includes no funding for our current operations in Iraq, Afghanistan, and the global war on terror. For 3 years prior to this, we included emergency funding for the regular Defense appropriations bill to cover the cost of military operations until a full supplemental could be adopted. We are now seeing, coming over from the House, a pittance of what is needed, encapsulated in all kinds of restrictions that tie the hands of the troops on the ground and put unreasonable restrictions on them that are likely to cause much greater danger to American personnel, military and civilian, over there. What we need to provide—and I hope we will be able to put an alternative emergency funding bill on the floor—are funds for force protection initiatives, body armor, helmets, ballistic eye protection, even knee and elbow pads, flares, and armor. The 2008 Defense spending bill did include funding for MRAPs, but why did the Democrats insist on omitting other critical items?

Now that DOD will be forced to continue robbing Peter to pay Paul in order to fund operations, it has a tremendously negative impact, not only on the way we conduct the war but how the Department of Defense operates. Important equipment reset and other procurement programs have to be slowed down. It will impact the availability of equipment, including critical equipment for the National Guard needed to respond to domestic emergencies. Without this funding, the Pentagon is forced to divert money from their regular accounts to fund overseas operations, about $13 billion a month.

I have a letter that has just been sent by Gordon England. He has pointed out what this would mean to the Defense Department. It means, among other things, the Deputy Secretary of Defense said, they will have no choice but to deplete appropriations accounts, and it will result in a profoundly negative impact on the defense civilian working force, depot maintenance, base operations, and training activities, and within a few weeks they will be required by law to issue notices of termination to civilian employees.

In addition, a lack of any funding for the Iraqi security forces and the Afghanistan national security forces directly undermines the ability of the United States to continue training and equipping Iraqi and Afghanistan troops who are needed to take over. This makes absolutely no sense in a time of war. We deny the needed funding that will keep our troops—not only keep the troops in the field but support those who are working to assure that we can turn over the responsibility to them.

This is absolutely the wrong message to send to our deployed troops. We must provide emergency funding without political timetables to win votes at home but undermine our troops.

I ask unanimous consent to have printed in the RECORD a letter from Deputy Secretary of Defense England to House Defense Subcommittee chairman JOHN MURTHA and an article in today's Washington Times called ''War Funds Under Attack.''

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

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, November 8, 2007.

Hon. JOHN MURTHA,
Chairman, Subcommittee on Defense, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN. I am deeply concerned that the Fiscal Year 2008 Appropriations Conference Report currently under consideration does not provide necessary funding for military operations and will result in having to shut down significant portions of the Defense Department by early next year. Last week, Secretary Gates reiterated the Department's request that Congress pass the Fiscal Year 2008 Defense budget request promptly and in its entirety, including for Global War on Terrorism (GWOT) operations. Lacking complete funding, the Department requested that sufficient funds be provided to continue global operations and to allow equipment reset.

Without this critical funding, the Department will have no choice but to deplete key appropriations accounts by early next year. In particular, the Army's Operation and Maintenance account will be completely exhausted in mid-to-late-January, and the limited general transfer authority available can only provide three additional weeks of relief. This situation will result in a profoundly negative impact on the defense civilian workforce, depot maintenance, base operations, and training activities. Specifically, the Department would have to begin notifications as early as next month to properly carry out the resultant closure of military facilities, furloughing of civilian workers and deferral of contract activity.

In addition, the lack of any funding for the Iraqi Security Forces and the Afghanistan National Security Forces directly undermines the United States' ability to continue training and equipping Iraqi and Afghani security forces, thereby lengthening the time until they can assume full security responsibilities. Further, the conference report provides only $120 million for the Joint Improvised Explosive Device Defeat Organization (JIEDDO), which is a small fraction of what is required to sustain ongoing efforts to protect our forces against this deadly threat.

I urge you to take whatever steps are necessary to promptly pass legislation that properly supports and sustains our troops in the field. The successes they have achieved in recent months will be short lived without appropriate resources to continue their good work. I ask that you provide them complete and unencumbered GWOT funding as soon as possible.

GORDON ENGLAND.

[From the Washington Times, Nov. 15, 2007]

WAR FUNDS UNDER ATTACK

(By S.A. Miller and Sara A. Carter)

The Pentagon yesterday warned that money was already running out for combat operations in Iraq and Afghanistan, as congressional Democrats dismissed recent security gains and threatened to stall emergency war funds.

''The Army is in a particularly precarious situation,'' Pentagon spokesman Geoff Morrell said. ''Absent extraordinary measures, it would run out of money by mid-February—so quick congressional action is needed as quickly as possible.''

The Defense Department had to start shuffling funds to cover war costs Tuesday after the president signed the department's $471 billion spending bill that did not include war funds but allowed account transfers, he said.

Nevertheless, House Democrats passed a $50 billion war-spending bill last night with a 218–203 vote that President Bush promises to veto because it mandates a U.S. pullout from Iraq start immediately with a goal of a nearly complete withdrawal by December 2008.

The bill mimics Democrats' previous challenges to Iraq policy and likely will stall emergency funds, which would pay for about three months of warfare while lawmakers debate the rest of the $196.4 billion war-funds request for 2008.

The top Democrats—House Speaker Nancy Pelosi of California and Senate Majority Leader Harry Reid of Nevada—say they will withhold troop funds for at least the rest of the year if Mr. Bush does not accept the pullout timetable.

''There is a growing sense within our caucus that it is time to play hardball,'' said Rep. Jim McGovern, Massachusetts Democrat and outspoken war critic. ''This is George Bush's war. He started it. He's got to finish it.''

White House press secretary Dana Perino said Democrats used the pullout bill ''for political posturing and to appease radical groups.''

''Once again, the Democratic leadership is starting this debate with a flawed strategy, including a withdrawal date for Iraq despite the gains our military has made over the past year, despite having dozens of similar votes in the past that have failed and despite their pledge to support the troops,'' she said.

''The president put forward this funding request based on the recommendation of our commanders in the field,'' Mrs. Perino said. ''The Democrats believe that these votes will somehow punish the president, but it actually punishes the troops.''

House Majority Leader Steny H. Hoyer, Maryland Democrat, said recent progress in Iraq—a sharp decline in U.S. casualties, fewer Iraqi civilian deaths and fewer mortar rocket attacks and ''indirect fire'' attacks—were temporary improvements from the troop surge this summer.

''What has not happened is what the administration predicted would happen, [that] an environment would be created where political reconciliation would occur,'' Mr. Hoyer told reporters on Capitol Hill.

''Violence is down. I am happy that violence is down,'' he said. ''What is not up is, this year, we've lost more people than any other year in this war. This year, more refugees were created than any other year in this war.''

The PRESIDING OFFICER (Mr. BROWN). The Senator from Oklahoma.

BUSINESS AS USUAL

Mr. COBURN. Mr. President, I wanted to spend a few moments this morning talking about the business as usual in Washington.

As a nearly 60-year-old male baby boomer, I believe we face some of the most serious challenges we have ever faced as a nation, and certainly in my lifetime. The challenges are going to continue to grow unless Congress changes how it works, how it does business, and starts setting priorities. The last election was about change. We heard a lot of great promises, and I think they were well-intentioned. But let's look at what has happened.

After the last election, we were told we would have an earmark moratorium until we had a real reform process that was in place. We do not have a reform process; we have a faint claim for a reform process. Instead, we have seen thousands—the average is 2,000 earmarks per bill. The American people were told that the earmark process would be more transparent. Yet we have seen Congress backtrack on that at every opportunity.

The earmark reform has really been a triumph of ''business as usual.'' The original Senate version of S. 1 required Senators to publicly disclose the following within 48 hours of the committee receiving the information: the earmark recipient, the earmark's purpose, certification that neither they nor their spouse would directly benefit from the earmark. Now, what is in the real language? The real language was secretly changed. It no longer requires public disclosure of who is going to get the earmark or the earmark's purpose. That is the Senate's rules.

You know, there is a foundational principle; that is, you cannot have accountability in anything unless you have transparency. What we have is obfuscation of transparency.

We don't want the American people to see who is going to get an earmark or what its purpose is. Thankfully, we passed the transparency and accountability act that starts this January so the American people are going to see it anyway, except they are going to unfortunately have to see it after the fact.

Yesterday my office learned of another attack against transparency. The just-released conference report for the Transportation-HUD spending bill contains an earmark provision that attempts to prohibit the White House from releasing publicly its budget justifications. When they send up their budget, they send the reasons for why they want that money spent in certain ways. I worked last year to make sure that OMB agreed that the American people were entitled to see the justification for why they would want to spend money in certain areas. The appropriations process doesn't want that to be public. Why should it not be public? Why should we not want to know why the administration wants to spend certain money in certain ways and their reasoning and justification?

There is a reason why this was added. This was added so the authorizing committees won't have the same information the appropriations committees have. We are not supposed to be appropriating anything that isn't authorized, yet we continue to do so. This is a commonsense approach to make transparent to the American public as well as the rest of the Members of this body the justification and reasoning of the administration.

I agree, the broken promises we have seen have contributed to the 11-percent favorability rating of Congress. It isn't a Republican or Democratic issue. No Americans want their leaders to say one thing and then do another. The American people are tired of hearing the same defenses of the earmark favor factor. They didn't work when Republicans were in control, and they will not work today.

Let's talk about that for a minute. The earmark system exists to serve politicians, not local communities. Members earmark funds rather than advocate for grants because they want the political credit for spending money. Earmarks oftentimes are worthwhile, but the system under which they are propagated is not. Earmarks are the gateway drug to overspending, one of the No. 1 issues for which the American people have a problem with Congress. Our problem is, we refuse to make the tough choices families have to make every day, every week within their own budgets. Consequently, we now have this last week surpassed $9 trillion on the debt. We have $79 trillion worth of unfunded liability which is going to cause us to break the chain of heritage of this country. That heritage is one of sacrifice where one generation works hard, makes sacrifices to create at least the same or hopefully better opportunities for those generations to come.

We have heard complaints that it is illegitimate to single out or strike an earmark with an amendment. It is not our money. It is the American people's money. What is scandalous is how few of the special interest projects are ever challenged on the floor. Only one-tenth of 1 percent of the more than 60,000 earmarks passed since 1998 have ever received a vote. Where is the accountability with that? Where is the transparency?

Finally, we hear Senators complain that it is partisan to strike individual earmarks. I can't speak for anyone else, but I have been going after this process for a decade. No one has gone after more Republican earmarks than I. Plus, if you don't like my amendments, I ask the body to offer some of their own. I would appreciate the help. In spite of a lot of grand talk about earmark reform, we haven't seen anyone on the other side of the aisle attempt to strike an individual earmark. Does that mean all these projects are worthwhile? Is there not a single earmark in the 32,000 requests this year that should not be debated on the floor of the Senate?

The conference report on the Transportation-HUD bill includes a number of questionable earmarks, some of which I will try to eliminate when the bill comes through the Senate.

We developed a new rule that one can't earmark in conference. Yet in the new conference report on the Transportation-HUD bill, 18 new earmarks were air dropped, new earmarks violating the rules the Senate just set up. We can't help ourselves. Such earmarks as an international resource center, the Coffeyville Community Enhancement Foundation, Minihaha Park development, buses, upgrades to airports, may be good things to do, but are they good things to do when the projected budget deficit is around $300 billion? Are these the priorities we should have?

I won't spend a whole lot more time on this issue today, but I can tell my colleagues that the American people

are fed up with this process, not just the process of earmarking but the lack of accountability and the absolute lack of transparency when it comes to how we make priorities in spending their money, not ours, every year. I think preserving Social Security, fixing Medicare to where it is available for those after the baby boom generation, solving our budget deficit today might be greater priorities. The real balance is between us and our grandchildren, and we lack the courage to make the hard choices now because it impacts our political careers. We have taken our eye off the ball. The ball is what about the future of the country? What about the opportunity for those who follow us? What about the liberty and freedom they are going to have or not have as a consequence of us ducking the hard choices today?

I yield the floor.

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

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

Mr. BROWNBACK. Mr. President, I believe we have 4 minutes remaining, if I may inquire of the Chair.

The PRESIDING OFFICER. There is 2 minutes remaining.

Mr. BROWNBACK. I ask unanimous consent to speak for a total of 8 minutes.

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

IRAQ

Mr. BROWNBACK. Mr. President, I will try to be brief and to the point, if I cannot be eloquent. I want to talk about the Iraq situation.

A number of Senators have spoken about that this morning. They are looking at the progress that is taking place with the surge. I had great question about the surge at the outset. I questioned whether this was the right route to go. Yet I have to say my concerns were proven wrong.

Look at the numbers: U.S. deaths are down more than 50 percent since June. Iraqi deaths are down more than 50 percent since August. Sectarian violence is down dramatically. Areas of Baghdad are opening. October saw the fewest roadside bomb instances since September of 2005. Mortar rocket attacks are at their lowest level since February 2006. Nobody would say it is over, we have won, but they would say these are very positive events that have taken place.

The area we have to emphasize now is the political solution to capture the moment of getting more stability on the ground in Iraq. For some time Senator BIDEN and I have pushed a federalism approach that this body endorsed by 70 votes. Now is the time for us to push much more aggressively on this political solution. We are seeing this already taking hold in the Kurdish region which has had a head start. Under Saddam Hussein, the Kurds were protected by our air power in the north. They have stabilized a government and have been operating basically that region. We now have Anbar stabilizing, the Anbar awakening. But they are not particularly interested in the federalism solution because they don't have oil. So what we have to have take place at the national level in Iraq is an oil law that distributes oil on a per capita basis around the country, not in regions, so federalism roots can take hold—not one Iraq but several regions and not necessarily on a sectarian basis.

Several Iraqis I have met with are saying they believe in federalism. They think it is the route to go. But they say: Don't say we are a Sunni region here or a Shia region there. These are going to be multisect regions so we can get together on a regional basis and not on a division basis around the country. This is a very promising route to go, but we need a political surge to take place in Iraq. We need to put emphasis on a political surge to capitalize on the stabilizing situation that is taking place on the ground.

We need a diplomatic surge. We need to push the Iraqis to get oil laws and debaathification taking place on a national level. We should prioritize local and provincial elections and encourage Iraq to devolve power from Baghdad. We should provide additional humanitarian assistance for those Iraqis who fled sectarian violence and relocated to other areas, or they are coming back. Some people are not coming back to areas because there is no housing left; it got blown up in all the violence that took place. Instead of pretending that nothing has changed, our debate needs to reflect the reality on the ground, that the security situation is much better, that we have a real moment here. The reality is that security has improved. The reality is that centralizing power in Baghdad is not the route to go. Creating federal regions provides a chance for that success to be captured and moved forward.

I question what came out of the Joint Economic Committee on the funding of the war. I am ranking Republican on that committee. That was not a committee report. I believe there are significant problems with how that funding level was arrived at. I don't think that was accurate. I don't think it was a positive way to move forward. Instead, now is the time to say: OK, let's capitalize on the surge. Let's go on a bipartisan basis with Senator BIDEN and myself on federalism. Let's push that to capture this, and then we as America can declare victory—not a Republican victory, not a Bush victory, but we as Americans can say it is now stabilized and we can start to pull our troops back. That is the talk that is penetrating now, and it is the talk we need to have a lot more of.

Iraqi President Talibani endorses federalism as a political solution. The Kurds have announced they will convene a federalism conference. Some Iraqi Shia groups are openly discussing the creation of a region that would be a federalism model. The Sunnis do not particularly want to because they do not have oil, so we have to get that oil devolved.

I think there is a real route forward for us to all be able to say, soon, we are making progress, it is sustainable, and we are handing it off to the Iraqis.

Mr. President, I thank you for your indulgence.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, I understand I have time in morning business. Let me claim that time.

The PRESIDING OFFICER. The Senator has 15 minutes.

APPROPRIATIONS BILLS

Mr. DORGAN. Mr. President, I want to talk about several things today. I want to start with this question of why, at the end of the legislative session, there is such intractability in trying to get the appropriations bills done.

It is a paradox to me that President Bush, who has come to this town in the last 7 years, and at the start of his Presidency said, ''I want a fiscal policy that moves in a certain direction.'' He had a sufficient number of votes in the Congress to accommodate that so he said, ''Look, it appears in the next 10 years we are going to have very large budget surpluses, so I want put in place very large tax cuts, most of which will go to wealthy Americans.'' I did not support that, but a number of people in his party did, so it became enacted. I said we ought to be conservative. We ought to worry things might change. Maybe these surpluses won't appear. We do not have them yet. They are only projections.

Well, guess what? The President got his fiscal policy, and those surpluses did not, in fact, appear. We faced a recession, 9/11, a war in Afghanistan, a war in Iraq, and a continuing war against terrorism—all of which has been very costly. We have run up $3 trillion in debt with this President's fiscal policy—$3 trillion. Now, I think it is unusual that at this stage of this session of Congress the President has done two things. He has sent to this Congress a request for $196 billion in emergency funding for the war in Afghanistan and Iraq—mostly for Iraq.

He wants $196 billion in emergency funding—none of it paid for. He says: This is my priority. If you do not support it, you do not support the troops. We do not intend to pay for it. It is called an emergency.

At the same time, he has made another request of Congress. He has said: The budget I sent to you is a budget locked in stone, and if you do not meet those numbers, if you are over those numbers on anything, I intend to veto the bills.

Eight to ten appropriations bills he has threatened to veto. We are $22 billion over the President's numbers in his budget for investment here at home. I am talking about the things that improve roads, do the water projects that are necessary, build infrastructure, invest in health, and invest in education. We are $22 billion over the President's budget request.

The President says: I will have none of that. The money we are spending to invest in things here at home, we will not compromise on that. I will veto all of those bills. So I am going to be a fiscally responsible President on $22 billion with respect to investments in this country, and then I demand $196 billion from you in Congress, on an emergency basis. None of it paid for. All of it borrowed in order to prosecute the war.

By the way, that $196 billion is not all to support the troops. A substantial part of it is for contractors. I have been on the floor talking about the greatest waste, fraud, and abuse in the history of this country with contractors in Iraq and Afghanistan. We have been stolen blind by contractors.

One short story: This country says that we will commit to building 144 health clinics in Iraq. So our Government hires a contractor to go build health clinics in Iraq. The money is all gone. Over $200 million of the money is gone, but the health clinics do not exist. Out of over 200 health clinics, there are only 20 in operation.

An Iraqi doctor came to see me and testified at a policy committee hearing. He said: I went to the health minister of Iraq to find out where these health clinics were because I knew the American taxpayer spent the money for them. The contractor got the money to build them, and I wanted to go see these health clinics and tour them to find out what has been done. The Iraqi health minister said: You don't understand. Most of these are imaginary clinics. They have never been built.

Well, the money is gone. The contractor got the money. The American taxpayer got fleeced. The President wants more money, an additional $196 billion. He says: If I don't get it, then you don't support the troops. Then he says: By the way, I don't support the extra $22 billion to invest in health care, to invest in energy, to invest in water projects, to invest in roads, or to invest in this country.

I say to the President, it is time, long past the time, to start taking care of things in this country. I have a list on my desk of water projects that we are doing in Iraq costing hundreds and hundreds of millions of dollars. I have the specific names of the water projects which we are building in Iraq. The President also says he wants over a half a billion dollars less in funding than the Congress is recommending for the Corps of Engineers to build water projects in this country. This is funding to repair dams, to do dredging, and to do the things we need to do to fix water projects in this country.

Why such a reluctance to invest here at home? I do not understand it. But why the contradiction? The President wants to spend $196 billion—without paying for any of it—and then crow to the east that somehow he is a fiscal conservative because he is opposed to $22 billion spent here at home.

Now in the next several weeks, we are going to have to reconcile this, and I hope, in one way or another, this President will be able to try to find out what his true identity is. It certainly is not a fiscal conservative. That is talk. Talk is cheap.

Look at what he is asking for: $196 billion to be added to the debt. None of it paid for. All of it borrowed. Then he says that he is opposed to $22 billion to invest here at home.

That is not fiscal conservatism. That is ignoring needs here in this country and spending money in a profligate way, especially on contractors which are fleecing the American people in my judgement. I hope we can reach an agreement on meeting our appropriations needs. That is what we need to do. This place works and this democracy works by agreement and compromise with people of good will.

EXCESSIVE MARKET SPECULATION

Mr. DORGAN. Mr. President, I mention that because I want to talk about two areas of speculation that bother me a lot, both of which relate not to the financial issues of this fiscal policy coming from President Bush, but it relates to the issue of whether you believe Government has a role in proper regulation in certain areas.

The price of a barrel of oil today is trading at $94 a barrel. It has been flirting with $100 a barrel. The price of oil has been going up, up, up in the last year. Well, it is interesting when you take a look at what is happening with oil prices. Take a look at supply and demand factors and ask yourself if the fundamentals with respect to oil supply and demand justify $100 a barrel of oil? The answer is no.

Let me read to you something from a fellow, Fadel Gheit, who works for Oppenheimer & Sons. Here is what the energy analyst for Oppenheimer & Sons said last week. He said:

> There is absolutely no shortage of oil. . . . I'm absolutely convinced that oil prices shouldn't be a dime above $55 a barrel. . . . Oil speculators include ''the largest financial institutions in the world.'' ''Call it the world's largest gambling hall. . . . It's open 24/7. . . . Unfortunately, it's totally unregulated. . . . This is like a highway with no cops and no speed limit, and everybody's going 120 miles per hour.''

Let me tell you what is happening with the price of oil. This is an oil analyst from Oppenheimer & Sons saying that there is no justification for oil being a dime over $55 a barrel. We have hedge funds in the futures market buying oil. We have investment banks in the futures market. We have investment banks building facilities to store oil. Now, why are investment banks building facilities to store oil? It is because they believe oil will be more valuable in the future. If they buy it and store it, then they will make money in the future.

So instead of a futures market that works with respect to the fundamentals of the supply and demand of oil, we have a carnival of greed in the futures market, in my judgment. We have investment banks hip deep, we have hedge funds hip deep in this, and we have all kinds of things that are going on that are driving up the price of oil.

Who are the victims? The people filling up at the gas pumps have to pay this price that, in my judgment, is unsupported by the fundamentals of supply and demand.

What is the circumstance here? Well, the circumstance, like most things, is we do not have the capability to regulate very effectively.

Let me tell you this story, if I might, about a 32-year-old trader at a giant hedge fund, and I did not mention that hedge funds are in these markets as well, in a very big way. A 32-year-old trader at a hedge fund named Amaranth held sway over the price the country paid for natural gas a year or so ago. Let me tell you what he did. He helped lead to the collapse of an $8 billion hedge fund named Amaranth. This comes from the Washington Post:

> His positions were so big that he could cause the price to move in the way he wanted by buying or selling massive amounts of his holdings in the last 30 minutes of trading on NYMEX, a move known as ''smashing the close,'' federal regulators say.
>
> At one point, in the summer of 2006, Mr. Hunter, the 32-year-old trader, controlled up to 70 percent of the natural gas commodities on the New York Mercantile Exchange (NYMEX) that were scheduled to supply companies and homes in November of last year and more than 40 percent of contracts for the entire winter season.

Now, this relates to the question of a piece of legislation that is entitled ''Close the Enron Loophole'' Act that Senator LEVIN and I have introduced. The fact is, in these energy futures, some of them are on regulated exchanges, but many of them are not. The Commodity Futures Trading Commission does not have the capability to see exactly what is happening in these futures contracts and in these over-the-counter or unrelated areas. We need, in my judgment, to pass legislation to try to stop this rampant speculation of unregulated trading.

There needs to be a futures market. A futures market is very important to provide liquidity. But when a futures market becomes a gambling hall, and you start with investment banks and hedge funds, and all of these activities that have very little to do with the fundamentals of supply and demand, then there are very serious problems that must be addressed.

Now, it could likely be the case that the price of oil will come down in a precipitous way as well. It does not seem that way at the moment. But it could because, clearly, this is a speculative bubble. In my judgment, the price is not justified by the fundamentals of supply and demand. Are we going to have a tightening of supplies in the future? Yes, I understand that. The Chinese want to drive 100 million more cars on their roads in the next 15 years. They are going to build these roads, they are going to drive on them. Is that going to increase demand? Sure it is.

Russia wants to capture more oil. I am told they would love to find ways to impede the opportunity of oil and energy supplies coming from the Caspian Sea to the West. Does that potentially impact the price of oil? Sure it does.

But the fact is this: At least at the moment, with the price of oil on the futures market, we have a situation in which the trading, in many cases, is completely unregulated and not transparent. We need to change that. There needs to be some regulation. This administration does not believe that. They have never believed in regulation. We understand what happened with respect to the crash of Enron and the bilking of tens of billions of dollars from consumers on the West Coast. Enron, in many ways, was a criminal enterprise, and there are people now in jail as a result of it. The regulators sat on their hands, dead from the neck up, believing: No, no, no, no, this is the market working. It was not the market working. It was criminal activity, and people were hurt, a lot of them.

With respect to the oil futures market, there needs to be effective regulation. I am not alleging illegal activity here. I am saying, however, it is not healthy to have an amount of speculation in that market that is far beyond anything that would be reasonable, given the supply and demand of oil.

I have one additional topic I want to cover, but the majority leader is on the floor. I would be happy to yield to him.

HOME MORTGAGES

Mr. DORGAN. Mr. President, let me continue to talk about one other area of speculation because speculation with respect to the futures market in oil is causing significant problems. Speculation with respect to mortgage lending in the subprime mortgage scandal has been unbelievable as well, and it is causing havoc, as we know. People are getting fired; companies are declaring billions of dollars of losses; and the American people are injured as a result of it. The economy will not grow as fast as a result of it. Let me describe to you what I have learned about this issue. It is stunning because I did not know it. You get up in the morning, brush your teeth, shave, and watch television where you see these ads on television. I never thought much about them. I always thought they were a little goofy. They say: Do you have bad credit? Have you filed for bankruptcy? You can't pay your bills? You have bad marks on your credit rating? Come see us. We will give you some credit.

We have all seen those adds. You think to yourself: Well, how can that work? The fact is, it does not work and cannot work. So what used to be a sleepy little industry getting home loans became something like a Roman candle with powder and a lot of flash. All of a sudden these companies became very fancy companies. I will mention one, Countrywide, the largest home mortgage lender. Here is what I have discovered as I began to look at what they did. They said: You know something. We will give you a deal on a home mortgage. You have a broker selling you a home mortgage getting big fees. We will give you a deal on a home mortgage, an adjustable rate mortgage (ARM). By the way, we have a mortgage, an ARM, in which you don't have to pay any principal and interest only, and you can pay the principal later. We have a better mortgage than that. We have one in which you don't have to pay any principal, and you pay the interest later or principal later. You don't even have to pay the full interest at this point. We can add the interest you are not paying and the principal later to the loan or loans with a 2-percent interest rate.

So they disclose a monthly payment and people say: Man, that is something. That is a low house payment. They don't understand, of course, in two or three years it is going to reset, and it will reset at triple or quadruple the rate. In many cases, they didn't even quote the escrow they were going to be required to pay. So all of a sudden in two or three years the interest rate is going to reset, and they don't have a ghost of a chance of paying the mortgage.

This is all about greed, by the way—big brokers, big companies, mortgage companies that are fundamentally unsound. It reminds me of the days when they used to put sawdust in sausages, sawdust for fillers. People found out about it, and they were aghast.

Here is what they did with these mortgages. They are out there selling bad mortgages, interest only and even less than interest only, subprime, selling mortgages to people who aren't going to have a ghost of a chance of making the payments. They are out there selling mortgages—not just Countrywide but others as well—which are advertising: Come to us if you have bad credit. We want to help you. We want to give you a loan. They sell these mortgages, and then they package them up, similar to a piece of sausage. They put subprime loans, bad loans in with securities. They package them up, and they sell them. Pretty soon a hedge fund, an investment bank, or somebody else buys them, and now they have a piece of sausage with sawdust that is called a security, which includes bad home mortgages. They don't even know it. Then, all of a sudden, it goes belly up because people can't pay their mortgages.

Now, I am thinking to myself, where has common sense gone? What has happened to basic common sense? Those brokers are selling the loans and making big commissions. Those companies were writing the loans making big money and putting in prepayment penalties so they can lock people into bad loans. Those people, the investors who are buying the loans, and, yes, in some cases, those who were taking out the loans because they should have known better, where has common sense gone? It is rampant speculation.

One more point. It relates to what I talked about with respect to oil futures, and it is the total lack of regulatory oversight. Don't look. Don't worry. It will all be fine. Well, it is not fine. These kinds of activities have an unbelievably tough effect on this country's economy and on people. Millions of people will lose their homes. We have a lot of work to do, but I wished to make this point: There is a need to have effective regulatory oversight. This administration has never believed in it. We saw the consequences of it with the Enron Corporation. We now see the consequences with respect to oil and natural gas futures trading and its impact on the price of oil and natural gas. We see the consequences of it with respect to what has happened with subprime lending. If this doesn't convince this administration and future administrations that you have to have effective regulation, then I don't know what does. Companies need someone looking over their shoulders to make sure we don't have this carnival of greed take over. You have to have effective regulation. Working in this Congress, many of us are trying to put this back together to see if we can't get back to some sound common sense, some business sense, in terms of working in these areas.

I wanted to at least start today by talking about the contradiction of what the President is asking of us and what the President is demanding of the Congress in a way that is completely contradictory to sound fiscal policy. I further wanted to talk about a couple of areas of speculation that both relate to lack of oversight. We need to fix these. We can do it, but we need to fix it and soon.

I appreciate the patience of the majority leader.

I yield the floor.

Mr. REID. Mr. President, has morning business expired?

The PRESIDING OFFICER. Yes, it has.

Mr. REID. Mr. President, before my friend from North Dakota leaves the floor, I would like to direct a couple of comments through the Chair to my friend. First of all, I appreciate the statement made relating to energy. Everything you say has to be overlaid with the fact that we have the most oil friendly administration in the history of our country. Both President Bush and Vice President CHENEY made their fortunes in oil.

I would direct a question to my friend. It certainly appears our administration has lived up to being the most oil-friendly administration. Would my colleague agree with that?

Mr. DORGAN. Mr. President, it has. There is no question we need oil. We use a lot of oil, but we need to have an energy policy that is a balanced policy, and my colleague, the majority leader, is working with all of us on an energy bill that we hope we can get by the end of this session that is balanced. It must include renewable energy. We will also use fossil fuels, as well as need more conservation and efficiency. Further, we must make our vehicle fleet much more efficient. For the first time in 27 years, I believe, the majority steered through this Senate an energy bill that got 65 votes, including for reformed CAFE standards which will make our vehicle fleet more efficient.

So we have a lot to do on energy, but we have made some significant progress. I hope we can get that bill by the end of the year.

Mr. REID. Mr. President, I would also say to my friend, I appreciate the statement on where we stand with these subprime loans. The financial community is crying out for help. Foreclosures help no one. The person who has the home loses. The entity that holds the loan loses significantly. It is usually about 30 to 35 percent of the value of the home, on average, is gone. The entity where the home is located, a county or a city, loses money because that home becomes—any foreclosure takes time. You usually have to board up the windows. It loses value, it loses tax dollars. Something has to be done by the Federal Government. What is being done by the Federal Government in its limited fashion is hurting.

Around this country, one of the things that helps people who are in foreclosure is to have a counselor sit down and talk to them about alternatives they have. People are so frightened, and we have learned that people who get foreclosure notices don't know what to do with them and usually don't even respond to them, either by mail or on the telephone. What this administration has done for these counselors—which, by the way, are nonprofit entities—they have cut back their funding by three-quarters. At a time when people need help, they cut back funding.

We know President Bush doesn't like Government. He doesn't like Government. He has proven that from the time he ran for Congress in the 1970s and said Social Security should be privatized, and he has lived up to that. He doesn't like anything to do with Government. He is a person who is anti-Government.

There is a time for Government. Adam Smith, in his great book ''The Wealth of Nations,'' in 1776, said there is a place for Government. If he were writing that book today, he would talk about the need for Government throughout America in many different ways. One thing we need to do is do something with FHA, with Fannie and Freddie, which are organizations we set up in Congress to help people buy homes.

I would say to my friend in the form of a question: Does my colleague think the Federal Government should be more active in what is going on than ignoring the problem?

Mr. DORGAN. Mr. President, the majority leader is absolutely right. We have a role to play. The first and most important aspect is to help those who have been victimized by this unbelievable speculation and greed, and the second is to make sure it doesn't happen again. That requires effective regulation. So the response to this subprime loan issue cannot be no response or just to look the other way. It has to be to address those things.

One of the points the majority leader has made is the need to rework some of these mortgages. The interesting thing is that, in the old days when you got a mortgage, you knew where you got it, and you knew who had it. If you had trouble, you went and worked it out with your lender. Nowadays, they have already sold that mortgage, so it makes it much more difficult. They have sold it, wrapped it into a security someplace, and sold it two or three times. Borrowers go to the place where they got the mortgage, but the company says we don't have the mortgage.

So we have a lot to do. I appreciate the words of the majority leader. We have to help a lot of people try to get through this. We need to help our country's economy get through this and make sure it doesn't happen again.

Mr. REID. Mr. President, one final thing before my friend leaves the floor. There is no one more involved in farm policy any more than the Senator from North Dakota. North Dakota is an agricultural State. Tomorrow morning we are going to have a vote on cloture on the farm bill. We are going to have a cloture vote. It is a very important vote. The question is, Are the Republicans going to kill the farm bill?

For people who say: Well, gee whiz, we have had no opportunity to offer amendments—cloture on the farm bill does not stop amending the farm bill. Relevant amendments can be offered on the farm bill. We have 30 hours to do that. I, of course, would allow those amendments to go forward. There would be no way to say: Well, we are only going to vote on this one. If there are germane amendments subject to the rule, they can be offered and they can do it postcloture. So I hope all my Republican friends understand this farm bill is important. People at home are going to be watching how we vote on this farm bill because it is a very important vote. Are we going to continue working on the farm bill or let it go? It appears to me the response from the Republicans is let it go. Maybe we will be able to do it some other time.

But I ask my friend: It is true, is it not, that this is an important vote and there will still be amendments allowed even if cloture is invoked?

Mr. DORGAN. Mr. President, the reason a cloture motion was even filed is we have been here a week and a half and have not even been able to move to the first amendment because it has been blocked. Yesterday, Senator HARKIN offered this. He said: Well, how about if we at least start. The way to move on it is to start. He said: How about let's start with a couple of Republican amendments and a couple of Democratic amendments. In every case, there was an objection by the minority side which said no, we can't start.

So I think the majority leader had no choice but to say let's file a cloture motion and try to shut off debate, but that will not shut off amendments that are germane postcloture. After being very discouraged, I really hope those of us who care about a farm program can move forward. Having watched this blocking of the farm bill now for a week and a half, I hope tomorrow morning, when we have this vote, the message that American farmers will get is that this Senate cares enough to decide that, yes, we will go to work, and we will do the farm bill.

I would make one final point to the majority leader. I made the point yesterday. Farmers can't do what the minority in the Senate is doing. When it is time to milk a cow, you have to milk a cow, or the cow gets sore. When it is time to plant, you have to plant, or your crop will not grow. When it is time to harvest, you have to harvest, or the crop will spoil. The farmers don't have the luxury the minority has to say: Well, let's do nothing.

I hope our colleagues will join us tomorrow in voting for cloture. I appreciate the filing of the motion by the majority leader because we didn't have any other choice.

MEASURE PLACED ON THE CALENDAR—H.R. 4156

Mr. REID. Mr. President, I understand that H.R. 4156 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4156) making emergency supplemental appropriations for the Department of Defense for the fiscal year ending 2008, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this measure.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2419, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Pending:

Harkin amendment No. 3500, in the nature of a substitute.

Reid (for Dorgan/Grassley) amendment No. 3508 (to amendment No. 3500), to strengthen payment limitations and direct the savings to increased funding for certain programs.

Reid amendment No. 3509 (to amendment No. 3508), to change the enactment date.

Reid amendment No. 3510 (to the language proposed to be stricken by amendment No. 3500), to change the enactment date.

Reid amendment No. 3511 (to amendment No. 3510), to change the enactment date.

Motion to commit the bill to the Committee on Agriculture, Nutrition, and Forestry, with instructions to report back forthwith, with Reid amendment No. 3512.

Reid amendment No. 3512 (to the instructions of the motion to commit to the Committee on Agriculture, Nutrition, and Forestry, with instructions), to change the enactment date.

Reid amendment No. 3513 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 3514 (to amendment No. 3513), to change the enactment date.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, we are back on the farm bill. To refresh memories, we have now been on the farm bill 10 days. This is our tenth day. Not one vote has occurred. We have tried time and again to bring up amendments, and they have been objected to. I will attempt to do that again this morning. I will wait until my ranking member is present. I see that Senator SALAZAR is here to speak on the farm bill.

I wish to make it very clear, tomorrow morning we will have a vote on cloture on the farm bill. I want there to be no mistake in anyone's mind: Tomorrow morning's vote will be a vote on whether we have a farm bill this year. If we get cloture on the farm bill tomorrow, we will have a farm bill this year. We will be able to pass a bill in the Senate, we will go to conference, and we will send it to the President.

If we do not get cloture tomorrow, that is like killing the farm bill. A vote against cloture will be a vote to kill the farm bill. We will run out of time. We will be out of here at Thanksgiving for 2 weeks. When we come back, we have all the appropriations bills to do, we have the Iraq funding bill to work out, and we will only have about 3 weeks before Christmas. Therefore, if we do not get cloture, that is like saying we don't want a farm bill. So I hope everyone understands what the stakes are.

I also hope no one has the mistaken impression that because we invoke cloture, they cannot offer amendments. I got that question from a press person this morning. I had to inform them that, no, if we get cloture, we have 30 hours of debate and people can offer amendments during that 30 hours.

I just spoke with our leader. It would be the prerogative, if we wanted to on the majority side, if we got cloture, to lay down one amendment and take all 30 hours and debate it and block everybody from offering amendments. That has happened around here before, by the way, where we get cloture and then block it and nobody gets to offer any amendments until the end. Then we get into this vote-arama where we have votes on amendments but nobody gets to talk about them. We are not going to do that.

If we get cloture, I will try to reach an agreement with my ranking member, Senator CHAMBLISS, so we can have, say, at least a half hour debate on every amendment and vote. That would give us a shot at having probably pretty close to 20 amendments that could be debated and on which we could vote.

At the end of the 30 hours, of course, any amendments still pending have a right to have a vote. There would be a minute on each side to explain those amendments, and we would vote on them.

I want to make it clear that voting for cloture does not cut off amendments. Yes, it may cut off nongermane amendments dealing with whether we are going to go to the Moon or Mars or whether we are going to do wacky stuff such as that. Yes, it cuts that stuff out. But any amendment that is germane to the farm bill can be offered and will be voted on even after cloture. I want to make that very clear.

If we do not get cloture, that is it; that is the end of the ball game, and I don't know when we can ever come back to the farm bill after that. Certainly not this year.

It is getting late. The crops are in. In most parts of the country, crops are in. And now they are beginning to think about next year. Bankers want to know, farmers need to know what the program is going to be for next year. Will it be this one or will it be what we have come up with in our farm bill and worked out with the House. So it is getting very late, and we need to get this bill done.

I encourage all Senators, we are open for business now. We can take amendments now. We can debate amendments, and we can vote on amendments all day today.

Shortly, I will be asking consent to bring up amendments. I am going to ask consent to bring up Republican amendments that are filed. I have a Lugar amendment. I have a Roberts amendment, an Alexander amendment, a Lott amendment, and I am going to be asking consent to bring up those amendments. If there is no objection, we will bring them up, have a debate, and we can have votes on a lot of amendments this afternoon.

I want to make it very clear again: This side is not holding up the process. We want to vote; we want to debate. Just as yesterday, I wanted to bring up five amendments yesterday and have limited time and vote on them, but it was objected to. I will try that again today. Hopefully, maybe we can make some movement and we can have some votes today on some amendments. I will be doing that shortly.

I see the Senator from Colorado is on the Senate floor. He has been a great member of our Agriculture Committee. No one has worked harder than Senator SALAZAR in getting us to the point where we have a farm bill that came out of our committee without one negative vote.

I say to my friend from Colorado, someone this morning on a press call asked me: If you don't get cloture, if you don't get this bill, or if the President vetoes it and you have to go back, what are you going to do differently?

I said: I don't know how much we can do differently to get more of a positive vote out of our committee than a unanimous vote. What do you do that is different from that? It is not as if we had a split vote on the committee and we still have to work it out. We didn't have one dissenting vote, so I am not certain how we get much better than that.

I thank my friend from Colorado for all of his hard work on this bill. He was instrumental in a number of issues before the committee, especially on energy, on conservation. The Senator from Colorado was instrumental in working out the agreements and making sure we had a bill that got a unanimous vote out of our committee. I thank him for that.

He has been a champion of ranchers and farmers, a real champion of moving us ahead in energy, in renewable energy, farm-based energy, bio-based energy, which will get us off the Mideast oil pipeline that we have been on for far too long.

Again, I thank my friend from Colorado for all of his hard work. With him, I am hoping we can get cloture on this bill tomorrow and move ahead and go to conference and get a bill we can send to the President. I thank my friend from Colorado for all of his help in getting this farm bill here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I come here again, some 10 days after we brought the farm bill here to the floor, and I want to say first of all to my good friend from Iowa, the chairman of the Senate Agriculture Committee, TOM HARKIN, that there are few people who really understand the importance of rural America and agriculture in the way TOM HARKIN does. There are very few people on the floor of the Senate today who can claim they still live in the same house in which they were born. Few people here can say they know the pain and suffering and the challenges, the hopes, and the optimism of rural America in the way TOM HARKIN does.

The best of what we have here in the Senate today we see in someone like TOM HARKIN, who is here for the right reasons—standing up as a champion for agriculture, for rural America, and for America in general because he understands what is at stake. He understands that the food security of the Nation is at stake. Senator HARKIN understands what is going on with respect to the oil addiction of America and foreign oil and the importance of American farmers and ranchers helping us to grow our way to energy independence. Senator HARKIN understands how important it is to be a champion of the most vulnerable in our society by having the kind of nutrition programs that will put fruits and vegetables and other kinds of healthy foods in the stomachs of our children as they are trying to learn. Senator HARKIN understands the importance of standing up and fighting for our land and for our water and making sure farmers and ranchers across America, who are some of the best stewards of our lands and water, have the right tools so that we have a conservation ethic that is appropriate at the dawn of this 21st century.

So I say this to my friend from Iowa: I applaud his efforts in bringing us to this point. This has been an effort which is not one we dreamt up overnight to bring to the floor of the Senate just 10 days ago; it is an effort that has consumed thousands upon thousands of hours, with hearings all over the country. And it was not only Senator HARKIN and his leadership, but it was also Senator CHAMBLISS, working as the ranking member alongside Senator HARKIN, trying to get us to a point where we had a farm bill we could bring to the floor of the Senate.

At the end of the day, there are not many votes on major bills that come out of committee on a voice vote. We had Democrats and Republicans saying this is a good farm bill. This is the way for the future. So I am very hopeful that tomorrow morning at 9, 9:30, 10 o'clock, when we come to the floor, we take the lead of Senator HARKIN and our colleagues on both sides of the aisle, Democrats and Republicans, and vote yes on the cloture motion before us. It is important that we move forward in that direction.

I will remind my colleagues—as Senator HARKIN already has reminded our colleagues—that even though we get to cloture tomorrow morning, we will still have an opportunity to go through a number of amendments. We have another 30 hours of debate and multiple amendments that can be considered and many votes that can be had as we move forward to try to improve upon the product of the Agriculture Committee. But if we don't get cloture tomorrow, we are, in fact, endangering the prospect of even getting to the farm bill.

Now, we have some people who may say that what is happening here in the Senate is that there is a stall underway, a stall to keep us from getting to action on a very important piece of legislation for America. That may very well be true. But if those who are trying to stall this important measure have their way, then those voices that need champions, those voices in rural America, those farmers and ranchers, those who care about food security, they will be the ultimate losers in this debate.

I don't think today in my State of Colorado, on the eastern plains or the San Luis Valley or the Western Slope or in Weld County, CO, the farmers and ranchers or those rural communities really understand what is going on here, but what they should understand is we will have an opportunity in the vote we will have here tomorrow morning to make a determination as to whether the farm bill moves forward. So for those who vote yes, they are saying they feel we do need a farm bill for America. For those who say no, whatever their motivation might be, they are saying we should not and that we should allow this very important issue to take a secondary seat. So I ask for those voices that care so much about what we have done in this farm bill to rise and make sure Members of this Chamber know of the importance of getting cloture tomorrow morning so that we can move forward on the farm bill.

Over the last several weeks, I have spoken often here on the floor regarding the farm bill, and I have spoken about the importance of this farm bill with respect to its imperative direction in producing healthy and safe foods here in America. It is a vital piece of legislation that will provide us with clean, renewable energy and be a keystone in a clean energy economy of the 21st century. It is vital to fighting the hunger we see among our school children and hunger that still affects millions of Americans. It is vital to our rural communities, in making sure we give them an opportunity to stand on their feet again. It is vital to our farmers and to our ranchers and to their very livelihood.

This morning I want to speak to a part of the farm bill which is important, and that is conservation, the part of the farm bill that deals with fighting for and protecting our land and our water. Senator HARKIN and others have been champions of this aspect of the farm bill, and I applaud them for their efforts.

The bill we have brought to the floor does more for conservation than any farm bill in the entire history of the United States. It does more for conservation than any bill in the entire history of the United States. So for all of those Americans who care about how we take care of our land and water, it is important that they have their voices heard on getting this farm bill moving forward.

The farm bill has an enormous impact on this Nation's land and water. Non-Federal agricultural and forest lands occupy 1.4 billion—that is billion, not million, 1.4 billion—acres or nearly 70 percent of the lands of the 48 contiguous States. Mr. President, 7 out of 10 acres in the United States of America, in the 48 contiguous States, are affected by this farm bill. These lands provide the habitat and corridors of support for healthy wildlife populations, they filter our groundwater supplies, they regulate surface water flows, sequester carbon, and provide the open space and vistas that make America a place we all love. As I learned from working for a long part of my life on a ranch and farm in southern Colorado, farmers and ranchers are some of the best stewards of these resources. Farmers and ranchers want to take care of their land, and they want to do what is right for the protection of our environment.

The conservation programs that are in this farm bill reauthorize what are already some programs that are making a major contribution to the land stewardship challenges of the last half century.

In 1982, not so long ago, widespread soil erosion was degrading water quality in rivers and streams and putting dust in the air at dangerously high levels. But since 1982, with the Conservation Reserve Program, the EQIP program, and their predecessor programs, total erosion on U.S. cropland has fallen by more than 43 percent. Since 1992, total erosion on U.S. cropland has fallen by more than 43 percent. We are succeeding, and we can make more progress.

The investments we make in the Conservation Reserve Program, which puts environmentally sensitive croplands into conservation uses, results in the following: First, $266 million annually in environmental benefits from reduced sediment loads in streams and rivers, $51 million annually from reduced dust and wind, and $161 million annually from increased soil productivity.

Here is a picture that the Natural Resources Conservation Service sent to me a few days ago from Colorado. This shows how some of our conservation dollars are spent.

I wish to thank Allan Green, our State conservationist, and Tim Carney, our assistant State conservationist, for helping us with this effort on conservation. And I thank all the staff, all the dedicated staff of NRCS, who dedicate their hearts and souls to making sure America's farmers and ranchers are doing the best they can on conservation.

This is a picture of some of my friends and colleagues in the Saint Vrain and Boulder Creek watersheds. What these farmers and ranchers are learning here behind the tractor, working with NRCS, is how to work on watersheds with some of the new practices that have come into play in farming and ranching over the last several decades which will allow them to reduce their tillage, to reduce their consumption of energy as they are tilling those lands, and at the same time to increase the yields in their fields.

The field day, which is depicted here in this program, was part of a 3-year EQIP conservation innovation grant that was done in partnership with the local conservation district, local farmers, seed companies, and farm equipment dealers. At the end of the day, these farmers went home with new ways to reduce erosion and to boost their bottom line.

The conservation program we are authorizing in the farm bill today also helps us protect the very wetlands of America that are so valuable to hunters and to anglers, to wildlife watchers, and to those of us who care so much about the beauty of this place. Indeed, for those of us who come from a natural resources background, we know that more than half of all of the species of wildlife essentially reside around these wetlands and river corridors of our Nation. So what we do with this farm bill in terms of the protection of wetlands and continuing the Wetlands Reserve Program is very important to all those who care about hunting, who are the anglers of our Nation, and who care about making sure we are protecting our wildlife.

Starting in the mid-1950s, we were losing over half a million acres of wetlands every year—half a million acres of wetlands. To put it into perspective so that people will understand, it is like losing the same amount of acreage that makes up all of the District of Columbia every year. Thanks in large part to the Wetlands Reserve Program and CRP, we have achieved the goal of having no net loss—no net loss—from agriculture. In fact, from 1997 to 2003 in that 6-year period, we had a net gain of 260,000 acres of wetlands here in America.

This is a picture of the Wetlands Reserve Program project near Berthoud, along the Front Range, north of Denver. WRP funded 70 percent of the $12,000—70 percent of the $12,000—it took to restore this wetland. You can see what great waterfowl habitat and nesting areas it created along the shoreline. When you look at this beautiful picture—and, yes, I happen to live in the State which is the crown jewel of the Nation in terms of its beauty—you see the mountains, the snow-capped Rockies in the background, but you also see part of what makes Colorado such a wonderful place; that is, the agriculture that feeds into this wetland and a wetland that has now been restored to provide the valuable wildlife and water quality values I addressed a few minutes ago.

This farm bill and the Wetlands Reserve Program is part of what is at stake on this vote that we take tomorrow morning, on whether we move forward with the farm bill.

At the end of 2005, nationwide we had 1.8 million acres enrolled in the WRP. We had 2 million acres of wetlands and buffer zones in the area that were enrolled in CRP. This is great for the bird watchers, for the anglers, for the hunters. CRP alone yields about $737 million a year in wildlife-related benefits.

The conservation program in the farm bill also helps ensure that we have healthy ranges and that animal waste does not harm water quality. Here is an example of EQIP, along Pawnee Creek near the Colorado-Wyoming border. EQIP provided about $3,000—around 50 percent of the project cost—to install this water tank for livestock. This tank is part of a grazing system with a stock well, a pipeline system, and cross fencing that facilitates rotational grazing.

For those of us who come from the West, we understand the importance of water. I often say, for us in the West, we all recognize that water is the lifeblood of our community. Without the waters of the streams and rivers and aquifers in my great State, we would continue still to be the great American desert. It is important we take care of our water in the right way. We know that, it is part of our heritage in the State of Colorado. EQIP is representing these ranchers, making sure we are taking care of a very precious resource.

As this picture shows, a small investment from EQIP results in more balanced grazing, less erosion, improved water quality, and improved wildlife habitats.

I see my friend from New York is here. I have probably 4 or 5 more minutes to go. Through the Chair, I say I will continue to speak but to let him know I have probably another 5 or 10 minutes on the farm bill, and I will yield the floor to my friend from New York.

This is a picture of an irrigation ditch. Through the improvements made on the irrigation ditch, it will make sure there is less water loss along this ditch so water can be more efficiently and more effectively applied on the soil that will be irrigated from this ditch.

I could speak for a long time about the benefits of the Conservation Reserve Program, the Wetlands Reserve Program, the Environmental Quality Incentives Program, the Farm and Ranchland Protection Program, the Grassland Reserve Program, and many other programs we are reauthorizing in the farm bill. You see the benefits of the farm bill and the programs in this legislation throughout my State of Colorado. From my native San Luis Valley in the south to the Yampa River Valley in the north, they have made an immeasurable difference over the last two decades.

I am proud this farm bill reauthorizes these programs and invests $4.4 billion in conservation, a record amount in conservation. The growing pressures on agricultural lands make it all the more important that we pass a farm bill with a strong conservation title. I wish to again applaud Chairman HARKIN, Ranking Member CHAMBLISS, and Senator BAUCUS, the chairman of the Finance Committee, as well as Chairman GRASSLEY, for their contribution—the members of both committees who have brought a great farm bill to the floor of the Senate. I hope we can get beyond the roadblocks that some Members have placed before this legislation. We need to pass this bill for the good of America.

Finally, again, I think we need more people in the Senate who understand the importance of this farm bill. We need more people who understand the food security of our Nation should not be imperiled.

That sign on my desk that says ''no farms, no food,'' is something we ought to be hitting everybody over the head with every day, as we deal with this very important part of our legislative responsibilities, to make sure we have the food security we so need in this country.

We also need to make sure, on this floor, there are people who have a strong voice for those farmers and ranchers who work very hard every day, in a way that you only know when you have worked on a farm or a ranch, to make sure we have that food security for America. For most people in America, when you are out there at work and it is 5 or 6 o'clock, you look at your clock and it is time to go home. If you are a farmer or rancher and you look at your watch and it is 5 or 6 o'clock, more than likely you have another 4 or 5 hours to go.

Then, when you get home, you know you have probably 5 or 6 hours' sleep before you have to get up and make sure you are milking the cows, if you are a dairy farmer, or make sure you are out checking the calves that are being born on the spring days or that the water is being changed at the right time so you are not wasting water, at 2 or 3 or 4 in the morning. It is a hard life out there on the farm. It is a hard life out in rural America. It is important this Senate stand up strong and say yes to rural America, yes to rural communities that want to rebuild themselves, yes to the future of our energy security as we grow our way to

energy independence, yes to the future of our nutritional programs for America, yes to the future of those who want to protect the land and water of America.

This is the right bill. It is important for people to come to the floor of this Chamber tomorrow morning and to cast their vote ''yes'' on the cloture motion before us.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New York is recognized.

Mr. SCHUMER. Mr. President, first, let me thank my colleague from Colorado for, as always, his excellent remarks. One of the many things he does for our Senate and our Democratic caucus in particular is constantly remind us of the problems in rural America. He has a link, coming from a great family tradition in rural America, a farming tradition, a tradition that has gone back centuries. When he speaks on these issues, many of us from more urbanized States listen. I thank him for his courtesy. Not that we don't have great farmers in New York—we do.

I am here to talk on a different subject. I ask unanimous consent to speak as in morning business.

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

THE PRIME LENDING CRISIS

Mr. SCHUMER. Mr. President, I rise today to discuss the subprime lending crisis and the plan we are executing to address the foreclosure wave that threatens home ownership and our broader economy. Rampant predatory lending practices across this Nation have left millions of American homeowners stuck with unaffordable and unfair subprime loans. As a result, 2 million families now face the prospect of foreclosure and the loss of their homes over the next 2 years unless we take action. The number is going to get worse because the loans that were made in 2006 and this year, 2007, usually do not reset until 2008 and 2009. Because so many people who accepted these loans—took these loans—were taken advantage of, the interest rate will skyrocket for them. Many of them will not be able to afford it.

Foreclosures entail not only direct costs to the lenders and borrowers but also high spillover costs that are felt by neighboring homeowners, communities, and local governments in the form of lower home values, lost property tax revenue, and increased maintenance costs. A recent report by the majority staff of the Joint Economic Committee estimated that each foreclosure can cost $227,000 in direct and indirect costs. That is astounding. The homes on a street or in a neighborhood that has had foreclosures often go down in value. Even if you are perfectly safe, even if you have already paid your mortgage and have no intention of taking out another one, you are at risk because of this foreclosure crisis, in terms of the value of your home.

The numbers mean that if the housing market slump continues through the next 2 years, as many economists estimate, approximately $103 billion in housing wealth will be destroyed as these homes are foreclosed on; $103 billion in lost wealth at a time when our families can least afford it.

In addition, States and local governments will lose nearly $1 billion in property tax revenue over the next 2 years as a result of the destruction of housing wealth caused by subprime foreclosures. That is $1 billion less funding for public schools and public safety, and that is the direct property tax loss. We are not talking about the other losses States and local governments will see as a result of the broader economic impact of the crisis.

We are not talking about the financial burden that cities and towns all over the Nation will face to maintain vacant properties and to prevent crime near abandoned homes. We are also not talking about cost to the larger economy. When home values go down because of this crisis, consumers spend less. Consumer spending has been the engine of this economy. It accounts for about 70 percent of our GDP. Statistics show when home values go down, consumers spend less. So this is ricocheting from one end of the economy to the other. Again, even if you live in your home and paid off your mortgage, you will be affected by this unless we act.

The frustrating thing is we know what to do here. We cannot make this crisis go away; there is no magic wand. It took years of neglect, years of ideological aversion to even commonsense regulation of the now-unregulated mortgage brokers. But the frustrating thing—frustrating for this Member who has been talking about this for a long time—is we know what to do. This administration, when it comes to the subprime crisis, has remained like an ostrich with its head in the sand, not paying attention. Why? Why don't they see what everyone else sees?

The reason is quite simple. We have ideologues who run this administration. Their view is Government should never be involved. Let the homeowner pay the price. Let the economy pay the price. Because to get the Government involved is bad.

They can't prove that; that is their ideology. If there were ever a time when we needed some thoughtful, careful, moderate but directed Government intervention—not to bail out anybody; those people will pay the price, you read it in the financial pages of the newspapers right now—but to help our Nation out of this crisis at a time when other things such as high oil prices are hitting, makes eminent sense. The time to act is now, while we still have a chance to save these homes and strengthen our floundering housing market.

I am proud to say today that my colleagues, we in the Senate, will have an opportunity to act and take action on two measures that are designed to use the tools of the Federal Government to assist in helping the 2 million subprime borrowers facing foreclosures with alternatives for loan workouts, refinancings, and modifications. I hope our colleagues on the other side of the aisle will agree with us that these actions are urgently necessary. To wait even 3 or 4 months will have this crisis grow in problems for those homeowners whose mortgages go up, for those financial institutions that have the mortgages but, to a far greater extent, to our economy—neighbors affected and consumer spending.

I hope my colleagues on the other side of the aisle will join us in helping take the urgent action that is needed now—not next month, not in February but now.

First, we will take action to pass the FHA modernization bill. This legislation makes several important changes to FHA, including adjustments to its downpayment requirements, loan limits, and underwriting standards to give the FHA more flexibility to assist subprime borrowers with safe and sustainable refinancing alternatives before their loans reset to unaffordable rates. With these changes, FHA will be able to rescue tens of thousands of American families from the financial ruin of foreclosure.

The legislation will also make improvements to FHA's counseling and foreclosure prevention programs to ensure that borrowers who have already faced the specter of the loss of their home will not have to go through the ordeal again. The FHA legislation is modest. It has bipartisan support. It has the support of the administration. What are we waiting for?

Second, we are pushing the passage of the PROMISE Act, a bill to temporarily increase the portfolio caps on Fannie Mae and Freddie Mac by their regulator.

This is legislation I have introduced, along with Congressman FRANK in the House. The bill will alleviate the predicted wave of foreclosures by giving Freddie and Fannie 10 percent more balance sheet capacity. But it does not just give them the balance sheet capacity and say: Do what you want with it; we hope some will go to help avoid foreclosures through refinancings.

We say 85 percent of that increase must be dedicated to assisting subprime borrowers who are stuck in risky adjustable rate mortgages. The legislation is based on the premise that in troubled market times like these, when private firms are unwilling or incapable of providing the financing necessary to help subprime borrowers, it is appropriate and necessary for the government-sponsored enterprises to step in and provide liquidity. This is why we have GSEs. They are quasi-private, quasi-public. They have a certain and special responsibility when the Nation's economy is at risk. They are not the same as any private company whose job is to make money for its owners or its stockholders. But at the same time, they have the expertise of

the private sector and the clout of the private sector to get something done in an efficient and directed way.

We have all heard that GSEs are the only game in town when it comes to secondary market trading, due to profound distrust of credit quality and rampant uncertainty about the rating agencies. We have to use the liquidity GSEs provide to target those subprime borrowers in need of a way to save their homes.

What is frustrating is the administration is opposed to this legislation because they do not like Fannie and Freddie. They say: Let the markets take care of this in their own way. That is a lesson that was widely accepted in the 1890s and to some extent in the 1920s, but this is 2007. We know thoughtful, well-thought-out Government intervention, in a careful way, works and is needed. We also know if we do not have it, the booms and busts of the economy and to individuals will be far greater, and starting with Woodrow Wilson and then with Franklin Roosevelt and with Democratic and Republican Presidents alike since World War II, we have learned that at times Government intervention is called for, particularly when the private sector is unable to act. In this case, the private sector is clearly unable to act.

Over the coming weeks, we also plan to pass $200 million in the Transportation-HUD appropriations bill for housing counseling organizations that specialize in foreclosure prevention. Here is another problem. A homeowner, and many of the homeowners who are in foreclosure or about to go in foreclosure, these are homeowners who could qualify for prime loans, but they were taken advantage of by rapacious mortgage brokers. And now they are stuck. But they are not really stuck, they have a revenue stream.

People I have met, Mr. Ruggiero, the late Mr. Ruggiero, a subway motorman; Ms. Diaz, a clerk at a hospital for 35 years with a pension, they have the income. Mr. Ruggiero of Queens, Ms. Diaz of Staten Island, they have the income to refinance. The trouble is there is no one there to help them do it. They cannot do it on their own.

There are no banks. Banks do not do this stuff in good part anymore. There are nonprofits, able, dedicated, capable, knowledgeable nonprofits that could come right in and fill the lurch.

Now, you, Mr. President, the Senator from Ohio, and the Senator from Pennsylvania, and I were able to persuade Senator MURRAY who, in her wisdom and always willingness to help, put first $100 million, then $200 million into the appropriations bill for housing counseling organizations that can provide this help.

At a cost of as little as a few hundred dollars per borrower, housing counselors can prevent foreclosure that results in economic loss of $227,000 direct and indirect, on average. This is a highly cost-effective investment. We urge the administration not to veto this emergency funding when the Senate passes it. If it is vetoed, and this crisis gets worse, a portion of the blame, a good portion, will be at the President's doorstep, plain and simple.

I hope the President will not veto it. Most everyone who has looked at this legislation says it is needed. If we can do these three things—FHA reform, lifting the portfolio caps for Fannie and Freddie, and money for housing counseling—we will not end the subprime crisis, it is too deep already. But we can abate it, and we can get our country focused on moving again economically and on to so many other problems that face us.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

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

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

Mr. CONRAD. I think this would be an opportune time to pass the farm bill. Does anybody object?

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CONRAD. Look, we obviously are not going to do that, take advantage of this situation. But I must say, I am tempted after days and days of not being able to consider amendments on the farm bill that is critically important to this Nation's economy.

We got the bill through the Agriculture Committee without a single dissenting vote. Twenty-one members of the Senate serve on the Senate Agriculture Committee. That is over one-fifth of the Senate. After months of difficult negotiations we reached conclusion.

Now we are in this circumstance in which people want to offer amendments on everything from the *Exxon Valdez* to medical malpractice to immigration to labor issues to a whole series of things that have nothing to do with the farm bill.

Now, we all understand that very often hundreds of amendments are filed on major bills that Senators have no intention of actually offering. Certainly, we know there are hundreds of amendments filed on this bill. But I say to my colleagues, this has now gone on for 10 days. We have not considered one amendment. We have not considered a single amendment.

At some point, one would hope there would be an accommodation. Typically, in a situation like this, the accommodation is that a certain number of amendments are offered by each side.

That list is agreed to, entered into the RECORD, and votes are held. Typically on a farm bill there are about 20 amendments voted on, 20, 22, 24. We could have been done with this bill by now. We could have been finished in the Senate. Then we would be in the conference committee to work out the differences between the House and Senate. But we are where we are.

The reasonable way out of this is to proceed as Senator REID offered last night. I heard him clearly. He said we would take only five amendments on this side. If they need more amendments on their side, he is open to considering their amendments, even some of them nonrelevant. He made very clear he would accept a certain number that are nonrelevant. I ask our colleagues on the other side, can't you come up with a list of amendments that you absolutely have to have voted on, including those nonrelevant amendments that you believe you have to have a vote on? Can't you do that? Couldn't we enter that into the RECORD and conclude work on this farm bill?

Why is it important? Why does this farm bill matter? First, because we have a food policy in this country that is making a difference. How do we know that? Here is the first way we know it. Who pays the least for food in the world? It is our country. The numbers are very clear. We spend 10 percent of our disposable income on food; 5.8 percent is spent on food eaten at home; 4.1 percent is spent on food eaten away from home. So of the 10 percent of our disposable income that goes for food, about 60 percent of that is food eaten at home, so about 6 percent.

The comparable figure in these other countries is Japan, 14 percent of their income goes for food eaten at home; France, 15 percent; China, 26 percent; Philippines, 38 percent; Indonesia, 55 percent. There is no country that comes even close to ours in terms of the percentage of income going for food eaten at home. Even when you factor in food eaten outside the home, we are far less than any other country in the world.

Of course, as the Chair knows well, the distinguished Senator from Colorado, who is such a valued member of the Agriculture Committee, who also is an important member of the Finance Committee, these are not only agriculture provisions, these are provisions that come from the Finance Committee on an overwhelmingly bipartisan vote, provisions to provide an incentive to reduce our dependence on foreign oil. This bill is called the Food and Energy Security Act because it looks to both, and both are critically important. Agriculture is one place where we still export more than we import, one of the few places in the economy where that is true. On energy, it is one place where we could actually help dramatically reduce our dependence on foreign oil. It has been done in a fiscally responsible way.

I hear the news broadcasts. I see what is written in some of the press. It is amazing that they don't have the basic facts of this legislation, and they don't present them to the American people.

Let me show this chart. Commodity programs, which are a small fraction of this bill, are the support programs for the major commodities in this country. They draw all the criticism, all the heat. The fact is, commodity program costs are going way down. This red line shows what the Congressional Budget Office estimated would be the cost of commodity programs when the last farm bill was written. This red line is what they estimated the farm program would cost, the commodity parts of the farm bill. But look at what has actually happened. We are well below their estimates, not only for the current farm bill but look at the estimates going forward. The costs of the commodity program are down dramatically from the past farm bill, from the projections that were made at the time the last farm bill was written. As a share of total Federal spending, it is also down.

According to estimates when the last farm bill was written, the total farm bill passed in 2002 would take 2.33 percent of total Federal spending and the commodity programs would take .75 of 1 percent. Now as we look to this new farm bill and what the Congressional Budget Office is saying—these are not my numbers or Ag Committee numbers—they say the Food and Energy Security Act costs will be down to less than 2 percent of total Federal spending. In fact, 1.87 percent of total Federal spending. And the commodity programs, the things that draw the controversy, are down to one-quarter of 1 percent of total Federal spending.

I have not seen that statistic written in a single Washington Post column. I have not seen it on any of the television broadcasts, not one. They are supposed to be giving the American people the information they need upon which to base a decision, and they are not telling people that the farm program is being reduced as a share of Federal spending or the commodity program is one-third of what it was estimated to be when the last farm bill was written. I don't see a single column telling the American people that fact. I don't see a single broadcast that allows that fact to be told to the American people. The Food and Energy Security Act as a share of total Federal spending is going down, not up. The commodity programs are going down, not up, as a share of total Federal spending.

The other thing they seem to forget about is where does the money go? This pie chart shows where it is going. Almost two-thirds of the money, 66 percent, is going for nutrition. That is not just farm States; that is in every State. Every State has school lunch. Every State has food stamps. Every State has food banks. Every State, every community benefits by the nutrition spending in this bill. It is nearly two-thirds of the total. I don't see that reported by a single news source. I haven't seen any of them report that basic fact. I haven't seen any of them say 9 percent of the money is going for conservation of natural resources. That is money that goes to every State of the Nation. I don't see any of them reporting that less than 14 percent of the money is going for commodity programs.

The fact is, this legislation is important to the Nation. It is important to the agriculture sector, no doubt, but it is also critically important to our energy security to reduce our dependence on foreign oil. It is critically important to our economy. It is critically important to our continuing competitiveness, because the Europeans, our major competitors, are spending more than three times as much to provide support to their producers as we provide to ours. What are we supposed to say to our producers? You go out there and compete against the French and the German farmer, and while you are at it, go compete against the French Government and the German Government too. That is not a fair fight. Our farmers and ranchers can take on anybody. They are happy to compete against the French and the Germans. But they can't be expected to take on the French Government and the German Government as well. That is exactly what is happening in world agriculture. The Europeans are providing three times as much direct support to their producers as we provide ours. That is a fact. Those are not my numbers. Those are the numbers from the OECD, the international scorekeeper that keeps track of competitive positions.

What happens if we pull the rug out from under our producers when they are faced already with a more than 3-to-1 disadvantage going up against our biggest competitors? What happens? Two words: Mass bankruptcy. That is what would happen. Farm income would plummet in this country. Cash flow would dry up. Farm and ranch families would be forced off the land. America would experience in agriculture what we have already experienced in so many other economic sectors. We would become dependent on the kindness of strangers for our food. We are already dependent on the kindness of strangers for our money because we are borrowing so much money, because we are not being fiscally responsible. We already are dependent for 60 percent of our energy on foreign countries. Sixty percent of our oil comes from abroad. We are headed for 70 percent on energy if we fail to act.

The Food and Energy Security Act is one place we could make a meaningful difference in reducing our dependence on foreign oil. Why? Because it encourages and provides incentives for the development of ethanol, and ethanol not just from corn but ethanol from cellulose, things such as switchgrass and wood fiber. Because we know we cannot attain the goals this Congress and this President have set for the country in alternative fuels by only relying on corn for ethanol. We will have to have a breakthrough on the use of cellulosity. There are other provisions to encourage the use of biodiesel fuel as well as ethanol.

We look around the world. We don't have to look far to see other countries that have made significant progress in reducing their dependence on foreign oil by looking at alternative fuels. Look at the case of Brazil. Brazil, a number of years ago, was 80 percent dependent on foreign energy. Just as we are 60 percent on foreign energy today, they were 80 percent dependent. Today they are on the brink of energy independence. That is startling. They have gone from 80 percent dependence on foreign energy to virtual energy independence. They have done it over a 20-year period. They have done it by focusing on ethanol and flexible fuel vehicles, and what a difference it is making to their country. Look at their economy. It is soaring. Think how different our country would be if instead of spending $270 billion a year importing foreign energy we were spending that money here at home, helping to grow our way out of this energy crisis. We could do it. Instead of maintaining this dependence on the Middle East, how about looking to the Midwest? How about having a circumstance in which a President could wake up in the morning and know he didn't have to worry or she didn't have to worry about what was going to happen in the Middle East and how that might threaten the energy security of our country, because that person might know we no longer were dependent on Saudi Arabia, on Kuwait, on Venezuela; that instead we were able to produce the energy here at home.

This isn't a fantasy. It is a possibility. But it is only going to happen if we take steps. Some of the steps that are needed to be taken are in this legislation, this legislation that is going nowhere over some argument that the other side ought to be able to offer a whole bunch of amendments on things that have absolutely nothing to do with food and energy security. Medical malpractice, *Exxon Valdez*, the alternative minimum tax—those have nothing to do with the farm bill. But those are amendments that are pending on the other side.

A final point I want to make is from an article in the Wall Street Journal from September 28 of this year. The headline of this chart is ''Farm Productivity Spurs Global Economy.''

Somehow, something has happened in this country. We have forgotten about our roots. We have forgotten about where we came from. We have forgotten about what has helped America be strong. Right at the core of our strength and our success has been an incredibly productive agricultural sector—farm and ranch families all across this country who have dramatically increased their productivity through technology and through their own good work.

But look at what it means not just to us but around the world. This, again, is

from the Wall Street Journal of September:

The prospect for a long boom is riveting economists because the declining real price of grain has long been one of the unsung forces behind the development of the global economy. Thanks to steadily improving seeds, synthetic fertilizer and more powerful farm equipment, the productivity of farmers in the West and Asia has stayed so far ahead of population growth that prices of corn and wheat, adjusted for inflation, had dropped 75 percent and 69 percent, respectively, since 1974. Among other things, falling grain prices made food more affordable for the world's poor, helping shrink the percentage of the world's population that is malnourished.

How did all this happen? If the farm policy of this country, which is the dominant agricultural producer in the world, is so flawed—as is repeated hour after hour by every broadcast station in this country and repeated in newspaper column after newspaper column—how is it we have had this incredible success and it has gone completely or virtually unnoticed by the major media? Could it be that maybe they have not done a very good job of telling the American people the full story? Could it be that they have been so eager to find fault with every corner and every piece of farm legislation because they kind of at heart look down on people who work the land? I hate to say it, but I think now we are getting at the truth. I think there is a deep arrogance among some about people—farm and ranch families—who are out there, and they want to somehow believe they are superior to them. They want to believe they are farming the mailbox and that there are all these endless abuses.

It is fascinating, if there are all these endless abuses, why do the reform proposals that have been presented and have been suggested raise so little money? If there is this rampant abuse, as is presented in the popular media, why do all the measures to reform the system save so little money? How could that be? Could it be because the abuses that do exist—and there are abuses—could it be that they are the exception rather than the rule? Could it be that we actually have an agricultural policy in this country that has worked so remarkably well that the price of grain, corn and wheat, adjusted for inflation, has dropped 75 percent and 69 percent, respectively, since 1974? Could it be that we have an agricultural policy in this country that has worked beyond anyone's fondest dreams? Could it be that those who put this policy in place actually knew what they were doing? Could it be that one of the reasons for America's remarkable success and agricultural abundance and low food prices relative to every other country in the world is because we have been doing something right? Could that be?

Maybe it is. Maybe that is the real story the popular media has not written or broadcast. Maybe they have failed to see that part of America's success story is America's agricultural policy—a policy that now can extend not only to food security—and, by the way, has anybody been watching lately what happens when we become dependent on foreign countries for our food supply? Has anybody been watching the questions of food safety from not only food but other products coming from foreign countries?

Is anybody paying attention to the energy opportunity that is in this legislation to reduce our dependence on foreign oil and help further strengthen this incredible country?

It is easy to criticize. It is easy to point the finger. It is easy to castigate. It is easy to act superior. It is hard to produce something that builds a better future for our people. That is hard.

I will just ask those who have been such constant critics: Can't you open your mind just a little bit and acknowledge what is clearly the larger truth? The larger truth is, we have the cheapest food as a percentage of income in the history of the world. The truth is, we have the most abundant and the safest food supplies of any nation in the history of mankind. The truth is, the cost of this program is going down as a share of the total Federal budget—and in the case of the commodity programs, going down dramatically. The truth is, we have an opportunity to improve the energy security for our country. The truth is, we have a chance to strengthen the economy and to make this a much more secure country. Right now, that opportunity is being missed.

Look at this Chamber. This is the Thursday before we are supposed to leave for 2 weeks for Thanksgiving. I hope when people sit around those family tables across America enjoying the bounty of our country, they think, for just a moment: Where did that bounty come from? It did not just come from the grocery store. I am talking about who grew the crops, who raised the livestock, who raised the poultry we are going to enjoy around that dining room table. Where did it come from? How much does it cost in relationship to what others are paying around the world?

What is the further opportunity we have to reduce our dependence on foreign energy? Isn't part of it—a significant part of it—anchored in the rural communities of America, a place where we could help grow our way out of this dependence on foreign energy by producing it right here at home?

I hope Americans will think about this. I hope even some of our critics in the media will think—gee, maybe shouldn't they report the full story? Maybe should just one article talk about the positive things that have happened? I know the good news is not news according to the news media, but I do not know how the American people can be expected to make a fair and objective decision on the merits of this legislation or the food policy of the country if they are not given the whole story—the whole story—not just the things they can make into a headline and castigate people.

I hope for just a moment our colleagues will reflect: Does this process—here we are, it is Thursday at 12:40 p.m. Eastern time, and I am the only one here, other than the distinguished Presiding Officer, who is a Member of this body.

Mr. NELSON of Florida. And me.

Mr. CONRAD. And Senator NELSON.

Let me say that I hope our colleagues will think very carefully about how we break this gridlock. This does not reflect well on the body. This does not reflect well on the Senate of the United States that we are not able to move forward on legislation that came out of the committee without a single dissenting vote and we have been stuck here for 10 days doing nothing. I hope we are going to prove we are better than this when we return.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I wish to say to my colleague from North Dakota what an absolute delight he is to speak with such passion, as he does, about things he knows so much about and how he can explain it in understandable terms.

Farm bills are one of the most complicated things in the world because of the balancing of all the different interests, with these elaborate farm support programs, that you have to have a Ph.D. in mathematics, sometimes, to understand. Senator CONRAD is someone who speaks so eloquently and yet so simply in explaining it. He comes from the land, and he represents a lot of those who earn their living from the land, as does this Senator from Florida.

Most people think of Florida as Disney World and high tech and the space center and so forth. People would be amazed that Florida agriculture is—next to the service industry, which is tourism—just about equal to any other industry as the second largest economic impact interest on our State. Our beef cattle industry is huge. Our citrus industry is huge. So it is with a great deal of passion, like Senator CONRAD, that I take the floor to try to articulate the importance of a farm bill to the people in our State as well as has been articulated by the Senator from North Dakota.

Now, I wish to talk not just about the farm bill. I want to talk about a major amendment that is pending, and that is the Lugar-Lautenberg amendment in taking a completely fresh look at how we protect the Nation's agriculture. I am very happy to be an original cosponsor of this amendment.

No doubt, farmers are facing difficulties. We rely on them for our food. Senator CONRAD said it best: In this time of thanksgiving, as we sit around a table of bounty, we should be grateful we live in a land where our basic food and nutrition is met for most Americans. And I say ''most Americans'' because some do not.

Because we have an effective farming industry, it demands we continue to be good stewards of the land and the water. We rely on those farmers to persevere during times of natural disaster and uncertainty, where major natural disasters, such as hurricanes, can completely eliminate the citrus crop in Florida, which threatens their very solvency. Then, at the same time, we are asking them not to give in to the pressures, the financial pressures to sell their land for development. This is particularly acute in a State such as Florida where the land value has risen so much that it almost does not make economic sense for the farmers to continue to farm their land.

These farmers are providing our food to our citizens—and not only to America but to the world. We must provide farmers a safety net in the many programs we do here in the farm bill, in other natural disaster bills—a safety net for their times of uncertainty. We have a system that works for many, but this system in a State such as Florida doesn't work for all. In fact, a majority of our Florida farmers are not eligible to participate in a lot of these farm programs that receive the lion's share of the payments in the bill we are going to vote on. This system, as I said, is so complicated it is nuanced. Many of the programs in the farm bill were started as a temporary fix of the immediate problem that the country was facing at the time, but then they get extended time and time again. Then, contrary to their original intent, they become permanent, and some of them have become corrupted—some of those programs—by people who exploit them.

OK. It is time for us to step back and take a fresh look at this and determine how we can best support our farmers. I believe the Lugar-Lautenberg approach I have joined is an amendment that does that. The amendment is going to flow out of the normal farm program and it would provide every farmer in this country who chooses to participate with farm insurance, which would be provided at no cost. Farmers then would have a guarantee that their revenue would reach a certain threshold based on local conditions instead of national standards. This is a remarkable shift from the way we do business now. But it means we eliminate the direct payments to farmers whose land hasn't been farmed in years or who are selling their crops at record high prices. Instead, under this amendment, we are going to provide them with a safety net to fall back on if their farm revenues suddenly drop or if a bad year hits. Guess how much money it is going to save. Upwards of $4 billion. Even by giving the farm insurance at no cost to the farmer, it is going to save billions of dollars.

The Senate bill we now have on the floor has parts of it that are very good. It increases money for nutrition programs which are going to make a tangible difference in the lives of those on food stamps. It has a tangible increase for the conservation programs which will make significant strides in protecting our lands and watersheds. But this amendment I am talking about, the Lugar-Lautenberg amendment, goes even further. It fully funds the nutrition programs across 10 years—not just 5 as in the committee bill—and it expands programs such as the simplified summer food program. It accounts for an additional $150 million each year to provide for school lunches, and some of those school lunches are going to children—hungry children—in the developing world. It increases the conservation spending by $1 billion. At the end of the day, the amendment saves billions of dollars by taking out the antiquated direct payments program.

My State of Florida has more acres of orange and grapefruit groves than any other State and it ranks among the top five when it comes to growing vegetables, not even speaking about what I already told my colleagues; you would be surprised among the beef cattle industry how big we are. Until this year, the needs of specialty crops such as citrus and vegetables were barely mentioned in farm legislation. The committee bill we are now debating finally addresses this part of agriculture that is so near and dear to our hearts, and so much of a staple for us in Florida, by making tremendous advances in research, pest and disease mitigation, technical assistance, and block grants. I give sincere thanks to Chairman HARKIN and his committee for what they have done, but guess what. The Lugar-Lautenberg amendment goes even further. It provides over $750 million more to specialty crops and still manages to save $20 billion. I said $4 billion earlier. I said billions. That is true. We are talking about $20 billion of savings in overall support for agriculture by taking this farmers' insurance program at no cost to the farmers.

Specialty crops certainly aren't just important to Florida. Fruits and vegetables are an absolute necessity of healthy eating everywhere, and this Lugar-Lautenberg amendment gives an additional $200 million to the Women, Infants and Children Farmers Market Nutrition Program which makes fresh, locally grown fruits and vegetables a part of their daily diets—daily diets of women and young children who can't afford them. Not only is it going to make our children grow up strong and healthy, but it also supports the local farmers. There is also an extra $250 million in this amendment for a similar program that serves low-income senior citizens.

I have been on this Senate floor time and time again to call attention to the plight of one of our great national, international, and natural treasures: the Florida Everglades. I am happy to tell my colleagues there is an important step in this Lugar-Lautenberg amendment in conserving the endangered Everglades, as it includes $35 million that can be used to complement efforts undertaken by the State of Florida to restore the northern part of the Everglades system, which is the area that is so located that pollutes so much of the rest of the Everglades as the water flows south, because it is the area north of Lake Okeechobee that is critical to the larger ecosystem further to the south. While this is a small part of what is needed to preserve the overall Everglades and to restore the Everglades, it is another opportunity we can do something about, in helping clean up that water that is flowing into Lake Okeechobee that ultimately flows south into the Florida Everglades.

This amendment is a fresh, effective way of how we can do business in agriculture, and I urge my colleagues to support it.

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

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

The assistant legislative clerk proceeded to call the roll.

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

Mr. SALAZAR. 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. SALAZAR. Madam President, I come back to the floor this afternoon at 1:35 p.m. eastern time just to remind my colleagues about the importance of the issue we are working on. This farm bill, which is the Farm, Fuel, Security Act, is something that is very important to the future of America.

We are knocking on the door of Thanksgiving for all Americans, where we will all be giving thanks for the bounty we produce in this country for our families and for the lives we live in this wonderful and free America. But without the hard work of farmers and ranchers throughout this country, that very food supply which will give us that great joy during this holiday would not be there.

This is one time every 5 years—one time every 5 years—where the Members of the Senate get to stand up and take stock of the importance of our farmers and ranchers and rural America and the importance of nutrition for our young people in our schools and those who are the most vulnerable, those on food stamps, and the importance of dealing with protecting our land and water and dealing with the future energy supply needs of America. So as we approach this Thanksgiving celebration, it is important for all of us to think back, to reflect upon what is happening in the Senate today.

Some 10 days after we started this farm bill, and after 3 years of hard labor with both Democrats and Republicans to get us to this farm bill, we are now stuck in this procedural impasse we find ourselves in. I think it is a shame that we are where we are. I

think it is a shame that we are not able to move forward.

Last night I heard the majority leader, Senator REID, come to the floor and say: This farm bill is important. Senator REID said: I want to get a farm bill. He said: We will offer, on the Democratic side, to limit the number of amendments to five. With some almost 300 amendments filed on this bill, Senator REID said: We will limit the number of Democratic amendments to five, and we will give you, if you want twice as many amendments, we will give you twice as many amendments. Yet no deal.

Why no deal? Why no deal? Why can't we even agree on a subset of amendments we can debate on the floor and then vote on them and move forward on this farm bill? Is it that there is a slow walk, a stall underway because some Members in this Chamber don't want a farm bill? Are there some Members in this Chamber who do not want a farm bill?

There is a reality, and the reality is that it is possible for us to still get a farm bill. It is still possible for us to get a farm bill. We can move together tomorrow and get 60 votes on the cloture vote. We can have Republicans joining Democrats to get those 60 votes, and then we will move forward with a procedure under the postcloture rules of the Senate to address a series of germane amendments that will improve the bill. So we could still get a farm bill.

The question is, Do the members of the minority in the Senate today want to get a farm bill or do they not? Are the politics being pushed going to triumph over public purpose, which we have tried to address in this farm bill? Are they going to allow politics to triumph over that public purpose?

I would hope not. And I would hope when we come together in the Senate to vote on the cloture motion tomorrow, that there is a resounding yes that we are going to move forward and complete this farm bill; that we are going to enter into the postcloture period where we will address the germane amendments to this legislation, and at the end of the day we will have a farm bill that can be passed and then sent to the President for his signature.

Madam President, I yield the floor, and 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. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

UNSAFE IMPORTS

Mr. BROWN. Madam President, as the holiday season approaches and parents are buying toys and other consumer products for their children, I would like to put that in the context of what has happened with our economy, what has happened with our trade policy, and what has happened with the breakdown of the part of our Government—the Consumer Product Safety Commission, the Food and Drug Administration, the U.S. Department of Agriculture—that is there for one simple reason; that is, to protect our people. The Environmental Protection Agency is there to make sure our air and water are clean, the Food and Drug Administration is there to make sure our pharmaceutical supplies and food supplies are safe, the U.S. Department of Agriculture is there to make sure other food coming across our borders and food that is produced in this country is safe, and the Consumer Product Safety Commission is charged by this Congress, by our Government, to make sure our consumer products are safe.

Through the last many years—exacerbated, made worse by the policies of the incumbent, the present administration—we have established a situation that is almost a perfect storm for bad outcomes.

Last year, in 2006, we imported about $288 billion worth of goods from China. Tens of millions of dollars of those goods were toys, toothpaste, dog food, and other kinds of consumer products. When you buy tens of billions of dollars of consumer products from China, you understand implicitly that those products are made and manufactured and produced in a country that puts little emphasis on safe drinking water, clean air, food safety, purity in pharmaceuticals, and consumer product safety. So when you buy tens of billions of dollars of goods produced in China, you can bet there is a good chance much of their food or ingredients might be contaminated, much of their toys and tires can be defective.

Put on top of that the fact that many U.S. companies go to China as they outsource jobs and they close down production facilities in St. Louis, in Independence, in Kansas City in the State of the Presiding Officer, or in Cleveland, in Dayton, in Gallipolis and Steubenville and Lima in my State. They close down production and outsource these jobs to China.

These American companies then subcontract with Chinese companies to make these products. When they subcontract with these Chinese companies, knowing that production in China is not as safe, either for the worker or for the safety of the product, knowing that production in China can often mean contaminated food products and vitamins and toothpaste and dog food, and at the same time understand those American companies that are subcontracting with these Chinese companies, Chinese subcontractors, the American companies are pushing them to cut costs—you have to cut these costs, you have to cut these corners, you have to make these products cheaper—when you do that, it should not come as a surprise to Americans, or to our Government, that you are more likely to get tires that are defective, more likely to get contaminated toothpaste or inulin in apple juice, you are more likely to get products that simply don't work as well, and you are more likely to get lead-based paint coating our toys. Why? Lead-based paint is cheaper to buy, less expensive to apply, it is shinier, and it dries faster.

When American companies—without mentioning any names of American toy manufacturers—push their Chinese subcontractors to make it cheaper, to cut costs, to save money for these companies, it is almost inevitable that these products are going to have lead-based paint, are going to have other kinds of consumer safety problems. You have them made in China with a nonexistent safety regulatory mechanism, made by companies subcontracting with United States companies that are telling them to cut costs, and then these products come into the United States.

What happens here? President Bush has weakened the whole regulatory structure. What does that mean? What he has done is dismantled a lot of the protections of the Consumer Product Safety Commission, the U.S. EPA, the Food and Drug Administration, and the Department of Agriculture.

Again, why are we surprised when Jeffrey Weidenheimer, a professor at Ashland University in my State, at my request tested 22 toys bought in the local store 10 miles from where I grew up and found 3 of them had excessively, dangerously high lead content? Six hundred parts per million is what we as a country have established as a safe amount of lead—600 parts per million is safe. One of the products he tested, a Frankenstein drinking mug for children, had 39,000 parts per million.

Why does that happen? Because Nancy Nord and the Consumer Product Safety Commission aren't doing their job. They have half the budget they had 20 years ago, and the budget has continued to be cut by President Bush. They have weaker rules, and they have a Consumer Product Safety Commission chair who simply says: We are doing the best we can with what we have. Chairwoman Nord has come in front of the Commerce Committee and said: I do not need a budget increase; things are just fine in my agency. She also has lobbied against the legislation from my seatmate, Senator PRYOR, who has introduced legislation that will strengthen the Consumer Product Safety Commission.

The solution to all this, without great detail, is to begin to change our trade policy. So if we are going to buy tens of billions of dollars of toothpaste and dog food and apple juice and other food products and vitamins and toys and tires from the People's Republic of China, from that Communist regime, that also means they are going to have to begin to follow better safety regimens for the products they produce. It

means American companies that import have to be responsible. If you are an American company and you go to China, you hire a subcontractor, and you bring those products back into the United States, it is up to you, in your corporate and your personal responsibility, to guarantee the safety of those products.

It means a better Consumer Product Safety Commission. It means that Nancy Nord should step aside, the Chairwoman of the Consumer Product Safety Commission. It means the President of the United States, who has shown little interest in that agency except to weaken and defund it, needs, actually, to appoint four new Commissioners. There are only two there now; they have five spots. The President, for whatever reason, has not replaced them. He needs to appoint a new chair to this Commission. Nancy Nord has shown she is both indifferent to making this Commission work and, frankly, has too great a bias to the companies she is supposed to police. She has traveled with them. She has traveled with them at their expense and done all kinds of things and clearly has not shown any real interest in making our Consumer Product Safety Commission work.

It is up to us as Members of the Senate, Members of the House, this Government—it is up to us. Our first responsibility is to protect our people, and that means in terms of the air we breathe, the water we drink, the food we eat, the consumer products we use, and the toys that are in our children's bedrooms and playrooms. The road is clear, the road we should drive down. Nancy Nord should go.

Beyond Nancy Nord's resignation, we need the President's attentiveness to the Consumer Product Safety Commission. The Senate needs to pass the legislation from Senator PRYOR, and we need to move forward.

I yield the floor. 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. ALEXANDER. 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. ALEXANDER. I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

COMMERCE-JUSTICE APPROPRIATIONS

Mr. ALEXANDER. Madam President, I regret to report that the conference committee for the Commerce-Justice-Science appropriations bill has been indefinitely postponed. I wanted to take just a few minutes and say from my point of view why it has been postponed and to express my hope that it can be put back on track soon, in the regular order, and that we can move ahead and deal with it.

The Commerce-Justice appropriations bill includes funding for the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives. It includes appropriations for NASA, for the National Science Foundation, and the U.S. Commission on Civil Rights.

Here is what has happened. It is important for my colleagues to know this. The reason the Appropriations Committee conference has been postponed is because the Speaker of the House objects to an amendment which I offered in the Appropriations Committee, which was adopted by the committee, adopted by the full Senate, and which the House of Representatives instructed its conferees to approve. I have been told that unless I agree not to bring the amendment up in conference, the conference will not meet.

Let me describe the amendment. I believe most Americans will be surprised to learn what its subject is. The amendment I offered in the Senate Appropriations Committee is an amendment to make clear that it is not against the Federal law for an employer to require an employee to speak English on the job. Let me say that again. My amendment, which was adopted by this Senate, was to make it clear that it is not against the Federal law for an employer to require an employee to speak English on the job. That was adopted by the Appropriations Committee. Among those voting for it were the chairman of the Appropriations Committee, Senator BYRD, and the ranking Republican member, Senator COCHRAN. When it went to the House, there were two votes on it, but the second vote had the House, as a majority, instructing its conferees to agree with the Senate position and make it the Federal law.

Why did I offer such an amendment? I offered the amendment because the Equal Employment Opportunity Commission, a Federal agency, has determined that it is illegal for an employer in this country to require employees to speak in English while working. As a result, the EEOC has sued the Salvation Army, for example, for damages because one of the Salvation Army thrift stores in Boston required its employees to speak English on the job. The EEOC says this is a discrimination in violation of the Civil Rights Act of 1964. It says, in effect, that unless the Salvation Army can prove this is a business necessity, it can't require its employees to speak English.

In plain English, this means that thousands of small businesses across America—the shoe shop, the drugstore, the gas station—any company would have to be prepared to make their case to the Federal agency—and perhaps hire a lawyer—to show there is some special reason to justify requiring their employees to speak our country's common language on the job. I believe this is a gross distortion of the Civil Rights Act, and it is a complete misunderstanding of what it means to be an American.

I do not say this lightly. Since the 1960s, in Tennessee, at a time when it was not popular, I have supported, I believe, and voted for, when I have been in a position to do it, every major piece of civil rights legislation that has come down the road from the early days. I believe in that passionately. I remember the 1964 Civil Rights Act and the Voting Rights Act and all those important pieces of Federal and State legislation which have made a difference to equal rights in our country. But I cannot imagine that the framers of the 1964 Civil Rights Act intended to say that it is discrimination for a shoe shop owner to say to his or her employee: I want you to be able to speak America's common language on the job. That is why I put forward an amendment to stop the EEOC from filing these lawsuits.

That is why the Senate Appropriations Committee agreed on June 28 to approve my amendment. That is why the full Senate on October 16 passed a bill including my amendment. That is why the full House of Representatives voted to instruct its conferees to agree with the Senate on November 8. That is why, I believe, that the Senate-House conference on this appropriations bill should include the amendment in the conference report so it can become law.

Let me step back for a minute and try to put this small amendment in a larger perspective. Our country's greatest accomplishment is not our diversity. Our diversity is magnificent. It is a source of great strength. Our country's greatest accomplishment is that we have turned all that magnificent diversity into one country. It is no accident that on the wall above the Presiding Officer are a few words that were our original national motto: E Pluribus Unum, one from many, not many from one.

Looking around the world, it is worth remembering that it is virtually impossible to become Chinese, or to become Japanese, or to become German, or to become French. But if you want to be a citizen of the United States of America, you must become an American. Becoming an American is not based on race. It cannot be based upon where your grandparents came from. It cannot be based upon your native religion or your native language. Our Constitution makes those things clear. In our country, becoming an American begins with swearing allegiance to this country. It is based upon learning American history so one can know the principles in the Constitution and the Declaration of Independence.

The late Albert Shanker, the head of the American Federation of Teachers, was once asked what is the rationale for a public school in America? He answered: The rationale for public schools is that they were created in the late part of the 19th century to help mostly immigrant children learn the three Rs and what it means to be an

American, with the hope that they would go home and teach their parents the principles in the Constitution and the Declaration that unite us.

Our unity is based upon learning our common language, English, so we can speak to one another, live together more easily, and do business with one another. We have spent the last 40 years in our country celebrating diversity at the expense of unity. It is easy to do that. We need to spend the next several years working hard to build more unity from our magnificent diversity. That is much harder to do. One way to create that unity is to value, not devalue, our common language, English. That is why in this body I have advocated amendments which have been adopted to help new Americans who are legally here have scholarships so they can learn our common language.

I have worked with other Members of this body on the other side of the aisle to take a look at our adult education programs which are the source of funding for programs to help adults learn English. There are lines in Boston and lines in Nashville of people who want to learn English. We should be helping them to learn English. We could not spend too much on such a program.

That is why with No Child Left Behind, one of the major revisions we need to do is related to children who need more help learning English, because that is their chance in their school to learn our common language, to learn our country's principles and then to be even more successful.

Not long ago, before Ken Burns's epic film series on World War II came on television, my wife and I went to the Library of Congress to hear him speak and to see a preview of the film. He was talking, of course, about World War II and that period of time. It was during World War II, he said, that America had more unity than at any other time in our history, which caused me to think, as I think it must have caused millions of Americans to think: What have we done with that unity since World War II? Our pulling together since then, our working as one country has been the foundation of most of our great accomplishments.

That is the reason we have the greatest universities, that is the reason we have the strongest economy, that is the reason we still have the country with the greatest opportunity. Quoting the late Arthur Schlesinger, in Schlesinger's 1990s book which was called ''The Disuniting of America,'' Ken Burns told us that: Perhaps what we need in America today is a little less pluribus and a little more unum.

I believe Ken Burns's quote of Arthur Schlesinger is right about that. One way to make sure we have a little more unum, a little more of the kind of national unity that is our country's greatest accomplishment, is to make certain we value our common language, that we help children learn it, that we help new Americans learn it, that we help adults who do not know it to learn it, and that we not devalue it by allowing a Federal agency to say it is a violation of Federal law for an employer in America to require an employee to speak English on the job.

I yield the floor, and I suggest 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 Republican leader is recognized.

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

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

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS MOTION TO PROCEED

Mr. MCCONNELL. Madam President, I understand that the majority may move to proceed to the supplemental bill passed by the House last night. That bill imposes at least two policy restrictions that will compel a veto: directing the readiness standard the Defense Department must follow before a unit may be deployed, and expanding the interrogation procedures established in the Army Field Manual over to the intelligence community.

The House bill will also compel the immediate withdrawal of forces, regardless of what General Petraeus's orders may be. Petraeus has established a reasonable timeline for the transition of mission and drawdown, and, frankly, we ought to support him. The Marine expeditionary unit identified by General Petraeus in September for withdrawal has left Iraq, and an Army brigade is headed home over the next month.

CLOTURE MOTION

Madam President, I move to proceed to Calendar No. 484, S. 2340, the troop funding bill. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 the motion to proceed to S. 2340, a bill making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008.

Mitch McConnell, Saxby Chambliss, Bob Corker, Wayne Allard, Thad Cochran, John Cornyn, Kay Bailey Hutchison, Lisa Murkowski, Orrin Hatch, Richard Burr, Trent Lott, Mike Crapo, Pat Roberts, Chuck Grassley, Jon Kyl, Norm Coleman, Mel Martinez.

Mr. MCCONNELL. Madam President, Secretary Gates stated clearly yesterday that the Army and Marine Corps will run out of operating funds early next year. This funding shortfall will harm units preparing for deployment and those training for their basic missions. We should not cut off funding for our troops in the field, particularly at a moment when the tactical success of the Petraeus plan is crystal clear. Attacks and casualties are down. Political cooperation is occurring at the local level. We should not leave our forces in the field without the funding they need to accomplish the mission for which they have been deployed.

The Pelosi bill, if it was to get to the President's desk, of course, would be vetoed, as was the supplemental bill sent to the President earlier this year that contained a withdrawal date. Because we have a responsibility to provide this funding to our men and women in uniform as they attempt to protect the American people, we need to get a clean troop funding bill to the President.

There is no particular reason to have all the votes that are likely to be coming our way tomorrow. I have indicated repeatedly to the majority leader—and we have at the staff level—that we would be more than happy on this side of the aisle to move both the farm bill cloture vote and whatever cloture vote or votes we end up having on the troop funding issue up to today. I hope there is still the possibility of doing that. I know Members on both sides of the aisle, in anticipation of the 2-week break, have travel plans. I am all for staying here longer if it makes sense, but under this particular set of circumstances, it doesn't make sense.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE FARM BILL

Ms. STABENOW. Madam President, I rise to speak about the importance of the farm bill. I also wish to express the same deep concern about what is happening on process in the Senate, as so many of my colleagues and the majority leader have. This is the second week we have been trying to pass a food and energy security bill that is important for every community. The process that has gone on, frankly, since the beginning of the year, is one of delay, slow walking, and filibusters over and over again.

Yesterday, I showed a chart that read ''52 filibusters so far this year.'' Tomorrow we have potentially three more votes to close off filibusters. One relates to funding on the war that is tied to a policy change the majority of Americans want to have happen to move our men and women out of the middle of a civil war, to refocus us instead on the critical areas of counterterrorism, training, support for Americans who remain, those things the majority of Americans want to see happen. We have to stop a filibuster on

that tomorrow morning. We then have two votes potentially on stopping filibusters on the farm bill. So my ''52'' is, as of tomorrow, potentially 55 filibusters this year.

We have never seen the level of filibustering that we have had in the current session of the Senate with our friends on the other side of the aisle.

In spite of the slowdown, in spite of the blocking of efforts to vote on amendments and to get a farm bill done last week, in spite of efforts this week, I am proud to say that yesterday we were able to work together to pass a reauthorization of Head Start. This is something that was done on a bipartisan basis. It will go to the President. We expect him to sign it. It will increase standards for teachers and extend resources so more children can receive Head Start funding. Head Start is so important to prepare children for school, to give them a head start. It is a wonderful program that involves parents being a part of the effort of preschool education. Despite what as of tomorrow will be 55 filibusters this year, we once again have put forward something that is important to the American people—investing in our young children, getting them ready to go to school. The Head Start bill did pass. I am pleased it did.

Concerning the farm bill that is in front of us, we have worked so hard together. We have a bill that came out of committee unanimously, a strong bipartisan effort to not only support traditional agricultural commodities but also to move us in new directions for the future. I am pleased, in addition to traditional farm programs that are supported in Michigan, that we were able to add support for the 50 percent of the crops grown that haven't been under the farm bill; specialty crops, fruits and vegetables are now a part of this farm bill. That is important.

We have also tied that to a partnership to expand nutrition, a significant new program expansion—it is beyond a pilot—the chairman of the committee has let in on fresh fruits and vegetables as snacks in schools, rather than children going to a vending machine and getting soda pop or candy. There are many parts of this farm bill that focus on nutrition. In fact, most people will be surprised to know the majority of the farm bill, over 60 percent, is in fact focused on nutrition. We need to get this done. We need to get this done both for our growers as well as for children, seniors, food banks that receive help, farmers' markets, organic farmers. This is very important.

We also in this farm bill have done something very significant—I notice our chairman from the Finance Committee on the floor who has led us in this, he and our ranking member—and that is creating a permanent disaster relief program as a part of the farm bill. I am very pleased that fruit and vegetable growers will be able to participate. We need to be able to respond quickly when there is a disaster—a flood, a drought, other kinds of disasters.

We also have moved this farm bill more aggressively in the direction of alternative energy, alternative fuels, biofuels. This is important in getting us off gasoline, off oil, when we look at prices continuing to rise every day. It is also a way to create jobs. In Michigan, we are creating hundreds of jobs now, with thousands to come, from ethanol plants and biodiesel plants. As we move to cellulosic ethanol, we will be able to create new opportunities for my sugar beet growers and the folks up north who are involved in timber and wood products, as well as switchgrasses and other areas. This is important. It is time to get this done, alternative energy for the future, addressing our energy needs, supporting our farmers.

I am proud also that American car companies within the next 3 years, by 2012, half of what they produce, half of what they manufacture will be flexfuel vehicles, ethanol, other flex fuels. We need to get this farm bill done to be able to support that effort.

Rural development is a critical part as well. I have small communities all over Michigan that would not have water and sewer projects if it was not for USDA rural development—another critical part of this bill.

I would simply say we have seen now, since last week, delay after delay after delay on giving us the opportunity to move forward and get this farm bill done. Now is the time to do that. I hope tomorrow we will vote to stop filibustering, we will vote to proceed to a critical bill.

Folks think the farm bill is only about rural communities, but all of us are impacted by every part of this farm bill. We need to get this done. It is time to get this done. I do not want to keep having to change this chart over and over again, although I fear I will, on how many times there is delay, how many times there is filibustering going on.

We have a farm bill in front of us that needs to get done for all of us. It has been done in a truly bipartisan way. It has very broad support. Now is the time to get this done for our American farmers and our families.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Montana.

DRUG SAFETY INTIMIDATION

Mr. BAUCUS. Mr. President, I see my good friend from Iowa, Senator GRASSLEY, is on the floor. We will both speak on the same subject. I have a statement, and then I think he wants to speak next on the same subject.

Today, Senator GRASSLEY and I are placing in the CONGRESSIONAL RECORD a Senate Finance Committee staff report which describes a very disturbing series of events related to the safety of the diabetes drug Avandia.

I commend Senator GRASSLEY for his efforts on this issue, and I recommend this report to my colleagues.

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

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

COMMITTEE STAFF REPORT TO THE CHAIRMAN AND RANKING MEMBER

Committee on Finance

United States Senate, November 2007

THE INTIMIDATION OF DR. JOHN BUSE AND THE DIABETES DRUG AVANDIA

A. INTRODUCTION

The United States Senate Committee on Finance (Committee) has jurisdiction over the Medicare and Medicaid programs. Accordingly, it has a responsibility to the more than 80 million Americans who receive health care coverage under those programs to oversee the proper administration of these programs, including the payment for medicines regulated by the Food and Drug Administration (FDA). Given the rise in health care costs and the need to maintain public health and safety, Medicare and Medicaid dollars should be spent on drugs and devices that have been deemed safe and effective for use by the FDA, in accordance with all laws and regulations.

This report summarizes the Committee Staff's findings to date regarding GlaxoSmithKline's (GSK) intimidation of an independent scientist who criticized Avandia, a drug GSK manufactures to control glucose levels in diabetics. This report is based upon an intensive review of documents provided by GSK and others.

In a letter dated May 21, 2007, the Committee asked GSK about allegations that its company executives intimidated a research scientist in 1999. At the time of the alleged intimidation, GlaxoSmithKline was called SmithKline Beecham. In 2000, SmithKline Beecham merged with Glaxo Wellcome to create GlaxoSmithKline. Accordingly, throughout this report, the newly formed company will be referred to as GlaxoSmithKline/GSK.

In response to the Committee's letter dated May 21, 2007, that first raised these concerns about retaliation, GSK quickly issued a press release to repudiate the allegation. Specifically, the Wall Street Journal wrote, ''[GSK] called the suggestion 'absolutely false.'" However, internal company documents seem to contradict that claim and reveal what appears to be an orchestrated plan to stifle the opinion of Dr. John Buse, a professor of medicine at the University of North Carolina who specializes in diabetes.

In particular, GSK's attempt at intimidation appears to have been triggered by speeches that Dr. Buse gave at scientific meetings in 1999. During those meetings, Dr. Buse suggested that, aside from its benefit of controlling glucose levels in diabetics, Avandia may carry cardiovascular risks.

The effect of silencing this criticism is, in our opinion, extremely serious. At a July 30, 2007, safety panel on Avandia, FDA scientists presented an analysis estimating that Avandia caused approximately 83,000 excess heart attacks since coming on the market. Had GSK considered Avandia's increased cardiovascular risk more seriously when the issue was first raised in 1999 by Dr. Buse, instead of trying to smother an independent medical opinion, some of these heart attacks may have been avoided.

According to documents provided to the Committee by, among others, GSK, and the University of North Carolina, it is apparent that the original allegations, regarding Dr. Buse and GSK's attempts at silencing him

are true; according to relevant emails, GSK executives labeled Dr. Buse a ''renegade'' and silenced his concerns about Avandia by complaining to his superiors and threatening a lawsuit.

Even more troubling, documents reveal that plans to silence Dr. Buse involved discussions by executives at the highest levels of GSK, including then and current CEO Jean-Pierre Garnier. Also, GSK prepared and required Dr. Buse to sign a letter claiming that he was no longer worried about cardiovascular risks associated with Avandia.

After Dr. Buse signed the letter, GSK officials began referring to it as Dr. Buse's ''retraction letter.'' Documents show that GSK intended to use this ''retraction letter'' to gain favor with a financial consulting company that was, among other things, evaluating GSK's products for investors. After cutting short Dr. Buse's criticism, GSK executives then sought to bring Dr. Buse back into GSK's favor.

While publicly silent subsequent to signing the ''retraction letter,'' Dr. Buse still remained troubled about Avandia and its possible risks. Years later, he wrote a private email to a colleague detailing the incident with GSK:

''[T]he company's leadership contact[ed] my chairman and a short and ugly set of interchanges occurred over a period of about a week ending in my having to sign some legal document in which I agreed not to discuss this issue further in public.''

Dr. Buse ended the email, ''I was certainly intimidated by them. . . . It makes me embarrassed to have caved in several years ago.''

GSK's behavior since the Committee first brought these allegations to light has been less than stellar. Instead of acknowledging the misdeed to investors, apologizing to patients, and pledging to change corporate behavior, GSK launched a public relations campaign of denial. Specifically, GSK sent out a press release titled ''GSK Response to US Senate Committee on Finance'' which stated that the allegations raised by the Committee were ''absolutely false.'' Further, CEO Jean-Pierre Garnier denied having any knowledge of the alleged intimidation of Dr. Buse in an interview that ran in July in The Philadelphia Enquirer.

B. DETAILED REVIEW OF DOCUMENTS

The Committee initiated an investigation into the risks and benefits associated with the diabetes drug Avandia in the spring of 2007. That investigation was prompted when the New England Journal of Medicine published an article by Dr. Steven Nissen and Ms. Kathy Wolski, noting that Avandia was associated with serious cardiovascular risk, including heart attacks.

Dr. John Buse is an expert in diabetes with extensive research experience in the thiazolidinedione (TZD) class of drugs. This class includes Rezulin (troglitazone), Actos (pioglitazone), and Avandia (rosiglitazone). In 1999, Dr. Buse sent a letter to the FDA stating that Rezulin should not be withdrawn over worries about liver toxicity. He noted that the liver toxicity and other safety issues surrounding the alternatives—rosiglitazone and pioglitazone—were not yet known. He noted that the three compounds ''are dramatically different in their interaction with their proposed receptor.''

Dr. Buse added that he was a consultant for Takeda-Lilly, the manufacturer of Actos and had been a consultant for SmithKline Beecham, which manufactured Avandia. Documents from this period show that Dr. Buse was an investigator for a SmithKline Beecham study on rosiglitazone as a treatment for diabetes.

Also in early 1999, Dr. Buse gave speeches at meetings of the Endocrine Society and the American Diabetes Association (ADA). At both meetings, he suggested that Avandia may carry increased cardiovascular risks.

In June 1999, GSK executives discussed Dr. Buse in a series of emails they titled, ''Avandia Renegade.'' One email reads:

''[M]ention was made of John Buse from UNC who apparently has repeatedly and intentionally misrepresented Avandia data from the speaker's dais in various fora, most recent among which was the ADA. The sentiment of the SB group was to write him a firm letter that would warn him about doing this again . . . with the punishment being that we will complain up his academic line and to the CME granting bodies that accredit his activities. . . . The question comes up as to whether you think this is a sensible strategy in the future (we don't really do too much work at UNC to make any threats).

The email series also includes threats that might be made, including a lawsuit and contacting Dr. Buse's colleagues at UNC. SB in this email refers to SmithKline Beecham which is now GSK.

In response to this series of emails, Dr. Tachi Yamada, GSK's head of research at the time, wrote in an email that he had discussed Dr. Buse with GSK's CEO Dr. Jean-Pierre Gamier as well as David Stout, a senior GSK executive. Dr. Gamier and Mr. Stout are copied on the email. Specifically, Dr. Yamada's email reads:

''In any case, I plan to speak to Fred Sparling, his former chairman as soon as possible. I think there are two courses of action. One is to sue him for knowingly defaming our product even after we have set him straight as to the facts—the other is to launch a well planned offensive on behalf of Avandia. . . .''

Indeed, Dr. Yamada called Fred Sparling, Dr. Buse's department chairman. Three days later, Dr. Buse wrote a letter to Dr. Yamada attempting to clarify his position on Avandia. Dr. Buse's letter began, ''I wanted to set the record straight regarding all the phone calls and questions I have received. . . .'' The phone calls that Dr. Buse referred to were made by GSK officials including Dr. Yamada regarding the speeches that Dr. Buse gave at conferences suggesting cardiovascular problems associated with Avandia.

Dr. Buse continued, ''I believe as a clinical scientist that the null hypothesis should be that rosiglitazone has the potential to increase cardiovascular events.'' Dr. Buse went on to say that his chairman had informed him that GSK executives perceived him as ''being for sale'' because he received speaking fees from Takeda. Dr. Buse added that he heard ''implied threats of lawsuits from my chairman and James Huang. . . .'' who was then a product manager with GSK.

Dr. Buse ended the letter to Dr. Yamada by writing, ''Please call off the dogs. I cannot remain civilized much longer under this kind of heat.''

Along with his letter to Dr. Yamada, Dr. Buse enclosed a separate letter. GSK officials later referred to that second letter as the ''Buse retraction letter.'' In the ''retraction letter,'' Dr. Buse attempted to clarify the remarks he made at the medical conferences regarding Avandia.

On July 1, 1999, Dr. Yamada wrote to Dr. Buse, thanking him for the detailed explanation. Dr. Yamada's email reads, ''As you may be aware, my phone call to Fred Sparling was aimed at being educated. . . .'' The letter is copied to CEO Jean-Pierre Garnier.

That same day, several GSK employees discussed Dr. Buse in an email chain that questioned whether or not Dr. Buse signed the ''retraction letter'' that was prepared by GSK. The email reads:

''[H]ave you heard back from Dr. Buse? Did he sign your proposed letter? Assuming he does retract, what are we planning to do to let the world know that Dr. Buse retracted his statements?''

A second GSK employee responded, ''John Buse kindly signed the clarification letter on his letterhead without any change.''

Later that day, the first GSK employee wrote, ''I'm not certain what damage has now been caused by the Yamada phone call to [Buse's] seniors. . . . Maybe we can obtain clarification of how such situations with U.S. opinion leaders in [the] future should be handled. Yeesh!''

On July 2, 1999, several GSK officials discussed whether to share with financial analysts, what they term the ''Buse retraction letter.'' These financial analysts were evaluating GSK's products for investors.

In an email, a GSK employee wrote discussed talks he had with the financial analysts. Several GSK executives were copied on this email, including CEO Jean-Pierre Garnier, Dr. Tachi Yamada, and Mr. David Stout. The email reads:

''I also discussed how Dr. Buse has also confirmed that caution should be used in comparing the efficacy data and [adverse events] data he presented. That these should not be taken out of context and that the study designs, baselines, etc., etc., . . . were different. . . . As a result of our conversation, [FINANCIAL COMPANY NAME REDACTED] will remove the '?' under the cardiovascular events and they are removing the John Buse table on efficacy presented at the ADA meeting.''

But even after Dr. Buse signed the retraction letter, GSK executives were torn over whether or not they could trust the former ''Avandia Renegade.'' On one hand the documents reveal that some GSK executives were eager to work with Dr. Buse. For instance, in late November 1999, a GSK official sent an email to several executives which read, ''We need to see John Buse ASAP now that we know that he is involved with the NIH [study].''

On the other hand, others at GSK never fully believed that Dr. Buse had completely dropped his concerns with regard to Avandia and its possible cardiovascular risks. In fact, even though Dr. Buse remained silent in public, he continued privately to voice his opinions about cardiovascular problems with Avandia. For example, after signing the retraction letter, Dr. Buse wrote to the FDA Commissioner in March 2000 where he noted:

''In short, the lipid changes with troglitazone and pioglitazone can only be viewed as positive. They are very similar in nature. . . . As mentioned above, I remain concerned about the lipid changes with rosiglitazone. . . . Rosiglitazone is clearly a very different actor. I do not believe that rosiglitazone will be proven safer than troglitazone in clinical use under current labeling of the two products. In fact, rosiglitazone may be associated with less beneficial cardiac effects or even adverse cardiac outcomes.''

The following month, GSK officials acquired a copy of Dr. Buse's letter to the FDA. GSK executives faxed Dr. Buse's FDA letter among themselves with a cover note reading, ''We need to address this as a company. . . . Looks like Dr. Buse doesn't buy into our lipid or cardiovascular story.''

Following Dr. Buse's FDA letter, GSK drafted another letter to Dr. Buse from one of its executives, Martin Freed. The letter reads, ''I remain concerned about your ongoing aggressive posture towards rosiglitazone and SmithKline Beecham. In my opinion, you have presented to [FDA] several unfair,

unbalanced, and unsubstantiated allegations.''

Later in 2000, Dr. Buse reached out to GSK officials, asking them to sponsor a continuing medical education (CME) program about TZD use. Dr. Buse wrote in his request:

''I spoke to Rich Daly, the head of marketing (and sales?) for Takeda. He was going to run the idea of joint support for the CME program by the Takeda lawyers to make sure there are no FTC issues in what I proposed. I highlighted to him that the benefit to Takeda and [SmithKline Beecham] would be the potential to grow interest in the class as a whole and as a very public display of the end of the ''glitazone wars.''

By late 2000, GSK officials appeared to believe that they had the former ''Avandia Renegade'' under control. Emails from this time refer to GSK as ''SB,'' as GSK had not yet been created from the merger. In November, a GSK/SB executive wrote:

''Just a quick note about your comment on Buse. . . . I am getting messages that he is really coming around to the SB side of things. He has stopped his out-right bashing and is now more TZD positive with kind comments on Avandia. . . . David Pernock spoke to him and said something to the effect that [Glaxo Wellcome] is his friend now but GSK will be the future and he needs to realize that. . . .

''I spoke to him separately on a couple of occasions . . . and let him know that our relationship got off on the wrong foot but that is in the past and we want to move on from here. . . . FYI and thanks for your help in bringing J. Buse back to the middle and hopefully beyond.''

However, based upon the documents in the Committee's possession, GSK executives continued to try and shape Dr. Buse's views regarding Avandia. For example, in early 2001, Dr. Buse contacted GSK officials, requesting citations for a textbook he was writing. One official suggested that GSK should both provide and interpret the information for Dr. Buse, stating in an email:

''Our chances on having Buse reflect our views and messages will be enhanced greatly if we tell him what they are rather than relying on him to development [sic] on his own accord via examining data. . . . [F]inally our view of the big picture lipid story including LDL characteristics and fat redistribution cannot be easily gleaned from our collection of pieces. There is no evidence that Dr. Buse will come to these views without some guidance and support. Of course care will need to be taken to work any overview pieces in a way that appears academic rather than too commercial to enhance the probability that Dr. Buse will adopt our views as his own.''

Concern with Dr. Buse reemerged in 2002, as his professional stature grew. That September, GSK officials discussed bringing him further into the fold. A GSK official described him as the ''most powerful Endocrinologist in the Carolinas. . . . [H]e is gaining power nationally and internationally.'' The email continued:

''[We feel] as if Dr. Buse [is] primed to move to a more middle-of-the-road stance concerning TZDs. The timing for this 'shift' has to be right. In my opinion, that right time will be with the launch of Avandamet. He is very excited about the launch of this new combo product and very critical of [COMPANY NAME REDACTED] for not moving faster on their combo. . . . His experience with and advocacy for Avandamet could prove invaluable for it's [sic] in the Blue Ridge region and beyond.''

A different GSK official responded, ''As long as we are on the same page, we could consider him. . . .'' The following week, another official wrote, ''It looks like marketing would like us to move forward using Dr. Buse as an investigator in the Avandamet program. Are you OK with this?'' Avandamet refers to a combination drug for glucose control that combines Avandia with metformin.

Based on the documents in the Committee's possession, it appears that Dr. Buse remained silent about his concerns regarding Avandia for approximately two years. However, in 2005, he once again privately voiced his opinion that Avandia carried cardiovascular risks. In an email he sent to Dr. Steven Nissen, chairman of the Cardiology Department at the Cleveland Clinic, he again revealed his ongoing concerns about Avandia and described his treatment by GSK. Specifically, Dr. Buse wrote:

''Steve: Wow! Great job on the muriglitazar article. I did a similar analysis of the data at rosiglitazone's initial FDA approval based on the slides that were presented at the FDA hearings and found a similar association of increased severe CVD events. I presented it at the Endocrine Society and ADA meetings that summer. Immediately the company's leadership contact[ed] my chairman and a short and ugly set of interchanges occurred over a period of about a week ending in my having to sign some legal document in which I agreed not to discuss this issue further in public.''

Later in the email, Dr. Buse confirmed GSK's treatment of him when he wrote, ''I was certainly intimidated by them but frankly did not have the granularity of data that you had and decided that it was not worth it.''

Dr. Buse concluded in his email, ''Again congratulations on that very important piece of work. It makes me embarrassed to have caved in several years ago.''

C. CONCLUSIONS

The documents in the Committee's possession raise serious concerns about the culture of leadership at GSK. Even more serious perhaps is our fear that the situation with Dr. Buse is part of a more troubling pattern of behavior by pharmaceutical executives.

Specifically, in 2004, Dr. Gurkirpal Singh of Stanford University testified at a Committee hearing that an executive at Merck sought to intimidate him by calling his superiors. Merck also warned Dr. Singh that they would make life very difficult for him, if he persisted in his request for data on Merck's drug, Vioxx. It was later discovered that Vioxx increased the risk of heart attacks and it was withdrawn from the market.

Merck's intimidation of Dr. Singh as it sought to protect Vioxx bears striking similarities to apparent threats by GSK against Dr. Buse to protect Avandia. The Committee is very concerned that this behavior may be more prevalent in the pharmaceutical industry than is evidenced by these two cases.

Corporate intimidation, the silencing of scientific dissent, and the suppression of scientific views threaten both the public well-being and the financial health of the federal government, which pays for health care. The behavior of GSK during the time that Dr. Buse voiced concerns regarding the cardiovascular risks he believed were associated with Avandia was less than stellar. Had Dr. Buse been able to continue voicing his concerns, without being characterized as a ''renegade'' and without the need to sign a ''retraction letter,'' it appears that the public good would have been better served.

Mr. BAUCUS. The report presents evidence that a pharmaceutical company allegedly tried to intimidate a doctor who raised concerns about Avandia's link to heart problems.

A few years ago, the Senate Finance Committee uncovered a similar situation connected to the drug Vioxx.

These actions are unacceptable.

It is critical that our prescription drugs be developed based on rigorous experimentation, the facts, and the science, not on intimidation and threats of lawsuits.

We place a great deal of trust in pharmaceutical companies to make safe and effective products. The health of millions of Americans, from young children to retirees, depends on the careful work of these drug manufacturers.

Today, as I said, Senator GRASSLEY and I are placing in the CONGRESSIONAL RECORD a Senate Finance Committee staff report which describes a very disturbing series of events related to the safety of the diabetes drug, Avandia.

The report presents evidence that a pharmaceutical company allegedly tried to intimidate a doctor who raised concerns about Avandia's link to heart problems. This occurred after the doctor gave speeches at 2 scientific meetings where he warned of the cardiovascular risks to those using Avandia, a drug designed to control glucose levels in diabetics.

To make matters worse, the company in question denied trying to intimidate the doctor in the press. That claim is seriously challenged by e-mails presented in the staff report.

It appears that the company labeled the doctor as a ''renegade'' and all but silenced him by complaining to his department chairman and threatening a lawsuit.

In an e-mail contained in the report the doctor in question describes signing a legal document in which he agreed not to discuss the issue in public. He goes on to say that he felt intimidated by the actions of the pharmaceutical company.

Is this the tip of the iceberg or just an isolated case? Nobody really knows. But just 3 years ago the Senate Finance Committee uncovered a similar situation connected to the drug Vioxx. A clinical professor at Stanford University said Merck scientists had tried to intimidate him after he raised questions in public about the effects of Vioxx.

It was later discovered that Vioxx increased the risk of heart attacks and the drug was withdrawn from the market. Just last week Merck agreed to pay $4.8 billion to settle Vioxx lawsuits.

As in the Vioxx case, the concerns raised by the doctor in the Avandia case were followed by complaints by other researchers. And yesterday the FDA added an additional ''black box'' warning to the Avandia label.

With the Finance Committee's continued spotlight on this behavior, I hope we can deter similar abuses in the pharmaceutical community.

Again, it is critical that our prescription drugs be developed based on rigorous experimentation, facts and

science, not on intimidation and threats of lawsuits.

I, again, recommend the report to my Senate colleagues, and I very much thank my colleague from Iowa, Senator GRASSLEY, for his efforts here and, again, for his efforts on the work of this investigation.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to follow Senator BAUCUS on exactly the same subject. I thank him for the period of time now, this year, he has been chairman of the committee, succeeding my chairmanship, because he has been very cooperative in my efforts to finish investigations that carried over with the change of Congress from Republican to Democratic, and also for helping us initiate new, needed investigations.

But I also wish to take some time to comment exactly on what he had made reference to in the very report he has now submitted for the RECORD. Since he has submitted a copy, I will not ask permission to do that.

It was about 3 years ago—in fact, the exact date was November 18, 2004—I convened a hearing on the worldwide withdrawal of Vioxx, a blockbuster pain medication.

That hearing turned a spotlight on systemic problems at the Food and Drug Administration. We found that the Food and Drug Administration maintained a very cozy relationship with the drug industry and suppressed scientific dissent regarding agency actions on drug safety.

At that Vioxx hearing, we also heard about Merck using its power, its influence, and access to try and discredit an FDA safety expert, Dr. David Graham—a person who is still on the staff at the FDA trying to do the job of being a policeman for safety for the consumers of American pharmaceutical products.

Merck also tried to intimidate a Stanford researcher, Dr. Gurkirpal Singh. The company warned him to stop asking for more safety data on Vioxx, despite the fact he was one of their paid consultants.

What is troubling is that 3 years later, I am here with my colleague, Senator BAUCUS, to talk about yet another case where pharmaceutical executives use power, use their influence, and use access to intimidate a medical researcher.

In essence, another company wanted to put an end to another scientist who was voicing concerns about the cardiovascular risks associated with a drug.

Now, in this case—similar to Vioxx—we are talking about a diabetes drug, Avandia.

Today, Senator BAUCUS and I are releasing a staff report showing how executives at GlaxoSmithKline intimidated Dr. John Buse, a medical researcher at the University of North Carolina.

Together, our respective staffs reviewed documents provided by the company and by others, and they found bothersome internal e-mails that reveal how these pharmaceutical executives think. In these e-mails, high-level company officials discussed the possibility of threats—I am talking about threats by pharmaceutical executives—against Dr. Buse of North Carolina University. These threats included the possibility of filing a lawsuit.

Company executives called Dr. Buse an ''Avandia Renegade'' and had him sign a retraction letter they wanted to give to financial analysts. These analysts were evaluating the company's products for investors.

So what we have are three cases—starting with Dr. Graham, then Dr. Singh, and now Dr. Buse—where companies intimidated researchers who dared to express concerns about the safety of what they thought were risky drugs. In the case of both Vioxx and Avandia, the drugs actually turned out to carry some very serious risks.

What I am here to say today is that attacks on medical researchers by the pharmaceutical industry must stop. And it has to stop right this minute.

Until this practice ends, I wish to let America's scientists know I am very interested in their concerns. Scientists should feel free to contact my office if a pharmaceutical company threatens their career or attacks their reputation when they raise the alarm about possible dangerous drugs.

They can also anonymously provide information and documents by mail or by fax to the committee. Here is the fax number: 202–228–2131.

That is the warning that I put out, and the invitation that I put out.

I yield the floor.

Mr. President, it does not look like anybody else wants to speak, so 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. WEBB. 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. WEBB. Mr. President, I ask unanimous consent to speak as in morning business.

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

EDUCATIONAL BENEFITS FOR VETERANS

Mr. WEBB. Mr. President, my first day in the Senate I introduced legislation that would provide educational benefits for those who have served in our military since 9/11 that would be the equivalent of the educational benefits that those who served in World War II received.

We are very fond in this body and elsewhere in the U.S. Government of talking about those who have served in Iraq and Afghanistan as being the new ''greatest generation.'' Well, it seems to me very logical that if we are going to use that rhetoric, we should be able to provide those who have served in this difficult time with the same educational benefits as those who served during World War II.

I was very privileged, for 4 years, to serve as a committee counsel on the House Veterans' Committee at a different point in my life, and was able to study the benefits that had been provided to our veterans from the American Revolution forward.

I also noticed an interesting phenomenon; and that was, a good part of the veterans' benefits package that was provided to those who served in World War II was done so because of the wisdom of those who had served in World War I—partially because they did not receive these sorts of benefits. The World War I veterans were very adamant that the veterans coming back from World War II be treated differently than they were. One of the end results of that was the GI bill.

Very recently, former Senator Bob Dole testified in front of the Veterans' Affairs Committee, of which I am a member. I asked him about his own experiences, having been wounded in World War II, and how the World War II GI bill assisted him in his transition to the civilian world. This is what he said in part:

> I think [the World War II GI bill was] the single most important piece of legislation when it comes to education, how it changed America more than anything I can think of. [We] ought to take the same care of the veterans today.

I could not agree more strongly. The people who served in World War II—there were 16 million of them—were offered an entirely different concept in terms of fairness in American society when they returned. Eight million of them were able to take advantage of a GI bill that provided for their tuition when they went to college, bought their books, and gave them a monthly stipend.

This education benefit has gone up and down since the enactment of World War II GI bill. When I came back from Vietnam, the benefit was a monthly stipend that was not very helpful to most Vietnam veterans. That has been on my mind for years, as I think about the service of our veterans of Iraq and Afghanistan.

Just as the World War I veterans stepped forward and took care of the World war II veterans, I believe it is the responsibility—not wholly, but strongly—of those of us who served in Vietnam and who experienced a lot of the disadvantages of service, once we got out, to make sure we take care of those who are serving now and who have served in Iraq and Afghanistan. It is for that reason I introduced this bill.

To look back on the educational benefits that were derived from this experience, I asked my staff to take a look at those Members of this body—our colleagues—who served in World War II, just to see where they were able to go to school and to see how the World War II GI bill benefitted them, and then to compare that with what they would have been able to do today if

they were the same individual having served in Iraq and/or Afghanistan and were coming back with today's Montgomery GI bill, which basically is a peacetime GI bill that was put in place well before 9/11 and was designed more as a little bit of a bump to assist in recruitment than a true readjustment benefit for people who had been in war.

Our chairman, Senator AKAKA, was able to go to the University of Hawaii under that program, the World War II GI bill. Today, if one were applying for the Montgomery GI bill, 41.5 percent of his education would have been paid for.

Senator INOUYE, who is a cosponsor of our bill, was able to attend George Washington Law School. Today, that would cost $48,460 a year. The Montgomery GI bill would pay for 12.4 percent of that.

Senator LAUTENBERG, who also is a cosponsor of this bill, was able to go to Columbia on a full boat, graduating in 1949. Today, to go to Columbia, it would cost $46,874 a year. The Montgomery GI bill would pay for 12.8 percent of that.

Senator STEVENS was able to go to UCLA and Harvard Law School. His staff declined to be specific about how much of that was assisted by the GI bill, but if one were to go to Harvard Law School today, it would cost $54,066, which is about 11 percent of what the Montgomery GI bill would take care of.

Senator JOHN WARNER, my senior Senator from Virginia, my esteemed colleague and friend, has told me many times he would not be in the Senate today if it had not been for the educational benefits of the GI bill. He was able to go to Washington and Lee for an undergraduate degree. Today that would cost $42,327 for 1 year, of which the Montgomery GI bill would pick up 14 percent. He was then able to go to UVA Law School, full boat, as a reward for his service. Today that would cost $44,800.

Just to be fair, I am standing here today because Uncle Sam made a bet on me. I was able to go to the Naval Academy. The taxpayers of America paid for that. The taxpayers of America would pay for that today, the same amount. I was also in a different situation than most of my Vietnam war veteran colleagues because after I was wounded and had medical difficulties with a bone infection in my leg, I was medically retired from the Marine Corps and was able to go to law school on a program called Vocational Rehabilitation, which was the exact same program as the people who served in World War II received. I was able to go to Georgetown Law School. Today that would cost $51,530 a year. The Montgomery GI bill would pick up 11.6 percent of it.

So on the one hand, we are saying this is the next great generation. This is the next greatest generation. We never cease to talk about how much we value their service, these people leaving home on extended deployments again and again, giving us everything we ask, and then we are giving them a GI bill that was designed for peacetime.

It is not because we don't spend money on education. We just passed legislation for Federal education grants. I voted for it. I assume the Presiding Officer voted for it. If you add up these grants—and these are grants—this is not rewarding someone for affirmative service. If you add up these grants, it is going to cost $18.2 billion this year. We are having a difficult time getting an exact number on what my GI bill proposal would add up to, but the best estimates we have had informally are about $2 billion.

I would submit that with the cost of this war now heading well north of $1 trillion, and with the President coming over and saying he wants $200 billion on top of that and on top of an appropriations bill, we could spend this money in a way that will allow the people who have served since 9/11 a first-class future. We are saying they are that good; let's let them be that good.

For that reason, I hope all of my colleagues will step forward and join me so we can get this legislation passed 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. 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.

FHA MODERNIZATION ACT OF 2007

Mr. REID. Mr. President, each day that goes by, the depth and severity of our country's subprime mortgage foreclosure crisis emerges. It is very difficult. This week I spoke to former Secretary of the Treasury Rubin. I spoke also to the present Secretary of the Treasury, Mr. Paulson, and they both recognize we have some severe problems with our subprime mortgages. This is very deep. It is very hard.

Hundreds of thousands of mortgages are now delinquent nationwide—hundreds of thousands. That is fully twice as many as last year, and last year was not a good year. The most alarming fact is this could be just the beginning. Experts agree as more mortgage rates continue to expire, not thousands, not tens of thousands, but hundreds of thousands of American families could be at risk.

When these introductory ''teaser'' rates expire, these teaser rates where they tease people into taking these loans, sometimes that they couldn't afford—a lot of times that they couldn't afford—when these higher rates arrive, the mortgages that many families can afford today will become impossible to pay off tomorrow. This will leave many with just two options: lose their homes or try to work something out on refinancing.

That is what this is all about. Some say if a borrower gets into financial trouble, it is their obligation and it is their responsibility to find a way out. That is not true. If you have a piece of property, and it is a home and it is being foreclosed upon, you as the owner of that property are going to lose money. There is no question about it. You usually lose about 35 to 40 percent of the value of the home. So the borrower gets hurt. Also, the entity where the home is, a county or a city, if you have that property under foreclosure, the windows are boarded up, and it just loses value. So the tax base of that community suffers.

So we need to do something about that. We are talking about families losing the roof over their heads. Therefore, we need to do something about it.

The chairman of the Federal Reserve Board, Ben Bernanke, recognized that a sharp increase in foreclosed properties for sale could weaken the already struggling housing market and thus, potentially, the broader economy. He was being very deliberate. The word ''should'' should have been used, not ''could.'' But he was being, as he should be as chairman of the Federal Reserve, very cautious.

In Nevada, this crisis is hitting very hard. In 2006, in August, the number of foreclosure filings had gone up by more than 200 percent. We could see another 21,000 foreclosures, we are told, by the beginning of 2009 in Nevada. That is a lot of foreclosures.

One of the things we need to do is have more money for counseling, which the administration has cut back.

There are three items we need to work on in the near term: providing funding for foreclosure prevention counseling, modernizing the FHA administration, and providing temporary but necessary tools to the government-sponsored enterprises, Fanny and Freddie—that is Fannie Mae and Freddie Mac—so they can keep funding available to make or refinance subprime mortgages. So we need to do this.

The Senate Banking Committee passed a bipartisan FHA Modernization Act of 2007 on September 9, 2007, by a vote of 20 to 1. This has broad support of consumers and the industry alike.

As the name of the bill indicates, this legislation is intended to bring needed changes to the Federal Housing Administration that will make the agency more capable of providing the services that homeowners need in today's all-too-perilous environment.

The FHA program encourages the private sector to make mortgages by offering government-backed insurance for the full balance of the loan.

Traditionally, since its inception in 1934, the FHA has played a major role in providing home purchase financing to minority, first-time, and lower income home buyers.

Beginning in the mid-1990s, and until now, however, as more exotic loans entered the marketplace, FHA saw its

overall market share drop dramatically.

In some cases borrowers considered the more exotic loans easier to get. In many other cases, borrowers were directed into those loans by brokers who often didn't have the borrower's best interests at heart.

Unfortunately, these exotic loans often lured borrowers with false or misleading information and contained ''teaser'' interest rates that, once expired, borrowers couldn't afford.

These were predatory loans—and the consequences of these shady practices are becoming more evident every day.

This crucial reform bill modernizes the FHA program by, among other things, lowering mortgage- down-payment requirements and raising the loan limits for FHA-backed loans.

The result will be a better loan option for families that are having trouble keeping up with their exploding mortgage payments. They will have the option of refinancing to an FHA-backed loan with the peace of mind that comes with it.

And for future homebuyers, a fully backed FHA loan with honest, up-front terms, will help prevent crises like we now face, and ensure that more American families will experience all the safety, comfort and stability that comes with homeownership.

Third, the PROMISE Act would temporarily lift the cap on the amount of loans Fannie Mae and Freddie Mac can purchase as investments for a period of 6 months.

The bill could bring as much as $145 billion dollars into the subprime mortgage marketplace and prescribes that the vast majority—at least 85 percent of these resources—be used to refinance subprime loans.

The past decade has seen remarkable growth in American homeownership. What's more, these gains have been enjoyed from coast to coast and among groups that have traditionally been shut out.

We need to ensure that this progress continues.

Mr. President, I have a unanimous consent request here that I have been told the Republicans will object to. I will make the request and then withdraw it. As I said, I have been told they will object.

UNANIMOUS CONSENT REQUEST—S. 2338

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 481, S. 2338, the FHA Modernization Act of 2007; that the Dodd-Shelby amendment at the desk be considered and agreed to; the bill, as amended, be read the third time, passed, and the motion to reconsider laid upon the table; and that any statements relating thereto be printed in the RECORD.

Mr. President, I now will withdraw that request.

What a shame that there is an objection to a bill that passed the House overwhelmingly, came out of committee over here on a vote of 20 to 1, and now there is an objection to it. That is really too bad. We will renew this request before we leave here for Thanksgiving. This will be much-needed relief. Even though the President hates the Government, this Government that was created many years ago has been a lifesaver for home building in our country, and we need to modernize it; it is long overdue. I hope the Republicans will withdraw their objection to this bipartisan, much-needed legislation.

The PRESIDING OFFICER (Mr. SALAZAR). The unanimous consent request is withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

Mr. COBURN. Mr. President, I heard the majority leader's speech. I wanted to put him on notice that I will object to the bringing forward of this bill. It was introduced September 19 and reported out of the Banking Committee on November 13, 2 days ago. We received notice, via hotline, that they were attempting to clear the bill by unanimous consent yesterday afternoon.

This bill addresses a very delicate and complicated area of housing policy on which we cannot afford to make mistakes. I know many Senators, including myself, are strong advocates of how we can help those who find themselves in trouble now. I know the authors of the bill would like to pass it expeditiously. However, it is a big bill. It is an important bill. Under the unanimous consent request, that would mean we would not debate it and offer amendments. For those two reasons, I object, as a Senator from Oklahoma, and I know several other Senators would as well.

The problem with hotlining bills is they don't get due deliberation. Here is a stack of bills that were offered by unanimous consent in the Senate before the August break. Most of the Senators had never read the bills, didn't know what was in the bills. Thankfully, many of them were objected to by Members of the Senate. It is not a good way to legislate.

This is an important issue. We seem to have a tendency that we are afraid to do the real work we need to do because we will be criticized as the one stopping the bill. I am not afraid to stop a bill. I believe we need to get things right. It is not about not wanting to help those in need today, but there are several significant things in this bill.

First of all, the bill changes it so that if you have a $417,000 home, you can get a mortgage; if you are in trouble, we are going to take care of that. That is twice the median price of a home in this country. It lowers the downpayment to 1.5 percent. It exposes American taxpayers to $1.6 billion over the next 5 years. We can solve this problem. We cannot solve this problem by blowing a bill through here without good debate, rigorous discussion of the issues, and alternative options, via amendments, which will address, No. 1, how we got where we are in terms of the subprime mortgage mess; No. 2, how we restore confidence in that market; No. 3, how do we work to secure better oversight on the mortgage industry that put people in the position of owning property they could not afford; and the predatory lending practices Senator REID talked about. We can address those. Doing it under a hotline, under unanimous consent, where we don't have an option to study the bill and think about what other options there can be or how many hearings were held on the bill and what is the response, is not the way to legislate.

I believe the President has not said he would not support this bill. I may be wrong, but I seem to recall that from the past.

I also would like to put in the RECORD an article from the Roll Call of September 17 entitled ''Hotlined' Bills Spark Concern.'' I ask unanimous consent to have this article printed in the RECORD.

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

[From Roll Call, Sept. 17, 2007]

''HOTLINED'' BILLS SPARK CONCERN

(By John Stanton)

Senate conservatives are upset that the leaders of both parties in the chamber have in recent years increasingly used a practice known as ''hotlining'' bills—previously used to quickly move noncontroversial bills or simple procedural motions—to pass complex and often costly legislation, in some cases with little or no public debate.

The increase was particularly noticeable just before the August recess, when leaders hotlined more than 150 bills, totaling millions of dollars in new spending, in a period of less than a week.

The practice has led to complaints from Members and watchdog groups alike that lawmakers are essentially signing off on legislation neither they nor their staff have ever read, often resulting in millions of dollars in new spending.

In order for a bill to be hotlined, the Senate Majority Leader and Minority Leader must agree to pass it by unanimous consent, without a roll-call vote. The two leaders then inform Members of this agreement using special hotlines installed in each office and give Members a specified amount of time to object—in some cases as little as 15 minutes. If no objection is registered, the bill is passed.

According to a review by Roll Call of Senate records, from July 31 to Aug. 3, of the 153 hotlines put out by leadership, 75 of those

were legislative measures, 61 were nominations, and 17 were post-office-naming bills. While a number of the legislative hotlines were routine procedural motions—such as reporting a House-passed bill to a particular committee for consideration—others were for bills authorizing hundreds of millions of dollars in new spending.

According to GOP aides, that run of hotlined bills concerned the chairman of the conservative Republican Steering Committee, Sen. Jim DeMint (S.C.), enough that he made the issue of hotlining the topic of discussion during last week's regular RSC luncheon. Although these aides said DeMint and other conservative lawmakers have yet to broach the topic with their leaders, it likely will become an issue if the trend continues. ''It's inevitable that it will come up,'' one aide said.

According to the Library of Congress' legislative database THOMAS, of the 399 bills or resolutions passed by the Senate this year—which range from recess adjournment resolutions to the Iraq War supplemental bill—only 29 have been approved by a roll-call vote. The rest have been moved via unanimous consent agreements, the vast majority of which were brokered using the hotline process.

Critics also point out that hotlining is often done during ''wrap-up'' at the end of the day—which can occur well after Members' offices have closed for business—and is particularly popular in the runup to recesses.

In a March 2006 floor speech, Sen. Jeff Sessions (R-Ala.) harshly criticized the practice. ''The calls are from the Republican and the Democratic leaders to each of their Members, asking consent to pass this or that bill—not consider the bill or have debate on the bill but to pass it,'' Sessions said.

''If the staff do not call back . . . the bill passes. Boom. It can be 500 pages. In many offices, when staffers do not know anything about the bill, they usually ignore the hotline and let the bill pass without even informing their Senators. If the staff miss the hotline, or do not know about it or were not around, the Senator is deemed to have consented to the passage of some bill which might be quite an important piece of information.''

During that brief pre-recess period this summer, the chamber passed S. 496, a bill sponsored by Sen. George Voinovich (R–Ohio) making changes to the Appalachian Regional Development Act of 1965. According to the Congressional Budget Office, those changes will cost $294 million over five years.

In many cases, bills are placed before the Senate for only a few days or even hours before they are hotlined. For instance, the Senate received H.R. 727—a bill sponsored by Rep. Gene Green (D–Texas) amending the Public Health Services Act—from the House on March 28, according to THOMAS. Senate Majority Leader Harry Reid (D–Nev.) and Senate Minority Leader Mitch McConnell (R–Ky.) hotlined the bill the following day. According to CBO, the bill is expected to cost $40 million between 2008 and 2012.

Sen. Tom Coburn (R–Okla.) said hotlining bills is not necessarily a bad thing but that Members have increasingly seen the process as a right. ''People think they can hotline [a bill] and you have to agree,'' Coburn said, adding that ''a lot of Members are offended'' if anyone raises an objection or wants to offer changes to a bill.

Coburn also said that because of limited floor time, ''we don't have time to debate everything . . . but if you object, they ought to be willing to negotiate with you. But usually, they put the press after you.

''They accuse you of being against veterans, of being against breast cancer patients . . . I've been accused of so many things,'' Coburn lamented. But he insisted that when sponsors of bills he has objected to take his concerns seriously, they often are able to work out an agreement.

For instance, he points out that earlier this year, when Sen. John Kerry (D-Mass.) brought a small-business bill to leaders to be hotlined, Coburn initially objected because of problems with the bill. He and Kerry entered into negotiations to resolve their differences, and the Senate ultimately passed the package by unanimous consent. ''We gave a couple of things, he gave a couple of things and we passed the bill,'' Coburn explained.

Bill Allison, a senior fellow at the government watchdog group Sunlight Foundation, said the process of hotlining has added to the lack of transparency and accountability in Congress. ''Hotlining bills diminishes the accountability of Congress. Senators are forced into an 'all-or-nothing' posture—place a secret hold on legislation and negotiate in the back room, or keep their objections to themselves. The Senate is supposed to be a deliberative body, and those deliberations should occur in the light of day and be part of the public record,'' Allison said.

Mr. COBURN. The increasing practice of this body of passing bills by unanimous consent rather than debate and knowledge about what we are agreeing to does the Senate a disservice. All you have to do is watch C–SPAN and see how much time is spent in quorum calls in this body. I, for one, would never object to unanimous consent for us running several bills at the same time so we can continue to discuss them. We should not be passing bills without good thought, good debate, and an amendment strategy that will improve the bill and protect the future taxpayers of this country. That has to be a requirement as we address it.

I thank Senator REID for his attention to what is truly a real problem. But the process is really what matters on this issue. We need to get it right. There is too much risk. Therefore, if we decide to bring this request back up, I will come back down and object.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak 10 minutes as in morning business.

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

Mrs. HUTCHISON. Mr. President, I rise today to talk about the bridge fund bill that passed the House of Representatives last night. I don't know why it has to be so hard to pass an emergency supplemental to assure that our troops in the field get the money they need to support them in the job we are asking them to do.

The President has asked for almost $200 billion to get us through some point in January or possibly into the spring. But the bill that has come over is roughly in the $50 billion range and it has all kinds of constraints and strings and mandates from the Congress.

Our military strategies should not be determined by events 6,000 miles from the theater where our young men and women have boots on the ground. This bridge fund bill is the latest attempt in a year-long effort to constrain the ability of our generals and our brave men and women in uniform to fight this war effectively.

During the past year, the Senate has been forced to vote 40 times on bills limiting the generals' war strategy. None of those bills passed but one, and it was vetoed.

Since this assembly line of bills started last February, the situation in Iraq has changed so much. General Petraeus has implemented a strategic readjustment that has produced encouraging progress. Last week, U.S. commanders and the Iraqi Government proclaimed that al-Qaida had been routed in every neighborhood in Baghdad, citing an 80-percent drop in the murder rate since its peak.

The British Broadcasting Corporation reports:

> All across Baghdad . . . streets are springing back to life. Shops and restaurants which closed down are back in business. People walk in crowded streets in the evening, where just a few months ago they would have been huddled behind locked doors in their homes.

This is from the BBC.

Some 67,000 Iraqis have joined U.S.-organized citizens watch groups. Roadside bomb attacks have receded to a 3-year low, while finds of weapons caches have doubled in the last year. The progress has been so impressive that General Petraeus has recommended a drawdown of troops because conditions on the ground merit such action.

In the last 10 months, so much has changed in Iraq, and yet on the floor of the Senate, nothing has changed at all. We are still voting on bills for premature withdrawal, not taking into consideration what is happening on the ground, even when victory is in sight.

This is a new day in Iraq, and the Senate should recognize that fact by providing a vote of confidence in our generals instead of threatening to pull the rug out from under them.

If there are Senators who believe the war is lost, they should vote to defund the war instead of threatening to tie the hands of our commanders which would needlessly endanger our troops.

We know from our troops in the field that we must keep our commitment. This war has been costly for America in lives and dollars. The consequences of failure, after all we have spent in our treasure and our young men and women, would be catastrophic. If we abandon Iraq prematurely, it will become a sanctuary for terrorists, and they will launch attacks on the American people.

There is also a real danger that Iraq could become a satellite of Iran. The Iranian Government has a long record of sponsoring terrorism and arming the insurgents who are killing our brave soldiers in Iraq.

For all these reasons, we cannot abandon Iraq. We can leave when the generals say it is safe to leave because Iraq will be stable, that it will not be a terrorist training ground, and that is the only way we can leave Iraq, if we are to uphold the integrity of the United States of America.

We must persevere and succeed in this war, just as generations before us have done when we fought and defeated fascism, communism, and nazism. Our soldiers, sailors, airmen, marines, and Coast Guard have sacrificed greatly to keep us safe and free, and we must support them in this mission. The mission of a stable Iraq rather than a breeding ground for terrorists must be accomplished.

The bill is coming to the Senate from the House which passed it after a long, arduous debate last night. I urge my colleagues not to do something that would so damage the integrity of the United States of America and hurt our troops on the ground in Iraq and Afghanistan by putting them in danger by underfunding them, by not giving them the vote of confidence they deserve. It would be unthinkable.

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

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

The legislative clerk proceeded to call the roll.

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

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

THE FARM BILL

Mrs. LINCOLN. Mr. President, I come to the floor today to discuss one of the issues we have been talking about an awful lot recently, and that is the farm bill; more specifically, the unique nature of agricultural production in the United States.

We are all going to leave next week and go home, hopefully, to celebrate Thanksgiving with our families, to talk about this wonderful blessing we have in this great country of ours—the enormous bounty that exists, the blessings of living in a free country, living in a place where we do not have to worry about going to the grocery store and finding the shelves empty or we do not have to worry about those things that are produced here not being safe or acceptable. That is because we have not only very conscientious producers and farmers, but we have a system and respect in our Government that recognizes how important it is to the American people to maintain that bounty.

As we all go home to celebrate Thanksgiving and give thanks for this wonderful country in which we live and the bounty that it provides us, I think it is so important to talk about the big tent that exists in this country, the big tent that encompasses all of the diversity of agricultural production in different regions across our Nation. It is an important aspect that we should embrace, and I hope my colleagues will think about that as well.

As we discuss the farm bill and agricultural production, my colleague, the Presiding Officer, is representing a wonderful agricultural State, beautiful and vast, and it is very different from mine in terms of its assets and what it contributes to this great land. My State is different than Colorado. It is vast and different, just within the boundaries of my State, but certainly in terms of what it brings to the table in our Nation in terms of the bounty that it provides.

Perhaps one of the most frequent questions from so many, particularly of my urban colleagues—because I do share a seat with so many other farm Senators on the Agriculture Committee, but a lot of times the question from my urban colleagues is, why are farms in Arkansas different from, say, farms in North Dakota or Michigan or Indiana or Colorado or other regions of our Nation?

Although the answer is pretty simple, it does require quite a lot of time to talk about. It looks as if we have a good bit of time today, so I thought I would seek this opportunity and, for the benefit of those inquisitive Senators who sometimes ask why are things different in different parts of our country and in all of our different States, offer an explanation that I give, certainly, to my colleagues and to others who are interested and concerned about us as a nation maintaining the safe and abundant and affordable supply of food and fiber that exists in this country for which we are all so thankful.

First, and this should come as no surprise, each of our States produces the agricultural products for which its climate and its soil are best suited. That is one of the things we do in Arkansas. It, obviously, has been that way for years. Farms in Arkansas might be older than those in some of the States that exist to our west. As our country was explored and discovered, many of those lands in the West were discovered, and their climates and their soil types were different. As we have grown as a nation, they have adapted themselves to the crops for which they are best suited. For the colder climates of the Midwest, it makes sense to produce corn and wheat and sugar beets. For us in the South, with our more humid climates, and given, certainly, our soil types—we have a large clay content and often sandy soil along our river bottom—we are suited for cotton and rice production. So that is the first explanation I try to give people, to talk about those differences so we better understand what the differences are.

Second, you have to take into consideration what the markets are for our commodities. Again, we are a vast country, full of so many blessings and diversity. As we have grown, international markets have grown and changed as well.

Let's start with corn. By now I think everyone in this body is familiar with the fact that we mandate a corn ethanol market through the renewable fuels standard. It is important that we move toward a renewable fuel. It has multiple purposes. Renewable fuels will help us clean up the environment and will certainly lessen our dependence on foreign oil. It also gives secondary markets for our growers. But so far we have only gotten pretty far on corn-based ethanol.

We have mandated this market for corn, and it has done quite well. We make sure those corn growers' prices stay up because there is a market. There are tax incentives that are built in to ensure those markets are going to be there for corn.

In addition to the creation of the market, we place a prohibitive tariff at the borders of our country to ensure that only American farmers have access to that corn market. That is for good reason. That marketplace has really matured in terms of ethanol production and the direction we are going to the point we are now realizing that renewable fuels are going to need to come from other sources as well; that we cannot just depend on that corn-based ethanol program but that we have to start looking toward cellulosic and biodiesel and biomass and a whole host of other renewable energy sources. But the fact is, we still protect that corn market to a tremendous degree.

For sugar, we have a unique program that doesn't make payments to farmers, but, like ethanol, it limits the international competition, and it supports the processing of these commodities.

Sometimes sugar is supported in the processing facilities, and therefore those protected markets and that payment coming down to those farmers is a little bit trickier to understand than the regular commodity program.

Rather than offering a whole lot of detail on a program that does not directly impact my State, I would rather direct folks to the individuals who represent the States here that are affected by those crops. I think it is most important to let those who understand crops in their States give their descriptions because they have a better intuitive idea of how those programs work and how their growers benefit and how the economy benefits from it and certainly how the American people benefit. There are a lot of Members who can tell you about that.

As the President knows, we on the Ag Committee—everyone has their specialty and certainly their best understanding when it comes to corn and sugar. I kind of focus on the folks who know those the best to be able to provide you the details. But, in short, sugar has an entirely separate program

subject to different disciplines but with a market that is very domestic and exclusively limited to American sugar farmers. So you have two of these products now, or commodities, that have very different disciplines in terms of what protects them or what provides them that very defined as well as insured marketplace through both the constricting of the marketplace without allowing imports to come in and also the incentives they have in the way those safety nets are provided to them through their processing.

Now, here is a market that I do know about and that I can talk about, and that is what comes from my region of the Nation, which is cotton and rice.

First and most importantly, I need to point out that these two commodities are subject to very intense global competition. Rather than simply state that as a fact, I will offer a couple of explanations.

Rice is a stable commodity globally, all over the world. As such, it is produced in many regions, including the developing world, those nations which are not as developed as we are or as old and efficient as we are. The same is true for cotton.

What is also true is that our market is open to direct competition from international producers while our access into their foreign marketplace is extremely limited. Now, that means our border is open to their rice and cotton being shipped into our country. So our growers not only have to compete to get into our marketplaces, but they have to compete here with products that are allowed to come in from other countries—the rice and cotton, specifically.

I think the best example or one of the best examples is Japan. Japan's rice tariff comes in at over 400 percent. That is more than enough to keep American rice out of their marketplace, I have to tell you, a 400-percent tariff on rice going into Japan. Yet our markets are open. Our markets are open to commodities coming into this country.

Another good example that can be used is the treatment of rice in the recently negotiated Korean Free Trade Agreement. For every product produced in the United States of America, we reduce the Korean tariff, limiting our access into theirs immediately or phased in over 20 years, every one with the exception of one commodity—it is rice, one commodity that is not allowed to be exported into the Korean marketplace.

So it just goes to show you the fact that our commodities, although they are different and grown differently and a whole host of different things, also are treated differently in the global community and in the global economic venue. At this point, you should start to be seeing a pattern here in terms of the differences not only in how we grow our commodities but also how our commodities are dealt with in the marketplace. Our market is open to competition, while our export markets remain closed to our growers of our commodities.

Now, do not get me wrong, I am not here advocating that we need unabashed free trade for agriculture because I know that to expose the Third World to our productivity would decimate vulnerable parts of their economies that support the poorest of the world's poor. So that is not what we are talking about. This dynamic is more than a reality for U.S. farmers; it is a part of America's obligation within the World Trade Organization.

Now, I will summarize that point just briefly. In the WTO, the United States and other developed nations must report their subsidy level, and they must restrict their tariff level. The conversion is true for the developing nations that are members of the WTO. They are not subject to even reporting their subsidy, and they have little to no obligation with respect to opening their markets.

Now, again, I am not saying this is a total and complete outrage; I am merely trying to paint a more comprehensive picture of what American agriculture is up against in the global economy. Without a doubt, as we have heard in multiple different meetings across the Hill that many of us go to, whether it is our lunch groups or our hearings in committee and others, we hear all of the talk about global trade and about the global economy and developing countries and where they are going, placing priorities in education and infrastructure investment and a host of other things, and we see our trade deficit growing. Yet agriculture has always been one of those areas where not only we as Americans feel it is important to maintain that domestic production of a safe and affordable and available food supply, but we also know it is a big issue to other countries that they can maintain some domestic production and hopefully as much as they possibly can grab hold of in terms of that domestic production.

With that said, it simply cannot be ignored that these disparities in international competition contribute to the world in which the U.S. cotton and rice producers must compete and therefore influence how they must structure their operations. So, again, for us, in meeting different demands, in looking at the global marketplace and trying to figure out how we structure ourselves as growers, it is not just about the soil type or the weather and the climate; it is also about the international marketplace, which leads me to the explanation of the last question which is posed to me; that is, Why are Arkansas farms so big?

It should not be difficult for Members of this Chamber to understand that when you face intense competition and your foreign markets are closed, you have to create efficiencies. You have to create efficiencies elsewhere in your business operation in order to be able to compete because you do not set the world market price. You have to be able to compete on that international global stage by your own efficiencies.

It is the good fortune of everyone in America that our farmers are the most efficient farmers in the world. Certainly, we are the beneficiary of that in this great country, but people all across the globe understand that, that not only are we the most efficient and can do it the most affordably, but we produce the safest and set a standard in many instances across the globe of what is going to be produced in future generations in terms of sustenance of life. We have improved our efficiencies in ways that cannot be described here in a short period of time, but suffice it to say that the American farmer is the most efficient on Earth, and are we not all glad? That is something for us to be proud of in this body and across this land. If you are not or if you take our bounty for granted in this great Nation, you should be ashamed of yourself. That is the reason this bill is so important, is that we have been handed this blessing. We have worked hard on this Earth in this great land of ours. But we certainly have reason to be proud.

Despite our efficiency in cotton and rice country, we are still operating on very thin margins of profit. In some years, we merely hope for profit that really never comes.

What we have done to help level that playing field is to expand our operation to further reduce our per-unit cost and, in turn, create a competitive economy of scale. Now, that means we have to spread our risk out over a greater abundance of production because that is one of the only ways we have to get the efficiency to be able to be competitive in a very restrictive market, and that is to have a large economy of scale and mitigate our risk over a greater area.

Now, unfortunately, many newspapers and some of my colleagues attribute USDA statistics for commercial-size operations to many of our Arkansas and southern farms and assume we are no longer family farms simply because of our size. What a terrible misrepresentation. I think it really diminishes what we are about in this body, which is to embrace our diversity and embrace the good work all of these hard-working farm families do across this Nation. And without a doubt, it is simply untrue. I do not know of too many nonfamily farms in my State. There are a lot of people who are going to tell you that because they belong to a cooperative or because they maybe farm more acreage, they are not a family farm. In fact, I do not even know of one.

What I do know a lot about is fathers and sons, wives, daughters, brothers and sisters who work the land with one another. They have to come together. They have to build their operation, come together, and stay together if they are going to survive. Even when that generation upon generation finds

that one of those brothers or sisters happens to move to the city to become a doctor or maybe an electrician or maybe a fireman or maybe a lawyer, they still help share the risk of what that farm has to do, which is to create that economy of scale in order to be competitive.

So hopefully we can still consider those people a family farm, because, guess what, they are still a family, and they are still farming and they are all carrying the risk of what it takes to be competitive in that global marketplace. Now, their operations may exceed several thousand acres, and they most certainly are still family farms.

In fact, I cannot imagine a definition of a family farm that does not include the overwhelming majority of Arkansas farmers, but apparently such a definition exists. USDA seems to come up with these definitions, and they print them out up here in Washington, inside this bubble, and they fail to realize that there is a lot of diversity in this great country. There are a lot of family farms that exist. It is not just family farms in the Midwest, it is not just family farms on the east coast, but it is family farms in other regions of the country too—yes, in our region of the country too.

Now, I will go ahead and put my colleagues on notice that until those misrepresentations cease—and I have to tell you, they have been long and hard for many years in terms of the misrepresentations of what a farm is and who constitutes that farm. You know, I am a daughter of a farmer, but I cannot imagine the way I get labeled as having been this huge farmer when I am not even farming. Yet that misrepresentation continues to come out there just because it is convenient and it is sensational and people can use it.

Well, I have to say that it does not matter to me what happens to me, but it does matter what happens to those hard-working farm families who are working so hard to make sure we enjoy that safe and abundant and affordable food supply regardless of what happens in the international community. My colleagues know they are going to hear a lot more from me on farm policy that supports farmers throughout this great country as the debate goes on.

It is my opportunity to describe and talk about the individuality of each of these areas. I will hone in on my part of the country because I leave how other commodities are farmed up to those who farm them. But I can definitely tell you, having walked rice levees and scouted cotton and chopped down coffee bean plants in a soybean field, how our farms run and why they run that way, I understand the markets. I understand the global trade implications that exist. I understand that all of the programs we design oftentimes in the farm bill don't fit us.

For example, take disaster assistance. I was glad to work with my colleagues in the Midwest who wanted to see a disaster assistance program, even though it doesn't benefit my farmers that much. When you have a farm in the South and you are farming rice, you have to control your environment. Have you ever seen a rice field that has no water on it? Unless it is being harvested, you haven't. The reason is, you have to control that environment. When it comes to disaster assistance, those counties get the same national disaster declaration on a drought. But guess what. They are never going to get that disaster assistance because they hardly ever hit the 35-percent yield loss that comes with another stipulation in disaster assistance, because they have controlled their environment.

I will tell you what: They have spent twice the effort and resources and money in plowing into that crop what they needed to combat that drought and that disaster that was occurring. So they need another tool. They need another tool within the confines of our farm legislation that allows them to market their crop, to market their crop in this competitive global marketplace so the Government doesn't have to do it for them.

As I plow through this—and I know I will have many other opportunities to do so—I hope I have answered some questions or at least demonstrated some of the differences in our ag land down in the southern half of the Nation. We are all a little different. I have to tell you, for that we should be extremely grateful and proud, and we should embrace that diversity. As a nation, that is what makes us strong, our diversity and our willingness to embrace it and our willingness to respect it. That is what makes us Americans. Despite these differences, it has always been my view that regardless of the type of crop or the region of the country you live, if you contribute to the production of safe agricultural commodities, I consider you a farmer. I consider you an American farmer. I don't judge that and I don't judge you as an American farmer based on whether you are in one region or another or how big your family is or how big your farming operation is. I judge you by the fact that you are willing to go to work and work hard every day to do the best you can, to be as efficient as you possibly can, not only in this country but in the global marketplace, with tremendous respect to the environment, the conservation of land, and the ability to produce a safe and productive food supply. That is who farmers are.

If we let other people define who a farmer is and a farm family is, then we will be sorely disappointed when we start to outsource our food to other countries. I think we have become sorely disappointed to find ourselves dependent on foreign oil, to have outsourced our need for energy in the oil arena to other parts of the world. We will find ourselves once again in the next several years with a trade deficit in agriculture, outsourcing our food supply. I don't think Americans want to go there; I really don't. I think they are willing to listen for the diversity and expertise and the hard work that goes on by America's farmers to continue to produce that safe and abundant, affordable food supply. As a farmer, regardless of the region of the country, we have to help our farmers keep meeting that competition.

I have the reputation of being that kind of person, of reaching out and working with people, understanding differences, accepting differences and accepting other people's ideas. I hope we all have that attitude. But mostly, I try to be respectful of people. Unfortunately, my farmers and I have not been given that same respect by everybody. I am going to continue to work hard to prove my point because I am going to earn that respect. I am going to earn that respect not only in what we have done in this underlying bill, in creating the greatest, most substantial reform in decades. We started over here in current law and most of the extremes that people want are way over here. Guess where we have moved. In terms of providing the reforms that the media and others all clamor about, we have come from here all the way over here. That last little bit people want to ask of us will outsource the food supply that southern growers have so proudly provided this country for many years.

I am proud to be here to defend and support and be proud of Arkansas farm families. They have worked hard. They will continue to work hard. I have fought this fight for several years, and I will continue to defend the programs and my farmers who use them within the limits of the law. Creating greater reform is important. Our farmers want to make sure they are in compliance with the law and that they are working hard within the parameters to do their very best. But they also want to be able to be competitive, because they want to continue to provide that safe and abundant supply of food and fiber. And they can—most efficiently, most effectively, most safely, as well as with the greatest respect to the environment. I hope people will not continue the sensationalized stories and misrepresented facts in order to get something done that does nothing but move forward in outsourcing our food and fiber supply.

I hope I have brought some clarity here today. I will continue to try to do that. I look forward to working with my colleagues. We have a long road ahead of us to get something done. But I think everybody will agree it is worth it. It is well worth it, as we return home to be with our families, to give thanks for this wonderful Nation we live in and the bounty it provides. I hope we will come back and sit down and get to work supporting America's farm families and the hard work they do, recognizing all of the tremendous challenges they face, mostly challenges they have no control over. Whether it is the trade agreements they operate

under, whether it is the environment and the weather they deal with that they have no control over, it is certainly within the confines of the requirements and the regulations we present them to empower them to do a better job or certainly the best possible job in taking good care of the land and being good stewards of this great land we have.

I thank the Chair. I look forward to working with my colleagues.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand the Senator from Idaho intends to speak. I ask unanimous consent that I be recognized to speak after he is concluded.

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

The Senator from Idaho.

Mr. CRAPO. Before she leaves the floor, I commend my colleague Senator LINCOLN. I agree with her strong defense and support of America's farmers, particularly our family farms and the need for a farm bill. She and I may come from different parties, but we have shown that you can work together. I consider her to be one of my very good friends and allies as we work toward good policy. I appreciate the opportunity to sit here and hear her remarks. It is great to see someone stand up and respond to the attacks we see coming against American agriculture. It seems every time we have a farm bill, the attacks begin again. Yet it is in America where the American consumers spend the lowest percentage of their disposable income on food and fiber because we have such strong farm policies.

I also agree with her comments about the need for us to remember we are in global markets. Those who produce food and fiber in other nations have tremendous subsidies from their governments where their governments enable them to compete unfairly against our producers. In fact, not only do their governments provide unfair, extensive subsidies to their producers, they also erect significant anticompetitive trade barriers, both tariff and nontariff trade barriers, so that the products they send to us are subsidized and the products we try to send to them are stopped at the border because of these barriers. It is because of these kinds of international market circumstances and the global competition we face these days that it is important for us to recognize the role of the farm bill in helping American producers level that playing field.

Again, I appreciate so much the opportunities I have had to work with Senator LINCOLN on this and many other issues. We have worked together to strengthen and improve American policy.

I came to talk about the farm bill, and I will do that. But before doing so, I want to talk a little bit about the process, because I am very disturbed by the position the Senate is in right now. We could have been debating amendments to the farm bill for a week or two now. Instead we have been stalled by a procedure that has filled the amendment tree, for those who don't follow the rules of the Senate. The amendment tree has been filled up so no one can file amendments to the farm bill. Yet I understand there are over 260 amendments that have been prepared and which are out there waiting in the wings from different Members of the Senate. We are not going to see all 260 of those amendments debated and voted on. That never happens. But we should see a significant number of them debated and voted on.

Those of us who serve on the Agriculture Committee or the Finance Committee have seen both pieces of this farm bill be very vigorously debated at the committee level with all sorts of amendments and work developing the right kinds of process. Now it is time for that same process to occur here on the floor. Yet we have not seen one amendment allowed to be brought forward. The farm bill affects so many people's lives through providing food and fiber and security and enabling global competitiveness and ensuring a better environment. I could go on. But we must allow all Senators the opportunity to bring forth amendments they believe need to be debated before we have the final vote on the farm bill.

We have all heard by now the debate here in the Chamber and in other places about numbers, highlighting the multiple rollcall votes we have had on previous farm bill debates. Let me review a few of those. According to the information I have, during the 2002 farm bill debate, which is the most recent farm bill we have had, there were 49 amendment votes, including 25 rollcall votes. In 1996, on the farm bill preceding the current one, there were 26 amendment votes, including 11 rollcall votes. And during the farm bill debate previous to that in 1990, there were 113 votes, including 22 rollcalls. In 1985, there were 88 votes, 33 of which were rollcalls. Yet now during this debate or nondebate, we have had zero votes on any amendments because the amendment tree has been blocked.

I am discouraged by that because we could have made significant progress on this farm bill. Now what we see is a maneuver which is proposing that cloture be entered which would cut off debate on the farm bill and push it forward without giving us the opportunity for a full and robust debate on amendments.

I encourage our leadership on both sides to get past this impasse. I know there has been a lot of progress made in terms of an effort to limit the number of amendments and try to get a determination of how many amendments will be allocated to each side and allow us to move forward. But for whatever reason, we haven't been able to get that agreement resolved. The farm bill is too important for these kinds of partisan politics and maneuvers. I know there are concerns about certain amendments that may be brought. There are some on either side, depending on the amendment, who would prefer not to see the amendment brought because it could cause an embarrassing vote on behalf of some Members. I will face that same dynamic as amendments are brought forward. There will be amendments that will be difficult to face. But it is something we must do. It is the tradition of the Senate that we fully deliberate on matters such as this and that debate is not closed down.

I say again to our majority leader and our minority leader, we need to work together, avoid cloture votes, and avoid restrictions that prohibit Members from bringing their debate forward in this Chamber and allow us to have a full and robust debate so we can move the farm bill forward.

I remain committed to working together to move this farm bill forward in the Senate through a full, fair, and open process, and I hope we can get to one soon.

Now, let me turn to my comments on the farm bill itself. Many people say we should not call it the farm bill—in fact, I think it actually does have a different title now—because the farm bill is much more than just a bill that deals with commodities programs.

In fact, the farm bill, with the new addition of the Finance Committee title, will have 11 titles in it, only one of which is the commodities title. There are other titles dealing with rural development, with energy policy, and, as most people are not aware, with the food programs of our Nation.

In fact, if you look at the allocation of resources in the farm bill, only about 14 percent of the cost of the farm bill is truly allocated to the agricultural commodity programs. Over 60 percent—I think around 66 percent—of the cost of the bill goes to our Nation's food programs, such as our Food Stamp Program and the other programs that we have in international aid.

Then there are the programs dealing with conservation, which I am going to talk about in a minute, which is probably the most significant conservation effort in which this Congress gets engaged in any kind of an ongoing basis. Yet far too few Americans realize the commitment to the preservation and conservation and improvement of our environment that is contained in the farm bill.

There are more than 25,000 farms and ranches in Idaho producing more than 140 commodities statewide. Idaho leads or is ranked among the top States in the production of potatoes, peas, lentils, mint, sugar beets, onions, hops, dairy products, wheat, wool, cherries, and other commodities. Therefore, the farm bill is of vital importance to a more than $4 billion Idaho agricultural industry, which is an essential part of Idaho's economy.

In preparation for this farm bill authorization, like Chairman HARKIN and

Ranking Member CHAMBLISS, the House Agriculture Committee and former Agriculture Secretary Johanns, and others, I sought input from producers and those interested in the farm bill throughout the townhall meetings and hearings I had in Idaho, and I listened to many of my constituents voice their criticisms, bring forward their suggestions, and bring forward their praise of the last farm bill—the current farm bill under which we are operating.

What I heard loudly and clearly was that the basic structure of the 2002 farm bill is solid, and rather than starting from scratch, we should make changes to it and improvements to that basic structure as needed but not lose that structure that has been so helpful to our farmers and to our rural communities in particular throughout America. I have been pleased to work with my colleagues on the Senate Ag Committee and in the Congress in general to craft a bill that I believe sticks with that principle.

The bill before us today does not wipe away existing farm policy but builds on it for a stronger Federal farm policy. As Senator LINCOLN indicated, it makes some very significant and needed reforms to move in the direction of addressing the concerns that many have raised about some inequities in the farm bill processes.

The legislation includes essential provisions, such as the new specialty crops subtitle that strengthens specialty crop block grants and other important programs. I have appreciated working with Senator STABENOW, Senator CRAIG, and others on this effort, and I thank Chairman HARKIN and Ranking Member CHAMBLISS and Senator CONRAD and others who have worked with us in shaping Federal farm policy that bolsters U.S. agriculture through provisions such as these specialty crop programs.

Additionally, I thank Chairman BAUCUS and Ranking Member GRASSLEY on the Finance Committee for the time they spent in crafting a tax title for the farm bill that enables us to make some additions and tweaks that were needed. It has been an honor to be one of the Senators who serves on both the Finance and Agriculture Committees, the two committees with products that will be merged together on the floor of the Senate to make up this year's farm bill.

There are a number of highlights in the tax title of the farm bill I want to mention. In the tax title of the farm bill, I worked with several Senators to include improvements to the Endangered Species Act through incentives for landowners to assist with species recovery. For years we have struggled with the burden that the Endangered Species Act puts on private property owners. Notably, about 80 percent of the endangered or threatened species in America are found on private property. Yet we have put the burden of protecting and preserving and recovering those species unduly on our private property owners.

This bill I have introduced and worked on with many others in the Senate will provide participants with the option of a tax credit instead of the Conservation Reserve Program, Wetlands Reserve Program, and Grasslands Reserve Program.

This farm bill also provides support for wheat, barley, sugar, wool, and pulse crop producers. Pulse crops would become eligible for Counter-Cyclical Program assistance.

The Noninsured Assistance Program would provide coverage for aquacultural producers who are impacted by drought.

There are significant investments in energy programs that would assist producers with efforts that support energy independence.

Changes to Project SEARCH would allow financially distressed rural communities in Idaho and nationwide to access increased Federal assistance for their water infrastructure needs.

The Fresh Fruit and Vegetable Program would be significantly expanded to enable all States to participate. Expanding this program nationwide will further the effort to provide healthy food choices for our children. This program is a win-win for children, students, and producers.

I have visited Idaho schools and have seen firsthand how the Fresh Fruit and Vegetable Program has been a big support to our students, and I look forward to seeing the additional benefits brought through this program by making it available to more students.

There are many other provisions of importance in this extensive legislation that I could bring up and review, but instead I want to just focus on one vital area of the bill—the conservation title—before concluding my remarks.

I have appreciated having the opportunity to work with my colleagues on the conservation title, which provides landowners with both the financial and technical assistance necessary to achieve real environmental results.

As I said earlier, no Federal policy contributes more to the improvement and protection of our environment than the farm bill, through the incentive-driven conservation programs. The conservation title provides $4.4 billion in new spending for conservation programs. The title continues with the current combination of conservation programs with improvements to make them work.

For example, the Senate farm bill makes changes to the EQIP, or Environmental Quality Incentives Program, to ensure that private forest land owners receive the help they need to better manage their land.

Chairman HARKIN made numerous changes to the Conservation Security Program, which has been renamed the Conservation Stewardship Program. The Senate farm bill provides $1.28 billion in new spending for that program.

There are also adjustments made to increase participation of specialty crop producers in the Conservation Stewardship Program, dedicated conservation program resources and higher technical assistance levels to increase participation of beginning and socially disadvantaged farmers and ranchers. The title also provides added emphasis to encourage pollinator habitat improvements on agricultural and forest land.

Funding is provided for the Wetlands Reserve Program and the Grasslands Reserve Program, which did not have baseline funding starting in 2008. The Wetlands Reserve Program would be provided with funds to enroll 250,000 acres per year through 2012. The Grasslands Reserve Program would be provided with $240 million for fiscal years 2008 through 2012.

The Conservation Reserve Program would be maintained at 39.2 million acres. The Wildlife Habitat Incentives Program would be continued with $85 million per year for fiscal years 2008 through 2012. The Farmland Protection Program would be reauthorized at $97 million per year through the duration of the farm bill. The conservation title provides for the creation of a framework to facilitate the participation of farmers in greenhouse gas reduction and other environmental services markets.

Now, I understand the challenges faced in writing this farm bill and the significant investment that has been made in conservation programs, especially having to cover baseline shortfalls for the Wetlands Reserve Program and the Grasslands Reserve Program. However, a broader investment is needed in our conservation programs, such as the Environmental Quality Incentives Program and the Grasslands Reserve Program, so we can better capitalize on the conservation interest and needs across this Nation.

I will continue to work for investments in working lands conservation, such as the EQIP program and GRP, or Grasslands Reserve Program.

With any legislation that is as comprehensive as this, there are always provisions that each of us would like to see come out differently. However, on a whole, this bill before us builds upon past farm bills and sets U.S. agriculture on the right course. Throughout the crafting of this bill, it has been refreshing to see that more people are starting to understand each aspect of this important legislation. Truly, there are few pieces of legislation that have the ability to impact so many lives. This bill affects our Nation's food security, our global competitiveness, the condition of our air, water, and land, as well as many other aspects of our lives.

I look forward to getting past the impasse we face on the Senate floor and moving forward to a timely debate and the enactment of a farm bill that enables sound Federal farm policy.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I rise to address the issue which has been noted by the Senator from Idaho,

which is the process under which the farm bill is being considered in the Senate.

A number of the Members on the other side of the aisle, primarily the leadership, have spoken on this process and have made the representation that in some way we, on our side, are slowing down this bill. Nothing could be less accurate, in my opinion.

I know, although I do not happen to support the farm bill because I think it is bloated in many ways and essentially ignores the concept of a marketplace, the farm bill is going to pass. It always does pass. It always passes with a very large majority, which is assured by the fact that enough commodities are put into the subsidy system so that you can add up enough people to support it, so it will always pass with a large majority. And there will be 20 or 25 people who will vote against it.

So I have never held any belief or even thought for a second this farm bill was not going to pass the Senate. It is going to pass the Senate. It has not been my intention to either slow it down or try to defeat it because I know I cannot do either—or I did not think I could do either.

My intention was to improve it and to address issues which I think are relevant to it or which are appropriate to the issues which the Senate should be addressing today generally.

But, unfortunately, on the procedure that has been structured by the majority leader, all Members of the Senate, but especially members of the minority—the Republican Members of the Senate—have been shut out of the ability to amend this bill.

The majority leader has essentially created a system which you could call the ''permission slip'' approach to legislating. If he does not give you a blue permission slip, you cannot bring forward an amendment on this bill.

Obviously, that does not work for those of us who wish to amend the bill. But, more importantly, it does not work for the institution. The essence of the Senate is the ability to amend legislation when it is on the floor.

Washington described the Senate as the place where the hot coffee from the cup—referring to the House—it is the saucer into which that hot coffee is poured, so it can be looked at, thought about, and reviewed to make sure there is not hasty action, to make sure there is not precipitous action, to make sure there is not action which will come back to haunt us because we did not try our best to anticipate the consequences.

So the Senate was structured to be a deliberative institution. That was its purpose. Our Founding Fathers designed it with that intent in mind, as expressed by George Washington. It has always worked that way. We have always, when we have had major pieces of authorizing legislation on the floor, had the opportunity to amend that legislation. Even if they are not major pieces of legislation, in many instances we have had the ability to amend it in just about any way we wanted. There was a statement that you have to do relevant amendments. Well, under the rules of the Senate, there is no such thing as relevant amendments. Everything is relevant. Irrelevant amendments are relevant because that is the way the Senate is structured. That is the way we work. If there is an issue of the time which a Member wants to bring forward to discuss and have voted on, the idea is the Senate will do that. Now, there is a procedure to cut off and go to relevant or germane amendments, but that procedure is a very formal procedure known as cloture and it takes 60 votes. That should not be done on a bill of this size until there has been adequate debate and a reasonable number of amendments considered.

I noticed that the Senator from Michigan, whom I greatly admire and enjoy working with, had a large chart today which talked about the fact that there have been 55 filibusters by the Republican Party since the Senate has convened. That is sort of like, as I have said on occasion, the fellow who shoots his parents throwing himself on the mercy of the court because he is suddenly saying he is an orphan. The simple fact is the only reason there have been 55 cloture motions filed around here is because the majority party has decided to try to shorten debate and shorten the amendment process at a rate that has never occurred before. Bills are brought to the floor and cloture is filed instantaneously. That never used to happen around here. It is not our party which has been trying to extend these debates; it is the other party which has been trying to essentially foreshorten the debates in an extremely artificial and premature way and limit the capacity of the minority to make its points and to raise the issues it considers to be important.

On almost every one of these bills—the 55 that are noted—agreement could have been reached, timeframes could have been agreed to, an amendment list could have been set, and we could have proceeded under regular order. But regular order was not allowed because the other side of the aisle wants to manage the Senate the way the House is managed: Where the majority party essentially does not allow the minority to offer amendments to the bills unless the majority party agrees to the amendments. Well, I can understand that in the House. There are 435 people there and it would be pretty much chaotic. But in the Senate, we are not designed that way. The whole purpose of this institution is to allow extensive discussion of legislation and amendments on legislation, whether the amendments are relevant or irrelevant.

So the process that is being put in place is harmful, in my opinion, to the fundamental institution of the Senate, when you have a majority leader who comes forward, immediately fills the tree, and then says the majority leader is not going to allow any amendments to the bill unless the amendments are accepted by the majority leader which, of course, on its face is a little absurd. Obviously, if we were all going to offer amendments that agreed with the majority leader, we would all be in the majority leader's party. That is why we have a two-party system. The idea is a two-party system. The one party sometimes disagrees with the other party and tries to make the points we feel are important to govern us. But the majority leader closes the floor down, says we have a permission slip process where you have to get his blue slip of approval before we can move forward, and then he files cloture on the bill after having not allowed any amendments to move forward. I think that does fundamental harm to the institution. It creates a precedent around here that may well be a slippery slope for us as an institution. I remember a couple of years ago there was a big debate about whether we should do cloture, or needed cloture, on the issue of Supreme Court judges. On our side of the aisle, because there was a lot of foot dragging about some of the Supreme Court judges who were being nominated, there were many who felt we should go forward and have a ruling of the Chair which says it only takes 51 votes; the Constitution does not allow filibusters against Supreme Court judges. Well, some on our side of the aisle felt that was a slippery slope, that that type of a procedural heavy-handedness by the majority would harm the institution and would lead to serious ramifications down the road when the parties changed governance.

This institution will not always have a Democratic majority. The facts are pretty obvious. We change around here. The American people like to have Government change. They like change. They get frustrated with the way things are going, so they make a change. There will be a Republican majority; I absolutely guarantee that. But the Democratic leadership, the majority leader, is in the process of setting a precedent, if he is successful, which will be extraordinarily harmful should a Republican majority take control and use that same precedent. So I think it is a huge mistake that this process has proceeded in this way and it is inconsistent with the facts on the ground.

The majority leader has said we can only have relevant amendments—relevant, ironically, as defined by the majority side. Well, history has shown us that is not the case. Even on farm bills—even on farm bills—especially on farm bills, amendments are brought forward which are irrelevant to the farm bill all the time. In fact, ironically, the majority leader has brought forward a number of those amendments. In 1996, for example, he offered an amendment to the farm bill regarding the importation of tea and the Board of Tea experts. In 1990, he offered an amendment to the bill regarding

testing consumer products containing hazardous and toxic substances. In the year 2000, he offered an amendment to the farm bill regarding the Social Security trust fund and tax policy. In the year 2000, the majority leader offered an amendment to the farm bill regarding pest management in schools. The manager of the bill, Senator HARKIN, in the year 2000, offered an amendment regarding fees on pesticide manufacturing. In the year 1985, he offered an amendment regarding the creation of additional bankruptcy judges in the State of Iowa.

I would argue that none of those amendments, under the most liberal interpretation of what is relevant, would be defined as relevant in a postcloture exercise and, therefore, by the actions of the majority, and specifically the majority leader and the chairman of the committee; they have set a precedent that even if it weren't the right of the membership of the Senate, they have set a precedent that amendments which are not—which are irrelevant to the underlying bill can be brought forward, and they should be brought forward.

For example, today the majority leader came down and made a very compelling statement relative to the dire straits that people are in who are having their mortgages foreclosed on because of this subprime meltdown we are having. It is serious. It is very serious. It is serious to those people especially, but it is also serious to the Nation as a whole because it is affecting the credit markets and it may be contracting the economy. I filed an amendment which would address that issue. Some farmers I suspect are caught up in this subprime foreclosure exercise, unfortunately. I bet there are some farm families who have been hit by this. I know there have been. So I think it is probably pretty relevant to these people who are farmers and, therefore, an argument could be made it is relevant to the bill. But I am not making that argument. I am saying that issue should be raised right now—we shouldn't wait—that the amendment I have offered which would essentially say that if your home is foreclosed on, you don't get hit with a tax bill for phantom income, which is what happens today. If you happen to be unfortunate enough to have your home foreclosed on, you get a tax bill from the IRS, even though you lost your home and even though you didn't get any income out of the foreclosure sale. That puts a little more pressure on the person who has had their home foreclosed on. That is a traumatic enough event, but to then have the IRS come after you, that is horrible. So this amendment would basically stop that practice. It would say to the IRS: No. You can't deem that as income.

There are going to be some farmers who are going to need that protection, and there are going to be a lot of Americans who are going to need that protection, unfortunately. So we should take that amendment up. I would be happy to offer that amendment right now, but if I offered it right now, it would be objected to under the proposal because the majority leader has deemed it is not relevant to the farm bill and, therefore, he is not going to allow it to be debated. I happen to think it is a pretty darned important amendment.

There are a couple of other amendments I have suggested. I have suggested 11 amendments to the bill. That is not outrageous. Some of them I think could probably be negotiated. I even suggested I would take 15 minutes of debate on them, 7½ minutes divided equally on each one of them. Unfortunately, the other side of the aisle rejected that idea—or they didn't formally object to it, but they told us we would want to talk a little bit more about some of these amendments. But the assistant majority leader on the Democratic side of the aisle came down to the floor and specifically called out a few of my amendments and said that they were the problem. They were the problem because they shouldn't be heard on this farm bill. He mentioned the mortgage amendment which we discussed.

He also mentioned an amendment which I happen to think is pretty darn relevant to this bill, especially to rural America and farm communities, which is that in most of rural America today, there is a crisis relative to the ability of baby doctors to practice their profession. It is virtually impossible, for example, in northern New Hampshire to see an OB/GYN unless you drive through the mountains and down to the southern or mid part of the State. That is true across this country, because OB/GYN doctors—baby doctors—people who deliver babies in rural communities can't generate enough income because the populations aren't large enough to pay the cost of their insurance against frivolous lawsuits or lawsuits generally. So I have suggested that for those doctors specifically, so we can get more of them into the rural communities delivering babies for all the people who live in the rural communities but obviously for farm families, that we give protection to them—protection which tracks—it is not outrageous protection—the California protection for doctors which occurs generally under California law so the cost of their premium for malpractice insurance will not drive them out of practicing and delivering babies in rural America and especially to farm families.

The Senator from Illinois said that was a frivolous—he didn't use the term ''frivolous''—he implied the amendment wasn't a good amendment; we shouldn't have to debate that amendment on this bill. Why not? Why not take up that amendment? Fifteen minutes I am willing to debate that amendment, 7½ minutes on both sides, and vote on it.

Well, it is not because it is not relevant and it is not because it shouldn't be taken up; it is because there are a number of Members on their side of the aisle who said we don't want to vote that issue. It is a hard vote. Why? Because it makes sense. That is why I think it is a hard vote. But there are other people on the other side of the aisle who simply don't want to have to cast that vote. It is not about the relevance of that amendment; it is about the desire to avoid casting a difficult vote. Well, you were sent here; you should make difficult votes on public policy that is important, and that happens to be a fairly significant point of public policy that is important, whether women in rural America can have adequate and prompt access to an OB/GYN. I think that is pretty darn important.

Then the assistant leader said an amendment I had on the list, my 11 amendments—a small number of amendments—was not appropriate because it dealt with the Gulf of Mexico. Well, this amendment says, as a follow-on to the Oceans Commission, which did a very large, extensive study of the status of the ocean and America's involvement and what we should be doing relative to the ocean, which was completed about 2 years ago and which was created, authorized, and funded as a result of an initiative by Senator Hollings from South Carolina, with my support as a member of the appropriations subcommittee that had jurisdiction over NOAA, and the conclusion of this Commission, which was filled with the best and most talented scientists and leaders we have on the issue of how the ocean was being impacted, was that the Gulf of Mexico is being uniquely impacted by fertilizer runoff from the Midwest coming down the Missouri, the Mississippi, and the other tributaries of the Mississippi and going into the Gulf of Mexico, and we are getting a dead zone there, a very significant dead zone because of the phosphates and I think the nitrates. The Commission called for action. It said: We have to do something as a country about this.

But what does this farm bill do? It expands dramatically the incentive to put more acreage into production, and I say: Fine. That is great. But it doesn't address the runoff issue, which is that additional production is going to occur, or the runoff issue that is occurring as a result of already existing production. So all this amendment does is say let's give NOAA the ability to go out and study this problem and see if they can come up—working with the Department of Agriculture—with some ideas on how we might be able to abate the harm we are doing as an unintended consequence of expanding our agricultural community, the harm we are doing to the Gulf of Mexico. But no, no, we can't take up that amendment. No, no. It doesn't get a blue slip, permission slip from the majority leader.

Then the fourth amendment which was mentioned or cited by the assistant leader as being something that was

problematic—and that is sort of a conservative description of the way he addressed the issues—was an amendment I have that says the firefighters should have the ability to pursue collective bargaining.

Now, maybe farms don't have fires. Maybe barns don't burn down and silos don't blow up. Maybe there weren't any wildfires in San Diego. Maybe I missed all that. But it seems to me that fire protection is a pretty big part of everybody's lifestyle in this country, and having fire departments that know what they are doing and are properly paid, have proper equipment and training is really important whether you happen to be in New York City or on a farm somewhere in the Midwest or the West. So I cannot imagine under what scenario it is deemed that this amendment should not be discussed and voted on.

Again, I am willing to do this for a briefer period of time. I am not trying to slow the bill down. I want to get a few issues up that I think are important to the definition of the problem as I see it in the farm region.

Then I had a series of amendments—well, I only had 11, but 5 of the amendments I had dealt with the budget process.

This farm bill does fundamental harm to the concept of responsible budgeting. It plays games with our budget process. We hear so much from the other side of the aisle about how they use pay-go to discipline spending around here. That is the term, the motherhood term we hear, ''pay-go.'' It turns out that it is ''Swiss cheese go'' as far as the other side of the aisle is concerned regarding spending restraint. On 15 different occasions, they have gimmicked pay-go, played games with it to the point where they have spent almost $143 billion in this Congress which should have been subject to pay-go but was not subject to a pay-go vote because they managed to gimmick their way around it.

This farm bill is a classic example of that procedure occurring again. By changing dates—1 day—so that they shift years and take items out of the pay-go—what is called the pay-go scorecard—they are able to avoid pay-go charges in this bill to the tune of $10 billion. That is not small change, by the way. We should have a pay-go vote on that $10 billion if we are going to maintain the integrity of the budget process. That is reasonable. I have asked for that vote.

In addition, they have created a new emergency fund—a $5 billion emergency fund. The way we have handled emergencies—and there are, I admit, many emergencies in farm country—is that we have always paid for those emergency costs through an emergency supplemental, whether it is because of a flood or if there is a drought or if there is a hurricane. We fund the costs after they have occurred, and we pay the costs of the emergency. What this would do is set up what amounts to a slush fund—what I am afraid will become basically walking-around money—of $5 billion and a floor so that we are going to be guaranteed that every year for the next 5 years at least a billion dollars will be spent on emergencies, whether there is an emergency or not. You know, if a large wind blows a mailbox over in North Dakota, it is going to be declared an emergency because somebody is going to want to get their hands on that billion dollars. That makes no sense from a budget standpoint. We know that human nature—especially legislative nature—will spend that money once it is allocated, and we should not do it up front, create a floor; we should do it the traditional way, which is to pay for emergencies when they occur. Now, some people here obviously disagree with me. I suspect I will not win that vote. But it doesn't mean we should not have a vote on that point of budget discipline and the importance of budget discipline.

In addition, on the budget issue, there is a $3 billion gimmick in here that is so creative it sets a new standard for creativity. There always has been movement of money from the discretionary side of the account to the mandatory side, and vice versa, to free up more spending. That is a game that has been played a long time, where an expenditure that is discretionary will suddenly find out it is being put under a mandatory account, so the money being spent in the discretionary account can be freed up to spend it on something else. If you get it into the mandatory accounts here, you basically put it on autopilot and don't have to worry about it ever again.

This bill takes this concept to a new dimension. It takes a mandatory spending responsibility and moves it over to a tax credit, so that we now have a $3 billion tax credit where we used to have a $3 billion mandatory expenditure, and then it takes the $3 billion that was being spent on the mandatory side of the account and spends it on a new program. So, essentially, by using the tax law in a very creative way, you have generated new spending of $3 billion. I think that is terrible budget policy. I think we should address it, debate it, talk about it on the floor, and definitely vote on it before we allow this bill to go to cloture.

Obviously, there are a lot of issues raised by this bill; otherwise, there would not be 240 amendments filed. The majority of them have been filed by the other side of the aisle. But the fact that the procedure has been structured in a way that these amendments, which are totally reasonable, which are parts of significant issues of public policy, such as whether women in rural America will be able to see an OB/GYN or whether farmers get the equipment they need or whether a person whose home is foreclosed on will get hit with an IRS tax penalty or whether the Gulf of Mexico should be looked at relative to maintaining its vitality as a environmentally sensitive area—we are not going to be allowed to look at all of these issues because the majority leader set up a blue-slip permission process, which is totally antithetical to the system the Senate historically works under and undermines the capacity of issues to be debated and voted on. I just think, as I said, it is doing fundamental harm to our institution. Even if I didn't want to bring these amendments forward, I would not want to have a process that denied the right of other people to bring amendments like them forward.

The fact that the leadership on the other side of the aisle wants to insulate its membership from making tough votes on things like baby doctors being available to farmers and farms getting the equipment they need and people whose homes are foreclosed on not being subject to IRS penalties—the fact that they want to protect their membership, that is understandable. That is their leadership. Their leadership is clearly trying to protect them in their jobs. To abuse the process of the Senate to accomplish that, to create a procedure where you basically foreclose amendments in a manner that actually is even more strict and more contracted than what the House does, does more harm than good to the institution. As I said earlier, it puts us on an unnecessary and inappropriate slippery slope, and it is a fundamental change in the way the Senate works.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

SENATE CHOICES

Mr. KENNEDY. Madam President, on tomorrow, we will be voting on several items. Two are going to be related to our policy on Iraq. Tonight, I wish to express my views on the choices that are before the Senate and the American people. I know later in the evening a number of colleagues will speak to this issue. I welcome the chance to now express my view.

Madam President, I oppose the minority leader's effort to provide a $70 billion blank check to President Bush for his failed Iraq policy. I will support legislation approved yesterday in the House of Representatives requiring the President to begin to bring our combat troops out of Iraq in 1 month and complete the withdrawal by December of next year. I hope the Senate will support it, and I hope President Bush will sign it into law.

Earlier this month, we reached another tragic milestone in Iraq. We have lost more Americans in Iraq this year than in any other year. It is another painful and somber reminder of the enormous price in precious lives the Iraq war continues to impose. It is long past time for the administration to change course and end the national nightmare the Iraq war has become. Our military has served nobly in Iraq and done everything we have asked them to do. But they are caught in a

continuing quagmire. They are policing a civil war and implementing a policy that is not worthy of their enormous sacrifice.

The best way to protect our troops and our national security is to put the Iraqis on notice that they need to take responsibility for their future so that we can bring our troops back home to America safely. As long as our military presence in Iraq is open-ended, Iraq's leaders are unlikely to make the essential compromises for a political solution.

The administration's misguided policy has put our troops in an untenable and unwinnable situation. They are being held hostage to Iraqi politics, in which sectarian leaders are unable or unwilling to make the difficult judgments needed to lift Iraq out of its downward spiral.

BG John F. Campbell, deputy commanding general of the 1st Cavalry Division in Iraq, spoke with clarity about the shortcomings of Iraq's political leaders. He said:

> The ministers, they don't get out. . . . They don't know what the hell is going on on the ground.

Army LTG Mark Fetter said that ''it is painful, very painful'' dealing with the obstructionism of Iraqi officials.

About conditions on the ground, Army MG Michael Barbero said:

> . . . it's not as good as it's being reported now.

All of these military deserve credit for their courage in speaking the truth. We should commend them for it. These are courageous, brave military speaking the truth.

Yet the President continues to promise that success is just around the corner. He continues to hold out hope that Iraq's leaders are willing and capable of making essential political compromises necessary for reconciliation.

The American people know we are spending hundreds of billions of dollars on a failed policy that is making America more vulnerable and putting our troops at greater risk. The toll is devastating. Nearly 4,000 American troops have died, tens of thousands of Iraqis have been killed or injured, and over 4 million more have been forced to flee their homes. Nearly a half trillion dollars has been spent fighting this war.

It is wrong for Congress to write a blank check to the President for this war. It is obvious that President Bush wants to drag this process out month after month so he can hand off his policy to the next President. It is time to put the brakes on this madness. It is up to us to halt the open-ended commitment of our troops that President Bush has been making year after year. We need to tell the Iraqis now that we intend to leave and leave soon. Only by doing so can we create the urgency that is so clearly necessary for them to end their differences.

We cannot allow the President to drag this process out any longer. This war is his responsibility, and it is his responsibility to do all he can to end it. It is wrong for him to pass the buck to his successor when he knows thousands more of the courageous members of the Armed Forces will be wounded or die because of it. Every day this misguided war goes on, our service men and women and their families continue to shoulder the burden and pay the price.

If this issue were only about the tragedies of the war, there would be reason enough to end it. But it has become about so much more. Now we are also starting to see the fallout at home as the President refuses to deliver the relief our families need.

Earlier this week, the President signed a Defense appropriations bill that includes a 10-percent increase in funding compared to last year, but he vetoed a bill that includes an increase half that big that would fund cancer research, investments in our schools, job training, and protection for our workers. That bill included $4.5 billion more than the President proposed for education. He said that $4.5 billion more for students is too much. Yet he has asked for 35 times that much more for the war in Iraq. He wants us to say yes to $158 billion for Iraq when he says no to $4.5 billion for American children.

In Iraq, anything goes. The sky is the limit. Billions and billions of dollars for Iraq. But here in America, right here at home, a modest investment in our school children gets a veto.

The bill included $3 billion to improve the quality of our teachers. Those funds would have been used to hire 30,000 more teachers, provide high-quality induction and mentoring for 100,000 beginning teachers, and provide high-quality professional development for an additional 200,000 teachers. One week of the failed policy in Iraq is the cost. We could do all of this for our teachers for the cost of a single week in Iraq, but the President says no.

The bill that he vetoed included $7 billion to provide high-quality early education through Head Start. Yesterday, the Senate approved a Head Start bill to strengthen the program and make Head Start even better. The bill goes a long way in strengthening the quality of the personnel, tying Head Start to kindergarten and other education programs in the States and consolidating all the various programs in the States that are available to children to make them more effective. Each of these improvements make an enormous difference in the lives of Head Start children. Funds the President vetoed would be used to build a basic foundation for learning that will help low-income and minority children for the rest of their lives. We can improve this foundation for the cost of a little more than 2 weeks in Iraq.

But even as we work in Congress to improve this vital program, the President says no. No, no, no to this program, no to the Head Start children. We are only reaching half of those who are eligible for the program at this time. We have over 4 million poor children under the age of 5 in the United States of America; we only reach 1 million of them. We all know what a difference early intervention makes for children in education. It is critically important for us to continue strengthening the academic programs, socio-emotional support, and health services delivered through Head Start and yet the President continues to say no.

The same misguided rationale applies to other investments in this bill. The President's choices cast aside urgently needed research on heart disease, diabetes, asthma, infectious disease, and mental health, and many other areas that could find cures and bring relief to millions of our fellow citizens.

This chart shows $4.9 billion in cancer research which would fund over 6,800 grants; diabetes research, pandemic flu, with all the dangers we are facing with the potential for a pandemic flu—that is necessary—support for the CDC, one of the prime health agencies to help protect Americans. It does such a good job in terms of immunizations and community health centers, which is a lifeline for 15 million of our fellow citizens, so many of whom have lost their health insurance. And the answer is no to those individuals.

It is true, in terms of American workers, the President rejects funding to enforce the labor laws that keep workers safe and to give them a level playing field. Instead, the President's veto takes bad employers off the hook and puts the safety and lives of American workers at risk. The President's choices are devastating to veterans as well. Listen to this, Mr. President. Each year nearly 320,000 brave servicemen return to civilian life, many coming from Iraq and Afghanistan. Tens of thousands—here is the chart. These are the returning veterans from Afghanistan and Iraq. Tens of thousands of reservists and National Guard have lost their benefits and even their jobs because they served their country. That is why the appropriations bill provided $228 million to help veterans find jobs, obtain training, and protect their right to return to former jobs. They are guaranteed now under existing law, but what is happening is that law is not being implemented. We found that three-quarters of returning veterans do not even know about their rights and, in many instances, they are losing their jobs, they are losing their overtime pay, and they are losing their pensions. That is why today one out of four homeless people in the United States is a former veteran. The bill we approved would help address this issue, but that was also vetoed.

The bill we will have a chance to vote on tomorrow in the Senate, which was approved by the House of Representatives yesterday, also takes an important step in reining in the Bush administration's use of torture. It is difficult to believe that in this day and age, Congress needs to legislate against the use of torture to prevent the President of the United States from abusing prisoners. Torture and cruel, inhuman, and

degrading treatment are already prohibited by law. Yet, once again, we must legislate, not because the conduct we would prohibit is somehow unlawful, but because the Bush administration continues to twist and distort existing law in its misguided, immoral interrogation practices.

The Nation was shocked by the horrible images from Abu Ghraib prison, and America was shamed in the eyes of the world. The administration tried to whitewash the episode by blaming it on low-level soldiers, but the truth about our use of torture couldn't be concealed. Led by President Bush, Vice President CHENEY, Secretary of Defense Rumsfeld, and Attorney General Gonzales, the administration had set a course that undermined fundamental American values in the craven belief that torture could somehow make us more secure.

Our interrogators were authorized to shackle prisoners in stress positions, induce hypothermia, and use sleep deprivation, extend isolation, bombardment with lights and loud music, and even now the infamous practice of waterboarding. The Justice Department's Office of Legal Counsel—listen to this, Mr. President—the Justice Department's Office of Legal Counsel gave its approval to the legality of these practices in the morally outrageous Bybee torture memorandum. The Bybee torture memorandum was in place for more than 2½ years until Mr. Gonzales appeared before the Judiciary Committee when he wanted to be the Attorney General of the United States. He could look over that committee and tell that if he had to defend that memorandum, he would never make it, and he was right.

What happened? The administration repealed the Bybee torture memorandum, and Mr. Gonzales got through the Judiciary Committee, although there were more than 40 votes in the Senate against his confirmation.

Under the Bybee memorandum, if the President approved the use of torture, no one could be prosecuted for breaking our Nation's laws or international obligations.

Do my colleagues understand? Under the Bybee memorandum, if you were going to prosecute an individual for using torture, you had to demonstrate a specific intent that the purpose of the torture in which you were involved was not to gain information but just to harm the individual. Unless a prosecutor would be able to demonstrate that the purpose of torturing an individual was not to gain information, you were effectively let off, free.

As the distinguished Dean of Yale Law School, Dr. Koh, said, it was the worst piece of legal reasoning he had seen in the history of studying laws in the United States and legal opinions.

The administration withdrew the Bybee memo in embarrassment when it became public. Indeed, the now-Attorney General Mukasey refused to denounce waterboarding as torture.

Only leaders who fail to understand the founding principles of America could approve such behavior. Our country needs to stand beyond reproach for the sanctity of each individual, for freedom, for justice, for the rule of law. But the administration turned its back on all these traditions and on the ideals of America itself.

In 2005, Congress passed the Detainee Treatment Act to ensure that all interrogations conducted by the Department of Defense would comply with the Army Field Manual, a comprehensive and effective approach to interrogation that prohibits the use of torture and cruel, inhuman, and degrading techniques in favor of techniques that are most likely to be effective in gaining necessary information.

LTG John Kimmons said, when releasing the manual:

> No good intelligence is going to come from abusive practices. I think history tells us that. I think the empirical evidence of the last five years, hard years, tells us that. The Manual itself tells us that the use of torture is not only illegal, but also it is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say whatever he thinks the [interrogator] wants to hear.

Last May, General Petraeus echoed these statements in a letter to all our servicemembers in Iraq saying that ''torture and other expedient methods to obtain information'' are not only illegal and immoral, but also generally ''neither useful nor necessary.''

We now know, however, that the 2005 act left open a loophole that undermines the basic safeguards against torture and cruel and degrading treatment. We applied the field manual to the Department of Defense, but not to the CIA.

Last year in the Military Commissions Act, Congress left it to the President to define by Executive order the interrogation practices that would bind all Government interrogators, including the CIA. The President's Executive order drove a Mack truck through this small loophole. The vague terms of the order permit many of the most heinous interrogation practices.

The provisions of the bill we will have an opportunity of voting on tomorrow closed that loophole. They require that all U.S. interrogations, including those conducted by the CIA, conform to the Army Field Manual. This very simple and easily implemented reform means no more waterboarding, no more use of dogs or other extreme practices prohibited by the Manual. There will still be great flexibility in use of interrogation methods and our interrogators will be able to effectively get the required information, but torture will be off the table.

This bill is an opportunity to restate our commitment to the ideals and security of our Nation. It is an opportunity to repair the damage done to our reputation by the scandal of Abu Ghraib and the abuses of Guantanamo. It is an opportunity to restore our Nation as the beacon for human rights, fair treatment, and the rule of law. It is an opportunity to protect our brave service men and women, both in and out of uniform, from similar tactics. It is a simple but vital step in returning our Nation to the rule of law and the ideals on which America was founded, and it deserves to be enacted into law as soon as possible.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

SUBPRIME LENDING CRISIS

Mr. MARTINEZ. Mr. President, I wish to take a moment to express my strong support for modernization of the Federal Housing Administration. As you know, there is a serious financial issue affecting a lot of Americans. The subprime lending crisis is driving up foreclosure rates in Florida and across the country.

The problem is that from 2004 to 2006, financial institutions gave a lot of people mortgages they could not afford. These were low-interest, nothing-down, sometimes no-document loans that made the initial monthly payment very affordable. But because these were adjustable rate mortgages, a lot of people soon found themselves in a lot of financial trouble. After 24 months, or whenever the initial low downpayment period was over, the next market-driven rates set in and monthly mortgage payments climbed substantially.

Another factor compounding the problem, especially in places such as Florida, is that housing prices are stagnant or declining. So with no equity, higher monthly payments, and no chance to sell without taking a substantial loss, a lot of homeowners who have subprime loans are finding themselves in the perfect storm and, sadly, they are facing financial foreclosure.

Imagine the heartbreak of a family losing a home to foreclosure. About 2 million families in America are in that predicament today. This summer we saw the first wave of foreclosures, and because of the lag time between interest rate adjustments, we are likely to see another wave before too long. But the good news is that there is a strong public-private partnership offering help.

The Federal Housing Administration is offering certain homeowners an option to refinance their existing mortgages so they can make their payments and keep their homes. Additionally, FHA is coordinating a wide variety of groups that offer foreclosure counseling. This is to identify homeowners before they face hardships, help them to understand their financial options, and allow them to find a mortgage product that works for them.

I commend President Bush and Housing Secretary Alphonso Jackson for

stepping in to help with this difficult situation. I also commend the private institutions that are helping families avoid foreclosure. But where we need more action right now is right here in the Congress.

I am pleased we have put together a bipartisan FHA reform bill that will lower downpayment requirements, allow FHA to insure bigger loans, and give FHA more pricing flexibility. These reforms will empower FHA to reach more families that need help. It would also help first-time home buyers, minorities, and those with low to moderate incomes.

Over the past 72 years, FHA has been a mortgage industry leader, helping more than 34 million Americans become homeowners at no cost to the taxpayer. With this legislation, we build an even better program that complements conventional mortgage products and allows FHA to continue to serve hard-working and creditworthy Americans.

I commend Senators DODD and SHELBY for their leadership on this issue in the Banking Committee. The legislation we have before us is the result of a lot of time and dedication from members of that Senate Banking Committee. It isn't an easy process to get legislation through this committee, but it is a fair one. With this legislation, we have the opportunity to use the resources of the Federal Government in a reasonable and responsible manner in order to mitigate against future home losses.

As former Secretary of Housing and Urban Development, I know this program well, and I would ask my colleagues who may have questions or concerns with this legislation to talk to me about it. I would love to tell you why this is a good idea for America.

I would also add that Senators DODD and SHELBY and I have worked hand in hand with the administration throughout this process, and that this legislation that was reported from the Banking Committee—and, as I said, has bipartisan support—also enjoys the support of the President and the Department of Housing and Urban Development. In fact, I have a letter from Secretary Jackson to Chairman DODD and Ranking Member SHELBY dated September 19 expressing enthusiastic support for the bill.

This is a bill that will help families. At a time when America seems to be looking to Congress for answers on issues from energy to the crisis that is going on with the foreclosure problem, to so many other issues, here is a time when we can come together and get something done that is good for the American people.

To make the argument this legislation has not been given due deliberation is both unfair and unfounded. FHA reform is an issue that has been debated here in Congress for many years. In fact, I know we debated this issue here when I was Secretary of Housing and Urban Development.

The Banking Committee has had hearings and Members have been an active part of the process. At the markup in September, members voted 21 to 1 in favor of reporting the legislation from committee. I believe the one Senator who did object in committee now supports the legislation.

So, again, I ask my colleagues to take a good look at the merits of this legislation and support our efforts to provide hard-working, creditworthy Americans with an avenue to safe, sound, and affordable mortgage lending.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

TRIBUTE TO SENATOR BYRD

Mr. STEVENS. Mr. President, I come to the floor to honor the President pro tempore, our great friend, the senior Senator from West Virginia. Senator BYRD will celebrate his 90th birthday next Tuesday. In Alaska, we call this a significant milepost. Milestones in Alaska get covered with snow too often.

I remember watching from the gallery in 1959 when Senator BYRD took office. I was a member of the Eisenhower administration at the time. He had been here for nearly a decade by the time I came to the Senate in 1968. Senator BYRD and I have worked together on the Appropriations Committee now for 36 years. We have each chaired that committee and we have each had the honor of becoming the President pro tempore. He has been President pro tempore twice.

Senator BYRD has been called a symbol of our history, and those of us who served with him, and continue to serve with him, rely on his knowledge of the Senate and its history and traditions. I wish I had the time to go into some of the times I have listened to Senator BYRD recite poems or history, or tell of his times of researching the history of the Roman Senate. I served as the whip here for 8 years when Senator BYRD was giving his history lessons, and it was my honor to sit here and listen to those history lessons, and I learned a great deal from him.

His devotion to the Senate and to those of us who serve with him are reasons for us to call him the patriarch of the Senate family. I know of no one who has done so much to keep the spirit of the family alive in the Senate. Over the years, Senator BYRD has come to the floor many times to honor me personally and to honor my family. He comforted me here on the floor when my wife Ann passed away. He comforted me in times of sorrow; he comforted me in times of joy.

He came to me on the day I first became a grandfather. And I will never forget that, because he gave a speech about the meaning of becoming a grandfather, and he told me I had my first taste of immortality because I was a grandfather. Those words have stayed with me for a long time. I now have 11 grandchildren, but I will never forget that speech about the first one.

I also remember the kind remarks he has made to me on many other occasions. He came to the floor and offered congratulations of the Senate when I remarried, and he came again when Catherine and I had our first daughter, our only child, Lilly. Earlier this year, he came to the floor to congratulate Lilly on her graduation from law school. And with Lilly, I remember when she was young and a baby, and I was the whip, we had a birthday party for Lilly every year here, and Senator BYRD never missed one of those. He became Uncle Robert to Lilly. He has had a marvelous relationship with the children of Senators who have served with him.

The nurturing and caring quality that Senator BYRD has brought to this Chamber for so many years reminds us we are a family. We had the sad occasion to gather with him and support him when he lost his beloved wife. But I have come here today to congratulate the Senator from West Virginia not only for his service to our Nation and to the Senate, but for his longevity. He is the only Senator who is older than I am, and I thank him for his friendship and for all he has done for me and my family personally.

Catherine and I wish him a very happy birthday, and we hope the Senate will join in extending to the President pro tempore our sincere congratulations on his birthday.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

NATIONAL ADOPTION DAY

Ms. LANDRIEU. Mr. President, I appreciate the opportunity to be recognized to speak for a moment with my colleague Senator COLEMAN on National Adoption Day, which is this Saturday.

Before I do that, let me thank the Senator from Alaska, the senior Senator, for his beautiful remarks relative to our other colleague from West Virginia, a man whom we have all come to know and love and respect for his years and quality of service to this body and to our country. Many of us will have other words to say on behalf of Senator BYRD on his birthday, which is coming up very soon.

I wanted to come to the floor with my colleague from Minnesota to speak about a very important issue that we try to remember and reflect on through the whole month of November, but particularly on National Adoption Day on November 17. I also wanted to take this opportunity to remind ourselves of the importance of family and the laws we try to pass here in Congress to encourage families to be strengthened and expanded through the miracle of adoption.

Many Members of Congress, including myself, are adoptive parents. We have personally experienced the joy of building our families through adoption. We are proud promoters of this practice that is not uniquely American, but is embraced by Americans in a way

that it is not embraced in most countries in the world. And we are proud of that. In America, we like to believe it is not the color of our skin or even being from the same part of the world that makes a family. It is a bond, a love that can be shared between people and families and children, even if those children are of a different race or a different background. It is a very unique aspect of America that is quite open and quite extraordinary.

In America, we adopt many children, thousands of children. Over the last decade, the numbers have increased every year, in good measure due to the work that has been done in the United States, right here in Congress.

Let me back up a minute to say that, obviously, our ultimate hope and wish is that all children could stay with their birth families. In an ideal world, you would want all children born in every country, every day and every year, to be able to be born into families who want them, can care for them, can nurture them, and will stay whole and permanent. But we know in the reality of the world in which we live, that is not possible. War, famine, disease, addiction, violence, and gross neglect separate families, separate children from their birth parents every day.

I think it is one of our primary responsibilities as responsible, functioning governments, particularly democracies, to do what we can to connect those children who are separated from that special bond with a birth parent to another nurturing, loving adult as quickly as possible. It would seem that the most natural thing in the world is to understand that a child without a parent is very vulnerable. Even children with parents who are educated and able to navigate through life still have great challenges. So, you can imagine the vulnerability of children with no parents to protect them, alone to raise themselves. Children don't do that very well. And governments don't raise children. Human beings—parents—do. So we need to do our best.

We are working at it, but we have a long way to go. That is why every November, our Presidents, President Clinton, and before him President Bush, take a minute, as our current President will tomorrow at the White House, to acknowledge that November in America is National Adoption Month. We focus the attention of our country on our efforts and we congratulate ourselves on our progress, but there is still a gap. We have 514,000 children who have been removed from their birth families and placed in the care of the community, in foster care. Today, over 115,000 of these children are waiting to be adopted, and the majority of their parents already have had their parental rights terminated. These children are waiting to be placed in a permanent family through adoption, whether kinship or regular, or long-term guardianship.

So I come to the floor today to recognize some of these children who are waiting today, and to say that while we are making progress, we have some beautiful children who are still waiting to be adopted. There are many misconceptions about some of the children who are in our public child welfare and foster care systems. The survey recently conducted by the Dave Thomas Foundation for Adoption indicated that the majority of Americans mistakenly believe that many of the children in foster care are ''juvenile delinquents.'' According to the survey, an unbelievable number of Americans, have thought about adopting a child from foster care, but because of their misperception that there is something wrong with these children, that they are damaged goods, they back up or they back away.

The facts will show that it is not the children who are in foster care who are delinquent. It was a problem from the parental end; that the parents somehow failed to step up or were unable to step up. These children are not damaged goods. They are doing beautifully in school. Many grow up to be quite successful, but they, like all children, need parents and protection.

This is a young girl, Natalyia, who is 8 years old. She has been in foster care since 2001 and is one of the children in Louisiana who is waiting to be adopted.

This is two siblings. Sometimes a child is an only child and sometimes a child has brothers and sisters. I am one of nine children. I know, Mr. President, you came from a fairly large family. Sometimes the unfortunate thing is that parents walk away, or disease or violence separates them from groups of children.

These are two young boys, Terron and Montrell, who are about 7 and 8 years old. They are in foster care in Louisiana, looking for parents here in the United States.

This is two other brothers who have been in foster care for a while. Their names are Ronnie and Kody. They are 11 and 13 years old, also looking for a family here in the United States.

We have thousands and thousands of children of all ages in the United States looking for families. We have millions of orphans around the world. As I said, there are tens of thousands of children right here in the United States who are waiting to be adopted. I am proud of the laws we have tried to pass here on the floor of the Senate, giving appropriate tax credits and providing other opportunities for children to move into loving and permanent families.

I think our time is limited. I don't want to take any more time, but I ask unanimous consent to allow the Senator from Minnesota to finish up our talk here on the Senate floor, to acknowledge National Adoption Day and National Adoption Month, and then turn to the leadership, if I could.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Minnesota.

Mr. REID. Mr. President, I am wondering if my friend from Minnesota will be kind enough to allow the two leaders to engage in a little work here on the floor? As soon as we finish, he would retain the floor.

Mr. COLEMAN. Mr. President, I graciously yield the floor to the two leaders.

Mr. REID. My friend is gracious in everything he does. I appreciate that so much.

CONDITIONAL RECESS OR ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to H. Con. Res. 259, the adjournment resolution.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 259) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, could the majority leader tell me what the schedule is likely to be for tomorrow?

Mr. REID. Yes. We will do a unanimous consent request in a minute for your approval or disapproval. What we are going to do is come in in the morning. I want to come in early because of requests from both your side and my side that we vote first on an Iraq matter that the minority has brought to the floor; then we would vote on a motion to proceed to the bridge bill that the House voted on last night; and then we would vote on the motion to invoke cloture on the farm bill. At that time, hopefully, we would be ready to wind things down until after Thanksgiving.

The ACTING PRESIDENT pro tempore. Is there objection?

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

Mr. REID. I ask unanimous consent the current resolution be agreed to and the motion be laid upon the table.

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

The concurrent resolution (H. Con. Res. 259) was considered and agreed to.

The concurrent resolution reads as follows:

H. CON. RES. 259

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, November 15, 2007, or Friday, November 16, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, December 4, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, November 15, 2007, through Thursday, November 29, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday,

December 3, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

ORDERS FOR TOMORROW

Mr. REID. Mr. President, I ask unanimous consent that the Senate vote at 9:30 a.m. tomorrow on the cloture motion on the motion to proceed to S. 2340, the Senate Iraq Emergency Supplemental Appropriations bill; if cloture is not invoked, the Senate then vote on cloture on the motion to proceed to H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations bill; if that cloture is not invoked, the Senate then vote on cloture on the substitute amendment to the farm bill; I further ask unanimous consent that the cloture vote on H.R. 2419, the underlying bill, be delayed to occur, if needed, upon the adoption of the substitute amendment; I further ask unanimous consent that the time for debate prior to the first vote be equally divided between the two leaders or their designees; that the last 10 minutes be reserved for the two leaders, with the majority controlling the last 5 minutes; and that there be 2 minutes for debate before the second and third votes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. I say to my friend, it is my intention to come in in the morning at 8:30. That would allow any Senators who wish to talk about the farm bill and Iraq to do that tonight and in the morning we have a few speakers and you would have some speakers, and that should conclude the events tomorrow. I think we need to come in early because we have had a number of requests, as you know.

I do say this, I appreciate the understanding of my friends on the other side. As they know, there is a debate tonight of all Democratic Presidential candidates, and they needed to be here in the morning. That is required. They probably needed the time anyway, but I couldn't push forward on that tonight, especially with the debate starting in 2 hours in Las Vegas.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, let me say a couple of things before the distinguished Republican leader leaves. We had a brief conversation here in the well of the Senate a couple of minutes ago. I am disappointed we cannot proceed to the Transportation appropriations bill. The President tells us he wants bills. We do everything we can, and it is difficult to get them done, but we have now completed an extremely difficult conference. It has been open. Republicans have participated. I am not going to go into the details of the bill, but it is a transportation bill. It deals with such important parts of America's infrastructure which are so desperately needed.

I hope, I say to my friend, that maybe before we leave here tomorrow there will be another thought given to this. It would be nice if we could send this bill to the President and do it before we leave here for recess. Senator BOND and Senator MURRAY on our side, the managers of this bill, have worked very hard trying to get everything done. They worked today. We got a hold on it here taken off. Somebody objected here. We took that off. I am so grateful for their hard work, their bipartisan work on this legislation.

I do say this, Senator BOND, who has been one of the members of the Appropriations Committee for some time, has been pretty easy to work with over the years. He has been very reasonable. Senator MURRAY told me he has been extremely reasonable during this most difficult bill. I am not going to ask unanimous consent to go forward on it. I have been told by my friend, the distinguished Senator from Kentucky, there would be an objection. I do feel sorry we have not been able to do that.

Finally, I will say a few words on an important issue, breast cancer and environmental research. I indicated earlier this year I was going to move forward, if necessary, on cloture. There is one Republican Senator who has held up this extremely important bill. This legislation would authorize money for 5 years to study the possible links between the development of breast cancer and environment. One key provision in the legislation would create an advisory panel to make recommendations about these grants.

Over the past 6 years, this bill has enjoyed very broad, bipartisan support. During the 109th Congress, this bill was reported out of the HELP Committee, but one Senator on the other side, one Republican, objected to our request to pass it.

I am bound and determined to pass this legislation. Why I have not moved on it earlier is the following reason: We have gotten great work on a bipartisan basis out of the HELP Committee. Senators KENNEDY and ENZI—one would not think they are political soulmates, but they are. They balance each other out. Senator ENZI confided in me—I don't necessarily mean confided in me, but he told me that he was going to have a hearing on this very soon, before the first of the year, to see if he could work out the problems the one Senator had. If that in fact is the case, this matter could be brought out of the committee to the floor and passed very quickly rather than my taking a week or so on the legislation. So I want all those who are so concerned about this legislation to know I have not forgotten about it, but based on Senator ENZI's representations, I am not going to try to invoke cloture on this bill at this time. If we do not get something done during the first few months of the next year, we will do that. Hopefully we can pass it in December.

Mrs. MURRAY. Mr. President, could the majority leader yield for a question?

Mr. REID. I am happy to yield for a question.

Mrs. MURRAY. Mr. President, I am listening carefully to what you said. I am here on the floor working very hard trying to get the Transportation and Housing bill to the President, as he has asked us to do. We worked together in a strong bipartisan way. All of the Republicans and all the Democrats in both the House and Senate signed the conference committee report. This is critical infrastructure. I note the Senator from Minnesota is on the floor. He had a bridge collapse in his State. We have had a housing crisis we addressed within this bill. We know airport expansion is a critical infrastructure piece. I see the Senator from Louisiana is on the floor. There is very important infrastructure there.

If I heard the Senator correctly, we are not going to be able to move forward on this critical piece of legislation that only has one hurdle left to get to the White House. If I could, in effect, clarify it, my understanding is there is an objection and we will not be able to move it past the final hurdle?

Mr. REID. I answer to my friend who has done such an outstanding job on this bill, as she does on everything, this bill did have in it $195 million to replace I–35 West, the bridge in Minneapolis. We all witnessed the tragedy of the collapse of that bridge. A picture is worth 1,000 words so I will not give 1,000 words, other than to say I ask everyone to call up in their mind's eye the devastation that took place when that bridge unexpectedly collapsed. The bill also, I say, includes an additional $1 billion for urgent bridge repairs in all States in the wake of that tragedy. That is only a small part of that legislation and it is unfortunate we couldn't send that to the President before the recess. We still could, maybe when we get back in the morning, and we could do it before we leave here. That is still possible.

Mrs. MURRAY. I say to the majority leader, I thank him for trying to move forward. I hope our minority leader will work with his caucus to try to help us move this forward. It is critical infrastructure that thousands of communities are counting on this week, heading for a jampacked Thanksgiving holiday. Everyone is going to realize the impact of not investing in our infrastructure. I hope we can continue to try to work something out.

I thank the majority leader.

UNANIMOUS CONSENT REQUEST—H.R. 3996

Mr. REID. I ask unanimous consent that the majority leader, after consultation with the Republican leader, may turn to the consideration of H.R.

3996, the Tax Extender/AMT bill, and that it be considered under the following limitations: that there be 2 hours of debate equally divided between Senators BAUCUS and GRASSLEY or their designees prior to a cloture vote on the bill; if cloture is invoked, there be no amendments in order to the bill; if cloture is defeated, there then be 1 hour for debate on Senator LOTT's amendment No. 3620, providing for AMT repeal and 1-year extension of expiring tax provisions; that following that vote there be 1 hour for debate on Senator BAUCUS's amendment providing for a 1-year AMT patch and a 2-year extension of expiring tax provisions with the cost of the expiring tax provisions offset; that each amendment vote would require 60 votes in the affirmative; that following those votes, if an amendment is agreed to, the bill be read a third time and the Senate vote immediately, without any intervening action or debate, on final passage of the bill. If neither amendment achieves 60 votes and cloture is not invoked on the bill, then the bill be returned to the calendar; if cloture is invoked on the bill, then the Senate proceed to complete action on the bill under the provisions of rule XXII.

Mr. MCCONNELL. Reserving the right to object.

Ms. LANDRIEU. Reserving the right to object.

Mr. MCCONNELL. I know Senators GRASSLEY and BAUCUS are here to discuss this issue. I believe the majority leader knows I am going to be offering another alternative consent agreement to his here momentarily. I ask we both be allowed to do our respective consent agreements and then let others discuss the AMT.

Bearing that in mind, Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MCCONNELL. Mr. President, Senate Republicans have time and time again voted to reform and repeal the alternative minimum tax, a stealth tax that was promulgated in 1969 to ensure some 155 wealthy Americans paid at least some level of Federal tax but which today threatens to entrap more than 20 million American taxpayers this year alone.

I know the majority leader shares my desire to fix the alternative minimum tax and to extend other expiring tax provisions later this year. In fact, as the IRS has told us, the inexplicable inaction at this point has already the potential to wreak havoc on the tax-filing season. I have been encouraging my colleagues on the other side of the aisle to work with us to do this for quite some time.

So both my friend, the majority leader, and I know this is an issue that must be addressed. That is common ground, and that is good. But let's be clear. Republicans want to extend the alternative minimum tax patch and expiring tax provisions without increasing taxes on other Americans. Furthermore, we want to protect 90 million American taxpayers, including small business owners, from a massive tax increase that will soon take effect if Congress does not act to extend rate reductions contained in the tax relief measures we passed in 2001 and 2003.

I would suggest that there are fundamental differences of opinion between the two parties on tax policy. This is not a surprise; we all know this. And it is a debate we have been having for years. But on this there is much we can agree on. Let's begin with a base bill that accomplishes what is noncontroversial, what we mutually agree upon; that is, extending the AMT patch for 1 year and extending expiring tax provisions for 2 years.

In view of the differences between the parties on tax increases, let's allow two amendments per side to be in order, each of our own choosing. I can tell you now that our amendments will be focused on ensuring tens of millions of Americans do not face tax increases. While I would not presume to tell my friend, the majority leader, what amendments his side should offer, I would suggest it would be an excellent opportunity for him to offer the tax increases that are included in the Baucus proposal and the Rangel AMT bill as passed by the House as the other. Since we object to the majority's efforts to increase taxes, as they apparently will object to our efforts to extend tax relief, let's require that all amendments be subjected to a 60-vote hurdle.

In summary, I propose we start with common ground and say controversial pay-fors and add-ons must get 60 votes.

Therefore, I ask unanimous consent that the majority leader, with the concurrence of the Republican leader, may turn to the consideration of H.R. 3996; provided further that there then be a substitute amendment in order, the text of which is the 1-year alternative minimum tax fix with a 2-year extenders package without the tax-raising offsets; I further ask unanimous consent that each side be allocated four tax-related amendments to be offered to the substitute, and that each amendment under this order and passage of the underlying bill require 60 votes for adoption or passage as the case may be.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, during the past 7 years, we have had an interesting financial program in this country led by President Bush; that is, spend whatever you want, just use a credit card. That is, he wants new programs. He has had plenty. Just write out one of the IOUs that came from the credit card. Or if you want to reduce taxes, do not pay for it, just call for the credit card, which it seems the limit on that never runs out, just more and more.

When this man, this man, President Bush, took office, there was a $7 trillion surplus over 10 years. Now there is a deficit of $9 trillion. That is what the Bush fiscal policy has done to this country.

We in this Democratic-controlled Congress believe things should be paid for. We have done that working with the House on everything. We believe we are going to do our very best to do it on this legislation.

But I would suggest to my friend that one of the requests I had is that we vote on—have every opportunity to vote on—what the House sent us.

But without belaboring the point, I think we have two different ways of how this Government should run. One should be on a pay-go basis. If you want to increase spending, you pay for it. If you want to cut taxes, pay for that. For 7 years the Republicans have not agreed with that. As a result of that, we find ourselves in a difficult situation. So I respectfully object to my friend's request.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I regret that the Republican side has objected to the request offered by the majority leader. But I am very pleased, frankly, with the objection by the majority leader to the minority leader.

The ACTING PRESIDENT pro tempore. If the Senator from Montana would suspend for just a moment.

Under the previous order, the Senator from Louisiana and the Senator from Minnesota had the floor for a few minutes before the leadership.

Mr. BAUCUS. Mr. President, if I might ask my colleagues to indulge me a little because this is an important subject on the issue at hand. I ask their indulgence for 5 minutes.

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

Mr. BAUCUS. I thank my friends. Mr. President, the goal is to try to fix the alternative minimum tax and to try to get these tax extenders passed. The goal is not to relitigate the 2001 and 2003 tax cuts, which I think would be the subject of the amendments that the minority side would offer if their consent requests were granted. We are not here to relitigate that; we are here to figure out some way to make sure this Congress allows the alternative minimum tax patch to pass so Americans do not have to pay an alternative minimum tax for tax year 2007, which is the goal.

I am very disappointed, frankly, that we are not allowed to get to that point because the other side objected to the request offered by the majority leader to set up a series of votes which would enable us to get to that point—namely, where this body could pass the legislation, probably an amendment by Senator GRASSLEY and myself—which would accomplish most of the objectives by the other side; namely, dealing with the alternative minimum tax, not paid for, but pay for the extenders.

That would have been the third vote if we were to get there; that is, if the

minority party allowed us to get there. But, apparently, they do not care about that. Apparently, they do not care about the alternative minimum tax. Apparently, they want to relitigate the 2001 tax cuts, the 2003 tax cuts, to have it extended with mischievous amendments.

I remind my colleagues we are here today because back in 1969, Congress passed the alternative minimum tax because so many wealthy taxpayers were not paying any taxes. So we passed AMT. But we made a mistake, frankly; we did not index it. And lo and behold, after all of these years, now taxpayers between $100,000, $200,000, $300,000 of income, many of them are going to have to pay the alternative minimum tax very soon.

But, ironically, it is the most wealthy taxpayers in America who are not affected by the alternative minimum tax. It does not hit them. It does not affect them. It does not affect the most wealthy. It just affects those with incomes between, say, $100,000 and $200,000 in income.

Why does it not affect the most wealthy? Because on the alternative minimum tax, the capital gains rates are not the alternative minimum tax rates, rather the capital gains rates under the AMT are the regular capital gains rates, and most wealthy people get most of their income paying capital gains taxes because their income is passive rather than ordinary income.

So it is a bad provision, the AMT, and we have to fix it. And mark my words, we are going to try to find a way to fix it because it has to be fixed. I am very disappointed, frankly, that the other side would not let us fix it now. It is important we fix it now because the IRS is going to send out forms. The programmers who do the programming for the Tax Code, for the tax provisions in the Tax Code, have to get the right programs out to the American people.

If we dally, if we wait—it looks as if now we are going to wait until certainly after Thanksgiving. It looks as if probably we have to wait to the end of the year. Who knows when? Maybe the day before Christmas. That is not the way to do business. So we will find a time. We can bring up legislation to make sure there is a so-called AMT patch, that we do not have AMT affect taxpayers for this year. And we also have to bring up these so-called extender provisions.

I think we should pay for those extenders. But we may not be paying for the AMT, and that was going to be the third amendment that was going to be offered today so we can get moving. But I guess that is going to come up another day. I am very disappointed we are not there.

Mr. President, the journalist Norman Cousins once said: ''Wisdom consists of the anticipation of consequences.''

By this or any measure, the alternative minimum tax is the most unwise of policy. Congress plainly did not anticipate the AMT's consequences. And the wise course now is plainly to stop it from increasing the taxes of millions of Americans.

The Tax Reform Act of 1969 created the AMT. Congress saw that under the tax code of that time, 155 high-income households took advantage of so many tax benefits that they owed little or no income tax. So Congress responded with the AMT.

But Congress did not anticipate the consequences. Notably, Congress failed to index the AMT for inflation. And now an increasing number of middle-income Americans are finding themselves subject to this tax.

Now, the AMT punishes people for having children. The AMT punishes people for paying high State taxes. And the AMT punishes people with complexity.

And many taxpayers who owe the AMT do not realize it until they prepare their returns. Worse yet, many do not realize it until they get a letter from the IRS. Many never see it coming.

Listen to what the Congressional Budget Office has reported:

> [I]f nothing is changed, one in five taxpayers will have AMT liability and nearly every married taxpayer with income between $100,000 and $500,000 will owe the alternative tax.

But oddly enough, the AMT would have less effect on households higher up the income scale. Surely these are not the consequences that Congress intended.

Protecting working families from the alternative minimum tax is my top tax priority this year. And it remains my goal to repeal AMT altogether.

We could do something about it, today. We have a chance to anticipate the consequences, today. We could enact wiser policy, today.

Last week, the House passed the bill that was the subject of the unanimous consent request that the Leader just made. It would protect more than 23 million families from a tax increase this year under the AMT. It would extend a number of important tax cuts for research, college expenses, and other priorities. And it is paid for. It is fiscally responsible.

Under the unanimous consent agreement just propounded, the Senate could have acted. If we had agreed to this unanimous consent request, we could have prevented the AMT from wielding its unintended consequences 1 more year.

I'm disappointed that the Senate did not consent to consider this bill today. But I am not sorry for choosing to protect taxpayers from the AMT, even at some cost. Too many folks are at risk of an unfair tax increase, if Congress fails to act on the AMT.

Provisions like the college tuition deduction, State and local sales tax relief, and the research and development tax credit are also in this bill. Those provisions make a real difference for America's families and businesses. I am disappointed that we were not able to extend these expiring provisions. People deserve greater certainty about their tax relief.

Now I don't support all of the provisions in the House bill. I would not have written it this way. There are certain targeted provisions that are not strictly extenders that I would not have put in the bill. There are some offsets that I would not have used or that I would write differently.

But I do support tax relief. And I support fiscal responsibility. And this was our chance to both ensure tax relief for 23 million Americans and also to avoid saddling our children and grandchildren with debt.

Mr. President, many of my colleagues have insisted that we pay for extending the Children's Health Insurance Program. Many have insisted that we pay for extending the farm bill. And many have insisted that we pay for preventing cuts to doctors under Medicare.

Well, if paying-as-you-go is good enough for children's health, if it is good enough for America's farmers, and if it is good enough for Medicare, then it ought to be good enough for tax cuts, too.

So I regret that there has been objection to considering the House-passed AMT bill. I regret that those who are objecting have prevented us from saving 23 million Americans from the unintended consequences of the AMT. And I regret that those who are objecting have prevented us from moving forward to enact wiser tax policy.

NATIONAL ADOPTION DAY

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I take the opportunity to turn this body to the attention of a matter that has bipartisan support that will bring us together. There are some very contentious and challenging issues that we have to deal with, but what I am going to talk about now in the moments I have is something that is not a Democratic or Republican issue. It is an issue that concerns all of us.

It was the poet Carl Sandburg who said: Each young child is God's opinion that the world should go on. In our busyness and preoccupation that we have with the affairs of state, we should remember there is probably nothing more important to the future than making life better for a child, something we all agree with.

I am talking on the floor today to share a simple way we can all do that in the Senate and in the country. I am pleased to have the opportunity to join my colleague from Louisiana, Senator LANDRIEU, in supporting a resolution to recognize National Adoption Day, which is coming up this Saturday, November 17.

I would say my colleague from Louisiana brings not only the passion and the intellect to this issue, but she brings a lot of heart to the issue. And I think that is most powerful. I applaud her for her leadership. It is a

pleasure to work with her on issues of adoption.

National Adoption Day is an annual series of events designed to draw attention to this crucially important social service of uniting kids who need loving families and families who need kids to share their love. Adoption is one of the greatest win-wins because it fulfills two of the greatest needs of human kind: receiving and giving love. Adoption, since it involves the welfare of the vulnerable children, is a process that must be handled with care. The challenge is not to make it so legalistic and bureaucratically demanding that it keeps needy kids apart from worthy families.

Many legal professionals and nonprofit agencies put in countless hours to facilitate adoption. This is a day to thank them for their efforts and focus our attention as a society on what we can do to create greater opportunities for adoption.

Last year, for the first time, National Adoption Day was celebrated in all 50 States, the District of Columbia, and Puerto Rico. In total, more than 300 events were held throughout the country to finalize the adoptions of more than 3,300 children in foster care and to celebrate all families that adopt.

This year, the partners are anticipating an even greater number of finalized adoptions as a greater number of cities and communities participate in NAD events.

This Saturday, hundreds of volunteer lawyers, foster care professionals, child advocates, and local judges will come together to celebrate adoptions and to draw much needed attention to the 114,000 children in foster care still in need of adoptive homes.

I am thankful my friend from Louisiana showed us the faces of those kids so we understand it is flesh and blood that we are dealing with.

I would like to encourage my colleagues in this Chamber to invest more of their time and effort into this special area of constituent service throughout the year. Each December, my staff and I hold a party in Minnesota to gather and celebrate all of the families, Minnesota families, that we have assisted in adoption. It is the most joyous event that I participate in. The expressions of love and gratitude are simply overwhelming.

One by one, as I see the kids and imagine the circumstances they have come out of to the place where they have found a home, it makes all of the frustrating and seemingly futile hours of this job just melt away.

I also thank my colleagues for their support earlier this year in a provision that Senator LANDRIEU and I championed to ensure adopted teenagers who seek an education were not forced to choose between a loving family and financial aid for college. Previously, youth who ''aged out'' of the foster care system qualified for virtually all loans and grants, while those who were adopted were essentially penalized in terms of college financial aid eligibility. Our measure simply amended the definition of ''independent student'' to include foster care youth who were adopted after their 13th birthday. This will ensure that a student does not see his or her financial aid eligibility decline as a result of being adopted.

Since taking office, I have taken great satisfaction in helping hundreds of families navigate the international adoption process. Many of my colleagues are aware of the potential crisis relating to the completion of over 3,000 adoptions between the United States and Guatemala.

Due to the implementation of the Hague Convention on Intercountry Adoption, which is an internal agreement intended to safeguard adopted children from trafficking, significant and necessary changes are taking place in adoption law in the United States and Guatemala.

The Government of Guatemala previously announced their nation will implement The Hague Convention standards as of January 1, 2008, and will require all adoption cases to meet those standards. This would have effectively stopped the processing of all adoption cases with non-Hague countries, including the United States. The United States is expected to complete Hague implementation this spring. However, in the meantime, it is imperative we work to ensure that families currently in the process of adopting have the ability to continue with that adoption. To highlight these concerns, 52 of my Senate colleagues joined with Senator LANDRIEU and me in sending a letter to the President of Guatemala encouraging an interim measure for pending adoption applications in Guatemala. This action by the Guatemalan Government will help ensure that orphaned children do not remain outside the care of a loving family for lengthy periods of time.

Additionally, I have been in close contact with the Department of State, the Guatemalan Government, and anxious Minnesota families as this issued progressed. The Guatemalan Government is currently debating provisions that would allow U.S. adoptions that are in process to continue, despite the implementation of The Hague Convention in Guatemala. I know that matter was being debated. I received a message from the State Department. Originally, I thought the measure was passed, and then I was told they hadn't. The State Department informs me there will be no action taken today, as it was not on the agenda, but both versions of the law are under consideration and do contain grandfather clauses that would protect the in-process cases. This bill apparently will be coming up next week. We have been in touch with the consular general, with the Ambassador. If no bill is passed, The Hague Convention will become effective on December 31. But we have assurances from senior Government officials responsible for implementation that pipeline cases will continue to be processed under the old system.

I will be traveling to Guatemala right after Thanksgiving in order to discuss these critical issues with key United States and Guatemalan officials. They have a new President-elect who was elected in November, President Colom. We will continue to work on this. I will not be traveling alone. Traveling with me will be countless stories of affectionate Minnesota families who are hoping to complete this process so they can receive and give love. I have also had the privilege of working with families on other international adoptions. Many are unaware of the devastating human tragedy of decades of unrest and civil war in Liberia. Recently, I had the honor to escort a new young Minnesotan, Miss Patience Carlson, adopted by a Chaska, MN, family to the White House to be in the Oval Office and to meet with the President. The Carlsons had been within days of completing the adoption of their soon-to-be daughter Patience—what a perfect name for this young lady—when violence broke out in Liberia. As rebel forces moved into Monrovia, the orphanage began to run low on supplies and the Carlsons became desperate to unite with their new daughter. It was an honor to work on their behalf with the U.S. Embassy in Liberia to help complete the adoption.

I have traded stories with Senator LANDRIEU about how we have both been in those situations. We said we are going to get the kids out of the war zones and do what has to be done. That is the passion she brings.

The Carlsons got to meet the President of the United States. I have often related the story about an event in northern Minnesota called the Great Think-Off. Scholars, religious leaders, and regular people gather together to debate the great issues of the day and search for a common solution. One year the question was: What is the ultimate meaning of life? After several days of long-winded attempts by great philosophers and professors and others, a young girl who had patiently waited her turn went up to the microphone and said: The ultimate meaning of life is to do permanent good. She sat down and the meeting was adjourned.

Adoption is such a permanent good. It changes the lives of kids who have been through more in their short lives than most people could handle in a lifetime. It changes the lives of parents and siblings who make room in their lives for another, through which they learn the more you love, the more love there is to give.

I urge my colleagues and those who read this record to find time to reflect on the importance of adoption, visit the Web site at www.nationaladoptionday.org, and find a way they can contribute in a small way to this unique social service that makes such an important difference in the lives of so many people.

I am grateful for the work that the partners of National Adoption Day do. The Congressional Coalition on Adoption Institute, the Alliance for Children's Rights; Children's Action Network, Casey Family Services, Dave Thomas Foundation for Adoption and the Freddie Mac Foundation have once again come together to provide resources, guidance and encouragement to the cities planning events this November.

In the end we all have a responsibility to make sure the world goes on and we do that every time we give a child access to the love every child needs.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I would like to conclude our presentation with a few wrap-up remarks. Before my colleague leaves the floor, I wish to say that orphans everywhere have found a bold, brave, and articulate champion on their behalf. I am so pleased that Senator COLEMAN has joined me as a co-chair of the Adoption Caucus to help lead the 213 Members of Congress who have joined our coalition. As the Senator pointed out, it seems that around this place adoption is the only issue on which we can all agree and work so well together. I don't know if it is a tribute to us or to the children who bring us together in a very special way. I thank him.

The States of Arizona, Hawaii, Iowa, Kentucky, North Carolina, Oklahoma, and Wyoming have more than quadrupled the number of public agency adoptions in their States. It takes a lot of effort, not only on what we do in Congress, but for Governors, legislators, caseworkers, social workers, and judges. I wish to call those States out today to thank them for their extraordinary work. All States are making progress, and we are happy with what the statistics will show. But those seven states are making special progress.

Secondly, we want to be sensitive in our movement, if you will, to the role of birth parents and to honor the choices that birth parents make to the process of making good decisions and creating good outcomes. Sometimes we focus a lot of attention on the adopted child and the adoptive family. I am not sure we spend enough time honoring the role of the birth parents who make this very brave and generous choice. I would like our Congress to be sensitive this coming year to what we can do to honor and highlight birth parents who also are part of that great triangle of adoption.

Finally, I urge our State Department to support adoption. I know they are preoccupied with many important, significant and grave issues, from international diplomacy to conducting wars, which are very important and consequential actions. However, our State Department has taken 7 years to implement the rules and changes required by the Intercountry Adoption Act of 2000 that Congress passed. Every day and every week and every month that these rules are delayed, there are literally thousands of children who die. Without these rules, we can't keep open the avenues of international adoption. I will say this to our critics—there aren't many, but there are a few—every time there is a bad story about someone, maybe an agency, maybe a lawyer, maybe a disreputable person—and you know there are many disreputable people in the world, unfortunately—who does something wrong, does not fill out a document correctly or does not go through the proper procedures, and there is a big scandal in international adoption. The whole system is shut down under the guise of trying to get the ethics right.

Nobody is more committed to ethics and adoption than the two of us. We work every day to make it transparent, make it relatively easy, reduce the challenges associated with it, and have it meet every law and cross every T. However, every time a bank is robbed in this country, we don't shut down the banking system. We go after the bank robber. We find them and put them in jail. The banking system stays open. Every day people cash checks and deposit money and take money out and make loans and keep this economy going. Every time we shut down adoptions from a country, millions of children die. That is the consequence of our action. We need to focus on the roots of the problem. We need to find solutions that address the problems and their causes, but which also meet the best needs of the children in that country. I want the State Department—and I hope they are listening—to understand that those of us in Congress understand about ethics. We understand about laws. We want things to be as appropriate and as legal as possible. When mistakes are made in a country, the answer is not to shut down the adoption of children from there. When we do this, we not only break the hearts of thousands of our constituents who are waiting to receive these children and believe they are doing God's will by taking in orphans who would die otherwise and have no one to care for them, we also hurt the children who we are trying to protect. Our State Department very callously brushes that aside. They are going to hear from us this year. They need to finalize the rules required by the law that we passed long ago. We need to continue our efforts to improve our system of international adoption. We have to get the State Department's attention. I intend to work with my colleagues to do so.

I thank the Senator from Minnesota. He will be traveling to Guatemala over the holidays, which is a great testament to his leadership and dedication to helping us do the right thing by the children of Guatemala. We pledge to this Congress to give the best leadership we can on an issue that we all can come together on. It is quite refreshing.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

IRAQ

Mr. MENENDEZ. Mr. President, more than 3,860 men and women of the American military have died in the war in Iraq. At last count, 21 were killed in November alone, and we are only halfway through. In the Senate, we are worried about getting out of work in time for Thanksgiving. In Iraq, they are worried about making it to Thanksgiving. As I speak today, more than 28,450 American soldiers have come home from Iraq with their lives changed forever by wounds, with missing arms and legs, with traumatic brain injuries that will forever alter how they cope with everyday life, with more cases of post-traumatic stress disorder than ever seen before, with life-altering blindness that cuts light from their lives forever.

As I speak, American taxpayers are footing a $455 billion bill for this war, with long-term estimates soaring well beyond $2 trillion. At the same time, children are going without health care. Students are being denied proper education. Our bridges are going without repair. Our borders are going without being completely secured, and we heard today of a case in which we still can't get our screening down pat to secure the possibility of someone bringing an explosive device into our airports. That is the legacy of the war in Iraq.

In the context of this set of grim statistics, while watching images on television of horrific explosions and bloody bodies, Americans were asked at the beginning of the year to accept a so-called surge of our troops into that country, an additional force that was supposed to provide the breathing room for the feuding political factions to achieve reconciliation. Those factions, of course, are Iraqi factions.

The Bush administration knew that peace could not be achieved solely militarily, that it had to be achieved politically. The administration unilaterally decided that more troops, more weapons, more military would make the political reconciliation happen. So we have to ask: What has been the result? Our men and women of the military have carried out their mission with unparalleled skill and bravery. They have sacrificed life and limb for their country. That is why we must ask these questions. Because they always respond, no questions asked. But it is our obligation to ask for them.

Through their excellent work, they have achieved results. But has it brought Iraq closer to a lasting peace? Has the political reconciliation—the very purpose of the additional troops—been achieved? Absolutely not. Absolutely not.

The front page of today's Washington Post paints a startling picture, a picture of the hard truth. Our generals—our generals on the ground—tell us

that a political settlement remains elusive. In fact, their concern over this failure is growing. Let me quote from this morning's article in the Washington Post:

> Senior military commanders here now portray the intransigence of Iraq's Shiite-dominated government as the key threat—

''As the key threat''—

> facing the U.S. effort in Iraq, rather than al-Qaeda terrorists, Sunni insurgents or Iranian-backed militias.

Let me read that again.

> Senior military commanders here—

U.S. military commanders—

> now portray the intransigence of Iraq's Shiite-dominated government as the key threat facing the U.S. effort in Iraq, rather than al-Qaeda terrorists, Sunni insurgents or Iranian-backed militias.

So here we are, 6 months into the surge, with more troops in Iraq right now—175,000—than ever before, and the main purpose of adding these troops remains just an aspiration, well out of our reach.

So I ask my colleagues who supported the surge of troops, is this the result you envisioned? A situation in which dozens of Americans are still dying every month despite a reduction in violence? A situation in which the sons and daughters of America are more than ever acting as the police force—as the police force—in a country that remains volatile and deadly? A situation in which the people we need most to achieve stability—the leaders of the various Iraqi political factions—look at a never-ending American military presence in their country and see little reason to reconcile?

Are we going to remain in the middle of an internal struggle for power, as General Petraeus reported in September? I was shocked when General Petraeus had as part of his testimony that the main conflict in Iraq was a struggle for power and resources within the different factions of Iraqi society. Are we sending our sons and daughters to create the space for the Iraqi politicians to fight over power and resources? That is what we sent our sons and daughters for? That is why we keep them there? Is that what we bargained for?

We cannot accept the status quo in Iraq. When our military commanders say that, in fact, the biggest challenge to us is the intransigence of Iraqi leaders to come together, more so than al-Qaida, more so than Sunni insurgents, more so than Iranian influences, that is one incredible statement.

Things must change, and to change it will take strong action. It requires a choice: Do we stay the course when we know that peace and political stability cannot be achieved looking down the barrel of a gun? Military presence does not achieve political reconciliation. Remember, former General Pace of the Joint Chiefs of Staff said once: Well, we need the Iraqis to love their children more than they hate their neighbors. That is a powerful truism, but that does not come at the point of a rifle. That comes about through reconciliation. It comes through power sharing. It comes through revenue sharing. It comes through all of those things that, notwithstanding the arguments that we are creating the space for the Iraqi leadership to do, the Iraqi leadership has failed to do, and there is no movement in sight toward that goal. Or do we choose a course that impresses upon the political leaders in Iraq that they must reconcile and bring peace to their country swiftly?

We need to make them understand the true urgency of this task. We need to make them understand America will not always be there to play policeman. Instead of continuing to enable an endless and unchanging involvement in Iraq, we can set a timetable to begin bringing American troops back home. I believe that only then will we have the Iraqis understand that we are not there in an endless occupation, that they are going to have to make the hard choices for compromise, negotiations necessary to achieve a government of national unity on those issues of reconciliation, power sharing, revenue sharing, on the core issues that possibly can create the opportunity for a strong federal government in Iraq to survive. But as long as they believe we will stay there in an open-ended set of circumstances—shedding our blood and spending our national treasure—what is the urgency, the impetus for them to stop jostling over power, influence, and resources? Not only could we preserve the lives of countless American troops, not only could we save billions upon billions of taxpayer dollars, we also could make certain that the Iraqis know they will have to stand up to achieve the peace we all seek, the opportunities we would love to see for the Iraqi people, because until the Iraqi Government and military actually believe we will not be there forever, they will not actually take charge of their own country.

Transitioning our troops out of Iraq, that is what I choose. It is what the American people have continuously said they have chosen. It is what I urge my colleagues to choose. We have that opportunity coming tomorrow on the vote on bridge funding. That creates an opportunity to begin such a transition. I hope we will avail ourselves of that opportunity because if we have to read more and more of our generals saying that the intransigence of Iraq's Shiite-dominated Government is the key threat facing the U.S. effort in Iraq rather than al-Qaida terrorists, Sunni insurgents, or Iranian-backed militias, we are in deep trouble—we are in deep trouble.

We have to have an opportunity to change the course, and pride—pride—I hope is not the impediment for people recognizing that. We have lost too many lives already. We have spent an enormous amount of money. It is time for change. It is time for a change in course. It is time to make sure the Iraqis know they have to stand up for their own future, they have to make the hard decisions possible to have a government of national unity. That opportunity comes tomorrow for the Senate. I hope we will avail ourselves of it.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, today we had a very interesting hearing where we had General Casey and Secretary Geren and others before the Armed Services Committee. I want to make sure that before we leave on this recess we have one more chance to talk about the significance of the McConnell-Stevens emergency supplemental appropriations bill. It is vital to our troops overseas, and it is important to the future of our Armed Forces.

As Senator MCCONNELL stated earlier today—and I am quoting now—he said:

> Because we have a responsibility to provide this funding to our men and women in uniform as they attempt to protect the American people, we need to get a clean troop funding bill to the President.

I would like to associate myself with these words and these remarks and also express my support for the supplemental he has sponsored.

The emergency supplemental offered by the Democrats, on the other hand, is the epitome of everything that is wrong with the 110th Congress. It is a bill we all know does not have the 60 votes needed to pass. This is not new to this Congress. We have had 61 votes related to Iraq measures; 29 of those votes were here in the Senate. If those on the other side of the aisle want to continue to play politics, now is not the time to do it.

The current war supplemental expires in 2 days—now, the reason I know that is true is that happens to be expiring on my birthday—which I hope I don't—and the Department of Defense will be required to start pulling from their nonwartime budget to pay for ongoing operations in Iraq and Afghanistan.

I understand that some of my colleagues want us out of Iraq regardless of what the facts on the ground may be, but not sending a clean supplemental bill to the President before we go home for the Thanksgiving recess is an absolute travesty. Forcing the Department of Defense to start reprogramming funds to keep our brave men and women fully equipped in Iraq and Afghanistan will jeopardize our efforts to maintain, sustain, and transform our Armed Forces, not to mention create an accounting nightmare. We went through this once before and we saw the trauma that resulted from it.

Deputy Secretary of Defense Gordon England, in a November 8 letter, stated

that a delay in war funding would force us in December to begin preparing to close facilities, laying off Department of Defense civilian employees, and delaying contracts. According to England, it would completely drain the Army's operations and maintenance accounts by the end of January, and the training of the Iraqi security forces will be delayed without this supplemental.

While fighting the war on terror, we cannot forget about our efforts to sustain and transform our Armed Forces. Pulling money away from such projects will cost us dividends in the future. We talked about that this morning, that we have a lot of things that are happening for our ground forces. We have the future combat systems we are involved in right now, and we cannot allow FCS to keep sliding as it does.

Other countries that are potential adversaries would be in a position actually to have better equipment than we do. A good case in point would be our best artillery piece happens to be called a Paladin. It is World War II technology. It is actually one where, after every round, you have to get out and swab the breech. People do not realize that. There is an assumption out there in America that America has the best of everything—the best strike vehicles, the best lift vehicles—and it is just not true. We do not. But this is one of the problems we will have if we do not continue to fund these efforts.

I have a hard time understanding why now, of all times, we would withhold funding for operations in Iraq and Afghanistan. Why now, when we are turning the corner in Iraq and our troops are making remarkable progress under the leadership of General Petraeus, would we hand the enemy off, tell them to lay low until December of 2008, and you can have the country then?

This proposed emergency supplemental by the Democrats sends the wrong message to our troops fighting in Iraq and in Afghanistan. It tells them: We will give you the funding to fight your war, but we don't believe in what you are doing.

I do not presume to speak for every American service man and woman fighting overseas, but I have met with a great many of them and have spoken with many of the families back home. It is kind of interesting that I have had the opportunity—and I say opportunity in a very sincere way—to have visited the area of responsibility of Iraq more than any other Member; actually, some 15 times, and I will be returning there in 2 more weeks. So when I talk about the military, these are the ones whom I have talked to on the ground. I watched Ramadi change from the al-Qaida declared capital to Iraqi control. That was a year ago right now when they declared Ramadi would become the terrorist capital of the world. I can remember Fallujah, when we were going from door to door, our marines, who were doing a great job. It is now completely secure, but not by Americans. It is secure by the Iraqi security forces.

I visited the Patrol Base Murray south of Baghdad and met with local Iraqis who came forward and established provisional units of neighborhood security volunteers. These individuals heard that the Americans were coming and were waiting to greet them when they arrived.

I watched these Neighborhood Watch and Concerned Citizens groups take root in Anbar Province—I think everyone realizes now that Anbar Province is kind of the success story over there—local civilians who were willing to take back their cities and their provinces. These citizens actually go out and paint circles around undetonated IEDs and RPGs, and it is something they are doing so we don't have to do it. Now in Iraq, in visiting the joint security stations, you see that our kids, instead of going back to the green zone in Baghdad, for example, go out and actually live with the Iraqi security forces and develop intimate relationships with them. When you see these operations take place, it is very gratifying.

We had the report yesterday up in 407 in a security environment about the successes in Iraq, and while that was a classified briefing, the information they gave is not classified. When you look, you can compare, as shown here—and I wish I had a chart so it could be shown—October of 2005, the Iraqi security forces had 1 division headquarters, 4 brigade headquarters, and 23 battalions they were leading in their own areas of responsibility. Now, 2 years later, in October of 2007, the Iraqi security forces have 10 division headquarters, 33 brigade headquarters, and 85 battalions. It shows that two-thirds of the entire area we have in Baghdad is now under control and under security. More than 67,000 Iraqis are serving as the concerned local citizens assisting coalitions and Iraqi security forces to secure their own neighborhoods.

Locals in Baghdad's east Rashid district are helping secure forces and locate IEDs. All of these things are going on right now.

I want to wind up. I know the majority leader has time he wants to share with us. But I have to say that Lieutenant General Odierno stated on November 1:

> Over the past four months, attacks and security incidents have continued to decline. This trend represents the longest continuous decline in attacks on record.

None of this is to say the war is over. We understand that. But I would have to say this: When I listened to my very good friend, the senior Senator from Massachusetts, talk about the doom and gloom, the facts that he cited just flat aren't true. We are winning. We are aggressively winning. Good things are happening. I have to say you don't get that from reading reports. You need to go over there and look for yourself.

The senior Senator from Massachusetts and I agree on a lot of things. He has been very active with me on doing something about the western Sahara problem. He is concerned about what Joseph Coney is doing in northern Uganda. We are together on a lot of things. But as far as Iraq is concerned, he has never made a trip—not one. I have been to A.O.R. 15 times. You have to go over there. I see it as our responsibility as Members of this Senate body. We are encouraged to go over by the military because this encourages our troops who are over there. When you go, they look at you in the eyes and they say: Why is it a lot of the American people don't agree with what we are doing over here? They know there were actually several terrorist training camps in Iraq prior to the time we were over there. In one they were teaching people how to hijack airplanes. All of those are closed down now. It has been a very significant thing. Nothing is more important than continuing along the lines of victory as we are today and finishing the job we have been carrying on in Iraq.

I applaud all of the young people over there. I said today in this hearing that I was a product of the draft and I always felt we would never be able to conduct this type of activity unless we had compulsory service. I have always supported compulsory service. But when I go over and I see these young volunteers, all of them total volunteers who are over there, the dedication they have, the commitment they have, I get very excited and I realize I was wrong. Those guys are doing a great job and we don't need to have compulsory service because we have great, dedicated Americans who are volunteering on a daily basis. The retention rates have never been higher than they are right now. Those individuals who come to the end of their term are reupping in numbers and in statistics we have never seen before. So good things are happening. We need to get this supplemental finished so we can have the continuity of funding over there and not have to rob other areas of our defense system. I am hoping we will be able to do this.

I thank you very much for the time.

I yield the floor.

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

Mr. REID. Mr. President, I appreciate my friend from Oklahoma yielding the floor. I appreciate it very much. He had the right to the floor and I hope he was able to complete his statement.

GOLDEN GAVEL

Mr. President, first, I want to recognize the Presiding Officer. One of the accolades that we are allowed, and certainly look forward to giving to the Members of the Senate, is for those people who preside over the Senate for 100 hours a year. My friend from Colorado has reached that pinnacle an hour or so ago. That is a tremendous accomplishment, 100 hours presiding over the

Senate. I congratulate my friend and look forward to the first time we get back after Thanksgiving recess on a caucus day where we make the presentation of the very fine golden gavel. As I have said before, it is a very nice presentation. You will be able, for many years to come, to talk to your children and grandchildren about presiding over the Senate for 100 hours in 1 year.

So thank you very much, I say to my friend from Colorado, who does an outstanding job not only presiding but being the Senator he is representing the people of Colorado.

TRANSPORTATION APPROPRIATIONS CONFERENCE REPORT

Mr. President, it is interesting; one Republican Senator said, when we were trying to clear something earlier, to one of my Democratic friends, the reason they couldn't clear our appropriations bill, the Transportation appropriations bill is that they were told the situation with the Republicans is they don't want us to do anything, so they object to everything they can, and that is pretty obvious. So we were prevented from going to the Transportation appropriations bill. It was quite unique that in the time we were doing this the Senator from Minnesota was on the floor. He, above all others, should be weighing in and trying to help us get the Transportation appropriations bill passed. There is money in it to rebuild the bridge in Minnesota.

But we have something else that is vitally important: terrorism insurance. We are arriving at a point where construction cannot go forward. Now construction is already taking place—certainly it can—but construction projects that are on the drawing boards in a month or so will not be able to go forward because they can't get terrorism insurance because we have not provided it. We have been ready for some time to do that. There is a bill that has been cleared on our side that the Republicans are holding up—a bill dealing with the very foundation of this country—whether the business community in our country is going to have the benefit of terrorism insurance. Without that, it is a dramatic hit to what we need to do in this country for the business community.

I think it is unfortunate. We asked our staffs to check with the minority and they said no, they couldn't clear it; maybe tomorrow. Well, we have a lot of tomorrows around here that seem to never come. It would be a real shame if we could not clear tomorrow the terrorism insurance that is so extremely important to this country.

IRAQ

It was interesting to hear my friend from Oklahoma speak about the war in Iraq. But I would ask everyone to look at—and I am sure it is not only in this newspaper—a daily newspaper that I had the opportunity to read today, the Washington Post, the front page headline:

Iraqis Wasting An Opportunity. Brigadier General John F. Campbell, deputy commanding general of the 1st Cavalry Division, complained last week that Iraqi politicians appear out of touch with everyday citizens. ''The ministers, they don't get out. They don't know what the hell is going on on the ground.''

If you turn over to page 22, which is carrying this forward—and there are also some interesting things said in this article.

So how to force political change in Iraq without destabilizing the country further? ''I pity the guy who has to reconcile that tension,'' said Lieutenant Colonel Douglas Ollivant, the chief of planning for U.S. military operations in Baghdad whose tour ends next month.

Mr. President, the situation in Iraq is very desperate. This newspaper article says, among other things:

The Army officer who requested anonymity said that if the Iraqi government doesn't reach out, then for former Sunni insurgents ''it's game on—they're back to attacking again.''

We have supported the troops for the entire duration of this war. We are the ones who recognized that there wasn't body armor for our troops, that mothers and fathers and brothers and sisters and wives were writing personal checks to send armor to the valiant troops in Iraq. We are the ones who recognized that. We are the ones who did something about the situation we have at Walter Reed, which was a scandal, how our veterans were being taken care of, but the President wouldn't sign our bill: $4 billion more for these valiant men and women who are suffering from things that have never been suffered in any war ever before. It is a war that has never been fought before. It is a war where these men and women are subject to these phantom attacks, and when they go home after their tour or tours of duty end and they have all their limbs and they can see, they are not paralyzed, they haven't been shot, they still have to get over this post-traumatic stress syndrome, because they have seen their friends get killed or blown up and injured.

I think it is very important to talk about how good our soldiers are, and that is what my friend from Oklahoma is doing. We agree. We have to understand that Iraq is in a state of crisis. You can't have it both ways. The President said he needed these extra troops to get the political situation in tow in Iraq. He has gotten the troops and now he wants to keep them longer. The troops in Iraq now are—because there are some people who are coming home and some who have just gone over there—there are about 180,500 some troops are there now to be exact, right now in Iraq. We don't know how many contractors are there, but there are estimates of up to 150,000. How much longer, Mr. President? How much longer do the American taxpayers have to take care of a country that is the richest or the second richest oil country in the whole world? How much longer?

Yesterday we were told that Iraq has a balanced budget. Isn't that nice. I am glad they do. Why do we need to keep pouring money into them—$12 billion a month. Infrastructure. We have spent billions and billions of dollars on infrastructure in Iraq. How much are we spending here in America? Our President has to look beyond Iraq and look at America.

Earlier today my friend, the Senator from Wisconsin, Senator FEINGOLD, came and asked unanimous consent that we could move forward on the Feingold-Reid legislation, which, in effect, says we have to get our troops out of Iraq very quickly, except those who are there for counterterrorism, force stabilization, and limited training of Iraqis. We are a coequal branch of government. That is why we believe, Senator FEINGOLD and I, that after June 30 of next year, funds would only be used for the programs I have mentioned: counterterrorism, protecting our assets, and limiting training of Iraqis.

But in our legislation it is not a suggestion, not a goal, but binding policy. That legislation recognizes our strong national interest in Iraq and the Middle East, but brings to an end the rubberstamp and unwavering loyalty in a never-ending war which is the hallmark of the Republican-controlled Congress. That legislation fundamentally changes course in Iraq and this almost unimaginably high price that grows every day. And there are 4,000 dead Americans.

(Mr. SANDERS assumed the Chair.)

Mr. REID. Mr. President, I was talking about how unusual this war is. Twelve and a half percent of the wounded have eye injuries. I don't know how many we have lost track of because we don't have recent reports, but more than 35,000 have been injured, and 12½ percent of them have eye injuries. That is how this war is different than other wars in one way.

Last week, a young marine came to my office, 21 years old. He entered the Marines when he was 17. He came to my office with his wife and baby daughter. He had been on his second tour in Iraq. His legs were blown off. I said, ''What happened?'' He said, ''We went to a house where we thought there were some people doing some things that we needed to take a look at. We walked out and somebody detonated a bomb and blew me up.'' He said it had been difficult to adjust. He was holding his baby in the wheelchair. His wife was over his shoulder. Senator DURBIN was with me when we visited this young man. Senator DURBIN told me today in the cloakroom that he has trouble getting this image out of his mind. We all do. A 21-year-old hero, who will live the rest of his life with these debilitating wounds of war.

He is not the only one, as we know. As if the toll of lives and limbs were not enough, this war also costs billions from our Treasury. We were told by the Joint Economic Committee earlier this week that the war—with the $200 billion he requested—all borrowed money, with a credit card that has no expiration date and certainly no limit. And

that is only the direct costs. We were told by the Joint Economic Committee what the cost of extra borrowed money is doing to our energy policy in this country, and the other things they list is double that.

To this point the war has cost America $1.6 trillion. That is a lot of money. We are not just spending our money; we are maxing out on our children and grandchildren's credit cards. But perhaps the most dangerous cost of this war will be measured in the damages done to our Armed Forces' ability to protect and defend our country. Military readiness is at a 30-year low. Our flexibility to respond to emerging threats beyond the borders of Iraq is greatly hampered. I am not saying this, and the Presiding Officer, the Senator from Vermont, is not saying this; this comes from General Casey, the head general of the Army. He said:

> The current demand for our forces exceeds the sustainable supply. We are consumed with meeting the demands of the current fight, and are unable to provide ready forces as rapidly as necessary for other potential contingencies.

That is the lead general of the Army saying that. What is more, we have heard time and time again during the last few months what is happening with recruitment. I have to tell you, I am offended when I hear people from the Pentagon tell us ''we are meeting our recruiting goals.'' You can meet any goal if you keep lowering the standards. You don't need to be a high school graduate anymore. You can have a criminal record. Our military has been hit hard. Not only is recruitment not heading in the direction that I think is appropriate, but what is happening to our officers? These people who go to our military academies are the best and the brightest. I have the opportunity to select people—and I have for a long time—to go to these academies. The best and the brightest of Nevada go to these academies. They finish their mandatory term, and then they are quitting. We are 3,000 captains short right now, and it is going to get worse.

Mid-level officers are so hard to come by. We are doing everything we can to keep them. Huge amounts of money are being given to these people to have them stay in the military.

Let's not forget the cost of the war on the men and women in our National Guard and Reserve. These are men and women we need protecting us and responding to emergencies here at home. But we know, as was exemplified in the storm that hit Kansas, when the Governor said most of his National Guard is in Iraq and the equipment they have is ruined—that is the way it is all over the country. These citizen soldiers have already had 2 to 3 tours of duty of 12 to 18 months each.

Our men and women in uniform have performed more than admirably; they have performed heroically. But these troops—now more than 180,000—awake each morning on that foreign sand to face another day of risk they cannot predict, and the appreciation they get from the Iraqis is that we do everything we can to protect the Shia, the Sunni, and the Kurds, and they all try to kill us.

It is no wonder GEN Colin Powell said that ''the Army is about broken.'' He was being generous.

If Senators cannot find the courage to stand against the President's failed war policy, I fear GEN Colin Powell might be right. The cost of the war extends beyond Iraq. The whole Middle East has been destabilized. There is a civil war going on in Israel with the Palestinians. Lebanon—could we call that a civil war? It is not much of a stretch. They cannot even hold a Presidential election. Iran is basically thumbing their nose at the world, and we are standing by saber rattling with almost no diplomacy for Iran.

What is going on in Iraq? An intractable civil war that has become even more pronounced in recent weeks, when the Turks gathered 100,000 troops on the northern border of Iraq. The crisis in Pakistan exemplifies what is going on. We not only have trouble in the Middle East, but we have lost our moral standing throughout the world as a result of this. The Bush administration focused on a person and a country, and now we have the situation we have in Pakistan.

The border between Pakistan and Afghanistan has become less stable. Musharraf now seems intent on derailing the path toward democracy. Billions of dollars of American taxpayer money is not fully audited or accounted for. And perhaps as bad as any of this, bin Laden is still wandering around and sending, when he feels like it, a tape to us so we can look at that. He continues to make these tapes taunting us, and his al-Qaida network, according to the President's own intelligence, is regrouping and is stronger than ever.

Meanwhile, on the other side of the border, conditions in Afghanistan—once hailed as a victory—continue to unravel. Ten American soldiers were killed this week.

Now Afghanistan supplies 93 percent of the world's opium. This year is going to be another all-time high production year. The people of Afghanistan suffered through the most violent year since the U.S. intervention. This year, 2007, is the bloodiest year in the history of the war for American troops in Iraq. In Afghanistan, violent incidents are up 30 percent. There is a rapidly rising influx of foreign fighters, and there was a report this morning that the Taliban has vastly stepped up the number of improvised and suicide attacks.

We cannot send more troops there. Listen to what General Casey and General Powell said:

> Many costs of the war in Iraq have been quantified: American deaths, Americans wounded, trillions of dollars in taxpayers dollars.

The other costs are not easy to calculate. How long is it going to take to repair our military? The estimated dollar value is hundreds of billions of dollars. How many additional troops and dollars will it take to win in Afghanistan? How do you calculate that?

The risk is that the next national security threat becomes a national security disaster because we don't have the troops to take care of it. And all for a war that our troops are fighting harder to win than the Iraqi politicians, who, after months and months of our troop escalation, have failed to achieve any meaningful political benchmarks.

Now the Secretary of State is saying those benchmarks don't mean anything anymore. But they did at one time, and they do to the American people—$12 billion a month, and they have a balanced budget? Ours isn't balanced. They are doing infrastructure development there. We are not. They are building hospitals over there. We are not. So now in this war—soon to be in the sixth year—our troops are no safer, national security is no better protected, Iraq is no closer to reconciliation than in the fifth or the fourth or third years.

We must not forget that we sent our troops to Afghanistan following 9/11 to go after those who attacked us, break up terrorist cells, and stop future terror plans from becoming reality. Now, 6 years later, we have moved far away from that critical fight.

It is long past time to get our national security strategy back on track, and the only way to do that is to stand up to our President. It is our constitutional duty, and our moral responsibility, to do so.

I compliment my friend from Wisconsin for offering his effort today to move forward on the Feingold-Reid legislation. That is what we need to do—bring our troops home.

Mr. President, I am going to be here in the morning and I will talk about the bill we got from the House. I appreciate the work they did. It wasn't easy to get it over here. It is not nearly strong enough for me. I am going to support it. Earlier this week, we gave the President of the United States $470 billion for the troops. We were all happy to do that. He signed that bill and, on the same day, within minutes, he vetoed a bill for the American people—the Labor-HHS, a bill that takes care of some of the education needs of this country, a bill that allows medical research to go forward for dreaded diseases in this country. He said no. So many things for our communities were in that bill. He said no. But to Iraq, he says yes. Don't you think it is appropriate, I say to the American people and the Presiding Officer, that to this man, who wants an additional $470 billion, we say, OK, but we want some accountability? Don't the American people deserve accountability for a war that has already cost the taxpayers $800 billion directly, and twice that in indirect costs? I think so.

Mr. President, I ask unanimous consent that the pending motion to proceed be withdrawn.

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

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT, 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to H.R. 4156 and send a cloture motion to the desk and ask that once the motion is stated, the reading of the names be waived, and the motion to proceed be withdrawn.

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

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 the motion to proceed to H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations Act, 2008.

Carl Levin, Robert Menendez, Claire McCaskill, Robert P. Casey, Jr., Richard J. Durbin, Tom Carper, Amy Klobuchar, Daniel K. Akaka, Jack Reed, Patty Murray, Sherrod Brown, Frank R. Lautenberg, Charles E. Schumer, Sheldon Whitehouse, Debbie Stabenow, Barbara A. Mikulski, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the cloture motion be waived.

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

Mr. REID. Mr. President, let me say this: Tomorrow morning, the third vote in order is going to be a vote to invoke cloture on the farm bill. My friends on the other side of the aisle, my Republican friends, are near bringing this bill down. That is a shame. All those farm States out there—and there are lots of them—and all those farm communities—and there are lots of them—need to look to the Republicans for killing the farm bill. If they vote, and they should vote cloture to stop this silliness that has been going on now for 10 days, 11 days, they can still offer amendments. Once cloture is invoked, they have the 30 hours to offer amendments. We can enter into an agreement. If they want to spend a half hour on each amendment, 15 minutes to a side, whatever they want to do that is reasonable, but they have been unwilling to be reasonable. I guess they want, as I indicated earlier, the Democrats not to have an accomplishment. But the fault of the farm bill is at their feet. You don't have to look further than down at their feet. They are stopping an important piece of legislation, a bipartisan piece of legislation, and they are doing it for what I believe are very bad motives.

It is a shame. The American farm programs are good programs. This bill makes them better. Is this bill perfect? Of course not.

I went over the schedule with my staff as to what we can do in December. We don't have the luxury of spending a long time on this farm bill. We could if cloture is invoked. We could come back and finish this bill in a short period of time. If it is not invoked, we are going to be hard pressed to get the farm bill completed very soon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, tomorrow morning, the national debate on the war in Iraq will continue on the floor of the Senate. The debate has now reached the stage where we are talking about funding for the war. This war, in its fifth year, has claimed almost 3,900 of our best and bravest soldiers. Some 30,000 have been injured, more than 10,000 with amputations, burns, and traumatic brain injuries, serious injuries that they will struggle with for a long time.

Earlier this week, I watched a television documentary. James Gandolfini, who has been in many movies, television documentaries, and shows, interviewed disabled veterans. I believe it was titled ''Alive Day Memories.'' It was a story of how each of these disabled vets from Iraq recalled the day when they believed they had been killed and their lives lost but somehow survived miraculously. They are extraordinary stories of courage, emotional stories about what they went through, and heartbreaking stories about some of the injuries they brought home. They were victims of traumatic brain injury—a young man with a video showing him in his youth with all the strength and vitality one could ask for, now struggling from a wheelchair to speak and to look forward to a life where he can walk and be anywhere near normal; his mother by his side holding his hand to calm him when the emotions overcame him.

There were amputees talking about returning home. Many of them worried about whether they would be accepted. There were some wonderful, heartwarming stories of families who stood by them through this whole struggle and are with them even to this day.

There was a beautiful young woman who was a lieutenant in the Army in her mid-twenties, red hair, as pretty as can be. A rocket-propelled grenade went off right next to her. It blew off her right arm and right shoulder. She showed extraordinary bravery in talking about what she had been through and putting her life together, and then struggled for words when she talked about whether she would ever have a family, whether she would ever have a child who would look at her as a mother.

I watched that show and thought about my role as a Senator, and I thought about this war. I was 1 of 23 who voted against it in the Senate. It seems so long ago, 5 years. A vote that was at the time politically hard, but a vote that I never ever questioned or regretted.

Now 5 years later, here we are still—still—with these stories, this handful of stories we saw on the documentary just representing a small percentage of the heroism and suffering of this war.

I have had the opportunity to speak with this President directly about these men and women. I have talked with him about Eric Edmundson from North Carolina, a young man, a victim of traumatic brain injury who has become close to me through his family and visited with me just this last week in my office in Washington. I have seen his family up close, and I know the extraordinary love they have for their son and father of their granddaughter. The sacrifices they have made for him, his wife and baby daughter, are extraordinary.

We have a Capitol guide—I wish I knew his name, and I will make it a point of finding it out—who makes a special effort to offer tours late at night for disabled veterans from Walter Reed. I run into him in the corridors after everybody is gone, and it is dark outside. He is giving special, personalized tours to veterans and their families. He always stops and introduces them and asks if we will pose for a picture. Of course, it is the least we can do, and we agree to do it.

He came by last week to Senator HARRY REID's office and brought a young man from New Jersey. I believe his name was Ray. Ray had his young wife and beautiful little daughter with him, Kelsey. Kelsey was about 16 months old, 17 months old. She was running everywhere. She was just a bundle of energy and happy as could be, as her mother worried she might break something.

Ray was in a wheelchair. He had lost both of his legs and lost a few fingers on his left hand. He had served in Iraq. He came back and considered himself lucky. He talked about what he was going to do from this point forward. So many stories of bravery.

Tomorrow morning we will have a vote, and it will be our chance to speak as a Senate about this war. Some people will view it as just another routine vote, predictable outcome, and be on with their lives and head home for Thanksgiving. But for me, it is a chance, just a small chance, to return to a debate which I know consumes the hearts and minds of so many Americans.

I can't tell you how many people I run into, particularly the families of these soldiers, who want this war to

end. I want to, too. And tomorrow we will have a chance to do that.

Tomorrow we will have two votes. Senator MCCONNELL is going to try to move a spending bill which will provide $70 billion for this war in Iraq with no strings attached. He will hand over this money, if he has his way, to President Bush, and we know what the outcome would be. The war would continue unchanged until this President walks out of office January 20, 2009. That is unacceptable to me, and I think it is unacceptable to many in this Chamber.

We have to change this war. We have to start bringing these troops home. We have to tell the Iraqis: We have given you as much time as you could reasonably ask for to build your country and govern your country and defend your country.

This morning's Washington Post has a front-page headline: ''Iraqis Wasting An Opportunity, U.S. Officers Say.'' Wasting an opportunity. It is an opportunity created by the lives and blood of our soldiers, those who were there dying on the ground to give the Iraqis a chance, and our military leaders have said they are wasting an opportunity.

Brig. Gen. John F. Campbell, deputy commanding general of the 1st Cavalry Division, complained last week that Iraqi politicians appear out of touch with everyday citizens. ''The ministers, they don't get out,'' he said. ''They don't know what the hell is going on on the ground.'' Soldiers standing, fighting, and dying while these political ministers twiddle their thumbs and waste their time—that is unacceptable. I cannot imagine how we can continue to ask our soldiers to walk into that hell hole in Iraq and risk their lives and come home severely injured while these Iraqi politicians cannot do the most basic things to put their country together.

If Senator MCCONNELL has his way tomorrow, we will hand this President $70 billion and say: Mr. President, more of the same; just keep it coming. I will not be part of that.

There is a second choice. Senator HARRY REID, our Democratic majority leader, will offer a chance to provide $50 billion to this President with the understanding that within 30 days, American soldiers start coming home in a meaningful way, with a goal that by the end of next year, all of our combat forces will be out of Iraq. There will be some remaining. It would not be a complete cutoff, but they will be there for specific reasons—to fight counterterrorism and to protect America's remaining civilian and military personnel, to train the Iraqis with a limited responsibility because we put so much into this so far.

I think that is the reasonable way to go. That bill we will vote on will also say that the President cannot send military units overseas until they are combat ready unless he certifies they are combat ready or gives good reason why they do not have to be combat ready.

I have been there. I have talked with these soldiers. Fifteen months is too long. We had a briefing just the other day from one of the leaders in the Marine Corps. He conceded that point. Fifteen-month deployments are too long to maintain the morale, to maintain the readiness, to separate these soldiers from their families for 15 months. He said something that will stick with me.

He said: Can you imagine what goes through your mind when you are a soldier on the ground in Iraq at Christmas, realizing you are going to be there for another Christmas? That is what these soldiers are facing. That is what this President has put us into, a situation where we have pushed our brave men and women to the limit.

Oh, support our troops and love our soldiers. Well, I do. I want to support our troops by bringing them home as soon as possible in an orderly, responsible way. Not what Senator MCCONNELL wants: to let this President continue with 187,000 American soldiers currently on the ground and no end in sight. That is unacceptable.

Some will say it is just another vote and nobody will notice. Maybe that is so. But for those of us who believe very strongly this war needs to come to an end, tomorrow morning is an opportunity. I hope the American people who can follow this debate through C–SPAN, who can follow our votes by referencing Congress on the Internet, will take a look at that rollcall tomorrow morning and will judge which Senators from which States want to change this policy in Iraq and see this war come to an end. We will have our chance tomorrow morning. It is a chance we should not miss.

For all those brave men and women who have served us so well in Iraq and those who may be called tomorrow, we owe them a ''yes'' vote on the Reid cloture motion tomorrow, and I will be voting that way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

THE FARM BILL

Mr. SALAZAR. Mr. President, I come here at 7:30 p.m. eastern time one more time to implore my colleagues, when we get to the cloture motion tomorrow on the 2007 farm bill, that we vote yes on that cloture motion. I fear if we do not move forward with that cloture motion on the farm bill tomorrow, there is a great possibility that the farm bill is, in fact, dead.

So many people have worked on this farm bill for such a long time—Senator HARKIN, who has led the effort as chairman of the committee; Senator CHAMBLISS, who has worked on this now for 3 years; Senator BAUCUS, who led the efforts in the Finance Committee with Senator GRASSLEY to provide a very robust package that is very important for the future of America. It is important that we move forward and we bring this matter to a close. The only way we are going to do that is if we get cloture tomorrow where people voted yes.

When we do that, what that will then set up is a postcloture timeframe where germane amendments can then be considered to the farm bill, and we can move forward through an orderly process to bring the farm bill to a just conclusion.

For me, what is at stake, when I think about the farmers and ranchers in the San Luis Valley, across the eastern plains of Colorado and Weld County and Adams County and across the western slope, is the future of family farmers and family ranchers, many of whom work much harder than anybody in Washington, DC, or in America; for those farmers and ranchers know the day does not end at 5 or 6 o'clock in the evening. For most farmers and ranchers, their day ends at 10, 11, 12 o'clock at night. Their day begins long before people go to work here in Washington, DC. Their day begins at 4 and 5 in the morning when they get up to tend to the cows or when they get up to make sure they are baling their alfalfa, with dew still on the leaves of their alfalfa so that they have a quality product at the end of the day. Those are the men and women who really are the salt of the earth of America.

Those are the men and women, when you shake their hands, you know they are the hands of working men and women because you feel the calluses and the cuts. These are the men and women who, after they have worked for an entire year, wonder whether they are going to have enough money to pay off their operating line at the bank. These are the men and women who know the weather better than anybody here in Washington, DC, will ever know the weather and will be able to understand the seasons and the days better than most people who stand here on this floor and debate about the issues of the farm policy because these are the men and women who know, when they see a cloud of a certain color coming in their direction, that there is a hailstorm on the way, and they wonder whether or not that hailstorm is going to hit their field or their neighbor's field. They wonder whether they are going to be able to have enough at the end of the day to pay their operating expenses or their mortgage at the bank.

So it is the farmers and ranchers of rural America in all our States, Democratic States and Republican States—South Dakota, the State of my good friend who served with us on the Agriculture Committee and has contributed mightily to the content of this bill. It is all of those men and women in farm country whom we owe this to, to move forward with a process that brings about a conclusion to this farm bill, that sets an orderly process for us to consider amendments, both Republican and Democratic amendments, so that we can bring this legislation to a close.

For me, it is personal because I know many of these people. Many of these people are my family. I spent a lot of my own time as an irrigator on a farm, on a Heston windrower, on John Deere tractors and John Deere balers. I spent

a lot of time on a horse. So I know what the life of a farmer and a rancher is all about. But this legislation on the farm bill, Mr. President, is much more to America than just about these farmers and ranchers. Yes, it is important to stand up for them and for them to have champions here on the floor of the Senate, both on the Democratic side as well as on the Republican side. That is why it should not be even close as an issue in terms of us getting to a 60-vote margin tomorrow. It ought to be done easily because we ought to be champions for these people.

But it is more than about the farmers and ranchers in America. It is about a lot of other things. It is about making sure we embrace the clean energy economy of the 21st century. Nowhere in America is there more excitement and enthusiasm than there is in rural America today about how rural America will help us pioneer our way to energy independence the same as with Brazil, a Third World country, through a 20-year dedication to the cause of energy independence, to become energy independent. There is no reason why we in America cannot do the same thing if we put our minds to it and we have the courage to put the right policies in place. And rural America will play a very significant role in creating that energy independence.

This legislation we have brought to the floor of the Senate from both committees, the Finance Committee as well as from the Agriculture Committee, makes a very significant step in the right direction of getting us off the addiction of foreign oil and opening a new opportunity for energy security for America. When I look at the issue of energy, yes, we will be debating and be having votes on the issue of Iraq tomorrow, but part of why we are involved in these issues in the Middle East is because of the fact that oil has been a driver in our foreign policy. We ought not to let that ever happen again in America. We ought not to let oil be a driver in our foreign policy.

So as we embrace this ethic of a clean energy economy for the 21st century, that is part of what is at the heart of the farm bill in title IX. As we look at dealing with the environmental security of our globe, of this planet, that also is at the heart of this legislation. When we look at creating a new economic opportunity, a new tomorrow for rural America, that is also in this legislation.

But it goes beyond energy. It also deals with nutrition. We need to keep reminding the people who are critical of this farm bill that they are wrong because they are aiming at the wrong parts. They aim at the 14 percent of the bill that creates the support, the safety net for farmers and ranchers who are out there in the fields, but we have to recognize that it is almost 67 percent of the money that is set forth in this bill that goes into all the nutrition programs. Those nutrition programs help our children make sure they have the food in their stomachs to be able to learn while they are in school. Those nutrition programs are the ones that help the most vulnerable here in America.

It goes beyond nutrition. It also deals with the issue of conservation and how we take care of our land and water. This bill is a very important step and makes a very important statement in making sure we help take care of the crown jewels of America with the best stewards of our land and water.

So if you are a champion of the farmers and ranchers of this country, you are going to vote yes on cloture on this bill tomorrow. If you are a champion for the new clean energy economy, you are going to vote yes on this cloture motion tomorrow. If you are a champion of taking care of those who are most in need, the most vulnerable in America in our nutrition programs, you are going to vote yes on this cloture motion tomorrow. If you are a champion and a fighter in protecting our land and water, then you will vote yes on this cloture motion tomorrow. Because it is only by getting to yes on this cloture motion tomorrow, with 60 votes, that we can then create the orderly process that can have us consider amendments that will improve this farm bill and get it across the finish line and then moving forward with the rest of the process to get it to the President's desk for signature.

Mr. President, tonight, I urge my colleagues to think about their vote tomorrow, and I ask them to vote yes on this very important motion that will come before us.

MORNING BUSINESS

Mr. SALAZAR. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

PASSAGE OF HEAD START CONFERENCE REPORT

Mr. REID. Mr. President, I am pleased to speak today about the conference report for the Improving Head Start for School Readiness Act of 2007.

I appreciate the efforts of Chairman KENNEDY, as well as Senators ENZI, DODD and ALEXANDER, for working together to lead this effort.

This bipartisan legislation reauthorizes the Head Start program, something the Congress has not done since 1998.

In 1965, President Johnson launched a summer program for low-income children and their families called Project Head Start.

The program's mission was simple: to prepare low-income, preschool-aged children for success in school.

Today, Head Start serves children and their families in urban and rural areas across the United States.

Since its inception, more than 20 million children and families have benefited from the Head Start program.

Nevada's eight centers range from a Head Start and Early Head Start Center in rural Ely, to larger, more urban centers in Reno and Las Vegas, to a Tribal Head Start center in Gardnerville.

Each of these programs is unique, because they focus on the needs of children and their families in the communities they serve.

Today, more than 40 years since its inception, Head Start provides comprehensive early education and health services to almost 1 million low-income preschool children to help them prepare for and succeed in school.

Unfortunately, this is only a fraction of the number of children that could benefit from Head Start services.

In Nevada alone, nearly 10,000 3- and 4-year-olds are eligible for Head Start programs. But, last year, only about one quarter of those eligible were able to participate.

This legislation will expand access and eligibility for low-income children and families, which will open the doors to Head Start to tens of thousands of children in Nevada and across America.

The bill also makes a number of other important changes to the Head Start program.

It gives children the tools they need to start school by aligning Head Start standards and services with State and local school standards and requiring new research-based standards and assessments.

And, to ensure that Head Start programs are serving children as effectively as possible, the bill requires greater accountability through improved governance and recompetition for poor performing Head Start centers.

Finally, the bill strengthens the Head Start workforce by setting new education and training goals for Head Start teachers and curriculum specialists.

With proven and lasting results, Head Start is a wise investment in our future.

I urge all of my colleagues to join me in supporting this important legislation.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I rise to celebrate the passage of the Improving Head Start for School Readiness Act to reauthorize the Head Start program yesterday. This legislation is a great accomplishment for the Congress and improves opportunities for nearly a million young children and their families. Head Start represents our understanding that our children must be a top priority. While as children represent one quarter of our population, they represent 100 percent of our future.

I would like to thank Senators KENNEDY, ENZI and ALEXANDER for their

leadership on this bill and their strong bipartisan work to complete this conference report. I also commend Chairman MILLER and Ranking Member MCKEON in the House of Representatives and Congressmen KILDEE and CASTLE for their work on this reauthorization. Since 2003, the Senate HELP Committee and the House Education and Labor Committee have worked to reauthorize this legislation. As a result of more than four years of bipartisan efforts, the conference report we adopted yesterday improves and strengthens the already successful Head Start program. I am happy with the unanimous passage of the bill and look forward to its enactment into law.

Since 1965, Head Start has provided comprehensive early childhood development services to low-income children. The evidence is clear: Head Start works for the more than 900,000 children enrolled in its centers throughout the country.

This conference report bolsters the comprehensive nature of Head Start that aids in the social, emotional, physical and cognitive development of low-income preschool children. The program is successful because each center works to address the needs of its local community. Head Start is more than just a school readiness program; it addresses the comprehensive needs of children and their families by providing health and other services to enrolled children.

The role of parents as essential partners and decisionmakers in Head Start is also strengthened in this legislation. Families play the most important role in ensuring the success of their children, and our bill maintains an integral role for parents in the decision-making and day-to-day operations of the program. Parent involvement is a centerpiece of Head Start and I believe this bill strengthens their critical role.

Expanded eligibility, improved accountability, strengthened school readiness for children and enhanced teacher quality are some of the essential elements of this legislation. In addition, collaboration and coordination with other early childhood development programs and outreach to underserved populations is greatly improved. The legislation before us significantly increases resources for Indian Head Start and Migrant and Seasonal Head Start. In addition, Early Head Start is prioritized, so that thousands of additional infants and toddlers will be served. We know that major brain development occurs in the first 3 years of life and I am thrilled that we are putting research into practice by expanding Early Head Start.

The conference report will enable more low-income children to get a head start by allowing programs to serve families with incomes up to 130 percent of the poverty level, while ensuring that the most vulnerable families below the poverty level are served first. This is important for Connecticut and other States where the cost of living is especially high and many working poor families aren't able to access services because they earn just above the poverty level.

Although we do not go as far as I would personally like to see in funding for Head Start, we do authorize additional resources in this bill. Despite the tight budget situation, we authorize an increase of six percent from $6.9 billion to $7.35 billion in fiscal year 2008, to $7.65 billion in fiscal year 2009 and to $7.995 billion in fiscal year 2009. I continue to be gravely concerned about the lack of resources for Head Start—funding levels have been essentially flat since 2002. Currently, only half of eligible children are served in Head Start and fewer than 5 percent are served in Early Head Start. The increased funding authorized by this bill will help us to begin to close this gap.

Across the country, Head Start providers are reporting rising costs in transportation health care premiums, facilities maintenance and training for staff. Rising operating costs are coinciding with decreasing state, local and private contributions to Head Start programs. We address these needs by ensuring that all Head Start programs receive a cost of living increase, tied to inflation, each year that funds are available.

Research shows that child outcomes are directly related to the quality of the teachers and professionals who work with them on a daily basis. I am pleased that in the bill we establish strong educational standards for Head Start teachers, curriculum specialists and teacher assistants. In 6 years, all Head Start teachers will be required to have an associate's degree and 50 percent of teachers will be required to have a bachelor's degree. I will continue to work toward increased funding to assist teachers in pursuing additional educational goals.

When Head Start began more than 40 years ago, it was the only preschool program available for low-income children; now there are many approaches. Collaboration and coordination with other early childhood programs is also an essential piece of this Head Start bill, reducing duplication and encouraging opportunities for shared information and resources.

This legislation represents an important step forward and I welcome our continued focus on the needs of our Nation's children.●

SITING FUTUREGEN IN ILLINOIS

Mr. DURBIN. Mr. President, we are nearing an important milestone in the development of an ambitious project to develop new, environmentally friendly ways of using coal. FutureGen is a joint venture between the Department of Energy and an international, nonprofit consortium of coal producers and energy generators. The FutureGen project will explore the viability of capturing and sequestering carbon dioxide an unwanted by-product of coal use.

The plan is to begin facility construction for the project in 2010, with full-scale operation beginning in 2013. The plant will generate approximately 275 megawatts of electricity, which is enough to supply 150,000 homes.

The key to the FutureGen project, of course, is siting it at a location that can best meet the project's goals for carbon capture and sequestration. Right now four sites are under consideration, including Mattoon and Tuscola, IL. Those sites are ideally suited for this project. Illinois is coal country. Our State has 38 billion tons of recoverable bituminous coal reserves, the largest in the Nation. That's one-eighth of the total U.S. coal reserves, representing more energy than the oil reserves of Saudi Arabia and Kuwait combined.

The Illinois sites have an abundant and reliable supply of water. The deep, thick, undisturbed sandstone reservoirs of southern Illinois are well suited for carbon sequestration. Unlike the other sites being considered for FutureGen, Illinois shares geological features with other states likely to build new coal plants capable of carbon capture and sequestration. The experience gained, then, by siting this project in Illinois will be key to extending the technology to new coal-fired plants built in the U.S.

Other States recognize the merits of the Illinois FutureGen proposals. Indiana, Kentucky, Pennsylvania, and Wisconsin have each declared support for the Illinois sites, based on their superior geology and infrastructure compared to competing sites.

A decision on where to site the FutureGen project is around the corner, and it can't come too soon. Global warming is already marring the Earth. Global average surface temperatures are rising at an alarming rate. Cold days are fewer, and heat waves are more common. Mountain glaciers and ice caps are melting. The global average sea level is rising. Coastal regions are threatened. It is no exaggeration to say that global climate change is the most threatening environmental disaster we face.

Through it all, the world's top scientists have clearly advised that man-made greenhouse gases that trap the Sun's heat are a significant factor in this shift in the global climate. Of those greenhouse gases, carbon dioxide is by far the most important. Because of our reliance on fossil fuels for heating, power, and transportation, carbon dioxide levels in the atmosphere today are far greater than any seen in 650,000 years. And those levels are only growing.

In fact, the growth rate of carbon dioxide concentrations over the past 10 years is greater than at any point since we have been taking measurements. The problem will only grow worse as China, India, and others work to catch up economically to more developed countries. Much of that economic growth will be fueled by coal-fired powerplants.

The world is looking to the United States for leadership in finding solutions to carbon dioxide emissions. The U.S. Climate Change Science Program this week reported that the United States was responsible for 23 percent of the world's carbon dioxide emissions in 2003 that is more than 1.5 trillion metric tons.

Unless we stand up and face this problem head on, it is unimaginable that developing countries will be serious about curbing their emissions. And where does that carbon dioxide come from? Well, almost 40 percent comes from the combustion of coal for electricity.

Coal represents just about half of America's electricity production. It isn't going away anytime soon, especially as energy demands grow in the U.S. and the world. How can we balance these needs, then, for affordable, abundant energy supply and stewardship of the earth's environment? Technology may hold part of the solution. Carbon capture and sequestration is one possible option; it is a way to extract carbon dioxide from combustion gases and pump it underground for long-term storage to keep it out of the atmosphere. There is great potential for such technology in the United States, but it has not been demonstrated in a full, integrated facility.

That's where the FutureGen program comes in. In Illinois, we eagerly await word of the project's location. And we look forward to working with the Department of Energy and the private sector partners to explore the potential of this promising new technology.

As the world faces the interconnected prospects of economic expansion and devastating environmental catastrophe, we must search for technological options that will help lead us to a sustainable future. One promising possibility is the use of underground carbon sequestration to keep carbon dioxide out of the atmosphere while employing America's most abundant energy source: coal. FutureGen is a key step to testing that technology, and I am proud that Illinois is in a position to show America's responsible leadership to the world.

HONORING OUR ARMED FORCES

SPECIALIST ADRIAN HIKE

Mr. GRASSLEY. Mr. President, I have the responsibility to pay tribute to a soldier from my home State of Iowa who has fallen in the line of duty. SPC Adrian Hike was killed while serving his country in Afghanistan. He was assigned to A Troop, 1st Squadron, 91st Cavalry Regiment, 173rd Airborne Brigade.

My prayers go out to his mother and father in Iowa and all his family and friends. I understand that his loss has come as a shock to those living in and around Sac City where Adrian attended high school. I know that many Iowans will be saddened to learn of his fate.

At the same time, we can be very proud to call him a fellow Iowan. Specialist Hike was wounded in Iraq, receiving the Purple Heart. After several surgeries, he returned to duty and was even talking about reenlisting. This kind of selfless dedication to our Armed Forces and our country is what has kept us free since the founding of our Nation.

Adrian Hike's honorable service and tremendous sacrifice on behalf of the United States of America should never be forgotten. His was a true patriot and deserves to be remembered as such.

BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT

Mrs. FEINSTEIN. Mr. President, I rise today to thank all of my colleagues for their support in extending the highly successful breast cancer research stamp for 4 additional years.

This bill has the strong bipartisan support of Senator HUTCHISON and 61 other Senators from both sides of the aisle.

Without congressional action, this extraordinary stamp is set to expire on December 31 of this year, and it deserves to be extended.

This legislation would: Permit the sale of the breast cancer research stamp for 4 more years—until December 31, 2011; allow the stamp to continue to have a surcharge above the value of a first-class stamp with the surplus revenues going to breast cancer research programs at the National Institutes of Health and the Department of Defense, and not affect any other semipostal proposals under consideration by the U.S. Postal Service.

A recent report by the Government Accountability Office, GAO, released just last month, confirms that the breast cancer research stamp continues to be an effective fundraiser in the effort to increase funds to fight the disease.

Since the stamp first went on sale 9 years ago, over 790 million breast cancer research stamps have been sold by the U.S. Postal Service—raising $57.8 million for breast cancer research.

These dollars have led to significant advances in the treatment of breast cancer through research at the National Institutes of Health, NIH, which receives 70 percent of the stamp's proceeds, and at the Department of Defense, DOD, which receives the remaining 30 percent of the proceeds.

For example, the GAO reported that: In 2006, NIH began to use the stamp's proceeds for a new program called the Trial Assigning Individualized Options for Treatment to help determine which breast cancer patients are most likely to benefit from chemotherapy. Dr. Susan Neuhausen at the University of California used an NIH award that has led to many insights into breast cancer risks—using both genetic and environmental data to further define the breast and ovarian cancer risk for individuals with a specific genetic mutation. Dr. Archbald Perkins at Yale University used a Department of Defense award to do research to help with the prognosis of some breast cancers by using new techniques to identify novel genes involved in cancer.

In addition to raising much needed funds for breast cancer research, this wonderful stamp has also focused public awareness on this devastating disease, and it is just as necessary today as ever.

About 3 million women in the United States are living with breast cancer, 1 million of whom have yet to be diagnosed. This year alone, about 178,480 new cases of breast cancer will be diagnosed among American women. And one out of every 8 women nationwide will get breast cancer in her lifetime, with the disease claiming another woman's life every 13 minutes.

Extending the life of this remarkable stamp is crucial. With the sale of the breast cancer research stamp, every dollar we continue to raise will provide hope to breast cancer survivors and will help save lives until a cure is found.

Again, I thank my colleagues for supporting this important legislation.

TERRORISM REINSURANCE ACT EXTENSION

Mr. ALLARD. Mr. President, I would like to address extension of the Terrorism Risk Insurance Program or TRIA. I am strongly reminded of the words of the great economist Milton Friedman: ''Nothing is so permanent as a temporary government program.''

I remember quite clearly when the insurance industry requested a temporary Federal backstop after the terrorist attacks of September 11, 2001. I cannot stress the word temporary strongly enough in this context. Industry witnesses testified before the Banking Committee that they only needed a temporary program in order to give the private markets time to adjust. I was also promised in private meetings that the program would only be temporary. Insurance industry representatives told me repeatedly that they would not come back to seek an extension of the program.

I was quite clear in expressing my disappointment with them when shortly after implementation of the program they began advocating for an extension. I very reluctantly supported the last extension because I believed it made progress in forcing the private sector to step up to the plate. I am here today, though, to say enough. I intend to hold the insurance industry accountable for their pledge of a temporary program by opposing the TRIA reauthorization bill.

I regret that those who utilize insurance are caught in the middle. Unfortunately, there doesn't seem to be another way to spur insurance industry action to address this problem. Unless they are forced to come up with solutions, they will simply continue to rely on the Federal Government.

It is a shame that some consider it ''the best we can do'' to avoid massively expanding a ''temporary'' government program. I believe we can do better; we can hold people to their word and say enough is enough.

LEBANON

Mr. BROWNBACK. Mr. President, every so often a defining moment arrives, capable of dramatically altering the future of a Nation and its people. The country of Lebanon, which will hold its Presidential elections as soon as November 21, is on the brink of one of these moments.

Lebanon is a country whose vision for a socially rich, prosperous, and democratic future could serve as a model for what we hope to see in the Middle East region. Yet in spite of the courageous and unwavering will of the Lebanese people, extremist forces led by Syria, Iran, and terrorist groups—primarily Hezbollah—conspire to undermine the democratic majority in Lebanon and remake the country in their own oppressive image.

Ever since Lebanon's Cedar Revolution in 2005, when a third of the Lebanese people flooded the streets in peaceful protest against Syria's foreign domination, Lebanon has struggled to remain on the path to peace and democracy.

The cultural and media capital of the Arab world, Lebanon is comprised of a uniquely rich social and religious fabric where Christians, Sunnis, and Shias live in relative harmony. Polling data from Lebanon indicates that the majority of the Lebanese people desire an independent and stable country, free from Syrian and Iranian influence. They want the militias, including Hezbollah, disarmed, and they want an international tribunal to investigate the assassinations of Rafiq Hariri and other members of their Parliament.

On November 21, the Lebanese Parliament is scheduled to meet to elect the country's next President, an event which will serve as a harbinger for the future of independence and democracy in the Middle East. The stakes could not be higher—a fact that has not been lost on Syria and Iran and that certainly must not be lost on us.

Desperate to regain its lost foothold in Lebanon, Syria has adopted the macabre strategy of systematically assassinating members of the March 14th parliamentary majority, the embodiment of the Cedar Revolution's ideals. This tactic is designed to ensure the election of a President sympathetic to Syrian hegemony. As the election date approaches, Lebanon's prodemocracy members of Parliament have been forced to enter complete seclusion in Beirut's Phoenicia Hotel. They cannot go outside, or even look out of windows, for fear of a sniper's bullet.

If we are committed to ensuring a free and democratic future for the Middle East, safe from terror and extremism, we must not remain silent or passive about the need to ensure that the constitutional Presidential election process in Lebanon remains untainted by foreign meddling and coercion by terrorist groups like Hezbollah. We must be unequivocally clear in our support for our March 14 allies in Lebanon.

I commend Secretary of State Rice for her recent statement that ''any candidate for president or any president [of Lebanon] needs to be committed to Lebanon's sovereignty and independence, needs to be committed to resolutions that Lebanon has signed on to . . . and needs to be committed to carrying on the tribunal.'' I also strongly agree when she says that ''the March 14 majority should not be put in a position of having to accept either extra-constitutional measures or measures that would undermine the program that they stand for.''

In light of the precarious situation in Lebanon, we must ensure that the United States will not support anything less than the untainted election of a constitutionally legitimate President in Lebanon.

We must make clear to the regimes in Syria and Iran, in no uncertain terms, that the United States will not support a puppet President that seeks to thwart the will of the Lebanese people, nor will the United States remain silent in the face of the spread of militant Islamic extremism.

We must not allow Lebanon to be dragged back into chaos and war. Lebanon's enemies should understand that we are fully dedicated to Lebanon's future as a model for independent and sovereign democracy in the Middle East. We cannot abandon the Lebanese people and our shared ideals at this critical moment. The stakes are simply too high—for Lebanon, for the Middle East, and for us.

TODAY'S ARMS RACE

Mr. LEVIN. Mr. President, the danger involved in combating crime in our Nation is escalating. Police departments across the country are being forced into a dangerous arms race with criminals and gangs. Increasingly confronted with assault rifles capable of firing up to 600 rounds per minute, law enforcement officers have been forced to carry military-style arms in order to counter such criminal firearm supremacy.

Recently, tensions have increased throughout south Florida's police departments after three Miami-Dade police officers were wounded and another killed by a man using an assault weapon. In a recent interview with CNN, Sergeant Laurie Pfeil, who supervises a sheriff's road patrol in Palm Beach County, stated that, ''It's not nice we have to arm ourselves like the soldiers in Iraq. We are like soldiers. It is a war.''

Over 60 police officers have been gunned down so far this year in the United States. According to Robert Tessaro, the associate director for law enforcement relations for the Brady Campaign to Prevent Gun Violence, we are currently on pace to set an alltime high. ''We're having more than one officer shot and killed a week. It's just outrageous that officers are being targeted. It's something all Americans should be outraged about.'' Like many others, he lays the blame for this increase on the expiration of the assault weapons ban.

''It's different now. It's shootings on a weekly basis. Ten years ago, that just didn't happen. They don't get out and run from us anymore. They stop, and they're shooting at us,'' Sergeant Pfeil went on to say. ''They don't have .38s anymore. They have AK–47s . . . They have automatic weapons now.''

Miami Chief of Police John Timoney said he began noticing a significant increase in the use of automatic weapons used in crimes dating from the time the assault weapons ban was permitted to lapse. This increase includes an 18 percent increase last year and 20 percent increase this year.

The 1994 assault weapons ban prohibited the sale of 19 of the highest powered and most lethal firearms produced. Additionally, it prohibited the sale of semiautomatic weapons that incorporated a detachable magazine and two or more specific military features. These features included folding telescoping stocks, threaded muzzles or flash suppressors, protruding pistol grips, bayonet mounts, barrel shrouds, or grenade launchers.

I voted to establish the assault weapons ban, and 10 years later I joined a bipartisan majority of the Senate in voting to extend the ban for another 10 years. Unfortunately, despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, and bipartisan support in the Senate, neither President Bush nor the Republican congressional leadership acted to protect Americans from assault weapons like the one used in the attack on the Miami-Dade police officers. As a result, police officers across the country are being forced to counter previously banned military-style assault weapons.

This Congress, as in previous ones, I will once again cosponsor the reinstating the assault weapons ban. Congress must take up and pass this piece of sensible gun safety legislation to aid our law enforcement agencies and to help prevent such tragedies from occurring in the future.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

17TH ANNUAL COVENANT HOUSE CANDLELIGHT VIGIL FOR HOMELESS YOUTH

• Mrs. CLINTON. Mr. President, on November 15, 2007, Covenant House will mark their 17th annual Candlelight Vigil for Homeless Youth. This Vigil will bring together individuals from

more than 500 sites throughout North America to keep the light of hope burning for homeless youth. Covenant House provides quality, effective care for homeless and runaway youth and we are proud that our State of New York is home to Covenant House's headquarters.

Emergency health care, shelter, and treatment of the homeless in New York City cost an average of $40,000 per person each year, placing a staggering and unsustainable social and economic burden on State and local governments. Covenant House, the Nation's largest privately funded agency for homeless youth and young adults, is helping to relieve some of this burden by providing resident and non-resident services to nearly 66,000 youths in 2006 alone.

Covenant House has provided more than 1 million young people with the support necessary to transition from life on the streets to a life with a future. Covenant House uses successful programs and services—including counseling, transitional living programs, educational and vocational training, health services, and drug abuse treatment and prevention programs—that help transform the lives of these individuals at an early stage.

Still, more work needs to be done. As we speak, nearly 1.3 million children and young adults are homeless and living on the streets throughout our Nation, with roughly 5,000 of these youth dying from assault, illness, or suicide. The Candlelight Vigil for Homeless Youth will honor the memory of these young people who have died alone and anonymously while living on our streets and raise awareness about growing crisis of youth homelessness. As Sister Tricia, executive director of Covenant House, has said, ''The Vigil is for every kid who runs away, convinced they'll be safer on the street than at home, where they hope to escape abusive or dangerous environments. That's why we stand together with candles, to light their way to Covenant House, where they will be safe, treated with dignity and loved without condition.''

Many of the youth living and dying on our Nation's streets are former foster care children who have aged out of the system. Though they are too old for the foster care system, they are often too young and ill prepared for self-sufficient living without the assistance of a family or support system. Unemployment and a lack of education among these young people can lead to a life of poverty, crime, and drug abuse. The challenges facing young men and women today are overwhelming. For youth who are faced with a life on the streets, the need for a guiding light is often a matter of life and death.

The Covenant House has used successful programs to help transform the lives of these individuals at an early stage. Senator SCHUMER and I are pleased to stand with Covenant House as together we work to keep the light of hope burning bright for all of our young people.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VISIT OF THE JAPANESE PRIME MINISTER

● Mr. OBAMA. Mr. President, I rise to extend my welcome to Prime Minister Yasuo Fukuda of Japan, who is visiting Washington today.

Japan is a critical ally and friend of the United States. I believe our alliance is fundamental to a peaceful and prosperous Asia-Pacific region.

The Prime Minister's visit comes at an important time. It is crucial that our two countries maintain the positive momentum in our relationship and work closely together to accomplish shared goals, such as denuclearization of the Korean Peninsula, stability in South Asia, nonproliferation in Iran, and political reform in Burma. As a long-standing ally, we must consult closely and respect Japan's perspectives, even as we contemplate next steps in our negotiations with nations like North Korea.

Thousands of miles away from the Korean peninsula, we face the resurgence of the Taliban and al-Qaida in Afghanistan and in the border regions of Pakistan. We are all too familiar with the reports that suggest the Taliban and al-Qaida are gaining strength. We were reminded of this fact in an unsettling report in Tuesday's Washington Post, but the most troubling report of all was last July, when the declassified National Intelligence Estimate warned of a persistent and growing threat from a reconstituted al-Qaida sanctuary in northwest Pakistan.

It is therefore critical that the U.S. and its partners in the international community, including Japan, maintain our focus and operations in this region.

In particular, I wanted to extend to the Prime Minister my appreciation for the support that Japan's Self Defense Forces have offered U.S. operations in Afghanistan, and hope Japan's deployment of refueling tankers will quickly be reauthorized and be extended.

Our half century alliance with Japan remains vital, based on common values and shared interests. There is ample room for improved efforts to forge an even stronger and enduring global security partnership. I hope that Prime Minister Fukuda's visit will continue the progress toward that goal.●

ADDITIONAL STATEMENTS

IN RECOGNITION OF PROFESSORS OF THE YEAR

● Mr. ALLARD. Mr. President, I wish to congratulate the four national winners of the U.S. Professors of the Year Award. Since 1981, this program has saluted outstanding undergraduate instructors throughout the country. This year, a State Professor of the Year was also recognized in 40 States and the District of Columbia.

This award is recognized as one of the most prestigious honors bestowed upon a professor. To be nominated for this award requires dedication to the art of education and excellence in every aspect of the profession. Professors personally vested in each student shape the leaders of tomorrow. These individuals should be proud of their accomplishment.

I commend and thank all the winners for your leadership and passion for educating. No doubt you have inspired an untold number of students. I wish you the very best in all your endeavors. Congratulations and best regards.

The four national award winners are:

Outstanding Baccalaureate Colleges Professor of the Year: Glenn W. Ellis, associate professor of engineering, Smith College, Northampton, MA;

Outstanding Community Colleges Professor of the Year: Rosemary M. Karr, professor of mathematics, Collin County Community College, Plano, TX;

Outstanding Doctoral and Research Universities Professor of the Year: Christopher M. Sorensen, University Distinguished Professor of Physics, Kansas State University, Manhattan, KS;

Outstanding Master's Universities and Colleges Professor of the Year: Carlos G. Spaht, professor of mathematics, Louisiana State University in Shreveport, Shreveport, LA.

State winners are:

Alabama: Lawrence Davenport, professor of biology, Samford University;

Arizona: John M. Lynch, honors faculty fellow, Arizona State University;

Arkansas: Jay Barth, associate professor of politics, Hendrix College;

California: Andrew Fraknoi, professor of astronomy, Foothill College;

Colorado: Thomas G. McGuire, associate professor of English and fine arts, U.S. Air Force Academy;

Connecticut: Marc Zimmer, Kohn professor of chemistry, Connecticut College;

District of Columbia: Richard P. Tollo, associate professor of geology, the George Washington University;

Florida: Patrick K. Moore, public history program director and associate professor, University of West Florida;

Georgia: Linda Stallworth Williams, associate professor of English, North Georgia College & State University;

Idaho: Heidi Reeder, associate professor of communication, Boise State University;

Illinois: Steven A. Meyers, professor of psychology, Roosevelt University;

Indiana: Kristen L. Mauk, Kreft professor of nursing, Valparaiso University;

Iowa: Gail Romberger Nonnecke, professor of horticulture, Iowa State University;

Kansas: David Littrell, university distinguished professor of music, Kansas State University;

Kentucky: Carol Holzhausen Hunt, professor of English and women's studies, Bluegrass Community and Technical College;

Louisiana: Carol E. O'Neil, Peltier professor of dietetics, Louisiana State University and A&M College;

Maine: Robert A. Strong, university foundation professor of investment education, University of Maine;

Maryland: Ernest Bond, associate professor of education, Salisbury University;

Massachusetts: Robert L. Norton, professor of mechanical engineering, Worcester Polytechnic Institute;

Michigan: Norma J. Bailey, professor of middle level education, Central Michigan University;

Minnesota: Ellen Brisch, professor of biology, Minnesota State University Moorhead;

Mississippi: George J. Bey, professor of anthropology, Millsaps College;

Missouri: Mark Richter, professor of chemistry, Missouri State University;

Montana: Marisa Pedulla, assistant professor of biological science, Montana Tech of The University of Montana;

Nebraska: Isabelle D. Cherney, associate professor of psychology, Creighton University;

New Jersey: Osama M. Eljabiri, senior university lecturer of managament information systems, New Jersey Institute of Technology;

New York: T. Michael Duncan, associate professor of chemical engineering, Cornell University;

North Carolina: Reed M. Perkins, McMahon professor of environmental science, Queens University of Charlotte;

Ohio: Linda Morrow, professor of education, Muskingum College;

Oklahoma: Mickey Hepner, associate professor of economics, University of Central Oklahoma;

Oregon: Dawn J. Wright, professor of geography and oceanography, Oregon State University;

Pennsylvania: John A. Commito, professor of environmental studies, Gettysburg College;

South Carolina: Melissa Walker, Johnson associate professor of history, Converse College;

South Dakota: Ahrar Ahmad, professor of political science, Black Hills State University;

Tennessee: Peter Giordano, professor and chair of psychology, Belmont University;

Texas: Frank Jones, Harding professor of mathematics, Rice University;

Utah: Lyle G. McNeal, professor of animal, dairy and veterinary science, Utah State University;

Virginia: Joe Hoyle, associate professor of accounting, University of Richmond;

Washington: Nancy K. Bristow, professor of history, University of Puget Sound;

West Virginia: Kenneth C. Martis, professor of geography, West Virginia University;

Wisconsin: Kristina M. Ropella, professor of biomedical engineering, Marquette University.●

HONORING MAXINE FROST

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing the accomplishments of Maxine Pierce Frost, a longtime community leader in Riverside, CA, and nationally renown leader in education. This month, Maxine Frost will retire from the Riverside Unified School District after 40 years of dedicated service.

Since 1967, Maxine Frost has provided leadership to her community, the State of California, and our Nation. As a board member of the Riverside Unified School District, Frost has seen great change in education policy throughout her tenure. Being a member of the first large school district in the Nation to voluntarily desegregate, she has helped pave the way for similar changes across America.

Throughout periods of intense growth in the State and the region, Maxine Frost has worked diligently to ensure that students and educators are provided with adequate resources. The Riverside Unified School District has grown from roughly 23,000 students to 43,000 students during Frost's tenure. Throughout this period of intense growth, she has maintained her resolve that every student have the resources they need to succeed.

Numerous academic committees across the State of California and our Nation have benefitted from the leadership and experience of Maxine Frost. She has held a number of leadership posts: president of the Pacific Region of National School Boards Association, the California School Boards Association Legislative Network, the California Association of Suburban School Districts, the Schools Accrediting Commissions, the Council for Basic Education, and the California Association of Student Council's Board of Directors. In 1981, after serving as president of the California School Boards Association, California Governor George Deukmejian appointed her to the Education Commission of the States, in which she served alongside future President William Jefferson Clinton, who chaired the commission at that time.

On October 16, 2006, the Riverside Unified School District adopted a resolution to designate one of its elementary schools as, Maxine Frost Elementary School, in honor of her longtime service and dedication to the community.

As she retires from four decades of service and dedication to the students, families, and educators of California and our Nation, I am pleased to ask my colleagues to join me in thanking her for her fine work. Her tremendous leadership will be long remembered.●

IN MEMORIAM: ROBERT GERARD GOULET

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of the late Robert Gerard Goulet, the beloved recording, movie, theater, and television star. Mr. Goulet passed away on October 30, 2007. He was 73 years old.

Robert Gerard Goulet was born on November 26, 1933, in Lawrence, MA, to French Canadian parents, Jeanette and Joseph Goulet. Shortly after his father's untimely passing, he and his family moved to Alberta, Canada. His abundant talents and charisma were evident at a young age, as Mr. Goulet became a popular singer on Canadian television as a precocious teenager.

In 1960, Mr. Goulet made his Broadway debut as Sir Lancelot in the original production of ''Camelot,'' starring opposite Julie Andrews and Richard Burton. After hearing Mr. Goulet sing during the first day of rehearsals, Mr. Burton compared his rich baritone voice to ''the voice of an angel.'' Mr. Goulet's performance won him wide acclaim, including the Theater World Award, and recognition as one of Broadway's most captivating and talented stars. In 1968, Mr. Goulet won the Tony Award for best actor in a musical for his role as Jacques Bonnard in ''The Happy Time.''

A consummate entertainer, Mr. Goulet, who won a Grammy Award for Best New Artist in 1962, has recorded over 60 albums. Throughout the 1960s and 1970s, he starred in a number of his own television specials and was a popular guest on ''The Ed Sullivan Show'' and other variety programs. Mr. Goulet could also boast of an impressive resume on the big screen, as he was featured in several successful movies, including ''Honeymoon Hotel,'' ''Beetlejuice,'' and ''Toy Story II.'' Over the course of a career that spanned over half a century, Mr. Goulet's many accomplishments and successes cemented his status as one of America's most versatile and beloved entertainers in recent memory.

A prostate cancer survivor, Mr. Goulet played an active role in helping to increase the awareness of prostate health. He was a spokesman for the American Cancer Society and he regularly visited communities to educate others on the importance of cancer awareness, prevention, and early detection. In 2005, he was awarded the ''Human Spirit Award'' by The Wellness Community.

Throughout an illustrious career, Robert Gerard Goulet used his prestigious talents to bring joy and entertainment to millions of his fans and admirers from the world over. Mr. Goulet has left behind a legacy of performing excellence. He will be missed.

Mr. Goulet is survived by his wife Vera; two sons, Christopher and Michael; daughter Nicolette; three grandchildren, Jordan, Gerard, and Solange.●

CONGRATULATING VILLA MADONNA ACADEMY ELEMENTARY AND JUNIOR HIGH SCHOOL

● Mr. BUNNING. Mr. President, I invite my colleagues to join me in congratulating Villa Madonna Academy Elementary and Junior High School of Villa Hills, KY. Villa Madonna Academy Elementary and Junior High School is recognized as a 2007 No Child Left Behind Blue Ribbon School.

The Blue Ribbon Schools Program has been celebrating high achieving schools for 25 years. Established in 1982 by the U.S. Department of Education, the program has recognized more than 5,200 schools since its inception. This year 11 Kentucky schools join this distinguished list, and I am proud to say that this is the second time Villa Madonna Academy Elementary and Junior High School has been a worthy recipient.

By demanding excellence from each and every student, Villa Madonna

Academy Elementary and Junior High School truly celebrates the blue ribbon standard of excellence that the No Child Left Behind Program strives to achieve. Villa Madonna Academy Elementary and Junior High School exemplifies what our Kentucky schools can achieve when we have enough faith in our students to challenge them to their full potential.

I congratulate Villa Madonna Academy Elementary and Junior High School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. I look forward to all that Villa Madonna Academy Elementary and Junior High School accomplishes in the future.●

LIEUTENANT GENERAL DAVID POYTHRESS

● Mr. CHAMBLISS. Mr. President, today I recognize the career and achievements of a great military officer, civilian leader, and friend. After a long and distinguished career culminating with nearly 44 years of service, LTG David Poythress will retire from the United States Air National Guard, with the honor of being the first adjutant general of Georgia to reach the rank of lieutenant general.

General Poythress was commissioned as a second lieutenant in 1964, a time in our Nation's history when serving in the military brought with it not only a requirement to face the enemy abroad but also the willingness to serve despite a divided nation.

General Poythress received his law degree from Emory University in 1967 and was a distinguished graduate of Emory's ROTC program. Shortly thereafter, he was called to active duty and served 1 year as chief of military justice at DaNang Air Base, Vietnam. He served as a judge advocate general in the Air Force Reserve, rising from the rank of captain to brigadier general. During this same time period, complimenting his military career, he served the State of Georgia honorably as the assistant attorney general, the deputy state revenue commissioner, the secretary of State of Georgia, and the State labor commissioner.

In 1999, he was appointed as the adjutant general of Georgia, with his tenure encompassing what may be the Georgia National Guard's most dynamic and demanding period in its 243-year history. Under General Poythress's leadership, the Georgia National Guard deployed nearly 10,000 soldiers and airmen around the world in support of the global war on terror, and more than 2,200 guardsmen to help Gulf Coast States following the devastation of Hurricane Katrina. The Georgia Guard completed high profile/high risk security missions following September 11, 2001, and also conducted dangerous operations on the Mexican border.

General Poythress's contributions will be appreciated by generations of Georgia guardsmen far in the future. He was successful in achieving the long-standing Georgia goal of legislation and funding for a State retirement plan for traditional guardsmen. He led the Georgia National Guard in winning the Oglethorpe Award for performance excellence. He also oversaw Robins Air Force Base's 116th Air Control Wing's transition from B-1s to a highly modernized Joint STARS unit.

General Poythress's noteworthy service and responsibilities have been widely recognized. His distinguished honors include the Legion of Merit, the Meritorious Service Medal with one device, the Air Force Commendation Medal with one device, the Vietnam Service Medal with one device and the Vietnam Campaign Medal.

The Georgia National Guard will miss General Poythress's commitment to duty, ceaseless drive for improvement, and unwavering support for guardsmen, soldiers, and airmen everywhere. Although I will miss his service in the capacity as adjutant general, I am especially pleased that he will remain in the great State of Georgia and continue to serve both publicly and privately as he has done throughout his life. I hope my colleagues will join me in wishing him well in all his future endeavors and hope that those who follow in his footsteps will continue his legacy of support to Georgia and our great Nation.●

TRIBUTE TO DICK SMITH

● Mr. CRAPO. Mr. President, from humble beginnings as a seasonal fire fighter in Wyoming in the 1970s, Dick Smith built a fine career and developed an outstanding reputation as a Forest Service employee over his 35 years at the Agency. He retired from Federal service this fall, after achieving the position of Forest Supervisor for the Boise National Forest. Although we are thrilled that he is able to now enjoy retirement, his absence will indeed be felt, to the detriment of the Idaho forestry community. Before taking a position in the Clearwater National Forest, Dick worked seasonally in Alaska, Minnesota, and Wyoming. In the 1970s and 1980s, he developed a strong foundation in forest management, silviculture, fire and project planning and obtained a Master of Science in Forest Ecology. He worked for 15 years as a Forest Silviculturalist. From 1989 to 1999, Dick served as District Ranger in charge of overall management of the 460,000 acre Plains/Thompson Falls District of the Lolo NF, in Plains, MT. During his tenure at this position, he earned a number of awards including the Forest Service Director's Excellence Award for ''Positive Action and Community Leadership'' for the District's mineral management program and the Forest Service Northern Regional Forester's Honor Award for ''Personal and Professional Excellence.'' His District received the 1995 National Salvage Award for effectively taking advantage of salvage opportunities in an environmentally sensitive manner following large bark beetle outbreaks and significant wildfire activity on the unit under his direction.

It is natural that such an individual would rise to the top in his agency, and Dick did exactly that. In 1999, the Forest Service brought him here to Washington to serve on the policy analysis staff, and it was at this time that I, too, was able to benefit from his hard work and expertise—directly. When I was first elected to the Senate, Dick came to work for me as a Brookings Institute Fellow for 6 months and I greatly benefited from his expertise and experience.

He returned to Idaho and was selected to serve as Supervisor of the 2.6 million acre Boise National Forest in 2003. This position entails coordinating forest management and supervisory activities with state agencies, other Federal agencies and the tribes. Then-Governor Dirk Kempthorne appointed him to serve on the board of the Idaho Rural Partnership and the Citizens Advisory Panel to the Policy Analysis Group for the University of Idaho.

While under Dick's leadership, the Boise National Forest was one of the first national forests to complete and implement a fuels management project under the Healthy Forest Restoration Act. Dick's diligence and commitment to intentional and effective forest management has placed the Boise National Forest at the forefront of implementing hazardous fuels treatment and initiatives that support aquatic restoration, noxious weed mitigation and recreation management. These endeavors are all the more challenging considering the growing wildland urban interface that characterizes the Boise National Forest.

While excelling at his job, Dick maintained his involvement in professional and community organizations. In addition to membership in the American Society of Foresters, Dick has been involved in Boy Scouts, Little League, Jaycees, Lions Club, and various leadership positions with the Rotary Club in the communities in which he has lived over the years.

Dick and his wife, Sandy, plan to stay in the Boise area for retirement, enjoying the outdoors hiking, camping, fishing, backpacking and skiing—fitting pursuits for a man who has worked so hard to preserve and manage Idaho's beautiful natural resources for future generations. I appreciate Dick's wisdom and insight over the years; I have depended on his analysis and advice on many forest management issues, and I wish him and Sandy well in the next chapter of their lives.●

RECOGNIZING DON AMERT

● Mr. THUNE. Mr. President, I wish to recognize Don Amert for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects his hard work and dedication to

eliminating poverty around the world. It is also a reflection of the valuable role he has played in giving back to his local community.

Don Amert with East Central South Dakota Habitat for Humanity is a partner in Amert Construction of Madison, SD. He has provided leadership as the East Central South Dakota Habitat for Humanity's construction chairman. Along with help from volunteers, Don completed the first 2 houses for East Central South Dakota Habitat for Humanity. Not only did Don provide affordable housing, but he also taught his volunteers proper building techniques.

It gives me great pleasure to recognize Don Amert and to congratulate him on receiving this well-earned award and wish him continued success in the years to come.●

RECOGNIZING OWEN BAIN

● Mr. THUNE. Mr. President, today I wish to recognize Owen Bain for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects his hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role he has played in giving back to his local community.

Owen Bain works with the Habitat for Humanity of Beadle County. He is a hobby carpenter and has volunteered more than 180 hours of labor in Habitat's recent projects. Owen played an integral role in the building process, all the while maintaining his humble disposition. Owen is a model volunteer who has contributed greatly to the success of Habitat for Humanity.

It gives me great pleasure to recognize Owen Bain and to congratulate him on receiving this well-earned award and wish him continued success in the years to come.●

RECOGNIZING BENCHMARK FOAM, INC.

● Mr. THUNE. Mr. President, today I wish to recognize Benchmark Foam Inc. for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Benchmark Foam Inc. is partnered with Watertown Region Habitat for Humanity and is based in Watertown, South Dakota. The Benchmark team has produced and provided expanded polystyrene and other specialty plastics for the construction of Habitat homes. Benchmark has developed a longstanding relationship with the Watertown Region affiliate. Benchmark and its employees have made their mark on the Habitat for Humanity progress in the area.

It gives me great pleasure to recognize Benchmark Foam Inc. and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.●

RECOGNIZING CLARK'S RENTALS

● Mr. THUNE. Mr. President, today I wish to recognize Clark's Rentals for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Clark's Rentals is partnered with Habitat for Humanity of Yankton County. Clark's Rentals began operating in 1991, and after only 5 years they supported the new Yankton affiliate of Habitat for Humanity by providing equipment without cost. Through their support of Habitat's mission, Clark's Rentals has enabled the Yankton affiliate to expand their goal of providing affordable housing. Special recognition is due to Larry and Joan Clark of Clark's Rentals as well as their supportive staff members, Carl Clark, Ray Dorat, and Jimmy Olson.

It gives me great pleasure to recognize Clark's Rentals and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.●

RECOGNIZING CAROLYN DOWNS

● Mr. THUNE. Mr. President, Carolyn Downs is the outgoing executive director of The Banquet in Sioux Falls, SD who is stepping down after 20 years of service to the Sioux Falls community.

The Banquet, an ecumenical ministry, has been providing free meals to the Sioux Falls community since 1985. In the past year, The Banquet served 137,000 guests. Since she started her work with The Banquet in 1988, Carolyn has organized thousands of volunteers and served countless meals. Carolyn learned from her mother at a young age that sharing meals was a way that people show their love to others. The secret to her success is her ability to put herself in other people's shoes. Carolyn encourages her volunteers to not only provide food to those that come to her center, but also to express compassion and understanding through conversation and interaction. Carolyn's love for others is reflected in her perpetual smile and her giving spirit.

South Dakota's communities are held together by dedicated individuals like Carolyn Downs who commit their time and energy to helping those around them. She is truly an example of what it means to serve others. Her leadership and dedication to The Banquet will be greatly missed. It gives me great pleasure to congratulate Carolyn on a successful career and wish her the best on her retirement.●

RECOGNIZING DAVE FLECK

● Mr. THUNE. Mr. President, today I wish to recognize Dave Fleck for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects his hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role he has played in giving back to his local community.

Dave Fleck works with the Greater Sioux Falls Habitat for Humanity. His company, Sioux Falls Construction, has donated construction management services to the Greater Sioux Falls Habitat affiliate. Dave has taken on leadership roles in the construction and site selection for 8 years now. He has participated in Habitat activities at every level. Dave is also a member of the chamber of commerce. The Greater Sioux Falls Habitat for Humanity truly benefits from the support that Dave Fleck provides.

It gives me great pleasure to recognize Dave Fleck and to congratulate him on receiving this well-earned award and wish him continued success in the years to come.●

RECOGNIZING THE JOHN T. VUCUREVICH FOUNDATION

● Mr. THUNE. Mr. President, today I wish to recognize the John T. Vucurevich Foundation for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

The John T. Vucurevich Foundation works with the Black Hills Area Habitat for Humanity. With the impressive financial support the John T. Vucurevich Foundation has shown, the Black Hills Area Habitat affiliate has been able to obtain a ReStore Outlet. The John T. Vucurevich Foundation has shown its continued support by providing construction materials and furthering the goals of the Black Hills Area affiliate in many ways.

It gives me great pleasure to recognize the John T. Vucurevich Foundation and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.●

HONORING JUNE JAMES

● Mr. THUNE. Mr. President, today I wish to honor June James of Hazel, SD. June was chosen as the 2007 Spirit of South Dakota Award winner. This impressive award reflects June's vision, courage, and strength of character in the development of her family, community, and State.

June is a lifelong South Dakotan who reflects the values and traditions that make our State great. She is dedicated

to her family and the Hazel community. She has demonstrated this dedication through her involvement in her church, her work as an extension coordinator in Codington County and Hamlin County, and her service to the local 4H chapter. In addition to all this, June and her husband run the family's century farm. Clearly June reflects the qualities that make her deserving of this year's 2007 Spirit of South Dakota award.

I am proud to honor June James, along with her friends and family, in celebrating her 50 years of selfless dedication and service to the city of Hazel.●

HONORING THOMAS ''EMMETT'' KUEHL

● Mr. THUNE. Mr. President, today I wish to honor Thomas ''Emmett'' Kuehl. Thomas was a volunteer firefighter for the Elkton Fire Department. He served for 17 years and was an EMT for 16 years with the Elkton ambulance crew. He died at 38 years old on April 11, 2006, from injuries sustained while operating at the scene of a fire. The 26th National Fallen Firefighters Memorial Service is honoring Emmett as a fallen hero.

Emmett was not only a brave firefighter, he was a man dedicated to his local community. As a supporter of Elkton athletics, Emmett could be counted on to drive the ambulance for the Elkton football team. For his 16 years of dedication to the team, the Elks dedicated their 2006 season to Emmett and finished runner-up in the class 9AA championships at the State tournament.

Emmett was a great American, and his commitment to the people of Elkton was truly honorable. Today I rise with Emmett Kuehl's family and friends to remember his selfless dedication and service to the Elkton community and the State of South Dakota.●

RECOGNIZING KIM LARSON

● Mr. THUNE. Mr. President, today I wish to recognize Kim Larson for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects her hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role she has played in giving back to her local community.

Kim Larson with Oahe Habitat for Humanity is Executive Assistant for the CEO of BankWest in Pierre where she is instrumental in providing servicing on loans and facilitating the documentation for the partner families. Always available, Kim is able to keep Oahe Habitat representatives and the partner families informed. Kim has proven to be an integral part of the Oahe affiliate of Habitat for Humanity.

It gives me great pleasure to recognize Kim Larson and to congratulate her on receiving this well-earned award and wish her continued success in the years to come.●

RECOGNIZING JERI LEMKE

● Mr. THUNE. Mr. President, today I wish to recognize Jeri Lemke for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects her hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role she has played in giving back to her local community.

Jeri Lemke with Okiciyapi Tipi Habitat for Humanity has worked to increase Habitat's influence in her local community. She is always available to assist Habitat and provides helpful guidance. Okiciyapi Tipi, of the Eagle Butte community, has been transformed by Jeri and her fine leadership.

It gives me great pleasure to recognize Jeri Lemke and to congratulate her on receiving this well-earned award and wish her continued success in the years to come.●

RECOGNIZING LOYOLA ACADEMY

● Mr. THUNE. Mr. President, today I wish to recognize Loyola Academy for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Loyola is a Jesuit High School in Wilmette, IL. They have a longstanding relationship with the Sicangu Tikanga Okiciyapi Habitat for Humanity. For 6 years, Loyola Academy has supported this affiliate, and this past year they provided three groups of volunteers. Loyola Academy's support has been instrumental in making progress in the area that is far reaching.

It gives me great pleasure to recognize Loyola Academy and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.●

RECOGNIZING ARMOND 'RED' OLSON

● Mr. THUNE. Mr. President, I wish to recognize Armond 'Red' Olson for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects his hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role he has played in giving back to his local community.

Armond Olson, known as Red, is with Dacotah Tipis Habitat for Humanity. He has served on the affiliate's Board of Directors for 2 years and has been a volunteer for every phase of the construction process. Since the beginning of the Dacotah Tipis Habitat affiliate program, Red has been an ambitious and inspiring supporter. He is a family man, and has been married for 37 years and has 3 children and 10 grandchildren.

It gives me great pleasure to recognize Armond 'Red' Olson and to congratulate him on receiving this well-earned award and wish him continued success in the years to come.●

RECOGNIZING LARRY PETERSON

● Mr. THUNE. Mr. President, today I wish to recognize Larry Peterson for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects his hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role he has played in giving back to his local community.

Larry Peterson is a valued volunteer with the Wiohanble Yuwita Habitat for Humanity. In Lakota, Wiohanble Yuwita translates into ''Building Dreams'' and Larry plays a vital role in building these dreams for the Habitat for Humanity recipients.

It gives me great pleasure to recognize Larry Peterson and to congratulate him on receiving this well-earned award and wish him continued success in the years to come.●

THRIVENT AID FOR LUTHERANS

● Mr. THUNE. Mr. President, today I wish to recognize Thrivent Aid for Lutherans for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Thrivent Aid for Lutherans is partnered with the Brookings Area Habitat for Humanity. With the support of innumerable meals and volunteer support, Thrivent, as well as all Lutheran churches in Brookings, has been responsible for great gains in Habitat goals. They have even enlisted the support of Lutheran churches outside of the county. Over the past year, two homes were funded and constructed using Thrivent resources. This continued support has greatly expanded the success of the Brookings Area Habitat for Humanity.

It gives me great pleasure to recognize Thrivent Aid for Lutherans and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.●

RECOGNIZING OKICIYAPI TIPI

● Mr. THUNE. Mr. President, today I wish to recognize Okiciyapi Tipi for receiving the Supporter of the Year Award from the South Dakota Habitat

for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Okiciyapi Tipi works with the Midwest Region Habitat for Humanity International. By creating new progressive partnerships with local banks, Okiciyapi Tipi has helped to facilitate tremendous rehabbing projects for the past two seasons. These projects have drawn volunteers from across the world. Jerry Farlee, executive director of Okiciyapi Tipi, has been nominated for a 3-year term on the U.S. Advisory Council for Habitat for Humanity International in order to further support the goals of the affiliates servicing rural areas.

It gives me great pleasure to recognize Okiciyapi Tipi and to congratulate them on receiving this well-earned award and wish them continued success in the years to come.●

RECOGNIZING KELLI VAN STEENWYK

● Mr. THUNE. Mr. President, today I wish to recognize Kelli Van Steenwyk for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects her hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role she has played in giving back to her local community.

Kelli Van Steenwyk with Hub Area Habitat for Humanity is employed by Wells Fargo Financial and gathered building and committee assistance for Hub Area Habitat for Humanity. Kelli recruited the support of 12 other coworkers. Working alongside Kirstie Hoon, Kelli has shown great leadership. Her fundraising committee has been successful at contributing greatly to Hub Area Habitat for Humanity activities. Kelli is a valuable supporter of the Aberdeen community.

It gives me great pleasure to recognize Kelli Van Steenwyk and to congratulate her on receiving this well-earned award and wish her continued success in the years to come.●

RECOGNIZING WELLS FARGO

● Mr. THUNE. Mr. President, I wish to recognize Wells Fargo for receiving the Supporter of the Year Award from the South Dakota Habitat for Humanity. This is a prestigious award that reflects their hard work and dedication to eliminating poverty around the world. It is also a reflection of the valuable role they have played in giving back to their local community.

Wells Fargo works with Habitat for Humanity of South Dakota. Wells Fargo has distributed donations to Habitat for Humanity affiliates across South Dakota. These generous donations have exceeded $883,000. Wells Fargo employees have been a major asset to Habitat for Humanity of South Dakota by volunteering 16,000 hours of labor in the construction of 33 homes across the state. Wells Fargo's financial and volunteer support has allowed Habitat for Humanity to substantially expand its work throughout South Dakota.

It gives me great pleasure to recognize Wells Fargo and to congratulate them on receiving this well-earned award 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.)

MESSAGES FROM THE HOUSE

At 10:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4156, An act making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

At 3:12 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 719. An act to authorize additional appropriations for supervision of Internet access by sex offenders convicted under Federal law, and for other purposes.

H.R. 3320. An act to provide assistance for the Museum of the History of Polish Jews in Warsaw, Poland.

H.R. 3845. An act to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators.

H.R. 4120. An act to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

At 3:38 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 259. Concurrent resolution providing for an adjournment or recess of the two Houses.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–247. A resolution adopted by the Interstate Oil and Gas Compact Commission at their annual meeting relative to the opinions of the oil and gas producing states on certain matters; to the Committee on Energy and Natural Resources.

POM–248. A resolution adopted by the Atlanta World War II Round Table urging Congress to add words to the inscription on the World War II Memorial; to the Committee on Energy and Natural Resources.

POM–249. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to reauthorize Amtrak funding and support states in their efforts to expand passenger rail service; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 107

Whereas, passenger rail service has historically focused on long distance routes. States may provide shorter, regional service if the state pays most of the cost. Fourteen states, including Michigan, Illinois, and Wisconsin, provide funding support to Amtrak to support in-state and regional passenger rail systems; and

Whereas, ridership on these shorter, regional routes has increased dramatically in the past two years. Ticket sales on Midwest intercity rail lines have reached record numbers. In Michigan, ridership has risen by 31 percent on the Blue Water passenger train and 20 percent on the Wolverine passenger train over the past two years. The state hopes to add passenger rail service between Detroit and Ann Arbor. Expanded passenger rail service is being promoted as a solution to rising oil prices, pollution, and increased highway congestion; and

Whereas, states would like federal assistance in funding the shorter passenger rail services. Federal matching dollars are provided for other transportation modes, and states would like to see a similar program for in-state and regional passenger rail projects. Senate Bill 294, currently before the United States Senate, would provide $19.2 billion in reauthorization funds to Amtrak and provide grants to state projects: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to reauthorize Amtrak funding and support states in their efforts to expand passenger rail service; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–250. A resolution adopted by the Senate of the State of New York urging Congress to eliminate the expiration period of the Federal Do Not Call Registry; to the Committee on Commerce, Science, and Transportation.

SENATE NO. 3582

Whereas, the Do Not Call Registry was established in the State of New York in 2000 to protect citizens from unwanted sales calls; it was made more effective in 2003, when it merged with the National Do Not Call Registry; and

Whereas, the National Do Not Call Registry provides citizens across the state and country with the privacy they deserve and adequate penalties for businesses which violate that privacy by persisting with unwanted phone calls; and

Whereas, the merging of the two Do Not Call Registries has effectively protected New York State residents from bothersome and unwanted phone solicitations for the last five years; and

Whereas, due to the five year expiration of the National Do Not Call Registry, many of the first enrollees will soon again be vulnerable to telephone solicitations unless they re-enroll: Now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to urge the New York

State Congressional Delegation to eliminate the 5-year expiration date and make the National Do Not Call Registry permanent; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives, and to each member of the Congress of the United States from the State of New York.

POM–251. A resolution adopted by the Midwestern Legislative Conference of the Council of State Governments expressing the Council's support for improved vehicle fuel economy; to the Committee on Commerce, Science, and Transportation.

RESOLUTION

Whereas, H.R. 2927 sets tough fuel economy standards without off ramps or loopholes, by requiring separate car and truck standards to meet a total fleet fuel economy between 32 and 35 mpg by 2022—an increase of as much as 40 percent over current fuel economy standards—and requires vehicle fuel economy to be increased to the maximum feasible level in the years leading up to 2022; and

Whereas, H.R. 2927, while challenging, will provide automakers more reasonable lead time to implement technology changes in both the near- and long-term. Model year 2008 vehicles are already available today, and product and manufacturing planning is done through Model Year 2012. H.R. 2927 recognizes the critical need for engineering lead times necessary for manufacturers to make significant changes to their fleets; and

Whereas, H.R. 2927 respects consumer choice by protecting tie important functional differences between passenger cars and light trucks/SUV's. Last year, 2006, was the sixth year in a row that Americans bought more trucks, minivans, and SUVs than passenger cars, because they value attributes such as passenger and cargo load capacity, four-wheel drive, and towing capability hat most cars are not designed to provide; and

Whereas, while some would like fuel economy increases to be much more aggressive and be implemented with much less lead time, Corporate Average Fuel Economy (CAFE) standards must be set at levels and in time frames that do not impose economic harm on the manufacturers, suppliers, dealers, and others in the auto industry; and

Whereas, proponents of unrealistic and unattainable CAFE standards cite Europe's 35 mpg fuel economy, without ever mentioning Europe's $6 per gallon gasoline prices, the high sales of diesel vehicles, the high proportion of Europeans driving manual transmission vehicles (80 percent in Europe vs. 8 percent in the U.S.), the significant differences in the size mix of vehicles, or that trucks and SUVs are virtually nonexistent among European households; and

Whereas, proponents of unreasonable CAFE standards claim they will save consumers billions, but they neglect to talk about the upfront costs of such changes to the manufacturers of meeting unduly strict CAFE standards—more than $100 billion, according to the National Highway Traffic Safety Administration—which will lead to vehicle price increases of several thousand dollars; and

Whereas, proponents of unrealistic CAFE standards ignore the potential safety impacts of downsized vehicles on America's highways and overlook the historical role and critical importance of manufacturing plants to our national and economic security. They seem unconcerned about threats to the 7.5 million jobs that are directly and indirectly dependent on a vibrant auto industry in the United States; and

Whereas, H.R. 2927 is a reasonable bill that balances a number of important public policy concerns. The bill represents a tough but fair compromise that deserves serious consideration and support: Now therefore be it

Resolved, by the Council of State Governments Midwestern Legislative Conference, That we memorialize the United States Congress to enact H.R..1927, which responsibly balances achievable fuel economy increases with important economic and social concerns, including consumer demand; and be it further

Resolved, That this resolution be submitted to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and the members of the congressional delegations of all Midwestern Legislative Conference states.

POM–252. A resolution adopted by the House of Representatives of the State of Pennsylvania urging Congress to override the President's veto of the Children's Health Insurance Program Reauthorization Act of 2007; to the Committee of Finance.

HOUSE RESOLUTION NO. 447

Whereas, the highly successful State Children's Health Insurance Program (SCHIP), created by the Federal Balanced Budget Act of 1997, has enabled states to provide health care coverage to more than 6 million uninsured low-income children in this country; and

Whereas, through the program's enhanced Federal match funding, Pennsylvania is currently helping to provide health care coverage to more than 164,000 low-income children who do not qualify for Medicaid and would otherwise be uninsured; and

Whereas, Pennsylvania led the nation in launching the first Children's Health Insurance Program (CHIP) in 1992 and provided the model for Federal support of all states; and

Whereas, in 2006, Pennsylvania continued its leadership by expanding affordable health care coverage to uninsured children through its Cover All Kids program; and

Whereas, the Children's Health Insurance Program Reauthorization Act of 2007, H.R. 976, is a bipartisan compromise plan to reauthorize the SCHIP program, which expired on September 30, 2007, and to expand coverage to an additional 3.8 million children; and

Whereas, on October 3, 2007, the President of the United States vetoed H.R. 976, citing philosophical differences with regard to the expansion of the program; and

Whereas, this veto will severely hamper Pennsylvania's efforts to help more than 133,000 remaining uninsured children obtain access to health care coverage; and

Whereas, it is critical that this legislation be enacted to ensure affordable health care coverage for all uninsured children: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania condemn the veto by the President of the United States of the Children's Health Insurance Program Reauthorization Act of 2007; and be it further

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Congress of the United States to override the veto; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–253 A resolution adopted by the House of Representatives of the State of Michigan urging Congress to override the President's veto of the State Children's Health Insurance Program; to the Committee on Finance.

HOUSE RESOLUTION NO. 201

Whereas, since 1997, the State Children's Health Insurance Program (SCRIP) has provided health insurance for children under age 19 from low income families who are not eligible for Medicaid. The program allocated over $40 billion for SCRIP through 2007 to states that provided matching funds to plan a SCRIP program, to expand their Medicaid program, or to implement a combined program relying on Medicaid and separate private plans; and

Whereas, the compromise SCHIP bill passed by Congress was vetoed by President Bush. This bipartisan measure would have reauthorized the program and added $35 billion over the next five years to cover 10 million children, including the 6.6 million currently covered and 4 million additional uninsured children; and

Whereas, the number of uninsured children declined by 26.6%, resulting in nearly 79,000 more children having health care coverage than ten years ago. MI Child has operated in conjunction with the Medicaid program to provide a much-needed safety net for Michigan's children; and

Whereas, an override of this veto is crucial to providing access to health care for millions of children. Expansion of this successful program is long overdue and strongly supported by the American people. Politics and misplaced priorities should not supersede a bipartisan solution to protect the health and lives of our most vulnerable citizens—innocent children: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to override the President's veto of the State Children's Health Insurance Program (SCHIP); and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–254. A resolution adopted by the House of Representatives of the State of Pennsylvania expressing support for ''National Food Safety Education Month''; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 398

Whereas, in 1994, the National Restaurant Association Educational Foundation's (NRAEF) International Food Safety Council created ''National Food Safety Education Month'' as an annual campaign; and

Whereas, the purpose of ''National Food Safety Education Month'' is to strengthen food safety education and training among persons in the restaurant and food service business and to educate the public on the safe handling and preparation of food; and

Whereas, there are more than 200 known foodborne diseases caused by viruses, toxins and metals and usually stemming from the improper handling, preparation or storage of food; and

Whereas, bacteria are the common cause of the foodborne illness; and

Whereas, foodborne illness costs the United States economy billions of dollars each year in lost productivity, hospitalization, long-term disability and even death; and

Whereas, the United States Department of Agriculture estimated that in 2000 medical costs and losses in productivity resulting from five bacterial foodborne pathogens was $6.9 billion; and

Whereas, it is estimated that in 2001 the annual cost of salmonellosis caused by the

Salmonella bacteria was $2.14 billion, including medical costs, the cost of time lost from work and the cost or value of premature death; and

Whereas, the Centers for Disease Control and Prevention (CDC) estimates that in the United States, there are 76 million illnesses, 325,000 hospitalizations and 5,000 deaths per year due to consumption of food contaminated with pathogenic microorganisms; and

Whereas, numerous cases have occurred in the United States and the Commonwealth of Pennsylvania: 2007—Salmonella from peanut butter in 44 states, 425 cases; 2006—E. coli in eight states from fresh spinach, 205 cases, including 3 deaths; and 2003—hepatitis A from Chi-Chi's sourced green onions in the Commonwealth of Pennsylvania; and

Whereas, up to 2,000 cases of salmonellosis occur each year in the Commonwealth of Pennsylvania; and

Whereas, following four simple steps, consumers can keep food safe from bacteria: clean—wash hands and surfaces often; separate—do not cross-contaminate; cook—cook to proper temperature; and chill—refrigerate promptly: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania express full and enthusiastic support for ''National Food Safety Education Month'' in September 2007; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–255. A resolution adopted by the Senate of the State of Michigan urging Congress to provide for the construction and maintenance of a national cemetery in Michigan's Upper Peninsula; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 102

Whereas, a measure of the respect our nation accords the men and women who protect us through their military service is how we treat our veterans long after they have finished their military duty. The network of national cemeteries under the administration of the United States Department of Veteran Affairs (VA) is a most appropriate expression of the respect a grateful citizenry holds for those who have worn the nation's uniforms and faced grave perils to safeguard our freedoms; and

Whereas, ever since President Lincoln signed legislation during the Civil War to create national cemeteries as final resting places ''for soldiers who have died in the service of the country,'' this network of cemeteries has grown. Today, there are 141 national cemeteries, with 125 under the VA National Cemetery Administration. New facilities are regularly developed; and

Whereas, despite the growth in the number of national cemeteries, including the addition of the Great Lakes National Cemetery in Holly that opened in 2005, veterans in our Upper Peninsula remain very far from any such facility. In fact, the nearest national cemeteries are hundreds of miles away, near Milwaukee and Minneapolis. This distance presents a significant obstacle for the families of many veterans. We should do all we can to make this measure of honor and respect more readily available to all veterans: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide for the construction and maintenance of a national cemetery in Michigan's Upper Peninsula; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Department of Veterans Affairs.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 719. An act to authorize additional appropriations for supervision of Internet access by sex offenders convicted under Federal law, and for other purposes; to the Committee on the Judiciary.

H.R. 3320. An act to provide assistance for the Museum of the History of Polish Jews in Warsaw, Poland; to the Committee on Foreign Relations.

H.R. 3845. An act to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators; to the Committee on the Judiciary.

H.R. 4120. An act to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

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

H.R. 4156. An act making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2363. A bill 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.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2008'' (Rept. No. 120–230).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 1642, a bill to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes (Rept. No. 110–231).

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

S. Res. 366. A resolution designating November 2007 as ''National Methamphetamine Awareness Month'', to increase awareness of methamphetamine abuse.

S. Res. 367. A resolution commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall.

By Mr. DODD, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 1970. A bill to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 2272. A bill to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John ''Marty'' Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Douglas A. Brook, of California, to be an Assistant Secretary of the Navy.

*John J. Young, Jr., of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

*Robert L. Smolen, of Pennsylvania, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

Air Force nomination of Lt. Gen. Carrol H. Chandler, 9115, to be General.

Army nomination of Col. Donald L. Rutherford, 5430, to be Brigadier General.

Army nominations beginning with Colonel Joseph Caravalho, Jr. and ending with Colonel Keith W. Gallagher, which nominations were received by the Senate and appeared in the Congressional Record on October 18, 2007.

Army nomination of Lt. Gen. Thomas F. Metz, 5686, to be Lieutenant General.

Army nomination of Maj. Gen. Jeffrey A. Sorenson, 3510, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Michael V. Siebert, 6633, to be Captain.

Air Force nominations beginning with Brian D. O'neil and ending with Frank R. Vidal, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

Army nomination of Anthony Barber, 5447, to be Colonel.

Army nomination of Tim C. Lawson, 5165, to be Colonel.

Army nomination of Richard D. Fox II, 3613, to be Colonel.

Army nomination of John G. Goulet, 3964, to be Colonel.

Army nomination of David L. Patten, 9398, to be Colonel.

Army nominations beginning with Mark J. Benedict and ending with Gustav D. Waterhouse, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

Marine Corps nomination of Melvin L. Chattman, 5718, to be Lieutenant Colonel.

Marine Corps nominations beginning with Dana R. Brown and ending with Mark R. Reid, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

Navy nominations beginning with Julian D. Arellano and ending with Jared W. Wyrick, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

By Mr. LEAHY for the Committee on the Judiciary.

Reed Charles O'Connor, of Texas, to be United States District Judge for the Northern District of Texas.

Amul R. Thapar, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

*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.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself and Mrs. DOLE):

S. 2357. A bill to amend the Wild and Scenic Rivers Act to designate the Perquimans River and the tributaries of the Perquimans River in Perquimans County, North Carolina, for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. BURR, Mr. COBURN, Mr. COLEMAN, Mr. CORKER, Mr. CRAIG, Mr. DEMINT, Mrs. DOLE, Mr. ENSIGN, Mr. INHOFE, Mr. KYL, Mr. MARTINEZ, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, and Mr. MCCAIN):

S. 2358. A bill to amend title 18, United States Code, to prohibit human-animal hybrids; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 2359. A bill to establish the St. Augustine 450th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MARTINEZ:

S. 2360. A bill to develop a national system of oversight of States for sexual misconduct in the elementary and secondary school system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 2361. A bill to ensure the privacy of wireless telephone numbers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAYH (for himself, Mr. FEINGOLD, Ms. STABENOW, Mr. NELSON of Nebraska, and Mr. BIDEN):

S. 2362. A bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction for real property taxes for nonitemizers; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. MCCONNELL, Mr. BENNETT, Mr. CRAIG, and Mr. BROWNBACK):

S. 2363. A bill 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; read the first time.

By Mr. BURR (for himself and Mrs. DOLE):

S. 2364. A bill to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself, Mr. INHOFE, Mr. BROWNBACK, Mr. DEMINT, Mr. ENSIGN, and Mr. COBURN):

S. 2365. A bill to require educational institutions that receive Federal funds to obtain the affirmative, informed, written consent of a parent before providing a student information regarding sex, to provide parents the opportunity to review such information, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 2366. A bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical verification program; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. BINGAMAN):

S. 2367. A bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself and Ms. LANDRIEU):

S. 2368. A bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. LEVIN, Mr. WYDEN, Mr. OBAMA, and Mr. BINGAMAN):

S. 2369. A bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2370. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 2371. A bill to amend the Higher Education Act of 1965 to make technical corrections; considered and passed.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 2372. A bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear; to the Committee on Finance.

By Mr. SALAZAR (for himself and Mr. KERRY):

S. 2373. A bill to amend the Internal Revenue Code of 1986 to provide for residents of Puerto Rico who participate in cafeteria plans under the Puerto Rican tax laws an exclusion from employment taxes which is comparable to the exclusion that applies to cafeteria plans under such Code; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2374. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. BINGAMAN, Mr. SCHUMER, and Mr. HATCH):

S. 2375. A bill to amend the Internal Revenue Code of 1986 to modify and make permanent the election to treat certain costs of qualified film and television productions as expenses; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for Mr. OBAMA (for himself, Mr. BROWN, and Mr. VOINOVICH)):

S. Res. 383. A resolution honoring and recognizing the achievements of Carl Stokes, the first African-American mayor of a major American city, in the 40th year since his election as Mayor of Cleveland, Ohio; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Mr. COLEMAN, Mrs. LINCOLN, Mr. INHOFE, Mr. CRAIG, Mr. BROWNBACK, Mr. CASEY, Mrs. CLINTON, Mr. DEMINT, Mr. JOHNSON, Mr. THUNE, Mr. KERRY, Mr. CONRAD, Mr. LEVIN, Mrs. HUTCHISON, Mr. DURBIN, Mr. INOUYE, and Mr. KENNEDY):

S. Res. 384. A resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 380

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 505

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 814

At the request of Mr. SPECTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor 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. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Ohio (Mr.

BROWN) was added as a cosponsor of S. 1169, a bill to ensure the provision of high quality health care coverage for uninsured individuals through State health care coverage pilot projects that expand coverage and access and improve quality and efficiency in the health care system.

S. 1275

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1924

At the request of Mr. CARPER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1930

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1965

At the request of Mr. STEVENS, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 1986

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1986, a bill to authorize the Secretary of Treasury to prescribe the weights and the compositions of circulating coins, and for other purposes.

S. 1991

At the request of Mr. BUNNING, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes.

S. 1992

At the request of Mrs. MCCASKILL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1992, a bill to preserve the recall rights of airline employees, and for other purposes.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2181

At the request of Ms. COLLINS, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors 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.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2181, supra.

S. 2228

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2228, a bill to extend and improve agricultural programs, and for other purposes.

S. 2289

At the request of Mr. ALEXANDER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of 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.

S. 2305

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2305, a bill to prevent voter caging.

S. 2324

At the request of Mrs. MCCASKILL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2324, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

S. 2334

At the request of Mr. BARRASSO, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2334, a bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

S. 2347

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

At the request of Mr. TESTER, his name was added as a cosponsor of S. 2347, supra.

S. 2348

At the request of Mr. CORNYN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 2348, a bill to ensure control over the United States border and to strengthen enforcement of the immigration laws.

S.J. RES. 22

At the request of Mr. CRAPO, the name of the Senator from South Carolina (Mr. GRAHAM) 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. 367

At the request of Mr. LIEBERMAN, the names of the Senator from New York (Mr. SCHUMER), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Res. 367, a resolution commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall.

AMENDMENT NO. 3502

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 3502 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3634

At the request of Ms. CANTWELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 3634 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3635

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of

amendment No. 3635 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3658

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 3658 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3674

At the request of Mr. GREGG, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of amendment No. 3674 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. BURR, Mr. COBURN, Mr. COLEMAN, Mr. CORKER, Mr. CRAIG, Mr. DEMINT, Mrs. DOLE, Mr. ENSIGN, Mr. INHOFE, Mr. KYL, Mr. MARTINEZ, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, and Mr. MCCAIN):

S. 2358. A bill to amend title 18, United States Code, to prohibit human-animal hybrids; to the Committee on the Judiciary.

Mr. BROWNBACK. Mr. President, I rise today to introduce the Human-Animal Hybrid Prohibition Act, joined by Senator LANDRIEU and 15 other cosponsors.

A healthy imagination is a good thing in a young child. Children may dream of becoming a firefighter or an astronaut. In the case of really young children—especially when they love animals—they may even imagine being a horse or a dog. I don't see any harm in this . . . as long as there is a general attachment to reality as the child matures.

However, today, we are starting to see such wildly imaginative dreams being transformed into reality in a few rogue science labs in this country and abroad. Efforts are being marshaled to push us in the direction of experiments to create human-animal hybrids. Amazingly, here at the dawn of the 21st century, the Island of Dr. Moreau is becoming more than a fiction.

The legislation that we introduce today is very modest in scope. Though a few researchers may argue that it goes too far, there are many more who argue that it does not go far enough. I believe that the legislation that we offer today, hits just the right chord to be in tune with our society's needs. We do not want to stifle legitimate science. We only want to stop the efforts of mad scientists. In short, this bill only bans the creation of organisms that truly blur the line between humans and animals.

For instance, the legislation is so modest that it does not view all human-animal mixes as ''hybrids.'' This is because we recognize that some procedures—which currently use such techniques—do not blur the line between species. For example, a human with a replacement pig heart valve—such as our former colleague, Senator Jesse Helms is not considered a hybrid under this bill. Additionally, mixes that do not blur the line between human and animal—such as a mouse created with a human immune system, on which drugs could be tested for AIDS patients would not be banned. Again, this is because there is no blurring of the identity of the creatures involved.

What is banned is the creation of hybrid creatures that blur the line between species. For instance, creating an animal with human reproductive organs or a primarily human brain would be prohibited because such a creature blurs the lines between the species. Additionally banned are the creation of hybrids through experimental cloning techniques and/or the fusion of human and animal gametes. With this common sense bipartisan legislation, we are basically going with the most modest of bans in order to ensure that we do not infringe upon legitimate scientific research.

This ban would only hinder the efforts of mad scientists and rogue researchers. Legitimate scientists should have nothing to fear from the enactment of this legislative proposal.

There are many different reasons to support this legislation. This is reflected in the diverse groups that support this bill. On the right are groups such as the Family Research Council and Concerned Women for America; on the left are groups like Friends of the Earth and the International Center for Technology Assessment. Both sides have different but equally valid reasons for supporting the Human-Animal Hybrid Prohibition Act.

For now though, I would like to focus my attention on what I believe is the central ethical question: Why should we be opposed to human-animal hybrids?

I would submit that it is much more than what some have termed, ''the Yuck Factor.'' Rather, the reason to oppose human-animal hybrids is embedded in our very fabric as human beings. The reason to oppose the creation of human-animal hybrids is that the creation of such entities is a grave violation of human dignity and a defilement of the human person.

Human beings have a fundamental right to be born fully human. To create a human-animal hybrid whose identity as a member of the species Homo sapiens is in doubt is a violation of that human dignity and a grave injustice.

Think about this for a minute. What if—beyond your control—some mad scientist were to have created you as only 80-percent or 50-percent human. That would not be fair to you, but it would be something that you could not change and it would be something that you would have to live with for the whole of your existence on earth.

The fundamental issue is the dignity of the human person, but it does quickly move into other issues, such as the creation of a sub-human servant class, or maybe even a super-human class that comes to dominate humanity.

In the year 2000, one of the first attempts at human-animal hybrids was made. It was a vanguard attempt, which was shamed back into the silence of the mad scientist laboratory from which it came; but now as some scientists are trying to bring human-animal hybrids more into the mainstream, an essay on the year 2000 attempt is worth considering again. The essay, entitled, ''The Pig-Man Cometh'' appeared in the October 23, 2000, Weekly Standard, and from this piece I will quote extensively. In the piece, J. Bottum wrote:

> On Thursday, October 5, it was revealed that biotechnology researchers had successfully created a hybrid of a human being and a pig. A man-pig. A pig-man. The reality is so unspeakable, the words themselves don't want to go together.
>
> Extracting the nuclei of cells from a human fetus and inserting them into a pig's egg cells, scientists from an Australian company called Stem Cell Sciences and an American company called Biotransplant grew two of the pig-men to 32-cell embryos before destroying them. The embryos would have grown further, the scientists admitted, if they had been implanted in the womb of either a sow or a woman. Either a sow or a woman. A woman or a sow.
>
> There has been some suggestion from the creators that their purpose in designing this human pig is to build a new race of sub-human creatures for scientific and medical use. . . .
>
> But what difference does it make whether the researchers' intention is to create sub-humans or superhumans? Either they want to make a race of slaves, or they want to make a race of masters. And either way, it means the end of our humanity.
>
> You can't say we weren't warned. This is the island of Dr. Moreau. This is the brave new world. This is Dr. Frankenstein's chamber. This is Dr. Jekyll's room. This is Satan's Pandemonium, the city of self-destruction the rebel angels wrought in their all-consuming pride.
>
> But now that it has actually come—manifest, inescapable, real—there don't seem to be words that can describe its horror sufficiently to halt it. May God have mercy on us, for our modern Dr. Moreaus—our proud biotechnicians, our most advanced genetic scientists—have already announced that they will have no mercy.
>
> It's true that Stem Cell Sciences and Biotransplant have now, under the weight of adverse publicity, decided to withdraw their European patent application and modify their American application. But they made no promise to stop their investigations into the procedure. We simply have to rely upon their sense of what is, as Mountford put it, ''ethically immoral''—a sense sufficiently attenuated that they could undertake the design of the pig-man in the first place. The elimination of the human race has loomed into clear sight at last.

It used to be that even the imagination of this sort of thing existed only to underscore a moral in a story. . . . But we live at a moment in which British newspapers can report on 19 families who have created test-tube babies solely for the purpose of serving as tissue donors for their relatives—some brought to birth, some merely harvested as embryos and fetuses. A moment in which Harper's Bazaar can advise women to keep their faces unwrinkled by having themselves injected with fat culled from human cadavers. A moment in which the Australian philosopher Peter Singer can receive a chair at Princeton University for advocating the destruction of infants after birth if their lives are likely to be a burden. A moment in which the brains of late-term aborted babies can be vacuumed out and gleaned for stem cells.

In the midst of all this, the creation of a human-pig arrives like a thing expected. We have reached the logical end, at last. We have become the people that, once upon a time, our ancestors used fairy tales to warn their children against—and we will reap exactly the consequences those tales foretold.

This was a grim philosophical essay, but the questions that it poses are worth reflecting upon—even if those questions make us cringe.

Will society exercise some responsibility, or will it be led, mindlessly going wherever the mad scientists want to go? Every week, it seems that there are new developments. Yesterday, the science journal Nature published an article on advances in cloning technology using monkeys. This is a slightly different issue than human-animal hybrids, but it further illustrates the rapid changes, developments, and surprises occurring in science. Such developments must be harnessed by society and directed toward good and ethical ends; and if the developments cannot be directed to good ends, then they should be abandoned to the scrap heap of morally bankrupt ideas. If we neglect to direct our course, we will be led to the brink of destruction.

I am more optimistic than the tone embodied in the Weekly Standard essay. I believe in the goodness of the American people and their elected representatives. I think that we can rise to the challenge to ensure that the marvels of science are properly channeled to serve humanity and human dignity.

Consideration and passage of the ''Human-Animal Hybrid Prohibition Act,'' which we introduce today, would be a wonderful step in the right direction.

Ms. LANDRIEU. Mr. President, I rise today to join with my colleague Senator BROWNBACK of Kansas as a cosponsor of S. 2358, the Human-Animal Hybrid Prohibition Act. As stem cell research has progressed in recent years, Federal law has remained troublingly silent over its proliferation. This bill would place a ban on the creation, transfer, or transportation of a human-animal hybrid. Human-animal hybrids are defined as: a human embryo into which animal cells or genes are introduced, making its humanity uncertain; a hybrid embryo created by fertilizing a human egg with non-human sperm; a hybrid embryo created by fertilizing a non-human egg with human sperm; a hybrid embryo created by introducing a non-human nucleus into a human egg; a hybrid embryo created by introducing a non-human egg with human sperm; an embryo containing mixed sets of chromosomes from both a human and animal; an animal with human reproductive organs; an animal with a whole or predominantly human brain.

In August of 2001, President Bush issued an executive order, allowing for Federal funding for stem cell research on the then-existing stem cell lines. In November of that same year, he appointed a council to monitor stem cell research, to recommend appropriate guidelines and regulations, and to consider all of the medical and ethical ramifications of biomedical innovation. To date, this council has issued numerous reports on the bioethics issues involved in stem cell research.

Meanwhile, the scientific community has moved forward in its research. Just this morning, researchers from Oregon announced that they successfully used cloning to produce monkey embryos and then extract stem cells from the embryos. The National Academies of Science released guidelines for human embryonic stem cell research in 2005 and again in 2007. Everyday we, as Members of Congress, are faced with a fundamental question: How far we should go in the name of science?

There is no doubt that embryonic stem cell research holds the promise of curing diseases such as Parkinson's, diabetes, Alzheimer's and cancer. Even President Bush stressed the importance of federally-funded research in approving the original stem cell lines in 2001—he explicitly stated that Federal dollars help attract the best and brightest scientists and help ensure that new discoveries are widely shared at the largest number of research facilities.

Federal funding not only allows us to encourage and financially support this research, it allows us to use the power of the purse to be sure it is done in the most safe and ethical way possible. I support Federal funding for embryonic stem cell research provided that the embryos used in these studies are those that are in excess from the fertility process and are knowingly donated for this purpose. I have met with many constituents suffering from life altering and fatal diseases and they have told me the impact that this research may have on their lives.

But what Senator BROWNBACK and I come forward with today is not about stem cell research with existing embryos. This is about a practice that has far-reaching ethical implications and brings into question our notion of humanity. Scientists have begun experimenting with injecting human neural stem cells into the brain of an animal. They are looking to insert a human nucleus into the egg of an animal and vice versa. They are looking to fertilize human eggs with non-human sperm and vice versa. They are on the verge of creating human-animal hybrids that truly blur the line between species. While the stated purpose may be a noble one—to advance medical research—the outcome is deplorable. At what point is scientific research going too far?

We believe we have reached that point. Creating human-animal hybrids opens the door to a host of concerns. It is a violation of basic human dignity. It also has the potential to threaten human health by introducing infections from animal populations.

The human body is not a product to be mass produced and stripped for parts, even in the earliest stages of its development. Assembly lines, patents, and warehouses are appropriate terms when talking about cars or computers, but not people. If we allow the creation of human-animal hybrids for research purposes, the end result will be a system of ''hatcheries'' where such ambiguous embryos are grown in mass. We hold a certain value for the uniqueness of humans. To challenge that in the name of science will have consequences we cannot begin to predict or understand.

A ban on this procedure helps to redirect science to equally promising areas. In addition, such a ban does not ban cloning and nuclear transfer techniques for the production of DNA, molecules, cells other than human embryos, tissues, organs, plants and animals. The type of ban that I support does nothing to restrict the vast majority of medical advancements that have and will continue to pave the way for potential cures for diseases such as Parkinson's, diabetes, spinal cord injuries, and cancer.

But as elected officials, we must take action on matters of such grave importance. Our legislative leadership is badly needed in this area. For this reason, I ask for your support for the Human-Animal Hybrid Prohibition Act.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. LEVIN, Mr. WYDEN, Mr. OBAMA, and Mr. BINGAMAN):

S. 2369. A bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes; to the Committee on the Judiciary.

Mr. BAUCUS. Mr. President, I am pleased to join with my Colleague Senator GRASSLEY in introducing legislation to provide that certain tax planning inventions cannot be patented.

America's patent system promotes innovation and competitiveness in all industries.

Article 1, section 8 of the Constitution authorized Congress to establish a patent system. That system is meant to protect inventors and promote the progress of science and ''useful arts.'' Today, we refer to this as technological innovation.

In the Patent Act of 1793, Congress enacted a broad definition for inventions that can be patented. But conditions were included. The definition for what could be patented in 1793 is remarkably similar to the definition in the United States Code today. And not every process or discovery is patentable.

In 17th century England, the Crown would grant a monopoly over a particular business line. Peter Meinhardt, in his book, ''Inventions, Patents and Monopoly,'' described these ''letters-patent'' that provided exclusive manufacturing rights as enriching ''the grantee at the expense of the community.'' This is what our Founders and Congress sought to avoid.

Today, a number of attorneys and accountants have begun applying for and obtaining tax patents. These involve financial products, banking, estate and gift, and tax preparation software.

The U.S. Patent and Trademark Office has granted at least 60 of these tax patents. About 90 applications are pending.

I have heard from tax practitioners, including those in Montana, who fear that tax patents will impede their ability to provide advice to their clients. They are concerned that even obvious applications of the tax law may become protected by tax patents. They also tell me that some tax strategy patent applications appear to be for tax shelters and other tax-motivated transactions.

The Treasury is also concerned about patent protection for tax planning methods. In September, Treasury issued proposed regulations requiring the disclosure of transactions that use a patented tax strategy.

While this is a step in the right direction, these rules do not go far enough to fix the real problem.

A taxpayer shouldn't be in the position of choosing to file a return and pay a patent holder a fee for using a tax strategy in the return. No one should have to pay a toll charge to comply with the tax laws.

They also should not have to conduct a due diligence check every time that they comply with the tax laws to see if they are infringing a tax patent.

As I understand it, a taxpayer might use a tax strategy based on advice from a tax practitioner. The practitioner would prepare and file a tax return using the patented strategy. The tax practitioner's advice, the taxpayer's use of the transaction, and the preparation and filing of the tax return could all be considered patent infringement.

These tax patents can also create traps for the unwary. If taxpayers used a patented strategy, not knowing that it is not permitted under the Internal Revenue Code, they could be subject to additional taxes, penalties and interest.

Congress has previously enacted laws to limit what can be patented. Limiting patentability for tax patents is another situation where Congress must act.

I introduce our bill today with Senator GRASSLEY. There are a number of cosponsors from both sides of the aisle.

It would provide that the Patent Trademark Office could not issue patents for tax planning inventions.

Tax planning inventions are generally tax plans, strategies, techniques, schemes, processes, or systems that are designed to reduce, minimize, avoid, or defer a taxpayer's Federal or State tax liability.

There is an important exception. This change would not affect the use of tax preparation software to help practitioners and taxpayers prepare tax or information returns.

Title 26 of the U.S. Code contains the Internal Revenue Code, a public law that is available to everyone. No one should have the capability to monopolize the tax law through the patenting of tax strategies. This is why I believe that these tax planning inventions should not be granted patent protection.

I urge my colleagues to join us in support of this legislation.

Mr. President, I ask unanimous consent that the text of the bill and an analysis of the bill be printed in the RECORD.

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

S. 2369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX PLANNING INVENTIONS NOT PATENTABLE.

(a) IN GENERAL.—Section 101 of title 35, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(a) Patentable Inventions.—Whoever'', and

(2) by adding at the end the following:

''(b) TAX PLANNING INVENTIONS.—

''(1) UNPATENTABLE SUBJECT MATTER.—A patent may not be obtained for a tax planning invention.

''(2) DEFINITIONS.—For purposes of paragraph (1)—

''(A) the term 'tax planning invention' means a plan, strategy, technique, scheme, process, or system that is designed to reduce, minimize, avoid, or defer, or has, when implemented, the effect of reducing, minimizing, avoiding, or deferring, a taxpayer's tax liability or is designed to facilitate compliance with tax laws, but does not include tax preparation software and other tools or systems used solely to prepare tax or information returns,

''(B) the term 'taxpayer' means an individual, entity, or other person (as defined in section 7701 of the Internal Revenue Code of 1986),

''(C) the terms 'tax', 'tax laws', 'tax liability', and 'taxation' refer to any Federal, State, county, city, municipality, foreign, or other governmental levy, assessment, or imposition, whether measured by income, value, or otherwise, and

''(D) the term 'State' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) APPLICABILITY.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act,

(2) shall apply to any application for patent or application for a reissue patent that is—

(A) filed on or after the date of the enactment of this Act, or

(B) filed before that date if a patent or reissue patent has not been issued pursuant to the application as of that date, and

(3) shall not be construed as validating any patent issued before the date of the enactment of this Act for an invention described in section 101(b) of title 35, United States Code, as added by this section.

TAX PATIENTS

PRESENT LAW

Patents have increasingly been sought and issued for various tax-related inventions, including strategies for reducing a taxpayer's taxes.

In a 1998 case, State Street Bank, the U.S. Court of Appeals for the Federal Circuit (''Federal Circuit Court'') held that a method of doing business could be patented. The case involved a data processing system for a partnership structure of mutual funds that had advantageous tax consequences. The case has been considered a key decision allowing the patenting of business methods of all types. Since 1998, numerous tax-related patents have been issued or applied for, in some cases involving tax strategies less related to computer or other mechanical data processing systems. More recently, the Federal Circuit Court has indicated that some business methods are unpatentable.

The patents that have been granted or applied for have involved many aspects of the tax law, including financial products, charitable giving, estate planning, and tax deferred exchanges.

REASONS FOR CHANGE

Tax-related patents, if valid, remove from the public domain particular ways to satisfy a taxpayer's legal obligations. Tax-related inventions that have been patented cannot be practiced without the permission of the patent holder. Thus, a tax-related patent may have the effect of forcing or encouraging taxpayers to pay more tax than they would otherwise lawfully owe, either because taxpayers are not able to engage in a particular transaction or financial structure without the permission of the patent holder or because, if permission is granted, such permission requires payment of an undesirable charge. Taxpayers might seek other, more questionable alternatives to the patented invention in an attempt to avoid the scope of the patent. Unauthorized use of patented inventions may have adverse consequences for taxpayers or their advisers, who may face patent infringement suits for using, or suggesting use, of patented tax-related inventions. This could undermine uniform application of the tax laws, decrease public confidence in the nation's tax laws, and increase public dissatisfaction with tax laws if compliance must be accompanied by patent searches and licensing.

The availability of patent protection also could encourage, in a variety of ways, the

further development of aggressive tax shelter transactions or of transactions that do not achieve the expected tax results. For example, tax-related inventions do not necessarily have to deliver their claimed tax benefits to be eligible for a patent; yet strategies or methods that do not achieve the intended tax result might be marketed as ''legitimate'' based on the existence of a patent.

Finally, the creativity and ingenuity reflected in many tax planning techniques developed over the years without patent protection suggests that even without such protection there are sufficient incentives for tax planning innovation.

EXPLANATION OF PROVISION

Under the provision, a patent may not be obtained for a tax planning invention.

A tax planning invention means a plan, strategy, technique, scheme, process, or system that is designed to reduce, minimize, avoid, or defer, or has, when implemented, the effect of reducing, minimizing, avoiding, or deferring, a taxpayer's tax liability, or is designed to facilitate compliance with tax laws, but does not include tax preparation software and other tools or systems used solely to prepare tax or information returns.

The term ''taxpayer'' is defined as an individual, entity, or other person (as defined in section 7701 of the Internal Revenue Code of 1986).

The terms ''tax,'' ''tax laws,'' ''tax liability,'' and ''taxation'' refer to any Federal, State, county, city, municipality, foreign, or other governmental levy, assessment, or imposition, whether measured by income, value, or otherwise.

The term ''State'' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

No inference is intended as to whether any business method, including any tax-related invention, is otherwise patentable under present law, or as to whether any software is entitled under present law to patent protection as distinct from copyright protection.

EFFECTIVE DATE

The provision takes effect on the date of enactment.

The provision shall apply to any application for a patent or application for a reissue patent that is (a) filed on or after such date of enactment; or (b) filed before such date if a patent or reissue patent has not been issued pursuant to the application as of that date.

The provision shall not be construed as validating any patent issued before the date of enactment for an invention described in section 101(b) of title 35, United States Code, as amended by this section.

Mr. GRASSLEY. Mr. President, this legislation that Senator BAUCUS and I are introducing changes the current rules governing tax patents. Recently, the U.S. Patent and Trademark Office, PTO, has allowed the patenting of tax strategies. Because of the serious policy concerns about this practice, our legislation would make tax strategies an unpatentable subject matter.

Tax patents are a relatively recent phenomenon. The rise of these patents can be traced back to the 1998 opinion of the Federal Circuit in State Street Bank v. Signature Financial Group that rejected a per se rule that business methods could not be patented.

As of September 2007, the U.S. Patent and Trademark Office had identified 60 issued tax related patents, with another 99 published tax patent applications pending. The recent growth of these patents, coupled with their deleterious effect on the tax system, necessitates legislative action in this area.

Tax patents undermine the integrity and fairness of the Federal tax system. They place taxpayers in the undesirable position of having to choose between paying more than legally required in taxes or paying a royalty to a third party for use of a tax planning invention that reduces those taxes.

A patent holder can preclude others from using their tax strategy. This may result in taxpayers paying more in taxes than is otherwise legally required. An exclusive proprietary right should not be granted for methods of compliance with the tax law, which is obligatory for all.

The patentability of tax strategies also adds another layer of complexity to the tax laws by requiring patent searches and potential exposure to patent infringement suits.

This legislation contains a general prohibition on ''tax planning inventions,'' with an exception for tax preparation software and other tools or systems used solely to prepare tax or information returns.

I hope that we can move this legislation quickly. The House has already included a version of prohibiting tax strategy patents in their comprehensive patent reform bill. The Senate should act as well.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2370. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce the Albuquerque Biological Park Title Clarification Act with my colleague Senator DOMENICI. A slightly different version of this bill passed the Senate during the 107th, 108th, and 109th Congress. We are introducing this legislation again in hopes of assisting the City of Albuquerque, New Mexico clear title to several parcels of land located along the Rio Grande. If title is cleared, the city will be free to proceed with plans to improve the properties as part of a biological park project, a city funded initiative to create a premier environmental educational center for its citizens and the entire State of New Mexico.

The biological park project has been in the works since 1987 when the city began to develop an aquarium and botanic garden along the banks of the Rio Grande. Those facilities constitute just a portion of the overall project. As part of this effort, in 1997, the city purchased two properties from the Middle Rio Grande Conservancy District, MRGCD, for $3,875,000. The first property, Tingley Beach, had been leased by the city from MRGCD since 1931 and used for public park purposes. The second property, San Gabriel Park, had been leased by the city since 1963, and also used for public park purposes.

In the year 2000, the city's plans were interrupted when the U.S. Bureau of Reclamation asserted that in 1953, it had acquired ownership of all of MRGCD's property associated with the Middle Rio Grande Project. The United States assertion called into question the validity of the 1997 transaction between the city and MRGCD. Both MRGCD and the city dispute the United States' claim of ownership.

This dispute is unnecessarily complicating the city's progress in developing the biological park project. If the matter is left to litigation, the delay will be indefinite. Reclamation has already determined that the two properties are surplus to the needs of the Middle Rio Grande Project. In fact, the record indicates that Reclamation once considered releasing its interest in the properties for $1.00 each. Obviously, the Federal interest in these properties is low while the local interest is high. This bill is tailored to address this local interest by disclaiming any Federal interest in the two properties at issue. To avoid future complications, the bill also disclaims any Federal interest in several other parcels associated with the BioPark. The general dispute concerning title to Middle Rio Grande Project works is left for the courts to decide.

I hope my colleagues will work with me to resolve this issue. This bill represents a simple solution to a local problem caused by Federal action. I urge my colleagues to once again support this legislation.

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. 2370

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 ''Albuquerque Biological Park Title Clarification Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, or the BioPark Parcels to the City, thereby removing a potential cloud on the City's title to these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the City of Albuquerque, New Mexico.

(2) BIOPARK PARCELS.—The term ''BioPark Parcels'' means a certain area of land containing 19.16 acres, more or less, situated within the Town of Albuquerque Grant, in Projected Section 13, Township 10 North, Range 2 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, comprised of the following platted tracts and lot, and MRGCD tracts:

(A) Tracts A and B, Albuquerque Biological Park, as the same are shown and designated

on the Plat of Tracts A & B, Albuquerque Biological Park, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on February 11, 1994 in Book 94C, Page 44; containing 17.9051 acres, more or less.

(B) Lot B–1, Roger Cox Addition, as the same is shown and designated on the Plat of Lots B–1 and B–2 Roger Cox Addition, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on October 3, 1985 in Book C28, Page 99; containing 0.6289 acres, more or less.

(C) Tract 361 of MRGCD Map 38, bounded on the north by Tract A, Albuquerque Biological Park, on the east by the westerly right-of-way of Central Avenue, on the south by Tract 332B MRGCD Map 38, and on the west by Tract B, Albuquerque Biological Park; containing 0.30 acres, more or less.

(D) Tract 332B of MRGCD Map 38; bounded on the north by Tract 361, MRGCD Map 38, on the west by Tract 32A–1–A, MRGCD Map 38, and on the south and east by the westerly right-of-way of Central Avenue; containing 0.25 acres, more or less.

(E) Tract 331A–1A of MRGCD Map 38, bounded on the west by Tract B, Albuquerque Biological Park, on the east by Tract 332B, MRGCD Map 38, and on the south by the westerly right-of-way of Central Avenue and Tract A, Albuquerque Biological Park; containing 0.08 acres, more or less.

(3) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms ''Middle Rio Grande Conservancy District'' and ''MRGCD'' mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(4) MIDDLE RIO GRANDE PROJECT.—The term ''Middle Rio Grande Project'' means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80–858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81–516; 64 Stat. 170).

(5) SAN GABRIEL PARK.—The term ''San Gabriel Park'' means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(6) TINGLEY BEACH.—The term ''Tingley Beach'' means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, and secs. 18 and 19, T10N, R3E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

SEC. 4. CLARIFICATION OF PROPERTY INTEREST.

(a) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, and the BioPark Parcels to the City.

(b) TIMING.—The Secretary shall carry out the action in subsection (a) as soon as practicable after the date of enactment of this title and in accordance with all applicable law.

(c) NO ADDITIONAL PAYMENT.—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park, Tingley Beach, and the BioPark Parcels.

SEC. 5. OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.

(a) IN GENERAL.—Except as expressly provided in section 4, nothing in this Act shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(b) ONGOING LITIGATION.—Nothing contained in this Act shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, 99–CV–01320–JAP–RHS, entitled Rio Grande Silvery Minnow v. John W. Keys, III, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2374. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today we are pleased to introduce the Tax Technical Corrections Act of 2007. Technical corrections measures are routine for major tax acts, and are necessary to ensure that the provisions of the acts are working consistently with congressional intent, or to provide clerical corrections. Because these measures carry out congressional intent, no revenue gain or loss is scored from them.

Mr. GRASSLEY. Technical corrections are derived from a deliberative and consultative process among the Congressional and Administration tax staffs. That means the Republican and Democratic staffs of the House Ways and Means and Senate Finance Committees are involved, as is the staff of the Treasury Department. All of this work is performed with the participation and guidance of the nonpartisan staff of the Joint Committee on Taxation. A technical enters the list only if all staffs agree it is appropriate.

Mr. BAUCUS. By filing this bill, we hope interested parties and practitioners will comment and provide direction on further edits, additions, or deletions. These comments should be submitted in a timely manner. It is our hope that we can move this package of technicals in December if possible.

Mr. President, I ask 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. 2374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Tax Technical Corrections Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Amendment related to the Tax Relief and Health Care Act of 2006.
Sec. 3. Amendments related to title XII of the Pension Protection Act of 2006.
Sec. 4. Amendments related to the Tax Increase Prevention and Reconciliation Act of 2005.
Sec. 5. Amendments related to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.
Sec. 6. Amendments related to the Energy Policy Act of 2005.
Sec. 7. Amendments related to the American Jobs Creation Act of 2004.
Sec. 8. Amendment related to the Jobs and Growth Tax Relief Reconciliation Act of 2003.
Sec. 9. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 10. Amendments related to the Tax Relief Extension Act of 1999.
Sec. 11. Amendment related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 12. Clerical corrections.

SEC. 2. AMENDMENT RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 402 OF DIVISION A OF THE ACT.—Subparagraph (A) of section 53(e)(2) is amended to read as follows:

''(A) IN GENERAL.—The term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(i) $5,000,

''(ii) 20 percent of the long-term unused minimum tax credit for such taxable year, or

''(iii) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (as determined before any reduction under subparagraph (B)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which it relates.

SEC. 3. AMENDMENTS RELATED TO TITLE XII OF THE PENSION PROTECTION ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 1201 OF THE ACT.—Subparagraph (D) of section 408(d)(8) is amended by striking ''all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72'' and inserting ''all amounts in all individual retirement plans of the individual were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible''.

(b) AMENDMENT RELATED TO SECTION 1203 OF THE ACT.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

''(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

''(A) the shareholder's pro rata share of such contribution, over

''(B) the shareholder's pro rata share of the adjusted basis of such property.''.

(c) AMENDMENT RELATED TO SECTION 1215 OF THE ACT.—Subclause (I) of section 170(e)(7)(D)(i) is amended by striking ''related'' and inserting ''substantial and related''.

(d) AMENDMENTS RELATED TO SECTION 1218 OF THE ACT.—

(1) Section 2055 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(2) Subsection (e) of section 2522 is amended—

(A) by striking paragraphs (2) and (4),

(B) by redesignating paragraph (3) as paragraph (2), and

(C) by adding at the end of paragraph (2), as so redesignated, the following new subparagraph:

''(C) INITIAL FRACTIONAL CONTRIBUTION.—For purposes of this paragraph, the term 'initial fractional contribution' means, with respect to any donor, the first gift of an undivided portion of the donor's entire interest in any tangible personal property for which a deduction is allowed under subsection (a) or (b).''.

(e) AMENDMENTS RELATED TO SECTION 1219 OF THE ACT.—

(1) Paragraph (2) of section 6695A(a) is amended by inserting ''a substantial estate or gift tax valuation understatement (within the meaning of section 6662(g)),'' before ''or a gross valuation misstatement''.

(2) Paragraph (1) of section 6696(d) is amended by striking ''or under section 6695'' and inserting '', section 6695, or 6695A''.

(f) AMENDMENT RELATED TO SECTION 1221 OF THE ACT.—Subparagraph (A) of section 4940(c)(4) is amended to read as follows:

''(A) There shall not be taken into account any gain or loss from the sale or other disposition of property to the extent that such gain or loss is taken into account for purposes of computing the tax imposed by section 511.''.

(g) AMENDMENT RELATED TO SECTION 1225 OF THE ACT.—

(1) Subsection (b) of section 6104 is amended—

(A) by striking ''INFORMATION'' in the heading, and

(B) by adding at the end the following: ''Any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations) shall be treated for purposes of this subsection in the same manner as if furnished under section 6033.''.

(2) Clause (ii) of section 6104(d)(1)(A) is amended to read as follows:

''(ii) any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations),''.

(3) Paragraph (2) of section 6104(d) is amended by striking ''section 6033'' and inserting ''section 6011 or 6033''.

(h) AMENDMENT RELATED TO SECTION 1231 OF THE ACT.—Subsection (b) of section 4962 is amended by striking ''or D'' and inserting ''D, or G''.

(i) AMENDMENT RELATED TO SECTION 1242 OF THE ACT.—

(1) Subclause (II) of section 4958(c)(3)(A)(i) is amended by striking ''paragraph (1), (2), or (4) of section 509(a)'' and inserting ''subparagraph (C)(ii)''.

(2) Clause (ii) of section 4958(c)(3)(C) is amended to read as follows:

''(ii) EXCEPTION.—Such term shall not include—

''(I) any organization described in paragraph (1), (2), or (4) of section 509(a), and

''(II) any organization which is treated as described in such paragraph (2) by reason of the last sentence of section 509(a) and which is a supported organization (as defined in section 509(f)(3)) of the organization to which subparagraph (A) applies.''.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 4. AMENDMENTS RELATED TO THE TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 103 OF THE ACT.—Paragraph (6) of section 954(c) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any interest, rent, or royalty to the extent such interest, rent, or royalty creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or another controlled foreign corporation.''.

(b) AMENDMENTS RELATED TO SECTION 202 OF THE ACT.—

(1) Subparagraph (A) of section 355(b)(2) is amended to read as follows:

''(A) it is engaged in the active conduct of a trade or business,''.

(2) Paragraph (3) of section 355(b) is amended to read as follows:

''(3) SPECIAL RULES FOR DETERMINING ACTIVE CONDUCT IN THE CASE OF AFFILIATED GROUPS.—

''(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirements of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as one corporation.

''(B) SEPARATE AFFILIATED GROUP.—For purposes of this paragraph, the term 'separate affiliated group' means, with respect to any corporation, the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

''(C) TREATMENT OF TRADE OR BUSINESS CONDUCTED BY ACQUIRED MEMBER.—If a corporation became a member of a separate affiliated group as a result of one or more transactions in which gain or loss was recognized in whole or in part, any trade or business conducted by such corporation (at the time that such corporation became such a member) shall be treated for purposes of paragraph (2) as acquired in a transaction in which gain or loss was recognized in whole or in part.

''(D) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which provide for the proper application of subparagraphs (B), (C), and (D) of paragraph (2), and modify the application of subsection (a)(3)(B), in connection with the application of this paragraph.''.

(3) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 202 of the Tax Increase Prevention and Reconciliation Act of 2005 and by section 410 of division A of the Tax Relief and Health Care Act of 2006 had never been enacted.

(c) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—Subsection (f) of section 911 is amended to read as follows:

''(f) DETERMINATION OF TAX LIABILITY.—

''(1) IN GENERAL.—If, for any taxable year, any amount is excluded from gross income of a taxpayer under subsection (a), then, notwithstanding sections 1 and 55—

''(A) if such taxpayer has taxable income for such taxable year, the tax imposed by section 1 for such taxable year shall be equal to the excess (if any) of—

''(i) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were increased by the amount excluded under subsection (a) for such taxable year, over

''(ii) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were equal to the amount excluded under subsection (a) for such taxable year, and

''(B) if such taxpayer has a taxable excess (as defined in section 55(b)(1)(A)(ii)) for such taxable year, the amount determined under the first sentence of section 55(b)(1)(A)(i) for such taxable year shall be equal to the excess (if any) of—

''(i) the amount which would be determined under such sentence for such taxable year (subject to the limitation of section 55(b)(3)) if the taxpayer's taxable excess (as so defined) were increased by the amount excluded under subsection (a) for such taxable year, over

''(ii) the amount which would be determined under such sentence for such taxable year (subject to the limitation of section 55(b)(3)) if the taxpayer's taxable excess (as so defined) were equal to the amount excluded under subsection (a) for such taxable year.

''(2) TREATMENT OF ORDINARY LOSS.—

''(A) REGULAR TAX.—If, for any taxable year, a taxpayer's net capital gain exceeds taxable income, in determining the tax under paragraph (1)(A)(ii)—

''(i) there shall be treated as adjusted net capital gain the lesser of—

''(I) the adjusted net capital gain (determined without regard to this paragraph), or

''(II) the amount of such excess,

''(ii) there shall be treated as unrecaptured section 1250 gain the lesser of—

''(I) the unrecaptured section 1250 gain (determined without regard to this paragraph), or

''(II) the amount of such excess reduced by adjusted net capital gain (as determined under clause (i)), and

''(iii) there shall be treated as 28-percent rate gain the amount of such excess reduced by the sum of—

''(I) the amount treated as adjusted net capital gain under clause (i), and

''(II) the amount treated as unrecaptured section 1250 gain under clause (ii).

''(B) ALTERNATIVE MINIMUM TAX.—The rules of subparagraph (A) shall apply for purposes of determining the amount under paragraph (1)(B)(ii), except that such subparagraph shall be applied by substituting 'taxable excess (as defined in section 55(b)(1)(A)(ii))' for 'taxable income'.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Tax Increase Prevention and Reconciliation Act of 2005 to which they relate.

(2) MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (b) shall apply to distributions made after May 17, 2006.

(B) TRANSITION RULE.—The amendments made by subsection (b) shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on May 17, 2006, and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(C) ELECTION OUT OF TRANSITION RULE.—Subparagraph (B) shall not apply if the distributing corporation elects not to have such subparagraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

(D) SPECIAL RULE FOR CERTAIN PRE-ENACTMENT DISTRIBUTIONS.—For purposes of determining the continued qualification under section 355(b)(2)(A) of the Internal Revenue Code of 1986 of distributions made on or before May 17, 2006, as a result of an acquisition, disposition, or other restructuring after such date, such distribution shall be treated as made on the date of such acquisition, disposition, or restructuring for purposes of applying subparagraphs (A) through (C) of this paragraph. The preceding sentence shall only apply with respect to the corporation that undertakes such acquisition, disposition, or other restructuring, and only if such application results in continued qualification under section 355(b)(2)(A) of such Code.

(3) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2006.

SEC. 5. AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.

(a) AMENDMENTS RELATED TO SECTION 11113 OF THE ACT.—

(1) Paragraph (3) of section 6427(i) is amended—

(A) by inserting ''or under subsection (e)(2) by any person with respect to an alternative fuel (as defined in section 6426(d)(2))'' after ''section 6426'' in subparagraph (A),

(B) by inserting ''or (e)(2)'' after ''subsection (e)(1)'' in subparagraphs (A)(i) and (B), and

(C) by striking ''ALCOHOL FUEL AND BIODIESEL MIXTURE CREDIT'' and inserting ''MIXTURE CREDITS AND THE ALTERNATIVE FUEL CREDIT'' in the heading thereof.

(2) Subparagraph (F) of section 6426(d)(2) is amended by striking ''hydrocarbons'' and inserting ''fuel''.

(3) Section 6426 is amended by adding at the end the following new subsection:

''(h) DENIAL OF DOUBLE BENEFIT.—No credit shall be determined under subsection (d) or (e) with respect to any fuel with respect to which credit may be determined under subsection (b) or (c) or under section 40 or 40A.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the SAFETEA–LU to which they relate.

SEC. 6. AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.

(a) AMENDMENT RELATED TO SECTION 1306 OF THE ACT.—Paragraph (2) of section 45J(b) is amended to read as follows:

''(2) AMOUNT OF NATIONAL LIMITATION.—The aggregate amount of national megawatt capacity limitation allocated by the Secretary under paragraph (3) shall not exceed 6,000 megawatts.''.

(b) AMENDMENTS RELATED TO SECTION 1342 OF THE ACT.—

(1) So much of subsection (b) of section 30C as precedes paragraph (1) thereof is amended to read as follows:

''(b) LIMITATION.—The credit allowed under subsection (a) with respect to all qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year at a location shall not exceed—''.

(2) Subsection (c) of section 30C is amended to read as follows:

''(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section, the term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

''(1) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

''(2) only the following were treated as clean-burning fuels for purposes of section 179A(d):

''(A) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

''(B) Any mixture—

''(i) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

''(ii) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.''.

(c) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—

(1) Paragraph (3) of section 41(a) is amended by inserting ''for energy research'' before the period at the end.

(2) Paragraph (6) of section 41(f) is amended by adding at the end the following new subparagraph:

''(E) ENERGY RESEARCH.—The term 'energy research' does not include any research which is not qualified research.''.

(d) AMENDMENTS RELATED TO SECTION 1362 OF THE ACT.—

(1)(A) Paragraph (1) of section 4041(d) is amended by adding at the end the following new sentence: ''No tax shall be imposed under the preceding sentence on the sale or use of any liquid if tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(B) Paragraph (3) of section 4042(b) is amended to read as follows:

''(3) EXCEPTION FOR FUEL ON WHICH LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE SEPARATELY IMPOSED.—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply to the use of any fuel if tax was imposed with respect to such fuel under section 4041(d) or 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(C) Notwithstanding section 6430 of the Internal Revenue Code of 1986, a refund, credit, or payment may be made under subchapter B of chapter 65 of such Code for taxes imposed with respect to any liquid after September 30, 2005, and before the date of the enactment of this Act under section 4041(d)(1) or 4042 of such Code at the Leaking Underground Storage Tank Trust Fund financing rate to the extent that tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

(2)(A) Paragraph (5) of section 4041(d) is amended—

(i) by striking ''(other than with respect to any sale for export under paragraph (3) thereof)'', and

(ii) by adding at the end the following new sentence: ''The preceding sentence shall not apply with respect to subsection (g)(3) and so much of subsection (g)(1) as relates to vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(B) Section 4082 is amended—

(i) by striking ''(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)'' in subsection (a), and

(ii) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

''(f) EXCEPTION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—

''(1) IN GENERAL.—Subsection (a) shall not apply to the tax imposed under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

''(2) EXCEPTION FOR EXPORT, ETC.—Paragraph (1) shall not apply with respect to any fuel if the Secretary determines that such fuel is destined for export or for use by the purchaser as supplies for vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(C) Subsection (e) of section 4082 is amended—

(i) by striking ''an aircraft, the rate of tax under section 4081(a)(2)(A)(iii) shall be zero.'' and inserting ''an aircraft—

''(1) the rate of tax under section 4081(a)(2)(A)(iii) shall be zero, and

''(2) if such aircraft is employed in foreign trade or trade between the United States and any of its possessions, the increase in such rate under section 4081(a)(2)(B) shall be zero.''; and

(ii) by moving the last sentence flush with the margin of such subsection (following the paragraph (2) added by clause (i)).

(D) Section 6430 is amended to read as follows:

''SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

''No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels—

''(1) which are exempt from tax under section 4081(a) by reason of section 4082(f)(2),

''(2) which are exempt from tax under section 4041(d) by reason of the last sentence of paragraph (5) thereof, or

''(3) with respect to which the rate increase under section 4081(a)(2)(B) is zero by reason of section 4082(e)(2).''.

(3) Paragraph (5) of section 4041(d) is amended by inserting ''(b)(1)(A),'' after ''subsections''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) NONAPPLICATION OF EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—The amendment made by subsection (d)(3) shall apply to fuel sold for use or used after the date of the enactment of this Act.

(3) AMENDMENT MADE BY THE SAFETEA–LU.—The amendment made by subsection (d)(2)(C)(ii) shall take effect as if included in section 11161 of the SAFETEA–LU.

SEC. 7. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENT RELATED TO SECTION 248 OF THE ACT.—Subsection (a) of section 1355 is amended by adding at the end the following new paragraph:

''(8) PUERTO RICO TREATED AS PART OF DOMESTIC TRADE.—For purposes of paragraphs (6) and (7), Puerto Rico shall be treated as a place in the United States and not as a foreign place.''.

(b) AMENDMENTS RELATED TO SECTION 339 OF THE ACT.—

(1)(A) Section 45H is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(B) Subsection (d) of section 280C is amended to read as follows:

''(d) CREDIT FOR LOW SULFUR DIESEL FUEL PRODUCTION.—The deductions otherwise allowed under this chapter for the taxable year shall be reduced by the amount of the credit determined for the taxable year under section 45H(a).''.

(C) Subsection (a) of section 1016 is amended by striking paragraph (31) and by redesignating paragraphs (32) through (37) as paragraphs (31) through (36), respectively.

(2)(A) Section 45H, as amended by paragraph (1), is amended by adding at the end the following new subsection:

''(g) ELECTION TO NOT TAKE CREDIT.—No credit shall be determined under subsection (a) for the taxable year if the taxpayer elects not to have subsection (a) apply to such taxable year.''.

(B) Subsection (m) of section 6501 is amended by inserting ''45H(g),'' after ''45C(d)(4),''.

(3)(A) Subsections (b)(1)(A), (c)(2), (e)(1), and (e)(2) of section 45H (as amended by paragraph (1)) and section 179B(a) are each amended by striking ''qualified capital costs'' and inserting ''qualified costs''.

(B) The heading of paragraph (2) of section 45H(c) is amended by striking ''CAPITAL''.

(C) Subsection (a) of section 179B is amended by inserting ''and which are properly chargeable to capital account'' before the period at the end.

(c) AMENDMENTS RELATED TO SECTION 710 OF THE ACT.—

(1) Clause (ii) of section 45(c)(3)(A) is amended by striking ''which is segregated from other waste materials and''.

(2) Subparagraph (B) of section 45(d)(2) is amended by inserting ''and'' at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(d) AMENDMENTS RELATED TO SECTION 848 OF THE ACT.—

(1) Paragraph (2) of section 470(c) is amended to read as follows:

''(2) TAX-EXEMPT USE PROPERTY.—

''(A) IN GENERAL.—The term 'tax-exempt use property' has the meaning given to such term by section 168(h), except that such section shall be applied—

''(i) without regard to paragraphs (1)(C) and (3) thereof, and

''(ii) as if section 197 intangible property (as defined in section 197), and property described in paragraph (1)(B) or (2) of section 167(f), were tangible property.

''(B) EXCEPTION FOR PARTNERSHIPS.—Such term shall not include any property which would (but for this subparagraph) be tax-exempt use property solely by reason of section 168(h)(6).

''(C) CROSS REFERENCE.—For treatment of partnerships as leases to which section 168(h) applies, see section 7701(e).''.

(2) Subparagraph (A) of section 470(d)(1) is amended by striking ''(at any time during the lease term)'' and inserting ''(at all times during the lease term)''.

(e) AMENDMENTS RELATED TO SECTION 888 OF THE ACT.—

(1) Subparagraph (A) of section 1092(a)(2) is amended by striking ''and'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) if the application of clause (ii) does not result in an increase in the basis of any offsetting position in the identified straddle, the basis of each of the offsetting positions in the identified straddle shall be increased in a manner which—

''(I) is reasonable, consistent with the purposes of this paragraph, and consistently applied by the taxpayer, and

''(II) results in an aggregate increase in the basis of such offsetting positions which is equal to the loss described in clause (ii), and''.

(2)(A) Subparagraph (B) of section 1092(a)(2) is amended by adding at the end the following flush sentence:

''A straddle shall be treated as clearly identified for purposes of clause (i) only if such identification includes an identification of the positions in the straddle which are offsetting with respect other positions in the straddle.''.

(B) Subparagraph (A) of section 1092(a)(2) is amended—

(i) by striking ''identified positions'' in clause (i) and inserting ''positions'',

(ii) by striking ''identified position'' in clause (ii) and inserting ''position'', and

(iii) by striking ''identified offsetting positions'' in clause (ii) and inserting ''offsetting positions''.

(C) Subparagraph (B) of section 1092(a)(3) is amended by striking ''identified offsetting position'' and inserting ''offsetting position''.

(3) Paragraph (2) of section 1092(a) is amended by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following new subparagraph:

''(C) APPLICATION TO LIABILITIES AND OBLIGATIONS.—Except as otherwise provided by the Secretary, rules similar to the rules of clauses (ii) and (iii) of subparagraph (A) shall apply for purposes of this paragraph with respect to any position which is, or has been, a liability or obligation.''.

(4) Subparagraph (D) of section 1092(a)(2), as redesignated by paragraph (3), is amended by inserting ''the rules for the application of this section to a position which is or has been a liability or obligation, methods of loss allocation which satisfy the requirements of subparagraph (A)(iii),'' before ''and the ordering rules''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(2) IDENTIFICATION REQUIREMENT OF AMENDMENT RELATED TO SECTION 888 OF THE AMERICAN JOBS CREATION ACT OF 2004.—The amendment made by subsection (d)(2)(A) shall apply to straddles acquired after the date of the enactment of this Act .

SEC. 8. AMENDMENT RELATED TO THE JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.

(a) AMENDMENT RELATED TO SECTION 302 OF THE ACT.—Clause (ii) of section 1(h)(11)(B) is amended by striking ''and'' at the end of subclause (II), by striking the period at the end of subclause (III) and inserting '', and'', and by adding at the end the following new subclause:

''(IV) any dividend received from a corporation which is a DISC or former DISC (as defined in section 992(a)) to the extent such dividend is paid out of the corporation's accumulated DISC income or is a deemed distribution pursuant to section 995(b)(1).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dividends received after December 31, 2007, in taxable years ending after such date.

SEC. 9. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Subclause (II) of section 402(g)(7)(A)(ii) is amended by striking ''for prior taxable years'' and inserting ''permitted for prior taxable years by reason of this paragraph''.

(2) Subparagraph (A) of section 3121(v)(1) is amended by inserting ''or consisting of designated Roth contributions (as defined in section 402A(c))'' before the comma at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 10. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENT RELATED TO SECTION 507 OF THE ACT.—Clause (i) of section 45(e)(7)(A) is amended by striking ''placed in service by the taxpayer'' and inserting ''originally placed in service''.

(b) AMENDMENT RELATED TO SECTION 542 OF THE ACT.—Clause (ii) of section 856(d)(9)(D) is amended to read as follows:

''(ii) LODGING FACILITY.—The term 'lodging facility' means a—

''(I) hotel,

''(II) motel, or

''(III) other establishment more than one-half of the dwelling units in which are used on a transient basis.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Relief Extension Act of 1999 to which they relate.

SEC. 11. AMENDMENT RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Paragraph (3) of section 6110(i) is amended by inserting ''and related background file documents'' after ''Chief Counsel advice'' in the matter preceding subparagraph (A).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Internal Revenue Service Restructuring and Reform Act of 1998 to which it relates.

SEC. 12. CLERICAL CORRECTIONS.

(a) IN GENERAL.—

(1) Paragraph (5) of section 21(e) is amended by striking ''section 152(e)(3)(A)'' in the flush matter after subparagraph (B) and inserting ''section 152(e)(4)(A)''.

(2) Paragraph (3) of section 25C(c) is amended by striking ''section 3280'' and inserting ''part 3280''.

(3) Paragraph (2) of section 26(b) is amended by redesignating subparagraphs (S) and (T) as subparagraphs (U) and (V), respectively, and by inserting after subparagraph (R) the following new subparagraphs:

''(S) sections 106(e)(3)(A)(ii), 223(b)(8)(B)(i)(II), and 408(d)(9)(D)(i)(II) (relating to certain failures to maintain high deductible health plan coverage),

''(T) section 170(o)(3)(B) (relating to recapture of certain deductions for fractional gifts),''.

(4) Subsection (a) of section 34 is amended—

(A) in paragraph (1), by striking ''with respect to gasoline used during the taxable year on a farm for farming purposes'',

(B) in paragraph (2), by striking ''with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service'', and

(C) in paragraph (3), by striking ''with respect to fuels used for nontaxable purposes or resold during the taxable year''.

(5) Paragraph (2) of section 35(d) is amended—

(A) by striking ''paragraph (2) or (4) of'', and

(B) by striking ''(within the meaning of section 152(e)(1))'' and inserting ''(as defined in section 152(e)(4)(A))''.

(6) Subsection (b) of section 38 is amended—

(A) by striking ''and'' each place it appears at the end of any paragraph,

(B) by striking ''plus'' each place it appears at the end of any paragraph, and

(C) by inserting ''plus'' at the end of paragraph (30).

(7) Paragraphs (2) and (3) of section 45L(c) are each amended by striking ''section 3280'' and inserting ''part 3280''.

(8) Paragraphs (1)(B) and (2)(B) of section 48(c) are each amended by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(9) Clause (ii) of section 48A(d)(4)(B) is amended by striking ''subsection'' both places it appears.

(10)(A) Paragraph (9) of section 121(d) is amended by adding at the end the following new subparagraph:

''(E) TERMINATION WITH RESPECT TO EMPLOYEES OF INTELLIGENCE COMMUNITY.—Clause (iii) of subparagraph (A) shall not apply with respect to any sale or exchange after December 31, 2010.''.

(B) Subsection (e) of section 417 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking ''and before January 1, 2011''.

(11) The last sentence of section 125(b)(2) is amended by striking ''last sentence'' and inserting ''second sentence''.

(12) Subclause (II) of section 167(g)(8)(C)(ii) is amended by striking ''section 263A(j)(2)'' and inserting ''section 263A(i)(2)''.

(13)(A) Clause (vii) of section 170(b)(1)(A) is amended by striking ''subparagraph (E)'' and inserting ''subparagraph (F)''.

(B) Clause (ii) of section 170(e)(1)(B) is amended by striking ''subsection (b)(1)(E)'' and inserting ''subsection (b)(1)(F)''.

(C) Clause (i) of section 1400S(a)(2)(A) is amended by striking ''subparagraph (F)'' and inserting ''subparagraph (G)''.

(D) Subparagraph (A) of section 4942(i)(1) is amended by striking ''section 170(b)(1)(E)(ii)'' and inserting ''section 170(b)(1)(F)(ii)''.

(14) Subclause (II) of section 170(e)(1)(B)(i) is amended by inserting '', but without regard to clause (ii) thereof'' after ''paragraph (7)(C)''.

(15)(A) Subparagraph (A) of section 170(o)(1) and subparagraph (A) of section 2522(e)(1) are each amended by striking ''all interest in the property is'' and inserting ''all interests in the property are''.

(B) Section 170(o)(3)(A)(i), and section 2522(e)(2)(A)(i) (as redesignated by section 3(d)(2)), are each amended—

(i) by striking ''interest'' and inserting ''interests'', and

(ii) by striking ''before'' and inserting ''on or before''.

(16)(A) Subparagraph (C) of section 852(b)(4) is amended to read as follows:

''(C) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock—

''(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

''(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share becomes ex-dividend.''.

(B) Subparagraph (B) of section 857(b)(8) is amended to read as follows:

''(B) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock or beneficial interest—

''(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

''(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share or interest becomes ex-dividend.''.

(17) Paragraph (2) of section 856(l) is amended by striking the last sentence and inserting the following: ''For purposes of subparagraph (B), securities described in subsection (m)(2)(A) shall not be taken into account.''.

(18) Subparagraph (F) of section 954(c)(1) is amended to read as follows:

''(F) INCOME FROM NOTIONAL PRINCIPAL CONTRACTS.—

''(i) IN GENERAL.—Net income from notional principal contracts.

''(ii) COORDINATION WITH OTHER CATEGORIES OF FOREIGN PERSONAL HOLDING COMPANY INCOME.—Any item of income, gain, deduction, or loss from a notional principal contract entered into for purposes of hedging any item described in any preceding subparagraph shall not be taken into account for purposes of this subparagraph but shall be taken into account under such other subparagraph.''.

(19) Paragraph (1) of section 954(c) is amended by redesignating subparagraph (I) as subparagraph (H).

(20) Paragraph (33) of section 1016(a), as redesignated by section 7(b)(1)(C), is amended by striking ''section 25C(e)'' and inserting ''section 25C(f)''.

(21) Paragraph (36) of section 1016(a), as redesignated by section 7(b)(1)(C), is amended by striking ''section 30C(f)'' and inserting ''section 30C(e)(1)''.

(22) Subparagraph (G) of section 1260(c)(2) is amended by adding ''and'' at the end.

(23)(A) Section 1297 is amended by striking subsection (d) and by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(B) Subparagraph (G) of section 1260(c)(2) is amended by striking ''subsection (e)'' and inserting ''subsection (d)''.

(C) Subparagraph (B) of section 1298(a)(2) is amended by striking ''Section 1297(e)'' and inserting ''Section 1297(d)''.

(24) Paragraph (1) of section 1362(f) is amended—

(A) by striking '', section 1361(b)(3)(B)(ii), or section 1361(c)(1)(A)(ii)'' and inserting ''or section 1361(b)(3)(B)(ii)'', and

(B) by striking '', section 1361(b)(3)(C), or section 1361(c)(1)(D)(iii)'' in subparagraph (B) and inserting ''or section 1361(b)(3)(C)''.

(25) Paragraph (2) of section 1400O is amended by striking ''under of'' and inserting ''under''.

(26) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

''Sec. 1400T. Special rules for mortgage revenue bonds.''.

(27) Subsection (b) of section 4082 is amended to read as follows:

''(b) NONTAXABLE USE.—For purposes of this section, the term 'nontaxable use' means—

''(1) any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax,

''(2) any use in a train, and

''(3) any use described in section 4041(a)(1)(C)(iii)(II).

The term 'nontaxable use' does not include the use of kerosene in an aircraft and such term shall not include any use described in section 6421(e)(2)(C).''.

(28) Paragraph (4) of section 4101(a) (relating to registration in event of change of ownership) is redesignated as paragraph (5).

(29) Paragraph (6) of section 4965(c) is amended by striking ''section 4457(e)(1)(A)'' and inserting ''section 457(e)(1)(A)''.

(30) Subpart C of part II of subchapter A of chapter 51 is amended by redesignating section 5432 (relating to recordkeeping by wholesale dealers) as section 5121.

(31) Paragraph (2) of section 5732(c), as redesignated by section 11125(b)(20)(A) of the SAFETEA–LU, is amended by striking ''this subpart'' and inserting ''this subchapter''.

(32) Subsection (b) of section 6046 is amended—

(A) by striking ''subsection (a)(1)'' and inserting ''subsection (a)(1)(A)'', and

(B) by striking ''paragraph (2) or (3) of subsection (a)'' and inserting ''subparagraph (B) or (C) of subsection (a)(1)''.

(33)(A) Subparagraph (A) of section 6103(b)(5) is amended by striking ''the Canal Zone,''.

(B) Section 7651 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(34) Subparagraph (A) of section 6211(b)(4) is amended by striking ''and 34'' and inserting ''34, and 35''.

(35) Subparagraphs (A) and (B) of section 6230(a)(3) are each amended by striking ''section 6013(e)'' and inserting ''section 6015''.

(36) Paragraph (3) of section 6427(e) (relating to termination), as added by section 11113 of the SAFETEA–LU, is redesignated as paragraph (5) and moved after paragraph (4).

(37) Clause (ii) of section 6427(l)(4)(A) is amended by striking ''section 4081(a)(2)(iii)'' and inserting ''section 4081(a)(2)(A)(iii)''.

(38)(A) Section 6427, as amended by section 1343(b)(1) of the Energy Policy Act of 2005, is amended by striking subsection (p) (relating to gasohol used in noncommercial aviation) and redesignating subsection (q) as subsection (p).

(B) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by paragraph (2) of section 11151(a) of the SAFETEA–LU had never been enacted.

(39) Subparagraph (C) of section 6707A(e)(2) is amended by striking ''section 6662A(e)(2)(C)'' and inserting ''section 6662A(e)(2)(B)''.

(40)(A) Paragraph (3) of section 9002 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(B) Paragraph (1) of section 9004(a) is amended by striking ''section 320(b)(1)(B)'' and inserting ''section 315(b)(1)(B)''.

(C) Paragraph (3) of section 9032 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(D) Subsection (b) of section 9034 is amended by striking ''section 320(b)(1)(A)'' and inserting ''section 315(b)(1)(A)''.

(41) Section 9006 is amended by striking ''Comptroller General'' each place it appears and inserting ''Commission''.

(42) Subsection (c) of section 9503 is amended by redesignating paragraph (7) (relating to transfers from the trust fund for certain aviation fuels taxes) as paragraph (6).

(43) Paragraph (1) of section 1301(g) of the Energy Policy Act of 2005 is amended by striking ''shall take effect of the date of the enactment'' and inserting ''shall take effect on the date of the enactment''.

(44) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 1(a) of Public Law 109–433 had never been enacted.

(b) CLERICAL AMENDMENTS RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.—

(1) AMENDMENT RELATED TO SECTION 209 OF DIVISION A OF THE ACT.—Paragraph (3) of section 168(l) is amended by striking ''enzymatic''.

(2) AMENDMENTS RELATED TO SECTION 419 OF DIVISION A OF THE ACT.—

(A) Clause (iv) of section 6724(d)(1)(B) is amended by inserting ''or (h)(1)'' after ''section 6050H(a)''.

(B) Subparagraph (K) of section 6724(d)(2) is amended by inserting ''or (h)(2)'' after ''section 6050H(d)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which they relate.

(c) CLERICAL AMENDMENTS RELATED TO THE GULF OPPORTUNITY ZONE ACT OF 2005.—

(1) AMENDMENTS RELATED TO SECTION 402 OF THE ACT.—Subparagraph (B) of section 24(d)(1) is amended—

(A) by striking ''the excess (if any) of'' in the matter preceding clause (i) and inserting ''the greater of'', and

(B) by striking ''section'' in clause (ii)(II) and inserting ''section 32''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which they relate.

(d) CLERICAL AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.—

(1) AMENDMENTS RELATED TO SECTION 11163 OF THE ACT.—Subparagraph (C) of section 6416(a)(4) is amended—

(A) by striking ''ultimate vendor'' and all that follows through ''has certified'' and inserting ''ultimate vendor or credit card issuer has certified'', and

(B) by striking ''all ultimate purchasers of the vendor'' and all that follows through ''are certified'' and inserting ''all ultimate purchasers of the vendor or credit card issuer are certified''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to which they relate.

(e) CLERICAL AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.—

(1) AMENDMENT RELATED TO SECTION 1344 OF THE ACT.—Subparagraph (B) of section 6427(e)(5), as redesignated by subsection (a)(36), is amended by striking ''2006'' and inserting ''2008''.

(2) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—Subparagraphs (A)(ii) and (B)(ii) of section 41(f)(1) are each amended by striking ''qualified research expenses and basic research payments'' and inserting ''qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(f) CLERICAL AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.—

(1) AMENDMENT RELATED TO SECTION 413 OF THE ACT.—Subsection (b) of section 1298 is amended by striking paragraph (7) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(2) AMENDMENT RELATED TO SECTION 895 OF THE ACT.—Clause (iv) of section 904(f)(3)(D) is amended by striking ''a controlled group'' and inserting ''an affiliated group''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(g) CLERICAL AMENDMENTS RELATED TO THE FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000.—

(1) Subclause (I) of section 56(g)(4)(C)(ii) is amended by striking ''921'' and inserting ''921 (as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(2) Clause (iv) of section 54(g)(4)(C) is amended by striking ''a cooperative described in section 927(a)(4)'' and inserting ''an organization to which part I of subchapter T (relating to tax treatment of cooperatives) applies which is engaged in the marketing of agricultural or horticultural products''.

(3) Paragraph (4) of section 245(c) is amended by adding at the end the following new subparagraph:

''(C) FSC.—The term 'FSC' has the meaning given such term by section 922.''.

(4) Subsection (c) of section 245 is amended by inserting at the end the following new paragraph:

''(5) REFERENCES TO PRIOR LAW.—Any reference in this subsection to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(5) Paragraph (4) of section 275(a) is amended by striking ''if'' and all that follows and inserting ''if the taxpayer chooses to take to any extent the benefits of section 901.''.

(6)(A) Subsection (a) of section 291 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(B) Paragraph (1) of section 291(c) is amended by striking ''subsection (a)(5)'' and inserting ''subsection (a)(4)''.

(7)(A) Paragraph (4) of section 441(b) is amended by striking ''FSC or''.

(B) Subsection (h) of section 441 is amended—

(i) by striking ''FSC or'' each place it appears, and

(ii) by striking ''FSC'S AND'' in the heading thereof.

(8) Subparagraph (B) of section 884(d)(2) is amended by inserting before the comma ''(as in effect before their repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(9) Section 901 is amended by striking subsection (h).

(10) Clause (v) of section 904(d)(2)(B) is amended—

(A) by inserting ''and'' at the end of subclause (I), by striking subclause (II), and by redesignating subclause (III) as subclause (II),

(B) by striking ''a FSC (or a former FSC)'' in subclause (II) (as so redesignated) and inserting ''a former FSC (as defined in section 922)'', and

(C) by adding at the end the following:

''Any reference in subclause (II) to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(11) Subsection (b) of section 906 is amended by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(12) Subparagraph (B) of section 936(f)(2) is amended by striking ''FSC or''.

(13) Section 951 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(14) Subsection (b) of section 952 is amended by striking the second sentence.

(15)(A) Paragraph (2) of section 956(c) is amended—

(i) by striking subparagraph (I) and by redesignating subparagraphs (J) through (M) as subparagraphs (I) through (L), respectively, and

(ii) by striking ''subparagraphs (J), (K), and (L)'' in the flush sentence at the end and inserting ''subparagraphs (I), (J), and (K)''.

(B) Clause (ii) of section 954(c)(2)(C) is amended by striking ''section 956(c)(2)(J)'' and inserting ''section 956(c)(2)(I)''.

(16) Paragraph (1) of section 992(a) is amended by striking subparagraph (E), by inserting ''and'' at the end of subparagraph (C), and by striking '', and'' at the end of subparagraph (D) and inserting a period.

(17) Paragraph (5) of section 1248(d) is amended—

(A) by inserting ''(as defined in section 922)'' after ''a FSC'', and

(B) by adding at the end the following new sentence: ''Any reference in this paragraph to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(18) Subparagraph (D) of section 1297(b)(2) is amended by striking ''foreign trade income of a FSC or''.

(19)(A) Paragraph (1) of section 6011(c) is amended by striking ''or former DISC or a FSC or former FSC'' and inserting '', former DISC, or former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(B) Subsection (c) of section 6011 is amended by striking ''AND FSC'S'' in the heading thereof.

(20) Subsection (c) of section 6072 is amended by striking ''a FSC or former FSC'' and inserting ''a former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(21) Section 6686 is amended by inserting ''FORMER'' before ''FSC'' in the heading thereof.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 383—HONORING AND RECOGNIZING THE ACHIEVEMENTS OF CARL STOKES, THE FIRST AFRICAN-AMERICAN MAYOR OF A MAJOR AMERICAN CITY, IN THE 40TH YEAR SINCE HIS ELECTION AS MAYOR OF CLEVELAND, OHIO

Mr. REID (for Mr. OBAMA (for himself, Mr. BROWN, and Mr. VOINOVICH)) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 383

Whereas Carl Stokes was a pioneer in cultivating a positive climate for African-Americans to seek election to public office and made great strides toward improving race relations in a tumultuous period of United States history;

Whereas Carl Stokes was born on June 27, 1927, in Cleveland, Ohio to Charles and Louise Stokes;

Whereas Carl Stokes rose from poverty in Outhwaite Homes, Cleveland's first federally funded housing project for the poor, to be elected to the highest political office in Cleveland;

Whereas Carl Stokes earned his bachelor's degree from the University of Minnesota in 1954 and graduated from the Cleveland-Marshall College of Law in 1956, and was admitted to the Ohio State Bar in 1957;

Whereas, in 1962, Carl Stokes was elected to the Ohio General Assembly and served 3 terms as the first African-American Democrat to serve from Cuyahoga County;

Whereas, in 1967, relying on his ability to mobilize support that transcended racial divides, Carl Stokes was elected Mayor of Cleveland and became the first African-American mayor of a major American city;

Whereas, after declining to run for a 3rd term as Mayor of Cleveland, Carl Stokes became the first African-American to appear

daily as an anchorman on a New York City television outlet, WNBC-TV;

Whereas Carl Stokes served as a municipal judge in Cleveland from 1983 to 1994, completing a political career encompassing each branch of government; and

Whereas Carl Stokes maintained his dedication to public service throughout his life, serving as Ambassador to the Seychelles and representing the White House on numerous goodwill trips abroad until his death in 1996: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the pioneering career of Carl Stokes, who helped expand political opportunity for minorities by becoming the first African-American mayor of a major American city; and

(2) commemorates the 40th anniversary of the election of Carl Stokes as the Mayor of Cleveland and the first African-American mayor of a major American city, one of the most significant events in the American Civil Rights movement.

SENATE RESOLUTION 384—EXPRESSING SUPPORT FOR THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION AND THE CHILDREN AWAITING FAMILIES, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING AMERICANS TO SECURE SAFETY, PERMANENCY, AND WELL-BEING FOR ALL CHILDREN

Ms. LANDRIEU (for herself, Mr. COLEMAN, Mrs. LINCOLN, Mr. INHOFE, Mr. CRAIG, Mr. BROWNBACK, Mr. CASEY, Mrs. CLINTON, Mr. DEMINT, Mr. JOHNSON, Mr. THUNE, Mr. KERRY, Mr. CONRAD, Mr. LEVIN, Mrs. HUTCHISON, Mr. DURBIN, Mr. INOUYE, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 384

Whereas there are approximately 514,000 children in the foster care system in the United States, approximately 115,000 of whom are waiting for families to adopt them;

Whereas 52 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 2 years;

Whereas, for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who ''age out'' of foster care by reaching adulthood without being placed in a permanent home has increased by 41 percent since 1998, and nearly 25,000 foster youth age out every year;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a recent survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though ''Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years'';

Whereas, while 3 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, nearly 17,000 children have joined forever families during National Adoption Day;

Whereas, in 2006, adoptions were finalized for over 3,300 children through more than 250 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico; and

Whereas, on October 31, 2007, the President proclaimed November 2007 as National Adoption Month, and National Adoption Day is on November 17, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the citizens of the United States to consider adoption during the month of November and all throughout the year.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3679. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3680. Mr. CARDIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 3609 submitted by Mr. CASEY (for himself and Mr. CARDIN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3681. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3682. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3683. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3684. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3685. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3686. Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3687. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3688. Mr. KOHL (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3689. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3690. Mr. REED submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3691. Mr. ENZI (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr. CONRAD, Mr. JOHNSON, Mr. TESTER, and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3692. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3693. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3694. Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3695. Mr. DORGAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3696. Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3697. Mr. WYDEN (for himself, Mr. ALEXANDER, Mr. KERRY, Mr. FEINGOLD, Mr. BINGAMAN, Mr. SUNUNU, Mr. DODD, Ms. STABENOW, Mr. BIDEN, Ms. CANTWELL, Mrs. MURRAY, Ms. SNOWE, Mr. GREGG, Mr. BAUCUS, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3698. Mr. WYDEN submitted an amendment intended to be proposed by him to the

bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3699. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3700. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3701. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3702. Ms. SNOWE (for herself and Mr. CRAIG) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3703. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3704. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3705. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3706. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3707. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3708. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3709. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3710. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3711. Mr. LUGAR (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mr. WHITEHOUSE, Mr. REED, Mr. HATCH, Ms. COLLINS, Mr. DOMENICI, Mr. NELSON of Florida, Mr. SUNUNU, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3712. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3713. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3714. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3715. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3716. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3717. Mr. GRASSLEY (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3718. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3719. Mr. FEINGOLD (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3720. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3721. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3722. Mr. DURBIN (for himself and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3723. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3724. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3725. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3726. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3727. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3728. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3729. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3730. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3731. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3732. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3733. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3734. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3735. Mrs. CLINTON (for herself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3736. Mr. WYDEN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3737. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3738. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3739. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3740. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3741. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3742. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3743. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3744. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3745. Mr. SANDERS submitted an amendment intended to be proposed to

amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3746. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3747. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3748. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3749. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3750. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3751. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3752. Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3753. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3754. Mr. BROWN (for himself, Mr. SUNUNU, Mrs. MCCASKILL, Mr. DURBIN, Mr. SCHUMER, Mr. MCCAIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3755. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3756. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3757. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3758. Mr. SMITH (for himself, Mr. BARRASSO, and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3759. Ms. SNOWE (for herself, Mr. SCHUMER, Mrs. CLINTON, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3760. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3761. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3762. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3763. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3764. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3765. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3766. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3767. Mr. NELSON, of Florida (for himself, Mr. MARTINEZ, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3768. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3769. Mr. CRAPO (for himself, Mr. BINGAMAN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3770. Mr. CRAPO (for himself, Mr. BINGAMAN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3771. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3772. Mr. HARKIN (for himself, Mr. SMITH, Mr. BINGAMAN, Mrs. BOXER, Mr. DOMENICI, Mr. CARDIN, Mr. ALLARD, Mr. SESSIONS, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3773. Mr. KOHL (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3774. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4156, making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3775. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3776. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3777. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3701 submitted by Mr. KYL (for himself and Mr. ALLARD) and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3778. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3621 submitted by Mr. COLEMAN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3779. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3559 submitted by Mr. INOUYE (for himself and Mr. AKAKA) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3780. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3665 submitted by Mr. ENSIGN and intended to be proposed to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3781. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3645 submitted by Mr. ENSIGN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3782. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3764 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3783. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3765 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3679. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CHILDHOOD OBESITY STUDY.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that there needs to be a coordinated effort to understand the various factors which impact childhood obesity including the effect of the subsidization of commodities on Federal nutrition programs as well as the role of marketing in childhood obesity.

(b) STUDY.—

(1) IN GENERAL.—The Government Accountability Office shall—

(A) conduct a study to assess the effect of Federal nutrition assistance programs and agricultural policies on the prevention of childhood obesity, and prepare a report on the results of such study that shall include a description and evaluation of the content and impact of Federal agriculture subsidy and commodity programs and policies as such relate to Federal nutrition programs;

(B) make recommendations to guide or revise Federal policies for ensuring access to nutritional foods in Federal nutrition assistance programs; and

(C) complete the activities provided for under this section not later than 18 months after the date of enactment of this section.

(2) INSTITUTE OF MEDICINE STUDY.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this section, the Secretary of Health and Human Services shall request that the Institute of Medicine (or similar organization) conduct a study and make recommendations on guidelines for nutritional food and physical activity advertising and marketing to prevent childhood obesity. In conducting such study the Institute of Medicine shall—

(i) evaluate children's advertising and marketing guidelines and evidence-based literature relating to the impact of advertising on nutritional foods and physical activity in children and youth; and

(ii) make recommendations on national guidelines for advertising and marketing practices relating to children and youth that—

(I) reduce the exposure of children and youth to advertising and marketing of foods of poor or minimal nutritional value and practices that promote sedentary behavior; and

(II) increase the number of media messages that promote physical activity and sound nutrition.

(B) GUIDELINES.—Not later than 2 years after the date of enactment of this section, the Institute of Medicine shall submit to the appropriate committees of Congress the final report concerning the results of the study, and making the recommendations, required under this paragraph.

SA 3680. Mr. CARDIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 3609 submitted by Mr. CASEY (for himself and Mr. CARDIN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike line 4 and insert the following:

(a) SAVINGS.—Any savings realized by the amendment made by subsection (b) shall be used by the Secretary to provide matching funds under section 524(b)(4)(C) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(C) (as added by section 1921).

(b) ENTERPRISE AND WHOLE FARM UNITS.—Section 508(e) of the Federal Crop Insurance Act (7

SA 3681. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 73___. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

Title III of the Department of Agriculture Reorganization Act of 1994 is amended by adding after section 309 (as added by section 7402) the following:

"SEC. 310. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

''(a) ESTABLISHMENT.—To enhance the use of real property administered by agencies of the Department, the Secretary may establish a pilot program, in accordance with this section, at the Henry A. Wallace Beltsville Agricultural Research Center of the Agricultural Research Service and the National Agricultural Library to lease property of the Center or the Library to any individual or entity, including agencies or instrumentalities of State or local governments.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—Notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary may lease real property at the Beltsville Agricultural Research Center or the National Agricultural Library in accordance with such terms and conditions as the Secretary may prescribe, if the Secretary determines that the lease—

''(A) is consistent with, and will not adversely affect, the mission of the Department agency administering the property;

''(B) will enhance the use of the property;

''(C) will not permit any portion of Department agency property or any facility of the Department to be used for retail, wholesale, commercial, or residential development;

''(D) will not provide authority for the development or improvement of any new property or facility by any Department agency; and

''(E) will not include any property or facility required for any Department agency purpose without prior written authority.

''(2) TERM.—The term of the lease under this section shall not exceed 50 years.

''(3) CONSIDERATION.—

''(A) IN GENERAL.—Consideration provided for a lease under this section shall be—

''(i) in an amount equal to fair market value, as determined by the Secretary; and

''(ii) in the form of cash.

''(B) USE OF FUNDS.—

''(i) IN GENERAL.—Consideration provided for a lease under this section shall be—

''(I) deposited in a capital asset account to be established by the Secretary; and

''(II) available until expended, without further appropriation, for maintenance, capital revitalization, and improvements of the Department properties and facilities covered by the lease.

''(ii) BUDGETARY TREATMENT.—For purposes of the budget, the amounts described in clause (i) shall not be treated as a receipt of any Department agency or any other agency leasing property under this section.

''(4) COSTS.—The lessee shall cover all costs associated with a lease under this section, including the cost of—

''(A) the project to be carried out on property or at a facility covered by the lease;

''(B) provision and administration of the lease;

''(C) construction of any applicable real property;

''(D) provision of applicable utilities; and

''(E) any other facility cost normally associated with the operation of a leased facility.

''(5) PROHIBITION OF USE OF APPROPRIATIONS.—The Secretary shall not use any funds made available to the Secretary in an appropriations Act for the construction or operating costs of any property or facility covered by a lease under this section.

''(c) EFFECT OF OTHER LAWS.—

''(1) UTILIZATION.—Property that is leased pursuant to this section shall not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

''(2) DISPOSAL.—Property at the Beltsville Agricultural Research Center or the National Agricultural Library that is leased pursuant to this section shall not be considered to be disposed of by sale, lease, rental, excessing, or surplusing for purposes of section 523 of Public Law 100–202 (101 Stat. 1329–417).

''(d) REPORTS.—

''(1) FISCAL YEARS 2008 THROUGH 2013.—For each of fiscal years 2008 through 2013, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the implementation of the pilot program under this section during the preceding fiscal year, including—

''(A) a copy of each lease entered into pursuant to this section;

''(B) an assessment by the Secretary of the success of the pilot program in promoting the mission of the Beltsville Agricultural Research Center and the National Agricultural Library; and

''(C) recommendations regarding whether the pilot program should be expanded or improved with respect to other Department activities.

''(2) FISCAL YEAR 2014 AND THEREAFTER.—For fiscal year 2014 and every 5 fiscal years thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report described in paragraph (1) relating to the preceding 5-fiscal-year period.''.

SA 3682. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In section 1704, strike subsection (c) and insert the following:

(c) MODIFICATION OF LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during any of the 2009 and subsequent crop years if the average adjusted gross income of the individual or entity exceeds $500,000.

''(2) COVERED BENEFITS.—Paragraph (1) applies with respect to the following:

''(A) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(B) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(C) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.''.

In section 1704, add at the end the following:

(e) SAVINGS.—The Secretary shall ensure, to the maximum extent practicable, that any savings resulting from the amendment made by subsection (c) are used in the State in which the savings were realized to provide additional funding in that State for, as determined by the Secretary—

(1) the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.); or

(2) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.).

SA 3683. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle H—Flexible State Funds

SEC. 1941. OFFSET.

(a) OFFSET.—

(1) IN GENERAL.—Except as provided in paragraph (3) and notwithstanding any other provision of this Act, for the period beginning on October 1, 2007, and ending on September 30, 2017, the Secretary shall reduce the total amount of payments described in paragraph (2) received by the producers on a farm by 30 percent.

(2) PAYMENT.—A payment described in this paragraph is a payment in an amount of more than $10,000 for the crop year that is—

(A) a direct payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1103 or 1303; or

(B) the fixed payment component of an average crop revenue payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1401(b)(2).

(3) APPLICATION.—This subsection does not apply to a payment provided under a contract entered into by the Secretary before the date of enactment of this Act.

(b) SAVINGS.—The Secretary shall ensure, to the maximum extent practicable, that any savings resulting from subsection (a) are used to carry out section 379F of the Consolidated Farm and Rural Development Act (as added by section 1942) for each of fiscal years 2008 through 2012.

SEC. 1942. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND IMPROVE QUALITY OF RURAL HEALTH CARE FACILITIES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6028) is amended by adding at the end the following:

''SEC. 379F. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND QUALITY OF RURAL HEALTH CARE FACILITIES.

''(a) DEFINITIONS.—In this section:

''(1) HEALTH INFORMATION TECHNOLOGY.—The term 'health information technology' includes total expenditures incurred for—

''(A) purchasing, leasing, and installing computer software and hardware, including handheld computer technologies, and related services;

''(B) making improvements to computer software and hardware;

''(C) purchasing or leasing communications capabilities necessary for clinical data access, storage, and exchange;

''(D) services associated with acquiring, implementing, operating, or optimizing the use of computer software and hardware and clinical health care informatics systems;

''(E) providing education and training to rural health facility staff on information systems and technology designed to improve patient safety and quality of care; and

''(F) purchasing, leasing, subscribing, or servicing support to establish interoperability that—

''(i) integrates patient-specific clinical data with well-established national treatment guidelines;

''(ii) provides continuous quality improvement functions that allow providers to assess improvement rates over time and against averages for similar providers; and

''(iii) integrates with larger health networks.

''(2) RURAL AREA.—The term 'rural area' means any area of the United States that is not—

''(A) included in the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 residents; or

''(B) an urbanized area contiguous and adjacent to such a city, town, borough, or village.

''(3) RURAL HEALTH FACILITY.—The term 'rural health facility' means any of—

''(A) a hospital (as defined in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)));

''(B) a critical access hospital (as defined in section 1861(mm) of that Act (42 U.S.C. 1395x(mm)));

''(C) a Federally qualified health center (as defined in section 1861(aa) of that Act (42 U.S.C. 1395x(aa))) that is located in a rural area;

''(D) a rural health clinic (as defined in that section (42 U.S.C. 1395x(aa)));

''(E) a medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G) of that Act (42 U.S.C. 1395ww(d)(5)(G))); and

''(F) a physician or physician group practice that is located in a rural area.

''(b) ESTABLISHMENT OF PROGRAM.—Using amounts provided under section 1941(b) of the Food and Energy Security Act of 2007, the Secretary shall establish a program under which the Secretary shall provide grants to rural health facilities for the purpose of assisting the rural health facilities in—

''(1) purchasing health information technology to improve the quality of health care or patient safety; or

''(2) otherwise improving the quality of health care or patient safety, including through the development of—

''(A) quality improvement support structures to assist rural health facilities and professionals—

''(i) to increase integration of personal and population health services; and

''(ii) to address safety, effectiveness, patient- or community-centeredness, timeliness, efficiency, and equity; and

''(B) innovative approaches to the financing and delivery of health services to achieve rural health quality goals.

''(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant provided under this section.

''(d) PROVISION OF INFORMATION.—A rural health facility that receives a grant under this section shall provide to the Secretary such information as the Secretary may require—

''(1) to evaluate the project for which the grant is used; and

''(2) to ensure that the grant is expended for the purposes for which the grant was provided.''.

SA 3684. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 172, strike line 5 and all that follows through page 173, line 12 and insert the following:

''(a) PROGRAM REQUIRED.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary of Agriculture (referred to in this section as the 'Secretary') shall establish a program under which milk producers and cooperative associations of producers are authorized to voluntarily enter into forward price contracts with milk handlers.

''(2) IDENTIFICATION OF CERTAIN REGIONS.—

''(A) IN GENERAL.—Subject to subparagraph (C), the Secretary shall identify regions in which a dairy producer has 3 or less viable purchasers of milk within typical transportation distances, as determined by the Secretary.

''(B) LIMITATION.—Subject to subparagraph (C), in establishing the program under paragraph (1), the Secretary shall allow producers and cooperative associations in regions identified by the Secretary under subparagraph (A) to enter into forward contracts for not more than 50 percent of the annual purchases of the producers and cooperative associations.

''(C) MODIFICATIONS.—If the Secretary determines that it could improve competition or make anti-competitive behavior less likely, the Secretary may—

''(i) increase the number of viable purchasers that may be considered under subparagraph (A); or

''(ii) decrease the percentage of forward contracts described in subparagraph (B).

''(3) SUBMISSION OF CONTRACTS.—

''(A) IN GENERAL.—As a condition of entering into a forward price contract described in paragraph (1), not later than 30 days after the date on which a milk producer or cooperative association of producers enters into the contract, the milk handler shall submit to the Secretary—

''(i) a copy of the contract; and

''(ii) such other supporting information as is necessary for the Secretary to fulfill the reporting requirements of subsection (f), as determined by the Secretary.

''(B) ADMINISTRATION.—Section 8d applies to a contract submitted under subparagraph (A).'';

(3) in subsection (c)—

(A) in the subsection heading, by striking ''PILOT''; and

(B) in paragraph (1), by striking ''pilot'';

(4) by striking subsections (d) and (e); and

(5) by adding at the end the following:

''(d) VOLUNTARY PROGRAM.—

''(1) IN GENERAL.—A milk handler may not require participation in a forward price contract as a condition of the handler receiving milk from a producer or cooperative association of producers.

''(2) EFFECT OF NONPARTICIPATION.—A producer or cooperative association that does not enter into a forward price contract may

continue to have milk priced under the minimum payment provisions of the applicable milk marketing order.

''(3) COMPLAINTS.—The Secretary shall—

''(A) investigate complaints made by producers or cooperative associations of coercion by handlers to enter into forward price contracts; and

''(B) if the Secretary finds evidence of coercion, take appropriate action.

''(e) DURATION.—No forward price contract under this section may—

''(1) be entered into after September 30, 2012; or

''(2) may extend beyond September 30, 2015.

''(f) REPORTING REQUIREMENTS.—

''(1) MONTHLY PRICE AND VOLUME REPORTS.—Each month, the Secretary shall make available to the public a report containing statistics on the volume and price of forward contracts during the preceding month, organized by—

''(A) State, if the number of contracts in the State is large enough to maintain confidentiality, as determined by the Secretary; or

''(B) region.

''(2) ANNUAL REPORT.—Each year, the Secretary shall make available to the public a report that—

''(A) includes a summary and analysis of the monthly price reports;

''(B) analyzes contract terms and price differentials based on the volume and length of the forward contracts; and

''(C) describes, by State or smaller area if possible (as determined by the Secretary), the percentage of milk under forward contracts.''.

SA 3685. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11____. GAO REPORT ON ACCESS TO HEALTH CARE FOR FARMERS.

(a) REPORT.—Not later than November 30, 2008, the Comptroller General of the United States shall submit to Congress a report on access to health care for rural Americans and farmers.

(b) CONSULTATION.—The report shall be done in consultation with the Rural Health Research Centers in the Department of Health and Human Services Office of Rural Health Policy.

(c) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) ASSESSMENT.—An assessment of access to health care for rural Americans, including the following:

(A) An overview of the rates of the uninsured among people living in rural areas in the United States and possible factors that cause the uninsurance, specifically—

(i) a synthesis of existing research on the uninsured living in rural America; and

(ii) a detailed analysis of the uninsured and the factors that contribute in uninsurance in 3 to 4 rural areas.

(2) SECOND ASSESSMENT.—An assessment of access to health care for farmers, including the following:

(A) An overview of the rates of the uninsured among farmers in the United States and the factors that cause the uninsurance, specifically—

(i) factors, such as land assets, that keep low-income farmers from qualifying for public insurance programs;

(ii) the effects of the high price of health insurance for individuals purchasing in the individual, non-group market; and

(iii) any other significant factor that contributes to the rates of uninsurance among farmers.

(B) The extent to which farmers depend on a spouse's off-farm job for health care coverage.

(C) The effects of uninsurance on farmers and their families.

(3) ROLE OF CONGRESS.—Recommendations regarding the potential role of Congress in supporting increased access to health insurance for farmers and their families, and rural Americans.

SA 3686. Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1208, between lines 10 and 11, insert the following:

SEC. 10004. DISCLOSURE OF COUNTRY OF HARVEST FOR GINSENG.

(a) IN GENERAL.—The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

"Subtitle E—Ginseng

"SEC. 291. DISCLOSURE OF COUNTRY OF HARVEST.

''(a) DEFINITIONS.—In this section:

''(1) GINSENG.—The term 'ginseng' means a plant classified within the genus Panax.

''(2) RAW AGRICULTURAL COMMODITY.—The term 'raw agricultural commodity' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(b) DISCLOSURE.—

''(1) IN GENERAL.—A person that offers ginseng for sale as a raw agricultural commodity or dehydrated whole root shall disclose to a potential purchaser the country of harvest of the ginseng.

''(2) IMPORTATION.—A person that imports ginseng as a raw agricultural commodity or dehydrated whole root into the United States shall disclose at the point of entry into the United States, in accordance with section 304 of the Tariff Act of 1930 (19 U.S.C. 1304), the country in which the ginseng was harvested.

''(c) MANNER OF DISCLOSURE.—

''(1) IN GENERAL.—The disclosure required by subsection (b) shall be provided to a potential purchaser by means of a label, stamp, mark, placard, or other easily legible and visible sign on the ginseng or on the package, display, holding unit, or bin containing the ginseng.

''(2) RETAILERS.—A retailer of ginseng as a raw agricultural commodity shall—

''(A) retain the means of disclosure provided under subsection (b); and

''(B) provide the received means of disclosure to a consumer of ginseng.

''(3) REGULATIONS.—The Secretary shall by regulation prescribe with specificity the manner in which disclosure shall be made in a transaction at the wholesale or retail level (including a transaction by mail, telephone, internet, or in retail stores).

''(d) FINES.—The Secretary may, after providing notice and an opportunity for a hearing before the Secretary, fine a person subject to subsection (b), or a person supplying ginseng to such a person, in an amount of not more than $1,000 for each violation if the Secretary determines that the person—

''(1) has not made a good faith effort to comply with subsection (b); and

''(2) continues to willfully violate subsection (b).

''(e) INFORMATION.—The Secretary shall make information available to wholesalers, importers, retailers, trade associations, and other interested persons concerning the requirements of this section (including regulations promulgated to carry out this section).''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section take effect on the date that is 180 days after the date of enactment of this Act.

SA 3687. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1391, strike line 24 and all that follows through page 1392, line 7, and insert the following:

''(1) IN GENERAL.—There are appropriated to the Agriculture Disaster Relief Trust Fund amounts equivalent to the excess of—

''(A) 3.34 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2012 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States, over

''(B) the sum of any amounts appropriated and designated as an emergency requirement during such fiscal years for assistance payments to eligible producers with respect to any losses described in subsections (b), (c), (d), or (e) of section 901.

SA 3688. Mr. KOHL (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE XIII—HOUSING ASSISTANCE COUNCIL

SEC. 13001. SHORT TITLE.

This title may be cited as the ''Housing Assistance Council Authorization Act of 2007''.

SEC. 13002. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by such Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council—

(1) $10,000,000 for fiscal year 2008; and

(2) $15,000,000 for each of fiscal years 2009 and 2010.

SEC. 13003. AUDITS AND REPORTS.

(a) AUDIT.—In any year in which the Housing Assistance Council receives funds under this title, the Comptroller General of the United States shall—

(1) audit the financial transactions and activities of such Council only with respect to such funds so received; and

(2) submit a report detailing such audit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(b) GAO REPORT.—The Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative on the use of any funds appropriated to the Housing Assistance Council over the past 10 years.

SEC. 13004. PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES.

None of the funds made available under this title may be used to provide direct housing assistance to any person not lawfully present in the United States.

SA 3689. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 20 of the amendment, after line 12, insert the following:

(c) EFFECT OF SECTION.—Nothing in this section or an amendment made by this section limits the authority of any State to enforce a requirement that is more stringent than the requirements of this section and the amendment made by this section, if the State requirement is in existence on the date of enactment of this Act.

SA 3690. Mr. REED submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11_____. INCLUSION OF SUBAQUEOUS SOILS.

Section 9 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590i) is amended—

(1) by striking the section designation and heading and all that follows through ''The Secretary is authorized to'' and inserting the following:

''SEC. 9. SURVEYS, INVESTIGATIONS, AND REPORTS.

''(a) IN GENERAL.—The Secretary may'';

(2) in the second sentence, by striking ''Notwithstanding'' and inserting the following:

''(b) PUBLICATION OF INFORMATION.—Notwithstanding''; and

(3) by adding at the end the following:

''(c) INCLUSION OF SUBAQUEOUS SOILS.—

''(1) DEFINITION OF SUBAQUEOUS SOIL.—In this subsection, the term 'subaqueous soil' means any soil that forms in a shallow (typically less than 2.5 meters deep), permanently flooded environment.

''(2) REQUIREMENT.—In carrying out a soil survey pursuant to this Act, the Secretary shall include an analysis of subaqueous soils in the region subject to the survey, as applicable.

''(3) STANDARDS.—

''(A) IN GENERAL.—As soon as practicable after the date of enactment of this subsection, the Secretary, acting through the Chief of the Natural Resources Conservation Service, shall develop standards (including protocols, nomenclature, and interpretive materials) for the collection and maintenance of information relating to subaqueous soils in the United States for purposes of this subsection.

''(B) CONSULTATION.—The Secretary, acting through the Chief of the Natural Resources Conservation Service, shall develop the standards under subparagraph (A) in consultation with appropriate Federal, State, and local agencies, nongovernmental organizations, and institutions of higher education.

''(4) CENTER FOR SUBAQUEOUS SOIL MAPPING, RHODE ISLAND.—

''(A) ESTABLISHMENT.—The Secretary, acting through the Chief of the Natural Resources Conservation Service, shall establish a center for subaqueous soil mapping in the State of Rhode Island.

''(B) DUTIES.—The center established under subparagraph (A) shall—

''(i) provide technology transfer leadership relating to subaqueous soil mapping throughout the United States, including by developing standards (including protocols, nomenclature, and interpretive materials) and mapping technologies relating to subaqueous soil mapping; and

''(ii) provide training and information to—

''(I) soil scientists employed by the Natural Resources Conservation Service; and

''(II) other individuals and entities involved in subaqueous soil mapping.''.

SA 3691. Mr. ENZI (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr. CONRAD, Mr. JOHNSON, Mr. TESTER, and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1234, between lines 11 and 12, insert the following:

SEC. 102___. LIMITATION ON USE OF FORWARD CONTRACTS.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192) (as amended by section 10207(a)), is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

''(g)(1) Use, in effectuating any sale of livestock, a forward contract that—

''(A) does not contain a firm base price that may be equated to a fixed dollar amount on the day on which the forward contract is entered into;

''(B) is not offered for bid in an open, public manner under which—

''(i) buyers and sellers have the opportunity to participate in the bid; more than 1 blind bid is solicited; and buyers and sellers may witness bids that are made and accepted;

''(ii) is based on a formula price; or

''(iii) provides for the sale of livestock in a quantity in excess of—

''(I)(aa) in the case of cattle, 40 cattle;

''(bb) in the case of swine, 30 swine; and

''(cc) in the case of other types of livestock, a comparable quantity of the type of livestock determined by the Secretary; or

''(II) such other quantity, as determined appropriate by the Secretary, except that

''(2) paragraph (1) shall not apply to—

''(A) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

''(i) own, feed, or control livestock; and

''(ii) provide the livestock to the cooperative for slaughter;

''(B) a packer that is not required to report to the Secretary on each reporting day (as defined in section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a)) information on the price and quantity of livestock purchased by the packer; or

''(C) a packer that owns 1 livestock processing plant;''.

(b) DEFINITIONS.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)) (as amended by section 10203) is amended—

(1) by redesignating paragraphs (5) through (18) as paragraphs (7) through (20), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) FORMULA PRICE.—

''(A) IN GENERAL.—The term 'formula price' means any price term that establishes a base from which a purchase price is calculated on the basis of a price that will not be determined or reported until a date after the day the forward price is established.

''(B) EXCLUSION.—The term 'formula price' does not include—

''(i) any price term that establishes a base from which a purchase price is calculated on the basis of a futures market price; or

''(ii) any adjustment to the base for quality, grade, or other factors relating to the value of livestock or livestock products that are readily verifiable market factors and are outside the control of the packer.

''(6) FORWARD CONTRACT.—The term 'forward contract' means an oral or written contract for the purchase of livestock that provides for the delivery of the livestock to a packer at a date that is more than 7 days after the date on which the contract is entered into, without regard to whether the contract is for—

''(A) a specified lot of livestock; or

''(B) a specified number of livestock over a certain period of time.''.

SA 3692. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1587, after line 18, add the following:

Subtitle G—Temporary Repeal of Individual AMT

SEC. 12701. TEMPORARY REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55(a) (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, and before January 1, 2009, shall be zero.''.

(b) MODIFICATION OF LIMITATION ON USE OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—Subsection (c) of section 53 (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 AND BEFORE 2009.—In the case of any taxable year beginning after 2006 and before 2009, 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.

Subtitle H—Extension of Certain Expiring Provisions Through 2009

SEC. 12801. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to qualified clinical testing expenses) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 12802. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12803. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking ''and 2008'' and inserting ''2008, and 2009''.

SEC. 12804. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 12805. MORTGAGE INSURANCE PREMIUMS TREATED AS INTEREST.

(a) IN GENERAL.—Subclause (I) of section 163(h)(3)(E)(iv) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2007.

SEC. 12806. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12807. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 12808. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 12809. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 12810. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 12811. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12812. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12813. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 12814. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 12815. EXTENSION AND MODIFICATION OF CREDIT TO HOLDERS OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subsection (e) of section 1397E (relating to limitation on amount of bonds designated) is amended by striking ''1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, and 2007'' and inserting ''each of calendar years 1998 through 2009''.

(b) MODIFICATION OF ARBITRAGE RULES.—

(1) IN GENERAL.—Subsection (g) of section 1397E (relating to special rules relating to arbitrage) is amended to read as follows:

''(g) SPECIAL RULES RELATING TO ARBITRAGE.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

''(2) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of paragraph (1) by reason of any investment of available project proceeds during the 5-year period described in subsection (f)(1)(A) (including any extension of such period under subsection (f)(2)).

''(3) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of paragraph (1) by reason of any fund which is expected to be used to repay such issue if—

''(A) such fund is funded at a rate not more rapid than equal annual installments,

''(B) such fund is funded in a manner that such fund will not exceed the amount necessary to repay the issue if invested at the maximum rate permitted under subparagraph (C), and

''(C) the yield on such fund is not greater than the discount rate determined under subsection (d)(3) with respect to the issue.''.

(2) APPLICATION OF AVAILABLE PROJECT PROCEEDS TO OTHER REQUIREMENTS.—Subsections (d)(1)(A), (d)(2)(A), (f)(1)(A), (f)(1)(B), (f)(1)(C), and (f)(3) of section 1397E are each amended by striking ''proceeds'' and inserting ''available project proceeds''

(3) AVAILABLE PROJECT PROCEEDS DEFINED.—Subsection (i) of section 1397E (relating to definitions) is amended by adding at the end the following new paragraph:

''(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

''(A) the excess of—

''(i) the proceeds from the sale of an issue, over

''(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

''(B) the proceeds from any investment of the excess described in subparagraph (A).''.

(c) EFFECTIVE DATE.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2007.

(2) MODIFICATION OF ARBITRAGE RULES.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 12816. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2010''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2014'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2014''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2014''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2014''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2010''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

SEC. 12817. DISCLOSURE FOR COMBINED EMPLOYMENT TAX REPORTING.

(a) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

SEC. 12818. DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.

(a) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

SEC. 12819. DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) IN GENERAL.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures after December 31, 2007.

SEC. 12820. DISCLOSURE OF RETURN INFORMATION TO CARRY OUT INCOME CONTINGENT REPAYMENT OF STUDENT LOANS.

(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after December 31, 2007.

SEC. 12821. AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking ''January 1, 2008'' each place it appears and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

SEC. 12822. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 12823. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Paragraph (3) of section 9812(f) (relating to application of section) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to benefits for services furnished after December 31, 2007.

SEC. 12824. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 12825. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 12826. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 12827. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 12828. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 12829. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 12830. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) TECHNICAL AMENDMENT RELATED TO SECTION 1203 OF THE PENSION PROTECTION ACT OF 2006.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

''(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

''(A) the shareholder's pro rata share of such contribution, over

''(B) the shareholder's pro rata share of the adjusted basis of such property.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

(2) TECHNICAL AMENDMENT.—The amendment made by subsection (b)shall take effect as if included in the provision of the Pension Protection Act of 2006 to which it relates.

SEC. 12831. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking ''or 2007'' and inserting ''2007, 2008, or 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 12832. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 12833. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2007.

SEC. 12834. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 12835. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 12836. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is

amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

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

SEC. 12837. DISCLOSURE OF RETURN INFORMATION FOR CERTAIN VETERANS PROGRAMS.

(a) IN GENERAL.—The last sentence of paragraph (7) of section 6103(l) is amended by striking ''September 30, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests made after September 30, 2008.

SEC. 12838. RETURNS RELATING TO APPLICABLE INSURANCE CONTRACTS IN WHICH CERTAIN EXEMPT ORGANIZATIONS HOLD INTERESTS.

(a) IN GENERAL.—Section 6050V(e) (relating to termination) is amended by striking ''the date which is 2 years after the date of the enactment of this section'' and insert ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to reportable acquisitions occurring after August 17, 2008.

SEC. 12839. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Section 45N(e) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2008.

SEC. 12840. ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Section 179E(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2008.

SEC. 12841. TREATMENT OF CERTAIN QUALIFIED FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Section 181(f) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to qualified film and television productions commencing after December 31, 2008.

SEC. 12842. CONTROLLED FOREIGN CORPORATIONS.

(a) SUBPART F EXCEPTION FOR ACTIVE FINANCING.—

(1) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(A) by striking ''January 1, 2009'' and inserting ''January 1, 2010'', and

(B) by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(2) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) LOOK-THROUGH TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER THE FOREIGN PERSONAL HOLDING COMPANY RULES.—Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2008, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SA 3693. Mr. DEMINT submitted an amendment intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1587, after line 18, add the following:

Subtitle G—Repeal of Federal Estate and Gift Taxes

SEC. 12701. REPEAL OF FEDERAL ESTATE AND GIFT TAXES.

(a) IN GENERAL.—Subtitle B of the Internal Revenue Code of 1986 (relating to estate, gift, and generation-skipping taxes) is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to estates of decedents dying, gifts made, and generation-skipping transfers made after the date of the enactment of this Act.

SA 3694. Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 246, strike line 23 and all that follows through page 247, line 2, and insert the following:

''(c) MINIMUM GRANT AMOUNT.—

''(1) IN GENERAL.—Notwithstanding subsection (b), each State shall receive a grant under this section for each fiscal year in an amount that is at least ½ of 1 percent of the total amount of funding made available to carry out this section for the fiscal year.

''(2) ELIGIBILITY OF SEAFOOD.—For purposes of providing grants to States under this subsection only, seafood shall be considered to be a specialty crop.'';

SA 3695. Mr. DORGAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 187, strike line 8 and all that follows through page 209, line 18, and insert the following:

SEC. 1703. PAYMENT LIMITATIONS.

(a) IN GENERAL.—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

''(A) IN GENERAL.—The term 'entity' means—

''(i) an organization that (subject to the requirements of this section and section 1001A) is eligible to receive a payment under a provision of law referred to in subsection (b) or (c);

''(ii) a corporation, joint stock company, association, limited partnership, limited liability company, limited liability partnership, charitable organization, estate, irrevocable trust, grantor of a revocable trust, or other similar entity (as determined by the Secretary); and

''(iii) an organization that is participating in a farming operation as a partner in a general partnership or as a participant in a joint venture.

''(B) EXCLUSION.—The term 'entity' does not include a general partnership or joint venture.

''(C) ESTATES.—In promulgating regulations to define the term 'entity' as the term applies to estates, the Secretary shall ensure that fair and equitable treatment is given to estates and the beneficiaries of estates.

''(D) IRREVOCABLE TRUSTS.—In promulgating regulations to define the term 'entity' as the term applies to irrevocable trusts, the Secretary shall ensure that irrevocable trusts are legitimate entities that have not been created for the purpose of avoiding a payment limitation.

''(2) INDIVIDUAL.—The term 'individual' means—

''(A) a natural person, and any minor child of the natural person (as determined by the Secretary), who, subject to the requirements of this section and section 1001A, is eligible to receive a payment under a provision of law referred to in subsection (b), (c), or (d); and

''(B) a natural person participating in a farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or a participant in a similar entity (as determined by the Secretary).'';

(2) by striking subsection (b) and inserting the following:

''(b) LIMITATION ON DIRECT PAYMENTS.—The total amount of direct payments that an individual or entity may receive, directly or indirectly, during any crop year under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007 for 1 or more covered commodities and peanuts, or average crop revenue payments determined under section 1401(b)(2) of that Act, shall not exceed $20,000.'';

(3) by striking subsection (c) and inserting the following:

''(c) LIMITATION ON COUNTER-CYCLICAL PAYMENTS.—The total amount of counter-cyclical payments that an individual or entity may receive, directly or indirectly, during any crop year under part I or III of subtitle A or C of title I of the Food and Energy Security Act of 2007 for 1 or more covered commodities and peanuts, or average crop revenue payments determined under section 1401(b)(3) of that Act, shall not exceed $30,000.'';

(4) by striking subsection (d) and inserting the following:

''(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—The total amount of the following gains and payments that an individual or entity may receive during any crop year may not exceed $75,000:

''(1)(A) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities and peanuts under part II of subtitle A of title I of the Food and Energy Security Act of 2007 at a lower level than the original loan rate established for the loan commodity under that subtitle.

''(B) In the case of settlement of a marketing assistance loan for 1 or more loan commodities and peanuts under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

''(2) Any loan deficiency payments received for 1 or more loan commodities and peanuts under that subtitle.

''(3) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities and peanuts, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle or section 1307 of that Act (7 U.S.C. 7957).'';

(5) by striking subsection (e);

(6) by redesignating subsections (f) and (g) as subsections (i) and (j), respectively;

(7) by inserting after subsection (d) the following:

''(e) PAYMENTS TO INDIVIDUALS AND ENTITIES.—Notwithstanding, subsections (b) through (d), an individual or entity may receive, directly or indirectly, through all ownership interests of the individual or entity, from all sources, payments or gains (as applicable) for a crop year that shall not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

''(f) SINGLE FARMING OPERATION.—Notwithstanding subsections (b) through (d), if an individual or entity participates only in a single farming operation and receives, directly or indirectly, any payment or gain covered by this section through the farming operation, the total amount of payments or gains (as applicable) covered by this section that the individual or entity may receive during any crop year shall not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

''(g) SPOUSAL EQUITY.—

''(1) IN GENERAL.—Notwithstanding subsections (b) through (f), except as provided in paragraph (2), if an individual and the spouse of the individual are covered by paragraph (2) and receive, directly or indirectly, any payment or gain covered by this section, the total amount of payments or gains (as applicable) covered by this section that the individual and spouse may jointly receive during any crop year may not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

''(2) EXCEPTIONS.—

''(A) SEPARATE FARMING OPERATIONS.—In the case of a married couple in which each spouse, before the marriage, was separately engaged in an unrelated farming operation, each spouse shall be treated as a separate individual with respect to a farming operation brought into the marriage by a spouse, subject to the condition that the farming operation shall remain a separate farming operation, as determined by the Secretary.

''(B) ELECTION TO RECEIVE SEPARATE PAYMENTS.—A married couple may elect to receive payments separately in the name of each spouse if the total amount of payments and benefits described in subsections (b), (c), and (d) that the married couple receives, directly or indirectly, does not exceed an amount equal to twice the applicable dollar amounts specified in those subsections.

''(h) ATTRIBUTION OF PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall issue such regulations as are necessary to ensure that all payments or gains (as applicable) are attributed to an individual by taking into account the direct and indirect ownership interests of the individual in an entity that is eligible to receive such payments or gains (as applicable).

''(2) PAYMENTS TO AN INDIVIDUAL.—Every payment made directly to an individual shall be combined with the individual's pro rata interest in payments received by an entity or entities in which the individual has a direct or indirect ownership interest.

''(3) PAYMENTS TO AN ENTITY.—

''(A) IN GENERAL.—Every payment or gain (as applicable) made to an entity shall be attributed to those individuals who have a direct or indirect ownership in the entity.

''(B) ATTRIBUTION OF PAYMENTS.—

''(i) PAYMENT LIMITS.—Except as provided by clause (ii), payments or gains (as applicable) made to an entity shall not exceed twice the amounts specified in subsections (b) through (d).

''(ii) EXCEPTION.—Payments or gains (as applicable) made to a joint venture or a general partnership shall not exceed, for each payment or gain (as applicable) specified in subsections (b) through (d), the amount determined by multiplying twice the maximum payment amount specified in subsections (b), (c), and (d) by the number of individuals and entities (other than joint ventures and general partnerships) that comprise the ownership of the joint venture or general partnership.

''(4) 4 LEVELS OF ATTRIBUTION FOR EMBEDDED ENTITIES.—

''(A) IN GENERAL.—Attribution of payments or gains (as applicable) made to entities shall be traced through 4 levels of ownership in entities.

''(B) FIRST LEVEL.—Any payments or gains (as applicable) made to an entity (a first-tier entity) that is owned in whole or in part by an individual shall be attributed to the individual in an amount that represents the direct ownership in the first-tier entity by the individual.

''(C) SECOND LEVEL.—

''(i) IN GENERAL.—Any payments or gains (as applicable) made to a first-tier entity that is owned in whole or in part by another entity (a second-tier entity) shall be attributed to the second-tier entity in proportion to the ownership interest of the second-tier entity in the first-tier entity.

''(ii) OWNERSHIP BY INDIVIDUAL.—If the second-tier entity is owned in whole or in part by an individual, the amount of the payment made to the first-tier entity shall be attributed to the individual in the amount the Secretary determines to represent the indirect ownership in the first-tier entity by the individual.

''(D) THIRD AND FOURTH LEVELS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall attribute payments or gains (as applicable) at the third and fourth tiers of ownership in the same manner as specified in subparagraph (C).

''(ii) FOURTH-TIER OWNERSHIP BY ENTITY.—If the fourth-tier of ownership is that of a fourth-tier entity, the Secretary shall reduce the amount of the payment to be made to the first-tier entity in the amount that the Secretary determines to represent the indirect ownership in the first-tier entity by the fourth-tier entity.''; and

(8) in subsection (i) (as redesignated by paragraph (6)), by striking ''person'' and inserting ''individual or entity''.

(b) SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended—

(1) by striking the section designation and heading and all that follows through the end of subsection (a) and inserting the following:

''SEC. 1001A. SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.

''(a) SUBSTANTIVE CHANGE.—

''(1) IN GENERAL.—For purposes of the application of limitations under this section, the Secretary shall not approve any change in a farming operation that otherwise would increase the number of individuals or entities (as defined in section 1001(a)) to which the limitations under this section apply, unless the Secretary determines that the change is bona fide and substantive.

''(2) FAMILY MEMBERS.—For the purpose of paragraph (1), the addition of a family member (as defined in subsection (b)(2)(A)) to a farming operation under the criteria established under subsection (b)(3)(B) shall be considered to be a bona fide and substantive change in the farming operation.

''(3) PRIMARY CONTROL.—To prevent a farm from reorganizing in a manner that is inconsistent with the purposes of this Act, the Secretary shall promulgate such regulations as the Secretary determines to be necessary to simultaneously attribute payments for a farming operation to more than 1 individual or entity, including the individual or entity that exercises primary control over the farming operation, including to respond to—

''(A)(i) any instance in which ownership of a farming operation is transferred to an individual or entity under an arrangement that provides for the sale or exchange of any asset or ownership interest in 1 or more entities at less than fair market value; and

''(ii) the transferor is provided preferential rights to repurchase the asset or interest at less than fair market value; or

''(B) a sale or exchange of any asset or ownership interest in 1 or more entities under an arrangement under which rights to exercise control over the asset or interest are retained, directly or indirectly, by the transferor.'';

(2) in subsection (b)—

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

''(1) IN GENERAL.—To be eligible to receive, directly or indirectly, payments or benefits described as being subject to limitation in subsection (b) through (d) of section 1001 with respect to a particular farming operation, an individual or entity (as defined in section 1001(a)) shall be actively engaged in farming with respect to the farming operation, in accordance with paragraphs (2), (3), and (4).'';

(B) in paragraph (2)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

''(A) DEFINITIONS.—In this paragraph:

''(i) ACTIVE PERSONAL MANAGEMENT.—The term 'active personal management' means, with respect to an individual, administrative duties carried out by the individual for a farming operation—

''(I) that are personally provided by the individual on a regular, substantial, and continuing basis; and

''(II) relating to the supervision and direction of—

''(aa) activities and labor involved in the farming operation; and

''(bb) onsite services directly related and necessary to the farming operation.

''(ii) FAMILY MEMBER.—The term 'family member', with respect to an individual participating in a farming operation, means an individual who is related to the individual as a lineal ancestor, a lineal descendant, or a sibling (including a spouse of such an individual).

''(B) ACTIVE ENGAGEMENT.—Except as provided in paragraph (3), for purposes of paragraph (1), the following shall apply:

''(i) An individual shall be considered to be actively engaged in farming with respect to a farming operation if—

''(I) the individual makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of—

''(aa) capital, equipment, or land; and

''(bb) personal labor and active personal management;

''(II) the share of the individual of the profits or losses from the farming operation is commensurate with the contributions of the individual to the operation; and

''(III) a contribution of the individual is at risk.

''(ii) An entity shall be considered to be actively engaged in farming with respect to a farming operation if—

''(I) the entity makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of capital, equipment, or land;

''(II)(aa) the stockholders or members that collectively own at least 51 percent of the combined beneficial interest in the entity each make a significant contribution of personal labor and active personal management to the operation; or

''(bb) in the case of an entity in which all of the beneficial interests are held by family members, any stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) who owns at least 10 percent of the beneficial interest in the entity makes a significant contribution of personal labor or active personal management; and

''(III) the entity meets the requirements of subclauses (II) and (III) of clause (i).'';

(ii) in subparagraph (C), by striking ''and the standards provided'' and all that follows through ''active personal management'' and inserting ''the partners or members making a significant contribution of personal labor or active personal management and meeting the standards provided in subclauses (II) and (III) of subparagraph (B)(i)''; and

(iii) by adding at the end the following:

''(E) SIGNIFICANT CONTRIBUTION OF PERSONAL LABOR OR ACTIVE PERSONAL MANAGEMENT.—

''(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (B), an individual shall be considered to be providing, on behalf of the individual or an entity, a significant contribution of personal labor or active personal management, if the total contribution of personal labor and active personal management is at least equal to the lesser of—

''(I) 1,000 hours; and

''(II) a period of time equal to—

''(aa) 50 percent of the commensurate share of the total number of hours of personal labor and active personal management required to conduct the farming operation; or

''(bb) in the case of a stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) that owns at least 10 percent of the beneficial interest in an entity in which all of the beneficial interests are held by family members, 50 percent of the commensurate share of hours of the personal labor and active personal management of all family members required to conduct the farming operation.

''(ii) MINIMUM LABOR HOURS.—For the purpose of clause (i), the minimum number of labor hours required to produce a commodity shall be equal to the number of hours that would be necessary to conduct a farming operation for the production of each commodity that is comparable in size to the commensurate share of an individual or entity in the farming operation for the production of the commodity, based on the minimum number of hours per acre required to produce the commodity in the State in which the farming operation is located, as determined by the Secretary.'';

(C) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

''(A) LANDOWNERS.—An individual or entity that is a landowner contributing owned land, and that meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), if, as determined by the Secretary—

''(i) the landowner share-rents the land at a rate that is usual and customary; and

''(ii) the share received by the landowner is commensurate with the share of the crop or income received as rent.'';

(ii) in subparagraph (B)—

(I) in the first sentence—

(aa) by striking ''persons, a majority of whom are individuals who'' and inserting ''individuals who are family members, or an entity the majority of the stockholders or members of which''; and

(bb) by striking ''standards provided in clauses (ii) and (iii) of paragraph (2)(A)'' and inserting ''requirements of subclauses (II) and (III) of paragraph (2)(B)(i)''; and

(II) by striking the second sentence; and

(iii) in subparagraph (C), by striking ''standards provided in clauses (ii) and (iii) of paragraph (2)(A)'' and inserting ''requirements of subclauses (II) and (III) of paragraph (2)(B)(i), and who was receiving payments from the landowner as a sharecropper prior to the effective date of the Food and Energy Security Act of 2007'';

(D) in paragraph (4)—

(i) in the paragraph heading, by striking ''PERSONS'' and inserting ''INDIVIDUALS AND ENTITIES'';

(ii) in the matter preceding subparagraph (A), by striking ''persons'' and inserting ''individuals and entities''; and

(iii) by striking subparagraph (B) and inserting the following:

''(B) OTHER INDIVIDUALS AND ENTITIES.—Any other individual or entity, or class of individuals or entities, that fails to meet the requirements of paragraphs (2) and (3), as determined by the Secretary.'';

(E) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(F) by inserting after paragraph (4) the following:

''(5) PERSONAL LABOR AND ACTIVE PERSONAL MANAGEMENT.—No stockholder or member may provide personal labor or active personal management to meet the requirements of this subsection for individuals or entities that collectively receive, directly or indirectly, an amount equal to more than twice the applicable limits under subsections (b), (c), and (d) of section 1001.''; and

(G) in paragraph (6) (as redesignated by subparagraph (E))—

(i) in the first sentence—

(I) by striking ''A person'' and inserting ''An individual or entity''; and

(II) by striking ''such person'' and inserting ''the individual or entity''; and

(ii) by striking the second sentence; and

(3) by adding at the end the following:

''(c) NOTIFICATION BY ENTITIES.—To facilitate the administration of this section, each entity that receives payments or benefits described as being subject to limitation in subsection (b), (c), or (d) of section 1001 with respect to a particular farming operation shall—

''(1) notify each individual or other entity that acquires or holds a beneficial interest in the farming operation of the requirements and limitations under this section; and

''(2) provide to the Secretary, at such times and in such manner as the Secretary may require, the name and social security number of each individual, or the name and taxpayer identification number of each entity, that holds or acquires such a beneficial interest.''.

(c) SCHEMES OR DEVICES.—Section 1001B of the Food Security Act of 1985 (7 U.S.C. 1308–2) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''If'';

(2) in subsection (a) (as designated by paragraph (1)), by striking ''person'' each place it appears and inserting ''individual or entity''; and

(3) by adding at the end the following:

''(b) EXTENDED INELIGIBILITY.—If the Secretary determines that an individual or entity, for the benefit of the individual or entity or of any other individual or entity, has knowingly engaged in, or aided in the creation of fraudulent documents, failed to disclose material information relevant to the administration of this subtitle requested by the Secretary, or committed other equally serious actions as identified in regulations issued by the Secretary, the Secretary may for a period not to exceed 5 crop years deny the issuance of payments to the individual or entity.

''(c) FRAUD.—If fraud is committed by an individual or entity in connection with a scheme or device to evade, or that has the purpose of evading, section 1001, 1001A, or 1001C, the individual or entity shall be ineligible to receive farm program payments described as being subject to limitation in subsection (b), (c), or (d) of section 1001 for—

''(1) the crop year for which the scheme or device is adopted; and

''(2) the succeeding 5 crop years.

''(d) JOINT AND SEVERAL LIABILITY.—Any individual or entity that participates in a scheme or device described in subsection (a) or (b) shall be jointly and severally liable for any and all overpayments resulting from the scheme or device, and subject to program ineligibility resulting from the scheme or device, regardless of whether a particular individual or entity was a payment recipient.

''(e) WAIVER AUTHORITY.—

''(1) IN GENERAL.—The Secretary may fully or partially release an individual or entity from liability for repayment of program proceeds under subsection (d) if the individual or entity cooperates with the Department of Agriculture by disclosing a scheme or device to evade section 1001, 1001A, or 1001C or any other provision of law administered by the Secretary that imposes a payment limitation.

''(2) DISCRETION.—The decision of the Secretary under this subsection is vested in the sole discretion of the Secretary.''.

(d) FOREIGN INDIVIDUALS AND ENTITIES MADE INELIGIBLE FOR PROGRAM BENEFITS.—Section 1001C of the Food Security Act of 1985 (7 U.S.C. 1308–3) is amended—

(1) in the section heading, by striking ''**PERSONS**'' and inserting ''**INDIVIDUALS AND ENTITIES**'';

(2) in subsection (a), by striking ''person'' each place it appears and inserting ''individual'';

(3) in subsection (b)—

(A) in the subsection heading, by striking ''CORPORATION OR OTHER''; and

(B) in the first sentence—

(i) by striking ''a corporation or other entity shall be considered a person that'' and inserting ''an entity''; and

(ii) by striking ''persons'' both places it appears and inserting ''individuals''; and

(4) in subsection (c), by striking ''person'' and inserting ''entity or individual''.

(e) TREATMENT OF MULTIYEAR PROGRAM CONTACT PAYMENTS.—Section 1001F of the Food Security Act of 1985 (7 U.S.C. 1308–5) is repealed.

(f) INCREASED FUNDING FOR CERTAIN PROGRAMS.—In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(1) the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) (as amended by section 1812), an additional $5,000,000 for each of fiscal years 2009 through 2011;

(2) the national organic certification cost-share program established under section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) (as amended by section 1823), an additional $3,000,000 for fiscal year 2012;

(3) the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security

Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the ''Farm and Ranch Lands Protection Program''), an additional—

(A) $17,000,000 for each of fiscal years 2009 and 2010; and

(B) $18,000,000 for fiscal year 2011;

(4) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), an additional $45,000,000 for the period of fiscal years 2008 through 2012;

(5) the availability of commodities for the emergency food assistance program under section 27(a) of the Food and Nutrition Act of 2007 (7 U.S.C. 2036(a)) (as amended by section 4110(a)), an additional $63,000,000 for each of fiscal years 2013 through 2017;

(6) the emergency food assistance program under section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) (as amended by section 4802(a)), an additional—

(A) $13,000,000 for fiscal year 2009;

(B) $14,000,000 for each of fiscal years 2010 and 2011; and

(C) $15,000,000 for fiscal year 2012;

(7) the improvements to the food and nutrition program made by sections 4103, 4108, 4110(a)(2), 4208, and 4801(g) (and the amendments made by those sections) without regard to section 4908(b);

(8) the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), an additional $5,000,000 for each of fiscal years 2009 through 2012;

(9) the determination on the merits of Pigford claims under section 5402, an additional $20,000,000 for fiscal year 2008 and $40,000,000 for each of fiscal years 2009 and 2010 (including by providing an increased maximum amount under subsection (c)(2) of that section of $200,000,000);

(10) the rural microenterprise assistance program established under section 366 of the Consolidated Farm and Rural Development Act (as added by section 6022), an additional $40,000,000 for fiscal year 2009; and

(11) the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), an additional $15,000,000 for each of fiscal years 2009 through 2012.

SA 3696. Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

Subtitle C—Disaster Loan Program

SEC. 11101. SHORT TITLE.

This subtitle may be cited as the ''Small Business Disaster Response and Loan Improvements Act of 2007''.

SEC. 11102. DEFINITIONS.

In this subtitle—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''Small Business Act catastrophic national disaster'' means a Small Business Act catastrophic national disaster declared under section 7(b)(11) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act;

(3) the term ''declared disaster'' means a major disaster or a Small Business Act catastrophic national disaster;

(4) the term ''disaster area'' means an area affected by a natural or other disaster, as determined for purposes of paragraph (1) or (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), during the period of such declaration;

(5) the term ''disaster loan program of the Administration'' means assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(6) the term ''disaster update period'' means the period beginning on the date on which the President declares a major disaster or a Small Business Act catastrophic national disaster and ending on the date on which such declaration terminates;

(7) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(8) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(9) the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

PART I—DISASTER PLANNING AND RESPONSE

SEC. 11121. DISASTER LOANS TO NONPROFITS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

''(4) LOANS TO NONPROFITS.—In addition to any other loan authorized by this subsection, the Administrator may make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a nonprofit organization located or operating in an area affected by a natural or other disaster, as determined under paragraph (1) or (2), or providing services to persons who have evacuated from any such area.''.

SEC. 11122. DISASTER LOAN AMOUNTS.

(a) INCREASED LOAN CAPS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (4), as added by this Act, the following:

''(5) INCREASED LOAN CAPS.—

''(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and notwithstanding any other provision of law, the aggregate loan amount outstanding and committed to a borrower under this subsection may not exceed $2,000,000.

''(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, increase the aggregate loan amount under subparagraph (A) for loans relating to a disaster to a level established by the Administrator, based on appropriate economic indicators for the region in which that disaster occurred.''.

(b) DISASTER MITIGATION.—

(1) IN GENERAL.—Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting ''of the aggregate costs of such damage or destruction (whether or not compensated for by insurance or otherwise)'' after ''20 per centum''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a loan or guarantee made after the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''the, Administration'' and inserting ''the Administration'';

(2) in paragraph (2)(A), by striking ''Disaster Relief and Emergency Assistance Act'' and inserting ''Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (in this subsection referred to as a 'major disaster')''; and

(3) in the undesignated matter at the end—

(A) by striking '', (2), and (4)'' and inserting ''and (2)''; and

(B) by striking '', (2), or (4)'' and inserting ''(2)''.

SEC. 11123. SMALL BUSINESS DEVELOPMENT CENTER PORTABILITY GRANTS.

Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended—

(1) in the first sentence, by striking ''as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability'' and inserting ''due to events that have resulted or will result in, business or government facility downsizing or closing''; and

(2) by adding at the end ''At the discretion of the Administrator, the Administrator may make an award greater than $100,000 to a recipient to accommodate extraordinary occurrences having a catastrophic impact on the small business concerns in a community.''.

SEC. 11124. ASSISTANCE TO OUT-OF-STATE BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking ''At the discretion'' and inserting the following: ''SMALL BUSINESS DEVELOPMENT CENTERS.—

''(A) IN GENERAL.—At the discretion''; and

(2) by adding at the end the following:

''(B) DURING DISASTERS.—

''(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide such assistance to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in a disaster area declared under section 7(b)(2)(A).

''(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which such small business development center otherwise provides services.

''(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of providing disaster recovery assistance under this subparagraph, the Administrator shall, to the maximum extent practicable, permit small business development center personnel to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.''.

SEC. 11125. OUTREACH PROGRAMS.

(a) IN GENERAL.—Not later than 30 days after the date of the declaration of a disaster area, the Administrator may establish a contracting outreach and technical assistance program for small business concerns which have had a primary place of business in, or other significant presence in, such disaster area.

(b) ADMINISTRATOR ACTION.—The Administrator may carry out subsection (a) by acting through—

(1) the Administration;

(2) the Federal agency small business officials designated under section 15(k)(1) of the Small Business Act (15 U.S.C. 644(k)(1)); or

(3) any Federal, State, or local government entity, higher education institution, procurement technical assistance center, or private nonprofit organization that the Administrator may determine appropriate, upon

conclusion of a memorandum of understanding or assistance agreement, as appropriate, with the Administrator.

SEC. 11126. SMALL BUSINESS BONDING THRESHOLD.

(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, for any procurement related to a major disaster, the Administrator may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

(b) INCREASE OF AMOUNT.—Upon request of the head of any Federal agency other than the Administration involved in reconstruction efforts in response to a major disaster, the Administrator may guarantee and enter into a commitment to guarantee any security against loss under subsection (a) on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

SEC. 11127. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after ''January 1, 1989'' the following: '', and shall terminate on the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007''.

SEC. 11128. INCREASING COLLATERAL REQUIREMENTS.

Section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)) is amended by striking ''$10,000 or less'' and inserting ''$14,000 or less (or such higher amount as the Administrator determines appropriate in the event of a Small Business Act catastrophic national disaster declared under subsection (b)(11))''.

SEC. 11129. PUBLIC AWARENESS OF DISASTER DECLARATION AND APPLICATION PERIODS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

''(6) COORDINATION WITH FEMA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, for any disaster (including a Small Business Act catastrophic national disaster) declared under this subsection or major disaster, the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall ensure, to the maximum extent practicable, that all application periods for disaster relief under this Act correspond with application deadlines established under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or as extended by the President.

''(B) DEADLINES.—Notwithstanding any other provision of law, not later than 10 days before the closing date of an application period for a major disaster (including a Small Business Act catastrophic national disaster), the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, 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 that includes—

''(i) the deadline for submitting applications for assistance under this Act relating to that major disaster;

''(ii) information regarding the number of loan applications and disbursements processed by the Administrator relating to that major disaster for each day during the period beginning on the date on which that major disaster was declared and ending on the date of that report; and

''(iii) an estimate of the number of potential applicants that have not submitted an application relating to that major disaster.

''(7) PUBLIC AWARENESS OF DISASTERS.—If a disaster (including a Small Business Act catastrophic national disaster) is declared under this subsection, the Administrator shall make every effort to communicate through radio, television, print, and web-based outlets, all relevant information needed by disaster loan applicants, including—

''(A) the date of such declaration;

''(B) cities and towns within the area of such declaration;

''(C) loan application deadlines related to such disaster;

''(D) all relevant contact information for victim services available through the Administration (including links to small business development center websites);

''(E) links to relevant Federal and State disaster assistance websites, including links to websites providing information regarding assistance available from the Federal Emergency Management Agency;

''(F) information on eligibility criteria for Administration loan programs, including where such applications can be found; and

''(G) application materials that clearly state the function of the Administration as the Federal source of disaster loans for homeowners and renters.''.

(b) MARKETING AND OUTREACH.—Not later than 90 days after the date of enactment of this Act, the Administrator shall create a marketing and outreach plan that—

(1) encourages a proactive approach to the disaster relief efforts of the Administration;

(2) makes clear the services provided by the Administration, including contact information, application information, and timelines for submitting applications, the review of applications, and the disbursement of funds;

(3) describes the different disaster loan programs of the Administration, including how they are made available and the eligibility requirements for each loan program;

(4) provides for regional marketing, focusing on disasters occurring in each region before the date of enactment of this Act, and likely scenarios for disasters in each such region; and

(5) ensures that the marketing plan is made available at small business development centers and on the website of the Administration.

SEC. 11130. CONSISTENCY BETWEEN ADMINISTRATION REGULATIONS AND STANDARD OPERATING PROCEDURES.

(a) IN GENERAL.—The Administrator shall, promptly following the date of enactment of this Act, conduct a study of whether the standard operating procedures of the Administration for loans offered under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) are consistent with the regulations of the Administration for administering the disaster loan program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administration shall submit to Congress a report containing all findings and recommendations of the study conducted under subsection (a).

SEC. 11131. PROCESSING DISASTER LOANS.

(a) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS TO PROCESS DISASTER LOANS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (7), as added by this Act, the following:

''(8) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS.—

''(A) DISASTER LOAN PROCESSING.—The Administrator may enter into an agreement with a qualified private contractor, as determined by the Administrator, to process loans under this subsection in the event of a major disaster or a Small Business Act catastrophic national disaster declared under paragraph (11), under which the Administrator shall pay the contractor a fee for each loan processed.

''(B) LOAN LOSS VERIFICATION SERVICES.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this subsection in the event of a major disaster or a Small Business Act catastrophic national disaster declared under paragraph (11), under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies losses.''.

(b) COORDINATION OF EFFORTS BETWEEN THE ADMINISTRATOR AND THE INTERNAL REVENUE SERVICE TO EXPEDITE LOAN PROCESSING.—The Administrator and the Commissioner of Internal Revenue shall, to the maximum extent practicable, ensure that all relevant and allowable tax records for loan approval are shared with loan processors in an expedited manner, upon request by the Administrator.

SEC. 11132. DEVELOPMENT AND IMPLEMENTATION OF MAJOR DISASTER RESPONSE PLAN.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) by rule, amend the 2006 Atlantic hurricane season disaster response plan of the Administration (in this section referred to as the ''disaster response plan'') to apply to major disasters; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the amendments to the disaster response plan.

(b) CONTENTS.—The report required under subsection (a)(2) shall include—

(1) any updates or modifications made to the disaster response plan since the report regarding the disaster response plan submitted to Congress on July 14, 2006;

(2) a description of how the Administrator plans to utilize and integrate District Office personnel of the Administration in the response to a major disaster, including information on the utilization of personnel for loan processing and loan disbursement;

(3) a description of the disaster scalability model of the Administration and on what basis or function the plan is scaled;

(4) a description of how the agency-wide Disaster Oversight Council is structured, which offices comprise its membership, and whether the Associate Deputy Administrator for Entrepreneurial Development of the Administration is a member;

(5) a description of how the Administrator plans to coordinate the disaster efforts of the Administration with State and local government officials, including recommendations on how to better incorporate State initiatives or programs, such as State-administered bridge loan programs, into the disaster response of the Administration;

(6) recommendations, if any, on how the Administration can better coordinate its disaster response operations with the operations of other Federal, State, and local entities;

(7) any surge plan for the disaster loan program of the Administration in effect on or after August 29, 2005 (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(8) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(9) the in-service and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster;

(11) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005; and

(12) a plan for how the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, will coordinate the provision of accommodations and necessary resources for disaster assistance personnel to effectively perform their responsibilities in the aftermath of a major disaster.

(c) EXERCISES.—Not later than 6 months after the date of the submission of the report under subsection (a)(2), the Administrator shall develop and execute simulation exercises to demonstrate the effectiveness of the amended disaster response plan required under this section.

SEC. 11133. DISASTER PLANNING RESPONSIBILITIES.

(a) ASSIGNMENT OF SMALL BUSINESS ADMINISTRATION DISASTER PLANNING RESPONSIBILITIES.—The Administrator shall specifically assign the disaster planning responsibilities described in subsection (b) to an employee of the Administration who—

(1) is not an employee of the Office of Disaster Assistance of the Administration;

(2) shall report directly to the Administrator; and

(3) has a background and expertise demonstrating significant experience in the area of disaster planning.

(b) RESPONSIBILITIES.—The responsibilities described in this subsection are—

(1) creating and maintaining the comprehensive disaster response plan of the Administration;

(2) ensuring in-service and pre-service training procedures for the disaster response staff of the Administration;

(3) coordinating and directing Administration training exercises, including mock disaster responses, with other Federal agencies; and

(4) other responsibilities, as determined by the Administrator.

(c) REPORT.—Not later than 30 days after the date of enactment of this Act, the Administrator 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—

(1) a description of the actions of the Administrator to assign an employee under subsection (a);

(2) information detailing the background and expertise of the employee assigned under subsection (a); and

(3) information on the status of the implementation of the responsibilities described in subsection (b).

SEC. 11134. ADDITIONAL AUTHORITY FOR DISTRICT OFFICES OF THE ADMINISTRATION.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (8), as added by this Act, the following:

''(9) USE OF DISTRICT OFFICES.—In the event of a major disaster, the Administrator may authorize a district office of the Administration to process loans under paragraph (1) or (2).''.

(b) DESIGNATION.—

(1) IN GENERAL.—The Administrator may designate an employee in each district office of the Administration to act as a disaster loan liaison between the disaster processing center and applicants under the disaster loan program of the Administration.

(2) RESPONSIBILITIES.—Each employee designated under paragraph (1) shall—

(A) be responsible for coordinating and facilitating communications between applicants under the disaster loan program of the Administration and disaster loan processing staff regarding documentation and information required for completion of an application; and

(B) provide information to applicants under the disaster loan program of the Administration regarding additional services and benefits that may be available to such applicants to assist with recovery.

(3) OUTREACH.—In providing outreach to disaster victims following a declared disaster, the Administrator shall make disaster victims aware of—

(A) any relevant employee designated under paragraph (1); and

(B) how to contact that employee.

SEC. 11135. ASSIGNMENT OF EMPLOYEES OF THE OFFICE OF DISASTER ASSISTANCE AND DISASTER CADRE.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (9), as added by this Act, the following:

''(10) DISASTER ASSISTANCE EMPLOYEES.—

''(A) IN GENERAL.—In carrying out this section, the Administrator may, where practicable, ensure that the number of full-time equivalent employees—

''(i) in the Office of the Disaster Assistance is not fewer than 800; and

''(ii) in the Disaster Cadre of the Administration is not fewer than 750.

''(B) REPORT.—In carrying out this subsection, if the number of full-time employees for either the Office of Disaster Assistance or the Disaster Cadre of the Administration is below the level described in subparagraph (A) for that office, not later than 21 days after the date on which that staffing level decreased below the level described in subparagraph (A), the Administrator shall submit to the Committee on Appropriations and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Appropriations and Committee on Small Business of the House of Representatives, a report—

''(i) detailing staffing levels on that date;

''(ii) requesting, if practicable and determined appropriate by the Administrator, additional funds for additional employees; and

''(iii) containing such additional information, as determined appropriate by the Administrator.''.

PART II—DISASTER LENDING

SEC. 11141. SMALL BUSINESS ACT CATASTROPHIC NATIONAL DISASTER DECLARATION.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (10), as added by this Act, the following:

''(11) SMALL BUSINESS ACT CATASTROPHIC NATIONAL DISASTERS.—

''(A) IN GENERAL.—The President may make a Small Business Act catastrophic national disaster declaration in accordance with this paragraph.

''(B) PROMULGATION OF RULES.—

''(i) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, the Administrator, with the concurrence of the Secretary of Homeland Security and the Administrator of the Federal Emergency Management Agency, shall promulgate regulations establishing a threshold for a Small Business Act catastrophic national disaster declaration.

''(ii) CONSIDERATIONS.—In promulgating the regulations required under clause (i), the Administrator shall establish a threshold that—

''(I) requires that the incident for which the President declares a Small Business Act catastrophic national disaster declaration under this paragraph has resulted in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

''(II) requires that the President declares a major disaster before making a Small Business Act catastrophic national disaster declaration under this paragraph;

''(III) requires consideration of—

''(aa) the dollar amount per capita of damage to the State, its political subdivisions, or a region;

''(bb) the number of small business concerns damaged, physically or economically, as a direct result of the event;

''(cc) the number of individuals and households displaced from their predisaster residences by the event;

''(dd) the severity of the impact on employment rates in the State, its political subdivisions, or a region;

''(ee) the anticipated length and difficulty of the recovery process;

''(ff) whether the events leading to the relevant major disaster declaration are of an unusually large and calamitous nature that is orders of magnitude larger than for an average major disaster; and

''(gg) any other factor determined relevant by the Administrator.

''(C) AUTHORIZATION.—If the President makes a Small Business Act catastrophic national disaster declaration under this paragraph, the Administrator may make such loans under this paragraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to small business concerns located anywhere in the United States that are economically adversely impacted as a result of that Small Business Act catastrophic national disaster.

''(D) LOAN TERMS.—A loan under this paragraph shall be made on the same terms as a loan under paragraph (2).''.

SEC. 11142. PRIVATE DISASTER LOANS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) PRIVATE DISASTER LOANS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'disaster area' means any area for which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) that subsequently results in the President making a Small Business Act catastrophic national disaster declaration under subsection (b)(11);

''(B) the term 'eligible small business concern' means a business concern that is—

''(i) a small business concern, as defined in this Act; or

''(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958; and

''(C) the term 'qualified private lender' means any privately-owned bank or other

lending institution that the Administrator determines meets the criteria established under paragraph (9).

''(2) AUTHORIZATION.—The Administrator may guarantee timely payment of principal and interest, as scheduled on any loan issued by a qualified private lender to an eligible small business concern located in a disaster area.

''(3) USE OF LOANS.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (b).

''(4) ONLINE APPLICATIONS.—

''(A) ESTABLISHMENT.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

''(B) OTHER FEDERAL ASSISTANCE.—The Administrator may coordinate with the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

''(C) CONSULTATION.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

''(5) MAXIMUM AMOUNTS.—

''(A) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

''(B) LOAN AMOUNTS.—The maximum amount of a loan guaranteed under this subsection shall be $2,000,000.

''(6) LOAN TERM.—The longest term of a loan for a loan guaranteed under this subsection shall be—

''(A) 15 years for any loan that is issued without collateral; and

''(B) 25 years for any loan that is issued with collateral.

''(7) FEES.—

''(A) IN GENERAL.—The Administrator may not collect a guarantee fee under this subsection.

''(B) ORIGINATION FEE.—The Administrator may pay a qualified private lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender and the Administrator.

''(8) DOCUMENTATION.—A qualified private lender may use its own loan documentation for a loan guaranteed by the Administrator, to the extent authorized by the Administrator. The ability of a lender to use its own loan documentation for a loan guaranteed under this subsection shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (9).

''(9) IMPLEMENTATION REGULATIONS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall issue final regulations establishing permanent criteria for qualified private lenders.

''(B) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2007, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(10) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—Amounts necessary to carry out this subsection shall be made available from amounts appropriated to the Administration to carry out subsection (b).

''(B) AUTHORITY TO REDUCE INTEREST RATES.—Funds appropriated to the Administration to carry out this subsection, may be used by the Administrator, to the extent available, to reduce the rate of interest for any loan guaranteed under this subsection by not more than 3 percentage points.

''(11) PURCHASE OF LOANS.—The Administrator may enter into an agreement with a qualified private lender to purchase any loan issued under this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disasters declared under section 7(b)(2) of the Small Business Act (631 U.S.C. 636(b)(2)) before, on, or after the date of enactment of this Act.

SEC. 11143. TECHNICAL AND CONFORMING AMENDMENTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(c)—

(A) in paragraph (1), by striking ''7(c)(2)'' and inserting ''7(d)(2)''; and

(B) in paragraph (2)—

(i) by striking ''7(c)(2)'' and inserting ''7(d)(2)''; and

(ii) by striking ''7(e),''; and

(2) in section 7(b), in the undesignated matter following paragraph (3)—

(A) by striking ''That the provisions of paragraph (1) of subsection (c)'' and inserting ''That the provisions of paragraph (1) of subsection (d)''; and

(B) by striking ''Notwithstanding the provisions of any other law the interest rate on the Administration's share of any loan made under subsection (b) except as provided in subsection (c),'' and inserting ''Notwithstanding any other provision of law, and except as provided in subsection (d), the interest rate on the Administration's share of any loan made under subsection (b)''.

SEC. 11144. EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''immediate disaster assistance'' means assistance provided during the period beginning on the date on which the President makes a Small Business Act catastrophic disaster declaration under paragraph (11) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act, and ending on the date that an impacted small business concern is able to secure funding through insurance claims, Federal assistance programs, or other sources; and

(2) the term ''program'' means the expedited disaster assistance business loan program established under subsection (b).

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program to provide small business concerns with immediate disaster assistance under paragraph (11) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act.

(c) CONSULTATION REQUIRED.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue rules in final form establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the declared disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) TERMS AND CONDITIONS.—A loan made by the Administration under this section—

(A) shall be for not more than $150,000;

(B) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(C) shall have an interest rate not to exceed 1 percentage point above the prime rate of interest that a private lender may charge;

(D) shall have no prepayment penalty;

(E) may only be made to a borrower that meets the requirements for a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(F) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act;

(G) may receive expedited loss verification and loan processing, if the applicant is—

(i) a major source of employment in the disaster area (which shall be determined in the same manner as under section 7(b)(3)(B) of the Small Business Act (15 U.S.C. 636(b)(3)(B))); or

(ii) vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials); and

(H) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

SEC. 11145. HUBZONES.

(a) IN GENERAL.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking ''or'';

(B) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(F) areas in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005, during the time period described in paragraph (8); or

''(G) Small Business Act catastrophic national disaster areas.'';

(2) in paragraph (4), by adding at the end the following:

''(E) SMALL BUSINESS ACT CATASTROPHIC NATIONAL DISASTER AREA.—

''(i) IN GENERAL.—The term 'Small Business Act catastrophic national disaster area' means an area—

''(I) affected by a Small Business Act catastrophic national disaster declared under section 7(b)(11), during the time period described in clause (ii); and

''(II) for which the Administrator determines that designation as a HUBZone would substantially contribute to the reconstruction and recovery effort in that area.

''(ii) TIME PERIOD.—The time period for the purposes of clause (i)—

''(I) shall be the 2-year period beginning on the date that the applicable Small Business Act catastrophic national disaster was declared under section 7(b)(11); and

''(II) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in subclause (I).''; and

(3) by adding at the end the following:

''(8) TIME PERIOD.—The time period for the purposes of paragraph (1)(F)—

''(A) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

''(B) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.''.

(b) TOLLING OF GRADUATION.—Section 7(j)(10)(C) of the Small Business Act (15 U.S.C. 636(j)(10)(C)) is amended by adding at the end the following:

''(iii)(I) For purposes of this subparagraph, if the Administrator designates an area as a HUBZone under section 3(p)(4)(E)(i)(II), the Administrator shall not count the time period described in subclause (II) of this clause for any small business concern—

''(aa) that is participating in any program, activity, or contract under section 8(a); and

''(bb) the principal place of business of which is located in that area.

''(II) The time period for purposes of subclause (I)—

''(aa) shall be the 2-year period beginning on the date that the applicable Small Business Act catastrophic national disaster was declared under section 7(b)(11); and

''(bb) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the date described in item (aa).''.

(c) STUDY OF HUBZONE DISASTER AREAS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives evaluating the designation by the Administrator of Small Business Act catastrophic national disaster areas, as that term is defined in section 3(p)(4)(E) of the Small Business Act (as added by this Act), as HUBZones.

PART III—DISASTER ASSISTANCE OVERSIGHT

SEC. 11161. CONGRESSIONAL OVERSIGHT.

(a) MONTHLY ACCOUNTING REPORT TO CONGRESS.—

(1) REPORTING REQUIREMENTS.—Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for that major disaster during the preceding month.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(B) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(C) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(D) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding;

(E) an estimate of how long the available funding for such loans will last, based on the spending rate;

(F) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(G) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under paragraph (1);

(H) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding; and

(I) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

(b) DAILY DISASTER UPDATES TO CONGRESS FOR PRESIDENTIALLY DECLARED DISASTERS.—

(1) IN GENERAL.—Each day during a disaster update period, excluding Federal holidays and weekends, the Administration shall provide to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared a major disaster.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) the number of Administration staff performing loan processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the daily number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the daily number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the daily number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the daily number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the daily number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the daily number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the daily number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the daily dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the daily amount of loans dispersed, both partially and fully, by the Administration to applicants in the relevant area, as well as a breakdown of such figures by State;

(K) the daily dollar amount of loans disbursed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully disbursed, including dollar amounts, since the last report under paragraph (1); and

(M) the declaration date, physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(c) NOTICE OF THE NEED FOR SUPPLEMENTAL FUNDS.—On the same date that the Administrator notifies any committee of the Senate or the House of Representatives that supplemental funding is necessary for the disaster loan program of the Administration in any fiscal year, the Administrator shall notify in writing the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the need for supplemental funds for that loan program.

(d) REPORT ON CONTRACTING.—

(1) IN GENERAL.—Not later than 6 months after the date on which the President declares a major disaster, and every 6 months thereafter until the date that is 18 months after the date on which the major disaster was declared, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding Federal contracts awarded as a result of that major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the total number of contracts awarded as a result of that major disaster;

(B) the total number of contracts awarded to small business concerns as a result of that major disaster;

(C) the total number of contracts awarded to women and minority-owned businesses as a result of that major disaster; and

(D) the total number of contracts awarded to local businesses as a result of that major disaster.

(e) REPORT ON LOAN APPROVAL RATE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing how the Administration can improve the processing of applications under the disaster loan program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) recommendations, if any, regarding—

(i) staffing levels during a major disaster;

(ii) how to improve the process for processing, approving, and disbursing loans under

the disaster loan program of the Administration, to ensure that the maximum assistance is provided to victims in a timely manner;

(iii) the viability of using alternative methods for assessing the ability of an applicant to repay a loan, including the credit score of the applicant on the day before the date on which the disaster for which the applicant is seeking assistance was declared;

(iv) methods, if any, for the Administration to expedite loss verification and loan processing of disaster loans during a major disaster for businesses affected by, and located in the area for which the President declared, the major disaster that are a major source of employment in the area or are vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials);

(v) legislative changes, if any, needed to implement findings from the Accelerated Disaster Response Initiative of the Administration; and

(vi) a description of how the Administration plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration; and

(B) the plans of the Administrator for implementing any recommendation made under subparagraph (A).

SA 3697. Mr. WYDEN (for himself, Mr. ALEXANDER, Mr. KERRY, Mr. FEINGOLD, Mr. BINGAMAN, Mr. SUNUNU, Mr. DODD, Ms. STABENOW, Mr. BIDEN, Ms. CANTWELL, Mrs. MURRAY, Ms. SNOWE, Mr. GREGG, Mr. BAUCUS, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 82____. PREVENTION OF ILLEGAL LOGGING PRACTICES.

(a) IN GENERAL.—The Lacey Act Amendments of 1981 are amended—

(1) in section 2 (16 U.S.C. 3371)—

(A) by striking subsection (f) and inserting the following:

''(f) PLANT.—

''(1) IN GENERAL.—The term 'plant' means any wild member of the plant kingdom, including roots, seeds, parts, and products thereof.

''(2) EXCLUSIONS.—The term 'plant' excludes any common food crop or cultivar that is a species not listed—

''(A) on the most recent appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on March 3, 1973 (27 UST 1087; TIAS 8249); or

''(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).'';

(B) in subsection (h), by inserting ''also'' after ''plants the term''; and

(C) by striking subsection (j) and inserting the following:

''(j) TAKE.—The term 'take' means—

''(1) to capture, kill, or collect; and

''(2) with respect to a plant, also to harvest, cut, log, or remove.'';

(2) in section 3 (16 U.S.C. 3372)—

(A) in subsection (a)—

(i) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) any plant—

''(i) taken, transported, possessed, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

''(I) the theft of plants;

''(II) the taking of plants from a park, forest reserve, or other officially protected area;

''(III) the taking of plants from an officially designated area; or

''(IV) the taking of plants without, or contrary to, required authorization;

''(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

''(iii) exported or transshipped in violation of any limitation under any law or regulation of any State or under any foreign law; or''; and

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

''(B) to possess any plant—

''(i) taken, transported, possessed, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

''(I) the theft of plants;

''(II) the taking of plants from a park, forest reserve, or other officially protected area;

''(III) the taking of plants from an officially designated area; or

''(IV) the taking of plants without, or contrary to, required authorization;

''(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

''(iii) exported or transshipped in violation of any limitation under any law or regulation of any State or under any foreign law; or''; and

(B) by adding at the end the following:

''(f) PLANT DECLARATIONS.—

''(1) IN GENERAL.—Effective 180 days from the date of enactment of this subsection and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation where clearance is requested a declaration that contains—

''(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

''(B) a description of—

''(i) the value of the importation; and

''(ii) the quantity, including the unit of measure, of the plant; and

''(C) the name of the country from which the plant was taken.

''(2) DECLARATION RELATING TO PLANT PRODUCTS.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

''(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product; and

''(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than 1 country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken.

''(3) EXCLUSIONS.—Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging materials to support, protect, or carry another item, unless the packaging materials are the items being imported.

''(4) REVIEW.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement described in paragraphs (1) and (2).

''(B) REVIEW OF EXCLUDED WOOD AND PAPER PACKAGING MATERIALS.—The Secretary—

''(i) shall, in conducting the review under subparagraph (A), consider the effect of excluding the materials described in paragraph (3); and

''(ii) may limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review, that the limitations in scope are warranted.

''(5) REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

''(i) an evaluation of—

''(I) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of section 3; and

''(II) the potential to harmonize each requirement described in paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

''(ii) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of section 3; and

''(iii) an analysis of the effect of the provisions of subsection (a) and (f) on—

''(I) the cost of legal plant imports; and

''(II) the extent and methodology of illegal logging practices and trafficking.

''(B) PUBLIC PARTICIPATION.—In conducting the review under paragraph (4), the Secretary shall provide public notice and an opportunity for comment.

''(6) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

''(A) to limit the applicability of any requirement described in paragraph (2) to specific plant products;

''(B) to make any other necessary modification to any requirement described in paragraph (2), as determined by the Secretary based on the review under paragraph (4); and

''(C) to limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review under paragraph (4), that the limitations in scope are warranted.'';

(3) in section 4 (16 U.S.C. 3373)—

(A) by striking ''subsections (b) and (d)'' each place it appears and inserting ''subsections (b), (d), and (f)'';

(B) by striking ''section 3(d)'' each place it appears and inserting ''subsection (d) or (f) of section 3''; and

(C) in subsection (a)(2), by striking ''subsection 3(b)'' and inserting ''subsection (b) or subsection (f) of section 3, except as provided in paragraph (1),'';

(4) by adding at the end of section 5 (16 U.S.C. 3374) the following:

''(d) CIVIL FORFEITURES.—Civil forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code.''; and

(5) in section 7(a)(1) (16 U.S.C. 3376(a)(1)), by striking ''section 4'' and inserting ''section 3(f), section 4,''.

(b) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 102(c) of Public Law 100–653 (102 Stat. 3825) is amended by striking ''(other than section 3(b))'' and inserting ''(other than subsection 3(b))''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on November 14, 1988.

SA 3698. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. PREVENTION OF ILLEGAL LOGGING PRACTICES.

(a) IN GENERAL.—The Lacey Act Amendments of 1981 are amended—

(1) in section 2 (16 U.S.C. 3371)—

(A) by striking subsection (f) and inserting the following:

''(f) PLANT.—

''(1) IN GENERAL.—The term 'plant' means any wild member of the plant kingdom, including roots, seeds, parts, and products thereof.

''(2) EXCLUSIONS.—The term 'plant' excludes any common food crop or cultivar that is a species not listed—

''(A) on the most recent appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on March 3, 1973 (27 UST 1087; TIAS 8249); or

''(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).'';

(B) in subsection (h), by inserting ''also'' after ''plants the term''; and

(C) by striking subsection (j) and inserting the following:

''(j) TAKE.—The term 'take' means—

''(1) to capture, kill, or collect; and

''(2) with respect to a plant, also to harvest, cut, log, or remove.'';

(2) in section 3 (16 U.S.C. 3372)—

(A) in subsection (a)—

(i) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) any plant—

''(i) taken, transported, possessed, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

''(I) the theft of plants;

''(II) the taking of plants from a park, forest reserve, or other officially protected area;

''(III) the taking of plants from an officially designated area; or

''(IV) the taking of plants without, or contrary to, required authorization;

''(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

''(iii) exported or transshipped in violation of any limitation under any law or regulation of any State or under any foreign law; or''; and

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

''(B) to possess any plant—

''(i) taken, transported, possessed, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

''(I) the theft of plants;

''(II) the taking of plants from a park, forest reserve, or other officially protected area;

''(III) the taking of plants from an officially designated area; or

''(IV) the taking of plants without, or contrary to, required authorization;

''(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

''(iii) exported or transshipped in violation of any limitation under any law or regulation of any State or under any foreign law; or''; and

(B) by adding at the end the following:

''(f) PLANT DECLARATIONS.—

''(1) IN GENERAL.—Effective 180 days from the date of enactment of this subsection and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation where clearance is requested a declaration that contains—

''(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

''(B) a description of—

''(i) the value of the importation; and

''(ii) the quantity, including the unit of measure, of the plant; and

''(C) the name of the country from which the plant was taken.

''(2) DECLARATION RELATING TO PLANT PRODUCTS.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

''(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product; and

''(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than 1 country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken.

''(3) EXCLUSIONS.—Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging materials to support, protect, or carry another item, unless the packaging materials are the items being imported.

''(4) REVIEW.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement described in paragraphs (1) and (2).

''(B) REVIEW OF EXCLUDED WOOD AND PAPER PACKAGING MATERIALS.—The Secretary—

''(i) shall, in conducting the review under subparagraph (A), consider the effect of excluding the materials described in paragraph (3); and

''(ii) may limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review, that the limitations in scope are warranted.

''(5) REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

''(i) an evaluation of—

''(I) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of section 3; and

''(II) the potential to harmonize each requirement described in paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

''(ii) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of section 3; and

''(iii) an analysis of the effect of the provisions of subsection (a) and (f) on—

''(I) the cost of legal plant imports; and

''(II) the extent and methodology of illegal logging practices and trafficking.

''(B) PUBLIC PARTICIPATION.—In conducting the review under paragraph (4), the Secretary shall provide public notice and an opportunity for comment.

''(6) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

''(A) to limit the applicability of any requirement described in paragraph (2) to specific plant products;

''(B) to make any other necessary modification to any requirement described in paragraph (2), as determined by the Secretary based on the review under paragraph (4); and

''(C) to limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review under paragraph (4), that the limitations in scope are warranted.'';

(3) in section 4 (16 U.S.C. 3373)—

(A) by striking ''subsections (b) and (d)'' each place it appears and inserting ''subsections (b), (d), and (f)'';

(B) by striking ''section 3(d)'' each place it appears and inserting ''subsection (d) or (f) of section 3''; and

(C) in subsection (a)(2), by striking ''subsection 3(b)'' and inserting ''subsection (b) or subsection (f) of section 3, except as provided in paragraph (1),'';

(4) by adding at the end of section 5 (16 U.S.C. 3374) the following:

''(d) CIVIL FORFEITURES.—Civil forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code.''; and

(5) in section 7(a)(1) (16 U.S.C. 3376(a)(1)), by striking ''section 4'' and inserting ''section 3(f), section 4,''.

(b) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 102(c) of Public Law 100–653 (102 Stat. 3825) is amended by striking ''(other than section 3(b))'' and inserting ''(other than subsection 3(b))''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on November 14, 1988.

SA 3699. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title IV, add the following:

SEC. 4_____. INFRASTRUCTURE AND TRANSPORTATION GRANTS TO SUPPORT RURAL FOOD BANK DELIVERY OF HEALTHY PERISHABLE FOODS.

(a) PURPOSE.—The purpose of this section is to provide grants to State and local food banks and other emergency feeding organizations (as defined in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501))—

(1) to support and expand the efforts of food banks operating in rural areas to procure and transport highly perishable and healthy food;

(2) to improve identification of potential providers of donated food and to enhance the nonprofit food donation system, particularly in and for rural areas; and

(3) to support the procurement of locally produced food from small and family farms and ranches for distribution to needy people.

(b) DEFINITION OF TIME-SENSITIVE FOOD PRODUCT.—

(1) IN GENERAL.—In this section, the term ''time-sensitive food product'' means a fresh,

raw, or processed food with a short time limitation for safe and acceptable consumption, as determined by the Secretary.

(2) INCLUSIONS.—The term ''time-sensitive food product'' includes—

(A) fruits;

(B) vegetables;

(C) dairy products;

(D) meat;

(E) fish; and

(F) poultry.

(c) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall provide grants, on a competitive basis, to expand the capacity and infrastructure of food banks, statewide food bank associations, and regional food bank collboratives that operate in rural areas to improve the capacity of the food banks to receive, store, distribute, track, collect, and deliver time-sensitive food products made available from national and local food donors.

(2) MAXIMUM AMOUNT.—The maximum amount of a grant provided under this subsection shall be not more than $1,000,000 for a fiscal year.

(3) USE OF FUNDS.—A food bank may use a grant provided under this section for—

(A) the development and maintenance of a computerized system for the tracking of time-sensitive food products;

(B) capital, infrastructure, and operating costs associated with—

(i) the collection and transportation of time-sensitive food products; or

(ii) the storage and distribution of time-sensitive food products;

(C) improving the security and diversity of the emergency food distribution and recovery systems of the United States through the support of—

(i) small, midsize, or family farms and ranches;

(ii) fisheries and aquaculture; and

(iii) donations from local food producers and manufacturers to persons in need;

(D) providing recovered healthy foods to food banks and similar nonprofit emergency food providers to reduce hunger in the United States; and

(E) improving the identification of—

(i) potential providers of donated foods;

(ii) potential nonprofit emergency food providers; and

(iii) persons in need of emergency food assistance in rural areas.

(d) AUDITS.—The Secretary shall establish fair and reasonable procedures to audit the use of funds made available to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.

SA 3700. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

Subtitle G—Kansas Disaster Tax Relief Assistance

SEC. 12701. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting ''May 4, 2007'' for ''August 25, 2005''.

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting ''on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados'' for ''on or after August 25, 2005, by reason of Hurricane Katrina''.

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting ''May 4, 2007'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2008'' for ''January 1, 2006'' both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' each place it appears,

(B) by substituting ''May 5, 2007'' for ''August 28, 2005'' each place it appears,

(C) by substituting ''December 31, 2008'' for ''December 31, 2007'' in paragraph (2)(A)(v),

(D) by substituting ''December 31, 2009'' for ''December 31, 2008'' in paragraph (2)(A)(v),

(E) by substituting ''May 4, 2007'' for ''August 27, 2005'' in paragraph (3)(A),

(F) by substituting ''January 1, 2009'' for ''January 1, 2008'' in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting ''qualified section 179 Recovery Assistance property'' for ''qualified section 179 Gulf Opportunity Zone property'' each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting ''qualified Recovery Assistance clean-up cost'' for ''qualified Gulf Opportunity Zone clean-up cost'' each place it appears, and

(B) by substituting ''beginning on May 4, 2007, and ending on December 31, 2009'' for ''beginning on August 28, 2005, and ending on December 31, 2007'' in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting ''qualified Recovery Assistance loss'' for ''qualified Gulf Opportunity Zone loss'' each place it appears,

(B) by substituting ''after May 3, 2007, and before on January 1, 2010'' for ''after August 27, 2005, and before January 1, 2008'' each place it appears,

(C) by substituting ''May 4, 2007'' for ''August 28, 2005'' in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' in paragraph (2)(B)(iv) thereof, and

(E) by substituting ''qualified Recovery Assistance casualty loss'' for ''qualified Gulf Opportunity Zone casualty loss'' each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting ''qualified Recovery Assistance distribution'' for ''qualified hurricane distribution'' each place it appears,

(B) by substituting ''on or after May 4, 2007, and before January 1, 2009'' for ''on or after August 25, 2005, and before January 1, 2007'' in subsection (a)(4)(A)(i),

(C) by substituting ''qualified storm distribution'' for ''qualified Katrina distribution'' each place it appears,

(D) by substituting ''after November 4, 2006, and before May 5, 2007'' for ''after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),

(E) by substituting ''beginning on May 4, 2007, and ending on November 5, 2007'' for ''beginning on August 25, 2005, and ending on February 28, 2006'' in subsection (b)(3)(A),

(F) by substituting ''qualified storm individual'' for ''qualified Hurricane Katrina individual'' each place it appears,

(G) by substituting ''December 31, 2007'' for ''December 31, 2006'' in subsection (c)(2)(A),

(H) by substituting ''beginning on June 4, 2007, and ending on December 31, 2007'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),

(I) by substituting ''May 4, 2007'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and

(J) by substituting ''January 1, 2008'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).

SA 3701. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1072, after line 25, add the following:

SEC. 8203. STEWARDSHIP END-RESULT CONTRACTING PROJECTS.

Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

(2) by inserting after subsection (g) the following:

''(h) CANCELLATION OR TERMINATION COSTS.—

''(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary shall not obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

''(2) COST OF CANCELLATION OR TERMINATION.—The costs of any cancellation or termination of a multiyear stewardship contract may be paid from any appropriations that are made available to the Forest Service.

''(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds

under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary shall seek a supplemental appropriation.''.

On page 1237, strike lines 9 through 18 and insert the following:

''(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.''.

SA 3702. Ms. SNOWE (for herself and Mr. CRAIG) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11_____. OVERSIGHT OF NATIONAL AQUATIC ANIMAL HEALTH PLAN.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term ''advisory committee'' means the General Advisory Committee for Oversight of National Aquatic Animal Health established under subsection (b)(1).

(2) PLAN.—The term ''plan'' means the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force, composed of representatives of the Department of Agriculture, the Department of Commerce (including the National Oceanic and Atmospheric Administration), and the Department of the Interior (including the United States Fish and Wildlife Service).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service.

(b) GENERAL ADVISORY COMMITTEE FOR OVERSIGHT OF NATIONAL AQUATIC ANIMAL HEALTH.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with States and the private sector, shall establish an advisory committee, to be known as the ''General Advisory Committee for Oversight of National Aquatic Animal Health''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The advisory committee shall—

(i) be composed equally of representatives of—

(I) State and tribal governments; and

(II) commercial aquaculture interests; and

(ii) consist of not more than 20 members, to be appointed by the Secretary, of whom—

(I) not less than 3 shall be representatives of Federal departments or agencies;

(II) not less than 6 shall be representatives of State or tribal governments that elect to participate in the plan under subsection (d);

(III) not less than 6 shall be representatives of affected commercial aquaculture interests; and

(IV) not less than 2 shall be aquatic animal health experts, as determined by the Secretary.

(B) NOMINATIONS.—The Secretary shall publish in the Federal Register a solicitation for, and may accept, nominations for members of the advisory committee from appropriate entities, as determined by the Secretary.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the advisory committee shall develop and submit to the Secretary recommendations regarding—

(A) the establishment and membership of appropriate expert and representative commissions to efficiently implement and administer the plan;

(B) disease- and species-specific best management practices relating to activities carried out under the plan; and

(C) the establishment and administration of the indemnification fund under subsection (e).

(2) FACTORS FOR CONSIDERATION.—In developing recommendations under paragraph (1), the advisory committee shall take into consideration all emergency aquaculture-related projects that have been or are being carried out under the plan as of the date of submission of the recommendations.

(3) REGULATIONS.—After consideration of the recommendations submitted under this subsection, the Secretary shall promulgate regulations to establish a national aquatic animal health improvement program, in accordance with the Animal Health Protection Act (7 U.S.C. 8301 et seq.).

(d) PARTICIPATION BY STATE AND TRIBAL GOVERNMENTS AND PRIVATE SECTOR.—

(1) IN GENERAL.—Any State or tribal government, and any entity in the private sector, may elect to participate in the plan.

(2) DUTIES.—On election by a State or tribal government or entity in the private sector to participate in the plan under paragraph (1), the State or tribal government or entity shall—

(A) submit to the Secretary—

(i) a notification of the election; and

(ii) nominations for members of the advisory committee, as appropriate; and

(B) as a condition of participation, enter into an agreement with the Secretary under which the State or tribal government or entity—

(i) assumes responsibility for a portion of the non-Federal share of the costs of carrying out the plan, as described in paragraph (3); and

(ii) agrees to act in accordance with applicable disease- and species-specific best management practices relating to activities carried out under the plan by the State or tribal government or entity, as the Secretary determines to be appropriate.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the cost of carrying out the plan—

(i) shall be determined—

(I) by the Secretary, in consultation with the advisory committee; and

(II) on a case-by-case basis for each project carried out under the plan; and

(ii) may be provided by State and tribal governments and entities in the private sector in cash or in-kind.

(B) DEPOSITS INTO INDEMNIFICATION FUND.—The non-Federal share of amounts in the indemnification fund provided by each State or tribal government or entity in the private sector shall be—

(i) zero with respect to the initial deposit into the fund; and

(ii) determined on a case-by-case basis for each project carried out under the plan.

(e) INDEMNIFICATION FUND.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the advisory committee, shall establish a fund, to be known as the ''indemnification fund'', consisting of such amounts as are initially deposited into the fund by the Secretary under subsection (g)(1).

(2) USES.—The Secretary shall use amounts in the indemnification fund only to compensate aquatic farmers—

(A) the entire inventory of livestock or gametes of which is eradicated as a result of a disease control or eradication measure carried out under the plan; or

(B) for the cost of disinfecting, destruction, and cleaning products or equipment in response to a depopulation order carried out under the plan.

(3) UNUSED AMOUNTS.—Amounts remaining in the indemnification fund on September 30 of the fiscal year for which the amounts were appropriated—

(A) shall remain in the fund;

(B) may be used in any subsequent fiscal year in accordance with paragraph (2); and

(C) shall not be reprogrammed by the Secretary for any other use.

(f) REVIEW.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the advisory committee, shall review, and submit to Congress a report regarding—

(1) activities carried out under the plan during the preceding 2 years;

(2) activities carried out by the advisory committee; and

(3) recommendations for funding for subsequent fiscal years to carry out this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 and 2009, of which—

(1) not less than 50 percent shall be deposited into the indemnification fund established under subsection (e) for use in accordance with that subsection; and

(2) not more than 50 percent shall be used for the costs of carrying out the plan, including the costs of—

(A) administration of the plan;

(B) implementation of the plan;

(C) training and laboratory testing;

(D) cleaning and disinfection associated with depopulation orders; and

(E) public education and outreach activities.

SA 3703. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1363, strike line 7 and all that follows through page 1395, line 19 and insert the following:

Subtitle A—Individuals With Disabilities Education Trust Fund

SEC. 12101. ASSISTANCE FOR EDUCATING INDIVIDUALS WITH DISABILITIES.

The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

''TITLE IX—ASSISTANCE FOR EDUCATING INDIVIDUALS WITH DISABILITIES

''SEC. 901. INDIVIDUALS WITH DISABILITIES EDUCATION TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Individuals with Disabilities Education Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

''(b) TRANSFER TO TRUST FUND.—

''(1) IN GENERAL.—There are appropriated to the Individuals with Disabilities Education Trust Fund amounts equivalent to 3.34 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2012 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States.

''(2) AMOUNTS BASED ON ESTIMATES.—The amounts appropriated under this section shall be transferred at least monthly from the general fund of the Treasury of the United States to the Individuals with Disabilities Education Trust Fund on the basis

of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(c) REPORTS.—The Secretary of the Treasury shall be the trustee of the Individuals with Disabilities Education Trust Fund and shall submit an annual report to Congress each year on the financial condition and the results of the operations of such Trust Fund during the preceding fiscal year and on its expected condition and operations during the 5 fiscal years succeeding such fiscal year. Such report shall be printed as a House document of the session of Congress to which the report is made.

''(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Individuals with Disabilities Education Trust Fund shall be available to the Secretary of Education to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(e) AUTHORITY TO BORROW.—

''(1) IN GENERAL.—There are authorized to be appropriated, and are appropriated, to the Individuals with Disabilities Education Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

''(2) REPAYMENT OF ADVANCES.—

''(A) IN GENERAL.—Advances made to the Individuals with Disabilities Education Trust Fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in such Trust Fund.

''(B) RATE OF INTEREST.—Interest on advances made pursuant to this subsection shall be—

''(i) at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding, and

''(ii) compounded annually.''.

SA 3704. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, line 11, strike ''pulse crops,''.

On page 21, line 23, strike ''camelina,''.

On page 23, strike lines 7 through 9.

On page 24, strike lines 18 and 19.

On page 24, line 20, strike ''(D)'' and insert ''(C)''.

On page 26, strike lines 6 through 10.

On page 26, line 6, strike ''(E)'' and insert ''(D)''.

Beginning on page 27, strike line 12 and all that follows through page 29, line 20.

On page 29, line 24, strike ''(other than pulse crops)''.

On page 35, strike lines 8 through 13.

On page 85, strike lines 4 and 5.

On page 85, line 6, strike ''(D)'' and insert ''(C)''.

On page 86, strike lines 18 through 22.

On page 86, line 23, strike ''(E)'' and insert ''(D)''.

Beginning on page 217, strike line 13 and all that follows through page 219, line 24.

On page 220, line 22, strike ''pulse crops,''.

Beginning on page 254, strike line 19 and all that follows through page 255, line 22.

SA 3705. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON COMMODITY PAYMENTS FOR FARM OPERATIONS IN A SANCTUARY CITY.

(a) PROHIBITION.—No type of price support, loan, or payment made available under title I of the Food and Energy Security Act of 2007 (or an amendment made by that title), the Commodity Credit Charter Act (15 U.S.C. 714 et seq.), or any other Act may be made available to a producer for a fiscal year on the basis of the operations of a farm located in a sanctuary city unless the producer submits a certification described in subsection (c) for such fiscal year.

(b) SANCTUARY CITY DEFINED.—In this section, the term ''sanctuary city'' means a subdivision of a State that prohibits the employees of such subdivision, including law enforcement officers, from seeking information from an individual regarding the individual's immigration status or providing such information to an appropriate employee of an agency or department of the United States.

(c) CERTIFICATION.—A certification described in this subsection is a certification submitted to the Secretary of Agriculture by a producer for a fiscal year that the operations described in subsection (a) have not employed within the past 12 months, or have utilized a contractor or subcontractor that has employed within the past 12 months, an alien who was unlawfully present in the United States at the time such alien was hired.

SA 3706. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 444, after line 22, insert the following:

SEC. 2_____. DISCOVERY WATERSHED-ESTUARY ECOSYSTEM PROTECTION DEMONSTRATION PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) (as amended by section 2399) is amended by adding at the end the following:

''SEC. 1240T. DISCOVERY WATERSHED-ESTUARY ECOSYSTEM PROTECTION DEMONSTRATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Commerce and the Administrator of the National Oceanic and Atmospheric Administration, shall establish and carry out a demonstration program in not less than 30 coastal watersheds throughout the United States to achieve the purposes described in subsection (b).

''(b) PURPOSES.—The purposes of the demonstration program under this section are—

''(1) to prevent the impacts of nutrients, soil pollutants, anthropogenic airborne contaminants, and agricultural products on sensitive estuarine ecosystems located downstream in coastal watersheds;

''(2) to monitor the effect of waterborne and airborne agents on the watersheds of estuarine ecosystems;

''(3) to model the impacts on watersheds of estuarine ecosystems using information made available to managers, decision-makers, and related stakeholders;

''(4) to mitigate those impacts using innovative environmental technologies; and

''(5) to assess the cost-effectiveness and performance of those technologies to provide guidance with respect to the implementation of best practices.

''(c) INTERAGENCY AGREEMENTS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall enter into an agreement with the Secretary of Commerce and the Administrator of the National Oceanic and Atmospheric Administration to carry out this section.

''(2) CONTENTS.—The agreement entered into under paragraph (1) shall, to the maximum extent practicable—

''(A) facilitate coordination among research programs within agencies to ensure the success of the demonstration program under this section;

''(B) ensure the use of the best efforts of each applicable department and agency to integrate the sharing of information and best practices;

''(C) require the provision of timely, evaluated information to assist the Secretary in assessing the cost-effectiveness and performance of the demonstration program under this section;

''(D) provide for specific connectivity for research programs within the National Oceanic and Atmospheric Administration; and

''(E) facilitate the leveraging of resources in support of the demonstration program under this section.

''(d) SELECTION OF COASTAL WATERSHEDS.—

''(1) IN GENERAL.—In selecting the 30 coastal watersheds for purposes of subsection (a), the Secretary shall take into consideration the extent to which—

''(A) reducing impacts on an estuarine ecosystem of a coastal watershed is possible;

''(B) a project carried out at a coastal watershed under the demonstration program—

''(i) would use innovative approaches to attract a high level of participation in the watershed to ensure success;

''(ii) could be implemented through a third party, including—

''(I) the National Oceanic and Atmospheric Administration;

''(II) a unit of State or local government;

''(III) a conservation organization; or

''(IV) another organization with appropriate expertise;

''(iii) would leverage funding from Federal, State, local, and private sources; and

''(iv) would demonstrate best practices to manage—

''(I) pollutant impact and habitat restoration;

''(II) coastal and estuarine environmental technology evaluations and adoption;

''(III) watershed modeling from whitewater to bluewater; and

''(IV) air mass contaminant monitoring;

''(C) baseline data relating to water quality and agricultural practices and contributions from nonagricultural sources relevant to the watershed has been collected or could be readily collected; and

''(D) water and air quality monitoring infrastructure is in place or could reasonably be put in place in a small watershed.

''(2) REQUIREMENT.—The Secretary shall select to participate in the demonstration program under this section each coastal watershed that is challenged with an anthropogenic input, including the coastal watersheds of—

''(A) the Gulf of Maine;

''(B) Long Island Sound;

''(C) Chesapeake Bay; and

''(D) coastal Georgia, Mississippi, and South Carolina.

''(e) USE OF FUNDS.—The Secretary shall use funds made available to carry out this section in each coastal watershed selected for purposes of subsection (a)—

''(1) to support demonstration projects in the coastal watershed;

''(2) to provide and assess financial incentives for leveraging the demonstration projects;

''(3) to monitor the performance and costs of best practices; and

''(4) to provide the Federal share of the cost of data collection, monitoring, and analysis.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, of which not less than $30,000,000 shall be made available to the National Oceanic and Atmospheric Administration for each fiscal year to support the demonstration program under this section.''.

SA 3707. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON COMMODITY PAYMENTS FOR FARM OPERATIONS IN A SANCTUARY CITY.

No type of price support, loan, or payment made available under title I of the Food and Energy Security Act of 2007 (or an amendment made by that title), the Commodity Credit Charter Act (15 U.S.C. 714 et seq.), or any other Act may be made available to a producer on the basis of the operations of a farm located in a subdivision of a State that prohibits the employees of such subdivision, including law enforcement officers, from seeking information from an individual regarding the individual's immigration status or providing such information to an appropriate employee of an agency or department of the United States.

SA 3708. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, line 17, insert ''wild salmon,'' after ''nursery crops,''.

SA 3709. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 402, strike lines 17 through 21 and insert the following:

(iv) allow for monitoring and evaluation;

(v) assist producers in meeting Federal, State, and local regulatory requirements; and

(vi) assist producers in enhancing fish and wildlife habitat.

SA 3710. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 32___. CORRECTIVE LEGISLATION.

(a) DEFINITION OF JOINT RESOLUTION.—In this section, the term ''joint resolution'' means only a joint resolution introduced during the 90-day period beginning on the date on which the report referred to in subsection (b) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ''That Congress approves the draft legislation included in the report required under section ___(b) of the Food and Energy Security Act of 2007 submitted by the President to Congress on _____, and the legislation shall have force and effect.'' (The blank spaces being appropriately filled in).

(b) REPORT.—Not later than 90 days after the date of final adjudication of any appeals by the President relating to a finding that any United States commodity program is in violation of a trading rule of the World Trade Organization, the President may submit to each House of Congress a report that includes—

(1) a notification of any effective date of sanctions to be imposed for failure to correct the violation; and

(2) draft legislation for use in correcting the violation.

(c) CONGRESSIONAL ACTION.—Subject to subsection (f), if Congress receives a notification described in subsection (b)(1), the approval of Congress of the draft legislation submitted under subsection (b)(2) shall be effective if, and only if, a joint resolution is enacted into law pursuant to subsections (d) and (e).

(d) PROCEDURAL PROVISIONS.—

(1) IN GENERAL.—The requirements of this subsection are met if—

(A) a joint resolution is adopted under subsection (e); and

(B)(i) Congress transmits the joint resolution to the President before the end of the 90-day period beginning on the date on which Congress receives the report of the President under subsection (b); and

(ii)(I) the President signs the joint resolution; or

(II) if the President vetoes the joint resolution, each House of Congress votes to override that veto on or before the later of—

(aa) the last day of the 90-day period referred to in clause (i); or

(bb) the last day of the 15-day period beginning on the date on which Congress receives the veto message from the President.

(2) INTRODUCTION.—A joint resolution to which this subsection applies may be introduced at any time on or after the date on which Congress receives the report of the President under subsection (b).

(e) JOINT RESOLUTION.—

(1) PROCEDURES.—

(A) IN GENERAL.—Joint resolutions—

(i) may be introduced in either House of Congress by any Member of such House; and

(ii) shall be referred—

(I) to the Committee on Agriculture of the House of Representatives, if the joint resolution is introduced in the House of Representatives; or

(II) to the Committee on Agriculture, Nutrition, and Forestry of the Senate, if the joint resolution is introduced in the Senate.

(B) APPLICATION OF SECTION 151 OF THE TRADE ACT OF 1974.—Subject to the provisions of this subsection, the provisions of subsections (c), (d), (f), and (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191(c), (d), (f), and (g)) shall apply to joint resolutions to the same extent as such provisions apply to implementing bills under that section.

(C) DISCHARGE OF COMMITTEE.—If a committee of either House to which a joint resolution has been referred has not reported the joint resolution by the close of the 45th day after its introduction—

(i) the committee shall be automatically discharged from further consideration of the joint resolution; and

(ii) the joint resolution shall be placed on the appropriate calendar.

(D) FLOOR CONSIDERATION.—It shall not be in order for—

(i) the Senate to consider any joint resolution unless the joint resolution has been reported by the Committee on Agriculture, Nutrition, or Forestry of the Senate or the committee has been discharged under subparagraph (C);

(ii) the House of Representatives to consider any joint resolution unless the joint resolution has been reported by the Committee on Agriculture of the House of Representatives or the committee has been discharged under subparagraph (C); or

(iii) either House to consider any joint resolution or take any action under clause (i) or (ii) of subsection (d)(1)(B), if the President has notified the appropriate committees that the decision to impose sanctions described in subsection (b)(1) has been withdrawn and the sanctions have not actually been imposed.

(E) CONSIDERATION IN THE HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces his or her intention to do so.

(2) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider another joint resolution under this section (other than a joint resolution received from the other House), if that House has previously voted on a joint resolution under this section with respect to the same presidential notification described in subsection (b)(1).

(3) COMPUTATION OF TIME PERIOD.—For the purpose of subsection (d)(1)(B)(ii)(II) and paragraph (1)(C), the 90-day period, the 15-day period, and the 45 days referred to in those provisions shall be computed by excluding—

(A) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House is not in session.

(4) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and such procedures supersede other rules only to the extent that such procedures are inconsistent with such other rules; and

(B) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

(f) INTERVENING ENACTMENT.—A joint resolution shall not be required under this section if, during the period beginning on the date on which the President submits to Congress draft legislation under subsection (b)(2) and ending on the date on which Congress enacts a joint resolution under subsection (e), a law containing or preempting the draft legislation is enacted.

SA 3711. Mr. LUGAR (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mr. WHITEHOUSE, Mr. REED, Mr. HATCH, Ms. COLLINS, Mr. DOMENICI,

Mr. NELSON of Florida, Mr. SUNUNU, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 24, strike line 1 and all follows through page 124, line 20, and insert the following:

Subtitle A—Traditional Payments and Loans

SEC. 1101. COMMODITY PROGRAMS.

(a) REPEALS.—Subtitles A through C of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.) (other than sections 1001, 1101, 1102, 1103, 1104, and 1106) are repealed.

(b) BASE ACRES AND PAYMENT ACRES.—Section 1101 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911) is amended—

(1) in subsections (a)(1) and (e)(2), by striking ''and counter-cyclical payments'' each place it appears; and

(2) by adding at the end the following:

''(i) PRODUCTION OF FRUITS OR VEGETABLES FOR PROCESSING.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the producers on a farm, with the consent of the owner of and any other producers on the farm, may reduce the base acres for a covered commodity for the farm if the reduced acres are used for the planting and production of fruits or vegetables for processing.

''(2) REVERSION TO BASE ACRES FOR COVERED COMMODITY.—Any reduced acres on a farm devoted to the planting and production of fruits or vegetables during a crop year under paragraph (1) shall be included in base acres for the covered commodity for the subsequent crop year, unless the producers on the farm make the election described in paragraph (1) for the subsequent crop year.

''(3) RECALCULATION OF BASE ACRES.—

''(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary recalculates base acres for a farm, the planting and production of fruits or vegetables for processing under paragraph (1) shall be considered to be the same as the planting, prevented planting, or production of the covered commodity.

''(B) AUTHORITY.—Nothing in this subsection provides authority for the Secretary to recalculate base acres for a farm.''.

(c) PAYMENT YIELDS.—Section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) is amended—

(1) in subsection (a), by striking ''and counter-cyclical payments'';

(2) in subsection (b), by striking ''2007'' and inserting ''2012'';

(3) in subsection (c), by striking '', but before'' and all that follows through ''subsection (e)''; and

(4) by striking subsection (e).

(d) RECOURSE LOAN PROGRAM.—Subtitle F of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991 et seq.) is amended by adding at the end the following:

''SEC. 1619. RECOURSE LOAN PROGRAM.

''For each of the 2008 through 2012 crop years, the Secretary shall establish a recourse loan program for each loan commodity at a rate of interest to be determined by the Secretary.''.

(e) ADMINISTRATION.—

(1) SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.—Section 1602 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7992) is amended by striking ''2007'' each place it appears and inserting ''2012''.

(2) ADJUSTED GROSS INCOME LIMITATION.—Section 1001D(e) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(e)) is amended by striking ''2007'' and inserting ''2012''.

(f) AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS.—Section 1104 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7914) is amended—

(1) by striking ''2007'' each place it appears (other than paragraphs (3)(B) and (4)(B) of subsection (f)) and inserting ''2008''; and

(2) in subsection (f)—

(A) in paragraph (3)(B)—

(i) in the subparagraph heading, by striking ''2007 CROP YEAR'' and inserting ''2007 AND 2008 CROP YEARS''; and

(ii) by striking ''the 2007 crop year'' and inserting ''each of the 2007 and 2008 crop years''; and

(B) in paragraph (4)(B)—

(i) in the subparagraph heading, by striking ''2007 CROP YEAR'' and inserting ''2007 AND 2008 CROP YEARS''; and

(ii) by striking ''the 2007 crop year'' each place it appears and inserting ''each of the 2007 and 2008 crop years''.

(g) AVAILABILITY OF DIRECT PAYMENTS.—Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended—

(1) in subsection (a), by striking ''For each of the 2002 through 2007'' and inserting ''For each of the 2008 through 2012''; and

(2) in subsection (c), by adding at the end the following:

''(4)(A) In each of crop years 2008 and 2009, 25 percent.

''(B) In each of crop years 2010 and 2011, 20 percent.

''(C) In crop year 2012, 0 percent.''.

On page 233, strikes lines 8 through 13 and insert the following:

''(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,000,000 for each of fiscal years 2008 through 2012.''.

On page 246, strike lines 3 through 10 and insert the following:

''(i) FUNDING.—

''(1) IN GENERAL.—Subject to paragraph (2), of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make grants under this section, using—

''(A) $135,000,000 for fiscal year 2008;

''(B) $140,000,000 for fiscal year 2009;

''(C) $145,000,000 for fiscal year 2010;

''(D) $150,000,000 for fiscal year 2011; and

''(E) $0 for fiscal year 2012.

''(2) AQUACULTURE AND SEAFOOD PRODUCTS.—Of the amount made available under subparagraphs (A) through (D) of paragraph (1), the Secretary shall ensure that at least $50,000 is used each fiscal year to promote the competitiveness of aquacultural and seafood products.''.

On page 247, line 17, insert ''seafood products, aquaculture (including ornamental fish), sea grass, sea oats,'' after ''floriculture,''.

On page 265, strike lines 9 and 10 and insert the following:

(1) by striking subparagraph (A) and inserting the following:

''(A) BASIC FEE.—

''(i) IN GENERAL.—Except as provided in clause (ii), each producer shall pay an administrative fee for catastrophic risk protection in an amount that is, as determined by the Corporation, equal to 25 percent of the premium amount for catastrophic risk protection established under subsection (d)(2)(A) per crop per county.

''(ii) MAXIMUM AMOUNT.—The total amount of administrative fees for catastrophic risk protection payable by a producer under clause (i) shall not exceed $5,000 for all crops in all counties.''.

Beginning on page 273, strike line 1 and all that follows through page 274, line 2.

On page 276, between lines 2 and 3, insert the following:

SEC. 19___. CONTROLLING CROP INSURANCE PROGRAM COSTS.

(a) SHARE OF RISK.—Section 508(k)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended by striking paragraph (3) and inserting the following:

''(3) SHARE OF RISK.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the reinsurance agreements of the Corporation with a reinsured company shall require the reinsured company to provide to the Corporation 30 percent of the cumulative underwriting gain or loss of the reinsured company.

''(B) LIVESTOCK.—In the case of a policy or plan of insurance covering livestock, the reinsurance agreements of the Corporation with the reinsured companies shall require the reinsured companies to bear a sufficient share of any potential loss under the agreement so as to ensure that the reinsured company will sell and service policies of insurance in a sound and prudent manner, taking into consideration the financial condition of the reinsured companies and the availability of private reinsurance.''.

(b) REIMBURSEMENT RATE.—Section 508(k)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)(A)) is amended by striking clause (ii) and inserting the following:

''(ii) for each of the 2008 and subsequent reinsurance years—

''(I) 15 percent of the premium used to define loss ratio; and

''(II) in the case of a policy or plan of insurance covering livestock, 27 percent of the premium used to define loss ratio.''.

SEC. 19___. SUPPLEMENTAL DEDUCTIBLE COVERAGE.

(a) IN GENERAL.—Section 508(c)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(4)) is amended—

(1) by striking ''The level of coverage'' and inserting the following:

''(A) BASIC COVERAGE.—The level of coverage''; and

(2) by adding at the end the following:

''(B) SUPPLEMENTAL COVERAGE.—

''(i) IN GENERAL.—Notwithstanding paragraph (3) and subparagraph (A), the Corporation may offer supplemental coverage, based on an area yield and loss basis, to cover that portion of a crop loss not covered under the individual yield and loss basis plan of insurance of a producer, including any revenue plan of insurance with coverage based in part on individual yield and loss.

''(ii) LIMITATION.—The sum of the indemnity paid to the producer under the individual yield and loss plan of insurance and the supplemental coverage may not exceed 100 percent of the loss incurred by the producer for the crop.

''(iii) ADMINISTRATIVE AND OPERATING EXPENSE REIMBURSEMENT.—Notwithstanding subsection (k)(4), the reimbursement rate for approved insurance providers for the supplemental coverage shall equal 6 percent of the premium used to define the loss ratio.

''(iv) DIRECT COVERAGE.—If the Corporation determines that it is in the best interests of producers, the Corporation may offer supplemental coverage as a Corporation endorsement to existing plans and policies of crop insurance authorized under this title.

''(v) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—Notwithstanding subsection (e), the amount of the premium to be paid by the Corporation for supplemental coverage offered pursuant to this subparagraph shall be determined by the Corporation, but may not exceed the sum of—

''(I) 50 percent of the amount of premium established under subsection (d)(2)(C)(i); and

''(II) the amount determined under subsection (d)(2)(C)(ii) for the coverage level selected to cover operating and administrative expenses.''.

(b) CONFORMING AMENDMENTS.—Section 508(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(2)) is amended—

(1) by striking ''additional coverage'' the first place it appears and inserting ''additional and supplemental coverages''; and

(2) by adding at the end the following:

''(C) SUPPLEMENTAL COVERAGE.—In the case of supplemental coverage offered under subsection (c)(4)(B), the amount of the premium shall—

''(i) be sufficient to cover anticipated losses and a reasonable reserve; and

''(ii) include an amount for operating and administrative expenses, as determined by the Corporation on an industry-wide basis as a percentage of the amount of the premium used to define loss ratio.''.

SEC. 19___. REVENUE-BASED SAFETY NET.

(a) ESTABLISHMENT.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by adding at the end the following:

''(11) GROUP RISK INCOME PROTECTION AND GROUP RISK PROTECTION.—The Corporation shall offer, at no cost to a producer, revenue and yield coverage plans that allow producers in a county to qualify for an indemnity if the actual revenue or yield per acre in the county in which the producer is located is below 85 percent of the average revenue or yield per acre for the county, for each agricultural commodity for which a futures price is available, or as otherwise approved by the Secretary, to the extent the coverage is actuarially sound.''.

(b) PREMIUMS.—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended by adding at the end the following:

''(H) In the case of a group risk income protection and group risk protection offered under subsection (c)(11) beginning in fiscal year 2009, and the whole farm insurance plan offered under subsection (c)(12) beginning in fiscal year 2010, the entire amount of the premium for the plan shall be paid by the Corporation.''.

SEC. 19___. WHOLE FARM INSURANCE.

(a) ESTABLISHMENT.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) (as amended by section 19___(a)) is amended by adding at the end the following:

''(12) WHOLE FARM INSURANCE PLAN.—The Corporation shall offer, at no cost to a producer described in paragraph (11), a whole farm insurance plan that allows the producer to qualify for an indemnity if actual gross farm revenue is below 80 percent of the average gross farm revenue of the producer.''.

(b) ADJUSTED GROSS REVENUE INSURANCE PILOT PROGRAM.—Section 523(e) of the Federal Crop Insurance Act (7 U.S.C. 1523(e)) is amended—

(1) in paragraph (1), by striking ''2004'' and inserting ''2012'';

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—In addition to counties otherwise included in the pilot program, the Corporation shall include in the pilot program for each of the 2010 through 2012 reinsurance years all States and counties that meet the criteria for selection (pending required rating), as determined by the Corporation.''; and

(3) by adding at the end the following:

''(3) ELIGIBLE PRODUCERS.—The Corporation shall permit the producer of any type of agricultural commodity (including a producer of specialty crops, floricultural, ornamental nursery, and Christmas tree crops, turfgrass sod, seed crops, aquacultural products (including ornamental fish), sea grass and sea oats, and industrial crops) to participate in a pilot program established under this subsection.''.

(c) PREVENTION OF DUPLICATION.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) (as amended by subsection (a)) is amended by adding at the end the following:

''(13) PREVENTION OF DUPLICATION.—The Administrator of the Risk Management Agency and Administrator of the Farm Service Agency shall cooperate to ensure, to the maximum extent practicable, that producers on a farm do not receive duplicative compensation under Federal law for the same loss, including by reducing crop insurance indemnity payments.''.

On page 295, between lines 16 and 17, insert the following:

SEC. 19___. CROP INSURANCE EDUCATION ASSISTANCE.

(a) PARTNERSHIPS FOR RISK MANAGEMENT EDUCATION.—Section 524(a)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)(3)) is amended—

(1) in subparagraph (B), by striking ''A grant'' and inserting ''Subject to subparagraph (E), a grant''; and

(2) by adding at the end the following:

''(E) ALLOCATION TO STATES.—The Secretary shall allocate funds made available to carry out this subsection for each fiscal year in a manner that ensures that grants are provided to eligible entities in States based on the ratio that the value of agricultural production of each State bears to the total value of agricultural production in all States, as determined by the Secretary.''.

(b) FUNDING.—Paragraph (5) of section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) (as redesignated by section 1920(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) for the partnerships for risk management education program established under paragraph (3)—

''(i) $20,000,000 for fiscal year 2008, of which not less than $15,000,000 shall be used to provide educational assistance with respect to whole farm and adjusted gross revenue insurance plans;

''(ii) $15,000,000 for fiscal year 2009, of which not less than $10,000,000 shall be used to provide educational assistance described in clause (i);

''(iii) $10,000,000 for fiscal year 2010, of which not less than $5,000,000 shall be used to provide educational assistance described in clause (i); and

''(iv) $5,000,000 for fiscal year 2011 and each fiscal year thereafter.''.

On page 299, between lines 15 and 16, insert the following:

Subtitle B—Risk Management Accounts

SEC. 1931. DEFINITIONS.

In this subtitle:

(1) ADJUSTED GROSS REVENUE.—The term ''adjusted gross revenue'', with respect to a farm of an operator or producer, means the adjusted gross income of the farm, as determined by the Secretary, from the sale or transfer of eligible commodities of the farm, as calculated—

(A) taking into consideration the gross receipts (including insurance indemnities) from each sale;

(B) including all farm payments received by the operator or producer from any Federal, State, or local government agency relating to the eligible commodities;

(C) by deducting the cost or basis of any eligible livestock or other item purchased for resale, such as feeder livestock, by the farm;

(D) excluding any revenue that does not arise from the sale of eligible commodities of the farm, such as revenue associated with the packaging, merchandising, marketing, or reprocessing beyond what is typically carried out by a producer of the eligible commodity, as determined by the Secretary; and

(E) using such adjustments, additions, and additional documentation as the Secretary determines to be appropriate, as presented on—

(i) a schedule F form of the Federal income tax returns of the operator or producer; or

(ii) a comparable tax form relating to the farm, as approved by the Secretary.

(2) APPLICABLE YEAR.—The term ''applicable year'' means a fiscal year covered by a risk management account contract.

(3) AVERAGE ADJUSTED GROSS REVENUE.—The term ''average adjusted gross revenue'' means—

(A) the rolling average of the adjusted gross revenue of an operator or producer for each of the 5 preceding taxable years; or

(B) in the case of a beginning farmer or rancher, or another agricultural operation that does not have adjusted gross revenue for each of the 5 preceding taxable years, the estimated income of the operation for the applicable year, as determined by the Secretary.

(4) ELIGIBLE COMMODITY.—The term ''eligible commodity'' means any annual or perennial crop raised or produced by an operator or producer.

(5) FARM.—

(A) IN GENERAL.—The term ''farm'' means any parcel of land used for the raising or production of an eligible commodity that is considered to be a separate operation, as determined by the Secretary.

(B) INCLUSIONS.—The term ''farm'' includes—

(i) any parcel of land and related agricultural production facilities on which an operator or producer has more than de minimis operational control; and

(ii) any parcel of land subject to more than de minimis common ownership, as determined by the Secretary, unless the common owners of the parcel—

(I) except with respect to a conservation condition established in an applicable rental agreement, do not have operational control regarding any portion of the parcel; and

(II) do not share in the proceeds of the parcel, other than cash rent.

(C) EXCLUSION.—The term ''farm'' does not include a parcel that is not a portion of a farm subject to a risk management account contract.

(D) APPLICABILITY OF CFR.—Except as otherwise provided in this subtitle or by the Secretary, by regulation, part 718 of title 7, Code of Federal Regulations (or successor regulations), shall apply to the definition, constitution, and reconstitution of a farm for purposes of this paragraph.

(6) OPERATOR.—The term ''operator'' means a producer who controls an agricultural operation on a farm, as determined by the Secretary.

(7) PRODUCER.—The term ''producer'' means a person that, as determined by the Secretary, for an applicable year—

(A) shares in the risk of producing, or provides a material contribution in producing, an eligible commodity;

(B) has a substantial beneficial interest in the farm on which the eligible commodity is produced;

(C)(i) for each of the 5 preceding taxable years, has filed—

(I) a schedule F form of the Federal income tax return relating to the eligible commodity; or

(II) a comparable tax form related to the eligible commodity, as approved by the Secretary; or

(ii) is a beginning farmer or rancher, or another producer that does not have adjusted

gross revenue for each of the 5 preceding taxable years, as determined by the Secretary; and

(D)(i) during the 5 preceding taxable years, has earned at least $10,000 in average adjusted gross revenue;

(ii) is a limited resource farmer or rancher, as determined by the Secretary; or

(iii) in the case of a beginning farmer or rancher, or another producer that does not have adjusted gross revenue for each of the 5 preceding taxable years, has at least $10,000 in estimated income from all farms for the applicable year, as determined by the Secretary.

(8) RISK MANAGEMENT ACCOUNT.—The term ''risk management account'' means a farm income stabilization assistance account maintained at a qualified financial institution in accordance with such terms as the Secretary may establish.

SEC. 1932. RISK MANAGEMENT ACCOUNT CONTRACTS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program under which the Secretary shall offer to enter into contracts with eligible operators and producers in accordance with this section—

(1) to provide to the operators and producers a reserve to assist in the stabilization of farm income during low-revenue years;

(2) to assist operators and producers to invest in value-added farms; and

(3) to recognize high levels of environmental stewardship.

(b) ELIGIBILITY.—

(1) IN GENERAL.—Any operator that has participated in a commodity program under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.), and that otherwise meets each eligibility requirement under this subtitle, shall be eligible to enter into a risk management account contract for agricultural production during each of fiscal years 2008 through 2012.

(2) OTHER PRODUCERS.—A producer that is not an operator described in paragraph (1) shall be eligible to enter into a risk management account contract for agricultural production during each of fiscal years 2008 through 2012.

(3) LIMITATIONS.—

(A) IN GENERAL.—No farm or portion of a farm shall be subject to more than 1 risk management account contract during any fiscal year.

(B) MULTIPLE RISK MANAGEMENT ACCOUNT CONTRACTS.—

(i) IN GENERAL.—Except as provided in clause (ii), no operator or producer shall participate or have a beneficial interest in more than 1 risk management account contract during any fiscal year.

(ii) EXCEPTION.—Notwithstanding clause (i), an operator that is eligible to receive a transition payment during a fiscal year, and that participates or has a beneficial interest in a risk management account contract during that fiscal year, may enter into an additional risk management account contract during the fiscal year if—

(I) the additional risk management account contract is entered into solely for the purpose of receiving the transition payment; and

(II) the operator is not otherwise eligible to participate or have a beneficial interest in the additional risk management account contract.

(c) RISK MANAGEMENT ACCOUNTS.—

(1) IN GENERAL.—Each risk management account contract entered into under this section shall establish, in the name of the farm of the operator or producer, as applicable, in an appropriate financial institution and subject to such investment rules and other procedures as the Secretary, on approval of the Secretary of the Treasury, determines to be necessary to provide reasonable assurance of the viability and stability of the account, a risk management account, to consist of—

(A) such amounts as are transferred to the risk management account by the Secretary during an applicable year in accordance with paragraph (2) (including the amendments made by that paragraph); and

(B) such amounts as are voluntarily contributed by the operator or producer during the applicable year in accordance with paragraph (6).

(2) TRANSFERS.—Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended by adding at the end the following:

''(e) RISK MANAGEMENT ACCOUNTS.—Of the total amount of direct payments made to producers, payments in excess of $10,000 for a crop year shall be deposited into risk management accounts established under section 1102 of the Food and Energy Security Act of 2007.''.

(3) OPERATOR AND PRODUCER CONTRIBUTIONS.—During any applicable year, an operator or producer may voluntarily contribute to the risk management account of the operator or producer.

(4) WITHDRAWALS.—

(A) IN GENERAL.—An operator or producer may withdraw amounts in the risk management account of the operator or producer only—

(i) for an applicable year during which the adjusted gross revenue of the operator or producer is equal to less than 95 percent of the average adjusted gross revenue of the operator or producer, in an amount that is equal to the lesser of—

(I) the difference between—

(aa) the average adjusted gross revenue of the operator or producer; and

(bb) the adjusted gross revenue of the operator or producer; and

(II) the amount of coverage that could be purchased under an adjusted gross revenue product available to the operator or producer through the Federal crop insurance program;

(ii) for investment in a value-added agricultural operation that contributes to the agricultural economy, as determined by the Secretary, and is not farmland or equipment used to produce raw agricultural products, an amount equal to the product obtained by multiplying—

(I) the total amount in the risk management account of the operator or producer on September 30 of the preceding applicable year; and

(II) 10 percent;

(iii) as the Secretary determines to be necessary to protect the solvency of a farm of the operator or producer; or

(iv) to purchase revenue insurance or crop insurance.

(B) TRANSFER TO IRA ACCOUNT.—In any calendar year, an individual operator or producer aged 65 years or older who is the holder of a risk management account in existence for at least 5 years may elect to rollover not more than 15 percent of the balance of the risk management account into an individual retirement account pursuant to section 408 of the Internal Revenue Code of 1986.

(5) LIMITATIONS.—

(A) ATTRIBUTION REQUIREMENT.—The Secretary shall ensure that each payment transferred to a risk management account under this subsection is attributed to an individual operator or producer that is a party to the applicable risk management account contract.

(B) NO INDIVIDUAL BENEFIT.—

(i) IN GENERAL.—The Secretary shall ensure that no individual operator or producer receives a direct benefit from more than 1 risk management account.

(ii) PROPORTIONAL REDUCTION.—The Secretary shall reduce the amount of a standard payment under this subsection in an amount equal to the proportion that—

(I) the amount of each direct or indirect benefit received by the applicable individual operator or producer under the applicable risk management account contract; bears to

(II) the amount of any direct or indirect benefit received by the individual operator or producer under any other risk management account contract under which a standard payment is transferred to a risk management account.

(6) CONSERVATION COMPLIANCE.—Each operator, and each holder of a beneficial interest in a farm subject to a risk management account contract, shall comply with—

(A) applicable highly erodible land conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

(B) applicable wetland conservation requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

(7) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this subsection.

SEC. 1933. TREATMENT OF RISK MANAGEMENT ACCOUNT ACCOUNTS ON TRANSFER.

(a) IN GENERAL.—In transferring, by sale or other means, any interest in a farm subject to a risk management account, an operator or producer may elect—

(1) to transfer the risk management account to another farm in which the operator or producer—

(A) has a controlling ownership interest; or

(B) not later than 2 years after the date of the transfer, will acquire a controlling ownership interest;

(2) to transfer the risk management account to the purchaser of the interest in the farm, if the purchaser is not already a holder of a risk management account; or

(3)(A) if the operator or producer is an individual, to rollover amounts in the risk management account into an individual retirement account of the operator or producer pursuant to section 408 of the Internal Revenue Code of 1986; or

(B) if the operator or producer is not an individual, to transfer amounts in the risk management account into an account of any individual who has a substantial beneficial interest in the farm (including a substantial beneficiary of a trust that holds at least a 50 percent ownership interest in the farm).

(b) TRANSFER OR ACQUISITION OF LAND OR PORTION OF OPERATION.—The Secretary shall promulgate such regulations as the Secretary determines to be appropriate to require reformulation, reaffirmation, or abandonment of a risk management account contract—

(1) on transfer of all or part of a farm under this section; or

(2) on any other major change to the farm, as determined by the Secretary.

SEC. 1934. ADMINISTRATION OF RISK MANAGEMENT ACCOUNTS.

(a) IMPLEMENTATION.—The Secretary shall carry out this subtitle through the Farm Service Agency.

(b) COMPLIANCE.—The Secretary shall conduct random audits of operators and producers subject to risk management account contracts under this subtitle as the Secretary determines to be necessary to ensure compliance with the risk management account contracts.

(c) VIOLATIONS.—If the Secretary determines that an operator or producer is in violation of the terms of an applicable risk management account contract—

(1) the operator or producer shall refund to the Secretary an amount equal to the

amount transferred by the Secretary under section 1103(e) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913(e)) to the affected risk management account during the applicable year in which the violation occurred; and

(2) for a serious or deliberate violation, as determined by the Secretary—

(A) the risk management account contract shall be terminated; and

(B) amounts remaining in each applicable risk management account as the result of a transfer by the Secretary under section 1103(e) of that Act shall be refunded to the Secretary.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this subtitle.

(e) ADJUSTED GROSS INCOME LIMITATION.—The adjusted gross income limitation under section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall apply to participation in the farm income stabilization assistance program under this subtitle.

(f) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subtitle.

On page 347, strike lines 17 through 20 and insert the following:

"SEC. 1237T. FUNDING.

''Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this subchapter $70,000,000 for each of the fiscal years 2008 through 2012.''.

On page 408, line 15, strike ''$165,000,000'' and ''$265,000,000''.

On page 444, after line 22, add the following:

SEC. 23___. MIGRATORY BIRD HABITAT CONSERVATION SECURITY PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) (as amended by section 2399) is amended by adding at the end the following:

"SEC. 1240S–1. MIGRATORY BIRD HABITAT CONSERVATION SECURITY PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Natural Resources Conservation Service, shall establish a migratory bird habitat conservation program under which the Secretary shall provide payments and technical assistance to rice producers to promote the conservation of migratory bird habitat.

''(b) ELIGIBILITY.—To be eligible for payments and technical assistance under this section, an eligible producer shall maintain on rice acreage of the producer (as determined by the Secretary)—

''(1) straw residue on a minimum of 50 percent of the rice acreage by flooding, rolling, or stomping, and maintaining, water depths of at least 4 inches from November through February in a manner that benefits migratory waterfowl; or

''(2) if supplemental water is not available, planting a winter cover crop (such as vetch) on the rice acreage.

''(c) ADMINISTRATION.—In carrying out this section, the Secretary shall—

''(1) enroll not more than 100,000 acres of irrigated rice; and

''(2) provide payments to a participating rice producer for the value of the ecological benefit, but not less than $25 per acre.

''(d) REVIEW.—In cooperation with a national, State, or regional association of rice producers, the Secretary shall periodically review—

''(1) the value of the ecological benefit of practices for which assistance is provided under this section on a per acre basis; and

''(2) the practices for which assistance is provided under this section to maximize the wildlife benefit to migratory bird populations on land in rice production.

''(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $13,000,000 for the period of fiscal years 2008 through 2012.''.

On page 445, line 20, strike ''$97,000,000'' and insert ''$120,000,000''.

On page 445, line 24 , strike ''$240,000,000'' and insert ''$400,000,000''.

On page 446, line 4, strike ''$1,270,000,000'' and insert ''$1,410,000,000''.

On page 446, line 6, strike ''$1,300,000,000'' and insert ''$1,420,000,000''.

On page 446, line 10, strike ''$85,000,000'' and insert ''$100,000,000''.

On page 508, between lines 20 and 21, insert the following:

SEC. 26___. CONSERVATION OF GREATER EVERGLADES ECOSYSTEM.

Of the funds of the Commodity Credit Corporation, the Secretary shall use $7,000,000 for each of fiscal years 2008 through 2012 to provide assistance to 1 or more States to carry out conservation activities in or for the greater Everglades ecosystem.

On page 552, strike lines 3 through 6 and insert the following:

(5) in subsection (l)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the President shall use $450,000,000 for each of fiscal years 2008 through 2012 to carry out this section.''; and

(B) by redesignating paragraph (3) as paragraph (2).

On page 566, lines 9 and 10, strike ''$140, $239, $197, and $123'' and insert ''$145, $248, $205, and $128''.

On page 567, line 3, strike ''$281'' and insert ''$291''.

On page 574, line 6, strike ''10 percent'' and inserting ''20 percent''.

Beginning on page 574, strike line 23 and all that follows through page 575, line 3, and insert the following:

''(2) AMOUNTS.—In addition to the amounts made available under paragraph (1), from amounts made available to carry out this Act, the Secretary shall use to carry out this subsection—

''(A) for fiscal year 2008, $110,000,000; and

''(B) for fiscal year 2009 and each fiscal year thereafter, an amount that is equal to the amount made available for the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

On page 658, lines 18 through 21, strike ''for fiscal year 2008 and each fiscal year thereafter, of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use $10,000,000'' and insert ''for fiscal year 2008 and each fiscal year thereafter, of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use $50,000,000''.

On page 659, between lines 19 and 20, insert the following:

SEC. 4703. WIC FARMERS' MARKET NUTRITION PROGRAM.

Section 17(m)(9)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)(A)) is amended—

(1) in clause (i), by striking ''each of fiscal years 2004 through 2009'' and inserting ''each fiscal year''; and

(2) by striking clause (ii) and inserting the following:

''(ii) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection, $40,000,000 for each fiscal year.''.

On page 664, between lines 15 and 16, insert the following:

SEC. 49___. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) PAYMENTS TO SERVICE INSTITUTIONS.—Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively;

(C) in subparagraph (A) (as redesignated by subparagraph (B)), by striking ''(A)'' and all that follows through ''shall not exceed—'' and inserting the following:

''(A) IN GENERAL.—Subject to subparagraph (B), in addition to amounts made available under paragraph (3), payments to service institutions shall be—'';

(D) in subparagraph (B) (as redesignated by subparagraph (B)), by striking ''subparagraph (B)'' and inserting ''subparagraph (A)''; and

(E) in subparagraph (C) (as redesignated by subparagraph (B)), by striking ''(A), (B), and (C)'' and inserting ''(A) and (B)''; and

(2) in the second sentence of paragraph (3), by striking ''full amount of State approved'' and all that follows through ''maximum allowable''.

(b) CONFORMING AMENDMENTS.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) through (k) as subsections (f) through (j), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1 of the first full calendar year following the date of enactment of this Act.

On page 663, between lines 17 and 18, insert the following:

Subtitle F—Food Employment Empowerment and Development Program

SEC. 4851. SHORT TITLE.

This subtitle may be cited as the ''Food Employment Empowerment and Development Program Act of 2007'' or the ''FEED Act of 2007''.

SEC. 4852. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that meets the requirements of section 4013(b).

(2) VULNERABLE SUBPOPULATION.—

(A) IN GENERAL.—The term ''vulnerable subpopulation'' means low-income individuals, unemployed individuals, and other subpopulations identified by the Secretary as being likely to experience special risks from hunger or a special need for job training.

(B) INCLUSIONS.—The term ''vulnerable subpopulation'' includes—

(i) addicts (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(ii) at-risk youths (as defined in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472));

(iii) individuals that are basic skills deficient (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

(iv) homeless individuals (as defined in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b));

(v) homeless youths (as defined in section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a));

(vi) individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102));

(vii) low-income individuals (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)); and

(viii) older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)).

SEC. 4853. FOOD EMPLOYMENT EMPOWERMENT AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a food employment empowerment and development program under which the Secretary shall make grants to eligible entities to encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a public agency, or private nonprofit institution, that conducts, or will conduct, 2 or more of the following activities as an integral part of the normal operation of the entity:

(1) Recovery of donated food from area restaurants, caterers, hotels, cafeterias, farms, or other food service businesses.

(2) Distribution of meals or recovered food to—

(A) nonprofit organizations described in section 501(c)(3) of the Internal Revenue Code of 1986;

(B) entities that feed vulnerable subpopulations; and

(C) other agencies considered appropriate by the Secretary.

(3) Training of unemployed and underemployed adults for careers in the food service industry.

(4) Carrying out of a welfare-to-work job training program in combination with—

(A) production of school meals, such as school meals served under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); or

(B) support for after-school programs, such as programs conducted by community learning centers (as defined in section 4201(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171(b))).

(c) USE OF FUNDS.—An eligible entity may use a grant awarded under this section for—

(1) capital investments related to the operation of the eligible entity;

(2) support services for clients, including staff, of the eligible entity and individuals enrolled in job training programs;

(3) purchase of equipment and supplies related to the operation of the eligible entity or that improve or directly affect service delivery;

(4) building and kitchen renovations that improve or directly affect service delivery;

(5) educational material and services;

(6) administrative costs, in accordance with guidelines established by the Secretary; and

(7) additional activities determined appropriate by the Secretary.

(d) PREFERENCES.—In awarding grants under this section, the Secretary shall give preference to eligible entities that perform, or will perform, any of the following activities:

(1) Carrying out food recovery programs that are integrated with—

(A) culinary worker training programs, such as programs conducted by a food service management institute under section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1);

(B) school education programs; or

(C) programs of service-learning (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)).

(2) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(3) Integrating recovery and distribution of food with a job training program.

(4) Maximizing the use of an established school, community, or private food service facility or resource in meal preparation and culinary skills training.

(5) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(e) ELIGIBILITY FOR JOB TRAINING.—To be eligible to receive job training assistance from an eligible entity using a grant made available under this section, an individual shall be a member of a vulnerable subpopulation.

(f) PERFORMANCE INDICATORS.—The Secretary shall establish, for each year of the program, performance indicators and expected levels of performance for meal and food distribution and job training for eligible entities to continue to receive and use grants under this section.

(g) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide technical assistance to eligible entities that receive grants under this section to assist the eligible entities in carrying out programs under this section using the grants.

(2) FORM.—Technical assistance for a program provided under this subsection includes—

(A) maintenance of a website, newsletters, email communications, and other tools to promote shared communications, expertise, and best practices;

(B) hosting of an annual meeting or other forums to provide education and outreach to all programs participants;

(C) collection of data for each program to ensure that the performance indicators and purposes of the program are met or exceeded;

(D) intervention (if necessary) to assist an eligible entity to carry out the program in a manner that meets or exceeds the performance indicators and purposes of the program;

(E) consultation and assistance to an eligible entity to assist the eligible entity in providing the best services practicable to the community served by the eligible entity, including consultation and assistance related to—

(i) strategic plans;

(ii) board development;

(iii) fund development;

(iv) mission development; and

(v) other activities considered appropriate by the Secretary;

(F) assistance considered appropriate by the Secretary regarding—

(i) the status of program participants;

(ii) the demographic characteristics of program participants that affect program services;

(iii) any new idea that could be integrated into the program; and

(iv) the review of grant proposals; and

(G) any other forms of technical assistance the Secretary considers appropriate.

(h) RELATIONSHIP TO OTHER LAW.—

(1) BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT.—An action taken by an eligible entity using a grant provided under this section shall be covered by the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

(2) FOOD HANDLING GUIDELINES.—In using a grant provided under this section, an eligible entity shall comply with any applicable food handling guideline established by a State or local authority.

(3) INSPECTIONS.—An eligible entity using a grant provided under this section shall be exempt from inspection under sections 303.1(d)(2)(iii) and 381.10(d)(2)(iii) of volume 9, Code of Federal Regulations (or a successor regulation), if the eligible entity—

(A) has a hazard analysis and critical control point (HACCP) plan;

(B) has a sanitation standard operating procedure (SSOP); and

(C) otherwise complies with the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

(i) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided to an eligible entity for a fiscal year under this section shall not exceed $200,000.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2008 through 2012.

(2) TECHNICAL ASSISTANCE.—Of the amount of funds that are made available for a fiscal year under paragraph (1), the Secretary shall use to provide technical assistance under subsection (g) not more than the greater of—

(A) 5 percent of the amount of funds that are made available for the fiscal year under paragraph (1); or

(B) $1,000,000.

Beginning on page 691, strike line 21 and all that follows through page 692, line 17.

On page 981, line 12, strike ''$16,000,000'' and insert ''$30,000,000''.

Beginning on page 1046, strike line 15 and all that follows through page 1053, line 23, and insert the following:

SEC. 8002. COMMUNITY FORESTS WORKING LAND PROGRAM.

Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) by redesignating subsection (m) as subsection (n); and

(2) by inserting after subsection (l) the following:

''(m) COMMUNITY FORESTS WORKING LAND PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) COMMUNITY FOREST LAND.—The term 'community forest land' means a parcel of land that is—

''(i) forested; and

''(ii) located, as determined by the Secretary, within, or in close proximity to, a population center.

''(B) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means a town, city, or other unit of local government.

''(2) PURPOSES.—The purposes of the community forests working land program are—

''(A) to help protect environmentally important forest land near population centers, as determined by the Secretary;

''(B) to facilitate land use planning by units of local government; and

''(C) to facilitate the donations, acceptance, and enforcement of conservation easements on community forest land.

''(3) ESTABLISHMENT.—The Secretary, in cooperation with the States, shall offer financial and technical assistance to units of local government by providing, in priority areas (as defined by the Secretary)—

''(A) financial assistance to purchase conservation easements on, facilitate the donation, acceptance, and enforcement of conservation easements on, or otherwise acquire, community forest land; and

''(B) technical assistance to facilitate—

''(i) conservation of community forests;

''(ii) management of community forests;

''(iii) training related to forest management and forest conservation; and

''(iv) other forest conservation activities, as determined by the Secretary.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $65,000,000 for each of fiscal years 2008 through 2012.''.

On page 1112, line 8, strike ''$300,000,000'' and insert ''$360,000,000''.

On page 1129, line 18, strike ''$230,000,000'' and insert ''$300,000,000''.

On page 1150, strike lines 11 through 24 and insert the following:

''(h) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section $345,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.''.

On page 1295, strike lines 6 through 11 and insert the following:

''(A) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection $15,000,000 for each of fiscal years 2008 through 2012.'';

(ii) in subparagraph (B), by striking ''authorized to be appropriated under subparagraph (A)'' and inserting ''made available under subparagraph (A)''; and

(iii) by adding at the end the following:

SA 3712. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 755, after line 22, insert the following:

SEC. 60__. WATER OR WASTE DISPOSAL LOANS.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) (as amended by section 6010) is amended by adding at the end the following:

''(29) WATER OR WASTE DISPOSAL LOANS.—For fiscal year 2008 and each subsequent fiscal year, the Secretary shall make or guarantee water or waste disposal loans under this title, and the loan guarantee programs funded from the Agricultural Credit Insurance Fund, under the authority and conditions (including the fees, borrower interest rate, and the economic assumptions of the President, as of September 1, 2006) provided by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109–97; 119 Stat. 2120).''.

SA 3713. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1491, between lines 11 and 12, insert the following:

SEC. 12319. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) (defining qualifying income) is amended by inserting '', or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, any alcohol fuel as defined in section 6426(b)(4)(A) (including any neat alcohol fuel), or any biodiesel fuel as defined in section 40A(d)(1)(A) (including neat biodiesel fuel)'' after ''timber''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SA 3714. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1491, between lines 11 and 12, insert the following:

SEC. 12319. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) (defining qualifying income) is amended by inserting '', or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, any alcohol fuel as defined in section 6426(b)(4)(A) (including any neat alcohol fuel), or any biodiesel fuel as defined in section 40A(d)(1)(A) (including neat biodiesel fuel)'' after ''timber)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SA 3715. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 110___. COMPETITION REQUIREMENTS FOR PURCHASES FROM FEDERAL PRISON INDUSTRIES.

(a) IN GENERAL.—The Secretary shall cause the Acquisition Regulation of the Department of Agriculture established under chapter 4 of title 48, Code of Federal Regulations, to be modified in accordance with subsection (b).

(b) ADMINISTRATION.—

(1) COMPETITIVE PROCEDURES.—A purchase of a product from Federal Prison Industries shall be made using competitive procedures (including the competition requirements applicable to a purchase under a multiple award contract), if—

(A) market research conducted by the Department of Agriculture determines that the product offered by Federal Prison Industries is comparable in price, quality, or time of delivery to products of the private sector that best meets the needs of the Department in terms of price, quality, and time of delivery; or

(B) Federal Prison Industries has a significant share of the Federal market for a product listed in the latest edition of the Federal Prison Industries catalog issued pursuant to section 4124(d) of title 18, United States Code.

(2) OFFERS.—In conducting a purchase described in paragraph (1), the Secretary shall consider a timely offer made by Federal Prison Industries.

(3) SIGNIFICANT SHARE OF FEDERAL MARKET.—For the purposes of this subsection, Federal Prison Industries shall be treated as having a significant share of the Federal market for a product if the Secretary, in consultation with the Administrator of the Office of Federal Procurement Policy, determines that the share of Federal Prison Industries of the Federal market for the category of the product is significant.

SA 3716. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1511, line 25, strike all through page 1517, line 19, and insert the following:

''(2) ALLOCATION BY SECRETARY.—

''(A) IN GENERAL.—In accordance with subparagraph (B), the Secretary shall allocate the amount described in paragraph (1) among at least 20 qualified projects, or such lesser number of qualified projects—

''(i) with proper applications filed after 12 months after the adoption of the selection process under subparagraph (B), and

''(ii) for purposes provided for in regional investment strategies for which regional innovation grants are awarded under section 385F of subtitle I of the Consolidated Farm and Rural Development Act.

''(B) SELECTION PROCESS.—In consultation with the Secretary of Agriculture, the Secretary shall adopt a process to select projects described in subparagraph (A). Under such process, the Secretary shall not allocate more than 15 percent of the allocation under subparagraph (A) to qualified projects within a single State.

''(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(h) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

''(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the rural renaissance bond,

''(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the rural renaissance bond or, in the case of a rural renaissance bond the proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower, and

''(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

''(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

''(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer

shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a rural renaissance bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

''(j) DEFINITIONS AND SPECIAL RULES RELATING TO ISSUERS AND BORROWERS.—For purposes of this section—

''(1) QUALIFIED ISSUER.—The term 'qualified issuer' means—

''(A) a rural renaissance bond lender,

''(B) a cooperative electric company, or

''(C) a governmental body.

''(2) QUALIFIED BORROWER.—The term 'qualified borrower' means—

''(A) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2)(C), or

''(B) a governmental body.

''(3) RURAL RENAISSANCE BOND LENDER.—The term 'rural renaissance bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C), or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.

''(5) GOVERNMENTAL BODY.—The term 'governmental body' means any State, territory, possession of the United States, the District of Columbia, Indian tribal government, and any political subdivision thereof.

''(k) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

''(l) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BOND.—The term 'bond' includes any obligation.

''(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

''(3) RURAL AREA.—The term 'rural area' shall have the meaning given such term by section 1393(a)(2).

''(4) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

''(A) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

''(B) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(i) shall apply.

''(5) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any rural renaissance bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(6) REPORTING.—Issuers of rural renaissance bonds shall submit reports similar to the reports required under section 149(e).

''(7) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2008.''.

SA 3717. Mr. GRASSLEY (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1214, strike line 6 and all that follows through page 1220, line 11, and insert the following:

SEC. 10201. SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity''—

(A) has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602); and

(B) does not include biofuels.

(2) AGRICULTURAL COOPERATIVE.—The term ''agricultural cooperative'' means an association of persons that meets the requirements of the Capper-Volstead Act (7 U.S.C. 291 et seq.).

(3) AGRICULTURAL INDUSTRY.—The term ''agricultural industry''—

(A) means any dealer, processor, commission merchant, or broker involved in the buying or selling of agricultural commodities; and

(B) does not include sale or marketing at the retail level.

(4) ANTITRUST LAWS.—The term ''antitrust laws'' has the meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

(5) ASSISTANT ATTORNEY GENERAL.—The term ''Assistant Attorney General'' means the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice.

(6) BIOFUEL.—The term ''biofuel'' has the meaning given that term in section 9001 of the Farm Security and Rural Investment Act of 2002, as amended by section 9001 of this Act.

(7) BROKER.—The term ''broker'' means any person (excluding an agricultural cooperative) engaged in the business of negotiating sales and purchases of any agricultural commodity in commerce for or on behalf of the vendor or the purchaser.

(8) CHAIRMAN.—The term ''Chairman'' means the Chairman of the Federal Trade Commission.

(9) COMMISSION MERCHANT.—The term ''commission merchant'' means any person (excluding an agricultural cooperative) engaged in the business of receiving in commerce any agricultural commodity for sale, on commission, or for or on behalf of another.

(10) DEALER.—The term ''dealer'' means any person (excluding an agricultural cooperative) engaged in the business of buying, selling, or marketing agricultural commodities in commerce, except that no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity produced by that person.

(11) PROCESSOR.—The term ''processor'' means any person (excluding an agricultural cooperative) engaged in the business of handling, preparing, or manufacturing (including slaughtering) an agricultural commodity, or the products of such agricultural commodity, for sale or marketing in commerce for human consumption (excluding sale or marketing at the retail level).

(12) SPECIAL COUNSEL.—The term ''Special Counsel'' means the Special Counsel for Agricultural Competition of the Department of Agriculture established under section 11 of the Packers and Stockyards Act, 1921, as added by this Act.

(13) TASK FORCE.—The term ''Task Force'' means the Agriculture Competition Task Force established under subsection (b).

(b) AGRICULTURE COMPETITION TASK FORCE.—

(1) ESTABLISHMENT.—There is established, under the authority of the Attorney General, the Agriculture Competition Task Force, to examine problems in agricultural competition.

(2) MEMBERSHIP.—The Task Force shall consist of—

(A) the Assistant Attorney General, who shall serve as chairperson of the Task Force;

(B) the Special Counsel;

(C) a representative from the Federal Trade Commission;

(D) a representative from the Department of Agriculture, Office of Packers and Stockyards;

(E) 1 representative selected jointly by the attorneys general of States desiring to participate in the Task Force;

(F) 1 representative selected jointly by the heads of the departments of agriculture (or similar such agency) of States desiring to participate in the Task Force;

(G) 8 individuals who represent the interests of small family farmers, ranchers, independent producers, packers, processors, and other components of the agricultural industry—

(i) 2 of whom shall be selected by the Majority Leader of the Senate;

(ii) 2 of whom shall be selected by the Minority Leader of the Senate;

(iii) 2 of whom shall be selected by the Speaker of the House of Representatives; and

(iv) 2 of whom shall be selected by the Minority Leader of the House of Representatives; and

(H) 4 academics or other independent experts working in the field of agriculture, agricultural law, antitrust law, or economics—

(i) 1 of whom shall be selected by the Majority Leader of the Senate;

(ii) 1 of whom shall be selected by the Minority Leader of the Senate;

(iii) 1 of whom shall be selected by the Speaker of the House of Representatives; and

(iv) 1 of whom shall be selected by the Minority Leader of the House of Representatives.

(3) DUTIES.—The Task Force shall—

(A) study problems in competition in the agricultural industry;

(B) establish ways to coordinate Federal and State activities to address unfair and deceptive practices and concentration in the agricultural industry;

(C) work with representatives from agriculture and rural communities to identify abusive practices in the agricultural industry;

(D) submit to Congress such reports as the Task Force determines appropriate on the state of family farmers and ranchers, and the impact of agricultural concentration and unfair business practices on rural communities in the United States; and

(E) make such recommendations to Congress as the Task Force determines appropriate on agricultural competition issues, which shall include any additional or dissenting views of the members of the Task Force.

(4) WORKING GROUP.—

(A) IN GENERAL.—The Task Force shall establish a working group on buyer power to study the effects of concentration, monopsony, and oligopsony in agriculture, make recommendations to the Assistant Attorney General and the Chairman, and assist the Assistant Attorney General and the Chairman

in drafting agricultural guidelines under subsection (d)(1).

(B) MEMBERS.—The working group shall include any member of the Task Force selected under paragraph (2)(H).

(5) MEETINGS.—

(A) FIRST MEETING.—The Task Force shall hold its initial meeting not later than the later of—

(i) 90 days after the date of enactment of this Act; and

(ii) 30 days after the date of enactment of an Act making appropriations to carry out this subsection.

(B) MINIMUM NUMBER.—The Task Force shall meet not less than once each year, at the call of the chairperson.

(6) COMPENSATION.—

(A) IN GENERAL.—The members of the Task Force shall serve without compensation.

(B) TRAVEL EXPENSES.—Members of the Task Force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(7) STAFF OF TASK FORCE; EXPERTS AND CONSULTANTS.—

(A) STAFF.—

(i) APPOINTMENT.—The chairperson of the Task Force may, without regard to the provisions of chapter 51 of title 5, United States Code (relating to appointments in the competitive service), appoint and terminate an executive director and such other staff as are necessary to enable the Task Force to perform its duties. The appointment of an executive director shall be subject to approval by the Task Force.

(ii) COMPENSATION.—The chairperson of the Task Force may fix the compensation of the executive director and other staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification of positions and General Schedule pay rates), except that the rate of pay for the executive director and other staff may not exceed the rate of basic pay payable for level V of the Executive Schedule under section 5315 of title 5, United States Code, as in effect from time to time.

(B) EXPERTS AND CONSULTANTS.—The Task Force may procure temporary and intermittent services of experts and consultants in accordance with section 3109(b) of title 5, United States Code.

(8) POWERS OF THE TASK FORCE.—

(A) HEARINGS AND MEETINGS.—The Task Force, or a member of the Task Force if authorized by the Task Force, may hold such hearings, sit and act at such time and places, take such testimony, receive such evidence, and administer such oaths or affirmations as the Task Force considers to be appropriate.

(B) OFFICIAL DATA.—

(i) IN GENERAL.—The Task Force may obtain directly from any executive agency (as defined in section 105 of title 5, United States Code) or court information necessary to enable it to carry out its duties under this subsection. On the request of the chairperson of the Task Force, and consistent with any other law, the head of an executive agency or of a Federal court shall provide such information to the Task Force.

(ii) CONFIDENTIAL INFORMATION.—The Task Force shall adopt procedures that ensure that confidential information is adequately protected.

(C) FACILITIES AND SUPPORT SERVICES.—The Administrator of General Services shall provide to the Task Force on a reimbursable basis such facilities and support services as the Task Force may request. On request of the Task Force, the head of an executive agency may make any of the facilities or services of such agency available to the Task Force, on a reimbursable or nonreimbursable basis, to assist the Task Force in carrying out its duties under this subsection.

(D) EXPENDITURES AND CONTRACTS.—The Task Force or, on authorization of the Task Force, a member of the Task Force may make expenditures and enter into contracts for the procurement of such supplies, services, and property as the Task Force or such member considers to be appropriate for the purpose of carrying out the duties of the Task Force. Such expenditures and contracts may be made only to such extent or in such amounts as are provided in advance in appropriation Acts.

(E) MAILS.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(F) GIFTS, BEQUESTS, AND DEVISES.—The Task Force may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Task Force. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Task Force.

(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $1,000,000 for each of fiscal years 2008, 2009, and 2010.

(c) AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING.—There are authorized to be appropriated such sums as are necessary to hire additional employees (including agricultural law and economics experts) for the Transportation, Energy, and Agriculture Section of the Antitrust Division of the Department of Justice, to enhance the review of agricultural transactions and monitor, investigate, and prosecute unfair and deceptive practices in the agricultural industry.

(d) ENSURING FULL AND FREE COMPETITION IN AGRICULTURE.—

(1) AGRICULTURAL GUIDELINES.—

(A) FINDINGS.—Congress finds the following:

(i) The effective enforcement of the antitrust laws in agriculture requires that the antitrust enforcement agencies have guidelines with respect to mergers and other anticompetitive conduct that are focused on the special circumstances of agricultural commodity markets.

(ii) There has been a substantial increase in concentration in the markets in which agricultural commodities are sold, with the result that buyers of agricultural commodities often possess regional dominance in the form of oligopsony or monopsony relative to sellers of such commodities. A substantial part of this increase in market concentration is the direct result of mergers and acquisitions that the antitrust enforcement agencies did not challenge, in part because of the lack of guidelines focused on identifying particular structural characteristics in the agricultural industry and the adverse competitive effects that such acquisitions and mergers would create.

(iii) The cost of transportation, impact on quality, and delay in sales of agricultural commodities if they are to be transported to more distant buyers may result in narrow geographic markets with respect to buyer power.

(iv) Buyers have no economic incentive to bid up the price of agricultural commodities in the absence of effective competition. Further, the nature of buying may make it feasible for larger numbers of buyers to engage in tacit or overt collusion to restrain price competition.

(v) Buyers with oligopsonistic or monopsonistic power have incentives to engage in unfair, discriminatory, and exclusionary acts that cause producers of agricultural commodities to receive less than a competitive price for their goods, transfer economic risks to sellers without reasonable compensation, and exclude sellers from access to the market.

(vi) Markets for agricultural commodities often involve contexts in which many producers have relatively limited information and bargaining power with respect to the sale of their commodities. These conditions invite buyers with significant oligopsonistic or monopsonistic power to exercise that power in ways that involve discrimination and undue differentiation among sellers.

(B) ISSUANCE OF GUIDELINES.—After consideration of the findings under subparagraph (A), the Assistant Attorney General and the Chairman, in consultation with the Special Counsel, shall issue agricultural guidelines that—

(i) facilitate a fair, open, accessible, transparent, and efficient market system for agricultural products;

(ii) recognize that not decreasing competition in the purchase of agricultural products by highly concentrated firms from a sector in perfect competition is entirely consistent with the objective of the antitrust laws to protect consumers and enhance consumer benefits from competition; and

(iii) require the Assistant Attorney General or the Chairman, as the case may be, to challenge any merger or acquisition in the agricultural industry, if the effect of that merger or acquisition may be to substantially lessen competition or tend to create a monopoly.

(C) CONTENTS.—The agricultural guidelines issued under subparagraph (B) shall consist of merger guidelines relating to existing and potential competition and vertical integration that—

(i) establish appropriate methodologies for determining the geographic and product markets for mergers affecting agricultural commodity markets;

(ii) establish thresholds of increased concentration that raise a concern that the merger will have an adverse effect on competition in the affected agricultural commodities markets;

(iii) identify potential adverse competitive effects of mergers in agricultural commodities markets in a nonexclusive manner; and

(iv) identify the factors that would permit an enforcement agency to determine when a merger in the agricultural commodities market might avoid liability because it is not likely to have an adverse effect on competition.

(2) AGRICULTURE COMPETITION TASK FORCE WORKING GROUP ON BUYING POWER.—In issuing agricultural guidelines under this subsection, the Chairman and the Assistant Attorney General shall consult with the working group on buyer power of the Task Force established under subsection (b)(4).

(3) COMPLETION.—Not later than 2 years after the date of enactment of this Act, the Chairman and the Assistant Attorney General shall—

(A) issue agricultural guidelines under this subsection;

(B) submit to Congress the agricultural guidelines issued under this subsection; and

(C) submit to Congress a report explaining the basis for the guidelines, including why it incorporated or did not incorporate each recommendation of the working group on buyer power of the Task Force established under subsection (b)(4).

(4) REPORT.—Not later than 30 months after the date of enactment of this Act, the Chairman and the Assistant Attorney General shall jointly submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the

House of Representatives regarding the issuing of agricultural guidelines under this subsection.

(e) SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.—

(1) IN GENERAL.—The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) is amended—

(A) by striking the title I heading and all that follows through ''This Act'' and inserting the following:

"TITLE I—GENERAL PROVISIONS

"Subtitle A—Definitions

"SEC. 1. SHORT TITLE.

''This Act''; and

(B) by inserting after section 2 (7 U.S.C. 183) the following:

"Subtitle B—Special Counsel for Agricultural Competition

"SEC. 11. SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Department of Agriculture an office to be known as the 'Office of Special Counsel for Agricultural Competition' (referred to in this section as the 'Office').

''(2) DUTIES.—The Office shall—

''(A) have responsibility for all duties and functions of the Packers and Stockyards programs of the Department of Agriculture;

''(B) investigate and prosecute violations of this Act and the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.);

''(C) analyze mergers within the food and agricultural sectors, in consultation with the Chief Economist of the Department of Agriculture, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice, and the Chairman of the Federal Trade Commission, as required under section 10201(f) of the Food and Energy Security Act of 2007;

''(D) serve as a liaison between, and act in consultation with, the Department of Agriculture, the Department of Justice, and the Federal Trade Commission with respect to competition and trade practices in the food and agricultural sector; and

''(E) maintain sufficient employees (including antitrust and litigation attorneys, economists, investigators, and other professionals with the appropriate expertise) to appropriately carry out the responsibilities of the Office.

''(b) SPECIAL COUNSEL FOR AGRICULTURAL COMPETITION.—

''(1) IN GENERAL.—The Office shall be headed by the Special Counsel for Agricultural Competition (referred to in this section as the 'Special Counsel'), who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) INDEPENDENCE OF SPECIAL AUTHORITY.—

''(A) IN GENERAL.—The Special Counsel shall report to and be under the general supervision of the Secretary.

''(B) DIRECTION, CONTROL, AND SUPPORT.—The Special Counsel shall be free from the direction and control of any person in the Department of Agriculture other than the Secretary.

''(C) PROHIBITION ON DELEGATION.—The Secretary may not delegate any duty described in subsection (a)(2) to any other officer or employee of the Department other than the Special Counsel.

''(D) REPORTING REQUIREMENT.—

''(i) IN GENERAL.—Twice each year, the Special Counsel shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that shall include, for the relevant reporting period, a description of—

''(I) the number of complaints that the Special Counsel has received and closed;

''(II)(aa) the number of investigations and civil and administrative actions that the Special Counsel has initiated, carried out, and completed, including the number of notices given to regulated entities for violations of this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.);

''(bb) the number and types of decisions agreed to; and

''(cc) the number of stipulation agreements; and

''(III) the number of investigations and civil and administrative actions that the Secretary objected to or prohibited from being carried out, and the stated purpose of the Secretary for each objection or prohibition.

''(ii) REQUIREMENT.—The basis for each complaint, investigation, or civil or administrative action described in a report under clause (i) shall—

''(I) be organized by species; and

''(II) indicate if the complaint, investigation, or civil or administration action was for anti-competitive, unfair, or deceptive practices under this Act or was a violation of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.).

''(E) REMOVAL.—

''(i) IN GENERAL.—The Special Counsel may be removed from office by the President.

''(ii) COMMUNICATION.—The President shall communicate the reasons for any such removal to both Houses of Congress.

''(3) PROSECUTORIAL AUTHORITY.—Subject to paragraph (4), the Special Counsel may commence, defend, or intervene in, and supervise the litigation of, any civil or administrative action authorized under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.).

''(4) PROCEDURE FOR EXERCISE OF AUTHORITY TO LITIGATE OR APPEAL.—

''(A) IN GENERAL.—Prior to commencing, defending, or intervening in any civil action under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.), the Special Counsel shall give written notification to, and attempt to consult with, the Attorney General with respect to the proposed action.

''(B) FAILURE TO RESPOND.—If, not later than 45 days after the date of provision of notification under subparagraph (A), the Attorney General has failed to commence, defend, or intervene in the proposed action, the Special Counsel may commence, defend, or intervene in, and supervise the litigation of, the action and any appeal of the action in the name of the Special Counsel.

''(C) AUTHORITY OF ATTORNEY GENERAL TO INTERVENE.—Nothing in this paragraph precludes the Attorney General from intervening on behalf of the United States in any civil action under this Act or the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.), or in any appeal of such action, as may be otherwise provided by law.

''(c) RELATIONSHIP TO OTHER PROVISIONS.—Nothing in this section modifies or otherwise effects subsections (a) and (b) of section 406.

''(d) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a)(2)(E).''.

(2) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Special Counsel for Agricultural Competition.''.

(f) AGRIBUSINESS MERGER REVIEW AND ENFORCEMENT BY THE DEPARTMENT OF AGRICULTURE.—

(1) NOTICE.—The Assistant Attorney General or the Commissioner, as appropriate, shall notify the Secretary of any filing under section 7A of the Clayton Act (15 U.S.C. 18a) involving a merger or acquisition in the agricultural industry, and shall give the Secretary the opportunity to participate in the review proceedings.

(2) REVIEW.—

(A) IN GENERAL.—After receiving notice of a merger or acquisition under paragraph (1), the Secretary may submit to the Assistant Attorney General or the Commissioner, as appropriate, and publish the comments of the Secretary regarding that merger or acquisition, including a determination regarding whether the merger or acquisition may present significant competition and buyer power concerns, such that further review by the Assistant Attorney General or the Commissioner, as appropriate, is warranted.

(B) SECOND REQUESTS.—For any merger or acquisition described in paragraph (1), if the Assistant Attorney General or the Chairman, as the case may be, requires the submission of additional information or documentary material under section 7A(e)(1)(A) of the Clayton Act (15 U.S.C. 18a(e)(1)(A))—

(i) copies of any materials provided in response to such a request shall be made available to the Secretary; and

(ii) the Secretary—

(I) shall submit to the Assistant Attorney General or the Chairman such additional comments as the Secretary determines appropriate; and

(II) shall publish a summary of any comments submitted under subclause (I).

(3) REPORT.—

(A) IN GENERAL.—The Secretary shall submit an annual report to Congress regarding the review of mergers and acquisitions described in paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall provide a description of each merger or acquisition described in paragraph (1) that was reviewed by the Secretary during the year before the date that report is submitted, including—

(i) the name and total resources of each entity involved in that merger or acquisition;

(ii) a statement of the views of the Secretary regarding the competitive effects of that merger or acquisition on agricultural markets, including rural communities and small, independent producers; and

(iii) a statement indicating whether the Assistant Attorney General or the Chairman, as the case may be, instituted a proceeding or action under the antitrust laws, and if so, the status of that proceeding or action.

(g) AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING FOR THE GRAIN INSPECTION, PACKERS, AND STOCKYARDS ADMINISTRATION.—There are authorized to be appropriated such sums as are necessary to enhance the capability of the Grain Inspection, Packers, and Stockyards Administration to monitor, investigate, and pursue the competitive implications of structural changes in the meat packing and poultry industries by hiring litigating attorneys to allow the Grain Inspection, Packers, and Stockyards Administration to more comprehensively and effectively pursue its enforcement activities.

SA 3718. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 391, strike lines 24 and 25 and insert the following:

(A) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

On page 392, line 18, insert ''and'' after the semicolon.

On page 392, between lines 18 and 19, by inserting the following:

(ii) by adding at the end the following:

''(C) CERTAIN PAYMENTS.—Once a producer receives over $240,000 in cumulative payments under the program, regardless of the number of contracts entered into by the producer under this chapter, the cost-share applicable to payments to that producer shall be not more than 25 percent.'';

SA 3719. Mr. FEINGOLD (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle H—Flexible State Funds

SEC. 1941. OFFSET.

(a) OFFSET.—

(1) IN GENERAL.—Except as provided in paragraph (3) and notwithstanding any other provision of this Act, for the period beginning on October 1, 2007, and ending on September 30, 2012, the Secretary shall reduce the total amount of payments described in paragraph (2) received by the producers on a farm by 35 percent.

(2) PAYMENT.—A payment described in this paragraph is a payment in an amount of more than $10,000 for the crop year that is—

(A) a direct payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1103 or 1303; or

(B) the fixed payment component of an average crop revenue payment for a covered commodity or peanuts received by the producers on a farm for a crop year under section 1401(b)(2).

(3) APPLICATION.—This subsection does not apply to a payment provided under a contract entered into by the Secretary before the date of enactment of this Act.

(b) SAVINGS.—The Secretary shall ensure, to the maximum extent practicable, that any savings resulting from subsection (a) are used—

(1) to provide $15,000,000 for each of fiscal years 2008 through 2012 to carry out section 379F of the Consolidated Farm and Rural Development Act (as added by section 1943);

(2) to provide an additional $35,000,000 for fiscal year 2008 and $40,000,000 for each of fiscal years 2009 through 2012 to carry out section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) (as amended by section 6401);

(3) to provide an additional $5,000,000 for each of fiscal years 2008 through 2012 to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.);

(4) to provide an additional $10,000,000 for each of fiscal years 2008 through 2012 to carry out section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279)) (as amended by section 11052);

(5) to provide an additional $30,000,000 for each of fiscal years 2008 through 2012 to carry out the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the ''Farm and Ranch Lands Protection Program'') ;

(6) to provide an additional $5,000,000 for fiscal year 2008 to carry out the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005);

(7) to carry out sections 4101 and 4013 (and the amendments made by those sections), without regards to paragraphs (1) and (3) of section 4908(b); and

(8) to make any funds that remain available after providing funds under paragraphs (1) through (7) to the Commodity Credit Corporation for use in carrying out section 1942.

SEC. 1942. FLEXIBLE STATE FUNDS.

(a) FUNDING.—

(1) BASE GRANTS.—The Secretary shall make a grant to each State to be used to benefit agricultural producers and rural communities in the State, in the amount of—

(A) for fiscal year 2008, $220,000; and

(B) for the period of fiscal years 2009 through 2017, $2,500,000.

(2) PROPORTIONAL FUNDING.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall allocate amounts described in section 1941(b)(4) among the States based on the proportion of savings realized under section 1941(a) for each State.

(B) STATE FUNDS.—The Secretary shall maintain a separate account for each State consisting of amounts allocated for the State in accordance with subparagraph (A).

(C) USE OF FUNDS.—The Secretary shall use amounts maintained in a State account described in subparagraph (B) to carry out eligible programs in the appropriate State in accordance with a determination made by a State board under subsection (b)(4).

(b) STATE BOARDS.—

(1) IN GENERAL.—Each State shall establish a State board that consists of the State directors of—

(A) the Farm Service Agency;

(B) the Natural Resources Conservation Service; and

(C) the programs carried out by the Under Secretary for Rural Development.

(2) STATE CONCURRENCE.—Before any allocation of funds is made to a State board, the Secretary shall ensure that the applicable State department of agriculture reviews and is in concurrence with the proposed allocation.

(3) PRODUCER STAKEHOLDER INPUT.—A State board established under paragraph (1) shall conduct appropriate outreach activities with respect to producers and local rural and agriculture industry leaders to collect information and provide advice regarding the needs and preferred uses of the funds provided under this section.

(4) DETERMINATION.—

(A) IN GENERAL.—Each State board shall determine the use of funds allocated under subsection (a)(2) among the eligible programs described in subsection (c)(1).

(B) REQUIREMENT.—Of the funds allocated under subsection (a)(2) during each 5-year period, at least 20 percent of the funds shall be used to carry out eligible programs described in subparagraphs (M) through (P) of subsection (c)(1).

(c) ELIGIBLE PROGRAMS.—

(1) IN GENERAL.—Funds allocated to a State under subsection (b) may be used in the State—

(A) to provide stewardship payments for conservation practices under the conservation security program established under subchapter A of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.);

(B) to provide cost share for projects to reduce pollution under the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), including manure management;

(C) to assist States and local groups to purchase development rights from farms and slow suburban sprawl under the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the ''Farm and Ranch Lands Protection Program'');

(D) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.);

(E) to provide loans and loan guarantees to improve broadband access in rural areas in accordance with the program under section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb);

(F) to provide to rural community facilities loans and grants under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a));

(G) to provide water or waste disposal grants or direct or guaranteed loans under paragraph (1) or (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a));

(H) to make value-added agricultural product market development grants under section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224);

(I) the rural microenterprise assistance program under section 366 of the Consolidated Farm and Rural Development Act (as added by section 6022);

(J) to provide organic certification cost share or transition funds under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

(K) to provide grants under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001);

(L) to provide grants under the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005);

(M) to provide vouchers for the seniors farmers' market nutrition program under section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007);

(N) to provide vouchers for the farmers' market nutrition program established under section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m));

(O) to provide grants to improve access to local foods and school gardens under section 18(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(i)); and

(P) subject to paragraph (2), to provide additional locally or regionally produced commodities for use by the State any of—

(i) the fresh fruit and vegetable program under section 19 of the Richard B. Russell National School Lunch Act (as added by section 4903);

(ii) the commodity supplemental food program established under section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86);

(iii) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

(iv) the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(v) the food distribution program on Indian reservations established under section 4(b) of the Food and Nutrition Act of 2007 (7 U.S.C. 2013(b)).

(2) WAIVERS.—

(A) IN GENERAL.—The Secretary may waive a local or regional purchase requirement under any program described in clauses (i) through (v) of paragraph (1)(P) if the applicable State board demonstrates to the satisfaction of the Secretary that a sufficient quality or quantity of a local or regional product is not available.

(B) EFFECT.—A product purchased by a State board that receives a waiver under subparagraph (A) in lieu of a local or regional product shall be produced in the United States.

(d) MAINTENANCE OF EFFORT.—Funds made available to a program of a State under this section shall be in addition to, and shall not supplant, any other funds provided to the program under any other Federal, State, or local law (including regulations).

SEC. 1943. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND IMPROVE QUALITY OF RURAL HEALTH CARE FACILITIES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6028) is amended by adding at the end the following:

"SEC. 379F. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND QUALITY OF RURAL HEALTH CARE FACILITIES.

''(a) DEFINITIONS.—In this section:

''(1) HEALTH INFORMATION TECHNOLOGY.—The term 'health information technology' includes total expenditures incurred for—

''(A) purchasing, leasing, and installing computer software and hardware, including handheld computer technologies, and related services;

''(B) making improvements to computer software and hardware;

''(C) purchasing or leasing communications capabilities necessary for clinical data access, storage, and exchange;

''(D) services associated with acquiring, implementing, operating, or optimizing the use of computer software and hardware and clinical health care informatics systems;

''(E) providing education and training to rural health facility staff on information systems and technology designed to improve patient safety and quality of care; and

''(F) purchasing, leasing, subscribing, or servicing support to establish interoperability that—

''(i) integrates patient-specific clinical data with well-established national treatment guidelines;

''(ii) provides continuous quality improvement functions that allow providers to assess improvement rates over time and against averages for similar providers; and

''(iii) integrates with larger health networks.

''(2) RURAL AREA.—The term 'rural area' means any area of the United States that is not—

''(A) included in the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 residents; or

''(B) an urbanized area contiguous and adjacent to such a city, town, borough, or village.

''(3) RURAL HEALTH FACILITY.—The term 'rural health facility' means any of—

''(A) a hospital (as defined in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)));

''(B) a critical access hospital (as defined in section 1861(mm) of that Act (42 U.S.C. 1395x(mm)));

''(C) a Federally qualified health center (as defined in section 1861(aa) of that Act (42 U.S.C. 1395x(aa))) that is located in a rural area;

''(D) a rural health clinic (as defined in that section (42 U.S.C. 1395x(aa)));

''(E) a medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G) of that Act (42 U.S.C. 1395ww(d)(5)(G))); and

''(F) a physician or physician group practice that is located in a rural area.

''(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary shall provide grants to rural health facilities for the purpose of assisting the rural health facilities in—

''(1) purchasing health information technology to improve the quality of health care or patient safety; or

''(2) otherwise improving the quality of health care or patient safety, including through the development of—

''(A) quality improvement support structures to assist rural health facilities and professionals—

''(i) to increase integration of personal and population health services; and

''(ii) to address safety, effectiveness, patient- or community-centeredness, timeliness, efficiency, and equity; and

''(B) innovative approaches to the financing and delivery of health services to achieve rural health quality goals.

''(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant provided under this section.

''(d) PROVISION OF INFORMATION.—A rural health facility that receives a grant under this section shall provide to the Secretary such information as the Secretary may require—

''(1) to evaluate the project for which the grant is used; and

''(2) to ensure that the grant is expended for the purposes for which the grant was provided.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.''.

SA 3720. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 272, after line 24, add the following:

SEC. 19___ SHARE OF RISK; REIMBURSEMENT RATE; FUNDING AND ADMINISTRATION.

(a) SHARE OF RISK.—

(1) IN GENERAL.—Section 508(k)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended—

(A) by striking ''require the reinsured'' and inserting the following: ''require—

''(A) the reinsured'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B)(i) the cumulative underwriting gain or loss, and the associated premium and losses with such amount, calculated under any reinsurance agreement (except livestock) ceded to the Corporation by each approved insurance provider to be not less than 12.5 percent; and

''(ii) the Corporation to pay a ceding commission to reinsured companies of 2 percent of the premium used to define the loss ratio for the book of business of the approved insurance provider that is described in clause (i).''.

(2) CONFORMING AMENDMENTS.—Section 516(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)) is amended by adding at the end the following:

''(E) Costs associated with the ceding commissions described in section 508(k)(3)(B)(ii).''.

(3) EFFECTIVE DATE.—The amendments made by this section take effect on June 30, 2008.

(b) REIMBURSEMENT RATE.—Notwithstanding section 1911, section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 1906(2)) is amended—

(1) in subparagraph (A), by striking ''Except as provided in subparagraph (B)'' and inserting ''Except as otherwise provided in this paragraph''; and

(2) by adding at the end the following:

''(E) REIMBURSEMENT RATE REDUCTION.—For each of the 2009 and subsequent reinsurance years, the reimbursement rates for administrative and operating costs shall be 4.0 percentage points below the rates in effect as of the date of enactment of the Food and Energy Security Act of 2007 for all crop insurance policies used to define loss ratio, except that the reduction shall not apply in a reinsurance year to the total premium written in a State in which the State loss ratio is greater than 1.2.

''(F) REIMBURSEMENT RATE FOR AREA POLICIES AND PLANS OF INSURANCE.—Notwithstanding subparagraphs (A) through (E), for each of the 2009 and subsequent reinsurance years, the reimbursement rate for area policies and plans of insurance shall be 17 percent of the premium used to define loss ratio for that reinsurance year.''.

(c) FUNDING AND ADMINISTRATION.—Notwithstanding section 2401, section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''2007'' and inserting ''2012''; and

(2) by striking paragraphs (3) through (7) and inserting the following:

''(3) The conservation security program under subchapter A of chapter 2, using $2,317,000,000 to administer contracts entered into as of the day before the date of enactment of the Food and Energy Security Act of 2007, to remain available until expended.

''(4) The conservation stewardship program under subchapter B of chapter 6.

''(5) The farmland protection program under subchapter B of chapter 2, using, to the maximum extent practicable, $110,000,000 for each of fiscal years 2008 through 2012.

''(6) The grassland reserve program under chapter C of chapter 2, using, to the maximum extent practicable, $300,000,000 for the period of fiscal years 2008 through 2012.

''(7) The environmental quality incentives program under chapter 4, using, to the maximum extent practicable—

''(A) $1,345,000,000 for fiscal year 2008;

''(B) $1,350,000,000 for fiscal year 2009;

''(C) $1,385,000,000 for fiscal year 2010; and

''(D) $1,420,000,000 for each of fiscal years 2011 and 2012.''.

SA 3721. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 305, after line 19, add the following:

SEC. 2202. MUCK SOIL CONSERVATION GRANT PROGRAM.

(a) ESTABLISHMENT.—As soon as practicable after the date of enactment of this

Act, the Secretary shall establish a muck soil conservation grant program under which the Secretary shall make grants to eligible owners and operators of land described in subsection (b) to assist the owners and operators to conserve and improve the soil, water, and wildlife resources of the land.

(b) ELIGIBLE OWNER OR OPERATOR.—To be eligible to receive a grant under this section, an individual shall be an owner of operator of land—

(1) that is comprised of soil that qualifies as muck, as determined by the Secretary;

(2) that is used for production of an agricultural crop;

(3) within which is planted, during each appropriate growing season—

(A) a spring cover crop that is planted in conjunction with a primary agricultural crop described in paragraph (2); and

(B) a winter crop; and

(4) that has ditch banks that are—

(A) seeded with grass; and

(B) maintained on a year-round basis.

(c) AMOUNT OF GRANT.—A grant provided under this section shall be in an amount that is—

(1) not less than $300 per acre, per year; and

(2) not greater than $500 per acre, per year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.

SA 3722. Mr. DURBIN (for himself and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 552, strike lines 3 through 6 and insert the following:

(5) in subsection (1)—

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

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the President shall use to carry out this section—

''(A) $140,000,000 for fiscal year 2009;

''(B) $180,000,000 for fiscal year 2010;

''(C) $220,000,000 for fiscal year 2011; and

''(D) $260,000,000 for fiscal year 2012.''; and

(B) in paragraph (2), by striking ''such sums'' and all that follows through ''2007'' and inserting ''$300,000,000 for each of fiscal years 2008 through 2012''.

SEC. 3109. OFFSET.

Section 901(b)(4)(A) of the Trade Act of 1974 (as added by section 12101(a)) is amended by striking clause (ii) and inserting the following:

''(ii)(I) 30 percent of the amount of any direct payments made to the producer under section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) or section 1103 of the Food and Energy Security Act of 2007 or of any fixed direct payments made at the election of the producer in lieu of that section or a subsequent section; and

''(II) 20 percent of the amount of any counter-cyclical payments made to the producer under section 1104 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7914) or section 1104 of the Food and Energy Security Act of 2007 or of any revenue enhancement payment made at the election of the producer in lieu of that section or a subsequent section;''.

SA 3723. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. REGULATION OF THE PET INDUSTRY.

(a) HIGH-VOLUME RETAILERS AND IMPORTERS.—

(1) IN GENERAL.—The Animal Welfare Act is amended by adding after section 19 (7 U.S.C. 2149) the following:

''SEC. 20. REGULATION OF HIGH-VOLUME RETAILERS AND IMPORTERS.

''(a) DEFINITIONS.—In this section:

''(1) CERTIFIED THIRD-PARTY INSPECTOR.—The term 'certified third-party inspector' means a nonprofit organization certified by the Secretary in accordance with subsection (d).

''(2) IMPORTER.—The term 'importer' has the same meaning as the term 'regulated person', except that the term also includes any person that imports into the United States any dog or cat for resale.

''(3) REGULATED PERSON.—

''(A) IN GENERAL.—The term 'regulated person' means any person who in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of—

''(i) any dog or other animal (whether alive or dead) for research, teaching, or exhibition;

''(ii) any dog or cat (whether alive or dead) at wholesale or retail; or

''(iii) any dog or cat imported into the United States for resale.

''(B) EXCEPTIONS.—The term 'regulated person' does not include—

''(i) a retail pet store, except for a retail pet store that sells—

''(I) any animal to a research facility, an exhibitor, or a regulated person; or

''(II) any dog or cat imported into the United States directly by the retail pet store;

''(ii) any animal shelter, rescue organization, or other person that does not operate for profit; or

''(iii) any person that—

''(I) sells dogs and cats only at retail;

''(II) does not import dogs and cats for resale; and

''(III)(aa) sells not more than the total number of dogs and cats described in subparagraph (C); or

''(bb) in accordance with regulations promulgated by the Secretary, is determined to be in compliance with the standards of a third-party inspector certified under subsection (d).

''(C) DESCRIPTION.—The number of dogs and cats referred to in subparagraph (B)(iii)(III)(aa) is not more than—

''(i) a total of 25 dogs and cats not bred or raised on the premises of the seller during a calendar year; or

''(ii)(I) the number of dogs and cats bred or raised during a calendar year on the premises of the seller and sold directly at retail to persons who purchase the dogs and cats for personal use and enjoyment and not for resale, provided that the total number sold during a calendar year is not more than the greater of 25 dogs and cats or the dogs and cats from not more than 6 litters; and

''(II) a total of 25 other dogs and cats not bred or raised on the premises of the seller during the calendar year.

''(4) RETAIL.—The term 'retail' means any sale that is not at wholesale.

''(5) RETAIL PET STORE.—

''(A) IN GENERAL.—The term 'retail pet store' means a retail business establishment that—

''(i) maintains a physical premises that is open to the public; and

''(ii) sells pet animals directly to the public from the retail business premises.

''(B) EXCLUSION.—The term 'retail pet store' does not include—

''(i) a person breeding dogs or cats to sell at wholesale or retail; or

''(ii) a person importing dogs or cats from outside the United States for resale.

''(6) WHOLESALE.—The term 'wholesale' means the sale of an animal for resale.

''(b) TREATMENT OF REGULATED PERSONS.—The Secretary shall treat a regulated person in the same manner that the Secretary treats a dealer under this Act.

''(c) ALTERNATIVE LICENSING OPTION.—The Secretary may issue a license under section 3 to a regulated person that deals in dogs or cats if the regulated person—

''(1) has demonstrated that the facilities of the regulated person comply with standards promulgated by the Secretary in accordance with section 13; or

''(2) has demonstrated in accordance with regulations promulgated by the Secretary that the facilities of the regulated person comply with standards established by a certified third-party inspector.

''(d) THIRD-PARTY INSPECTORS.—

''(1) REGULATIONS.—

''(A) IN GENERAL.—Not later than 36 months after the date of enactment of this subsection, the Secretary shall promulgate regulations under which the Secretary may certify nonprofit organizations that the Secretary determines to have standards and inspection protocols that are at least as protective of animal welfare as those promulgated by the Secretary in accordance with section 13(a)(2).

''(B) REQUIREMENTS.—Regulations promulgated under subparagraph (A) shall—

''(i) establish procedures under which the Secretary may certify third-party inspectors, including provisions for public notice of—

''(I) third-party certification applications;

''(II) certification decisions by the Secretary; and

''(III) the standards and inspection protocols of certified third-party inspectors;

''(ii) require each certified third-party inspector to be recertified not less than once every 3 years;

''(iii) establish procedures under which the Secretary shall decertify a certified third-party inspector that the Secretary determines has failed to maintain standards and inspection protocols that are at least as protective of animal welfare as those promulgated by the Secretary in accordance with section 13(a)(2);

''(iv) require each certified third-party inspector to immediately notify the Secretary of any person inspected by the certified third-party inspector—

''(I) whose conduct places the health of an animal in serious danger; or

''(II) who otherwise fails to comply with the standards established by the inspector (including a description of the specific failure);

''(v) require each certified third-party inspector to submit to the Secretary an annual summary report describing—

''(I) the number of inspections conducted;

''(II) the number of persons found to be out-of-compliance with the standards of the certified third-party inspector and the response actions taken;

''(III) the types of non-compliance found; and

''(IV) such other information about the program of the certified third-party inspector as the Secretary shall require, without revealing personal information about inspected persons, to ensure that the program of the third-party inspector is maintaining standards and inspection protocols that are at least as protective of animal welfare as those promulgated by the Secretary in accordance with section 13(a)(2);

''(vi) require certified third-party inspectors to submit to the Secretary copies of all inspection reports on an annual basis;

''(vii) establish procedures under which the Secretary may require certified third-party inspectors to participate in training and education programs carried out through the Animal and Plant Health Inspection Service; and

''(viii) establish procedures for compliance audits of third-party inspections.

''(C) FOIA EXEMPTION.—Section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act') shall not apply to reports described in subparagraph (B)(vi).

''(2) INSPECTIONS.—

''(A) IN GENERAL.—The Secretary shall promulgate regulations under which a regulated person dealing in dogs and cats may elect to have a certified third-party inspector inspect the regulated person and report the results of the inspection to the Secretary in lieu of inspection by the Secretary.

''(B) THIRD-PARTY INSPECTIONS OPTIONAL.—No regulated person shall be required under this Act to be inspected by a certified third-party inspector.

''(C) LIMITATION.—No person other than a regulated person may make the election described in subparagraph (A).

''(3) ENFORCEMENT.—

''(A) IN GENERAL.—The Secretary shall have exclusive enforcement authority over any violation of this Act.

''(B) INITIATION OF ACTION.—The Secretary shall investigate and, if appropriate, initiate enforcement action under this Act, immediately upon receiving notification under paragraph (1)(B)(iv).

''(4) USE OF APPROPRIATED FUNDS.—

''(A) IN GENERAL.—The Secretary may use funds appropriated to the Department of Agriculture to carry out this subsection.

''(B) PROHIBITION.—A certified third-party inspector may not use funds appropriated to Department of Agriculture.

''(e) ACCESS TO SOURCE RECORDS FOR DOGS AND CATS.—Notwithstanding any other provision of this Act, all regulated persons and retail pet stores shall prepare, retain, and make available at all reasonable times for inspection and copying by the Secretary, for such reasonable period of time as the Secretary may prescribe, a record of—

''(1)(A) the name and address of the person from whom each dog or cat acquired for resale was purchased or otherwise acquired; or

''(B) if that information is not known, the source of the dog or cat; and

''(2) if the person from whom the dog or cat was obtained is a dealer licensed by the Secretary, the Federal dealer identification number of the person.

''(f) IMPORTATION OF LIVE DOGS AND CATS.—

''(1) FINDINGS.—Congress finds that—

''(A) regulating imports of dogs and cats for resale, including restricting importation of puppies and kittens for resale, is consistent with provisions of international agreements to which the United States is a party that expressly allow for measures that are necessary—

''(i) to protect animal life or health;

''(ii) to protect human health; and

''(iii) to enjoin the use of deceptive trade practices in international and domestic commerce;

''(B) the importation of puppies into the United States for resale is increasing;

''(C) the breeding of puppies and kittens in foreign countries for resale in the United States creates opportunities and incentives for evasion of United States laws (including regulations) relating to the humane care and treatment of breeding stock, puppies, and kittens;

''(D) the conditions under which puppies are transported into the United States for resale are frequently inhumane and in violation of domestic and international standards;

''(E) there is an unacceptably high incidence of disease and death among puppies imported into the United States for resale;

''(F) the importation of puppies and kittens for resale creates unacceptable incentives for evasion of United States laws (including regulations) intended to protect animal and human health in the United States, including quarantine regulations; and

''(G) puppies and kittens imported for resale may be accompanied by fraudulent health and breeding documents, imposing high economic and emotional costs and fraud on United States citizens.

''(2) ENFORCEMENT.—An importer that fails to comply with any Federal law (including a regulation) relating to the importation of live dogs and cats into the United States shall be subject to this Act, including penalties under section 19.

''(3) REGULATIONS.—Not later than 24 months after the date of enactment of this section, the Secretary, in consultation with the Secretary of Health and Human Services, the Secretary of Commerce, and the Secretary of Homeland Security, shall promulgate regulations relating to the importation of live dogs and cats into the United States for resale.

''(4) REQUIREMENTS.—Regulations promulgated under paragraph (3) shall require that—

''(A) any importer that imports into the United States a dog or cat in violation of this Act shall provide for the care, forfeiture, and adoption of the dog or cat, at the expense of the importer; and

''(B) dogs imported into the United States for resale—

''(i) be not less than 6 months of age;

''(ii) have received all necessary vaccinations, as determined by the Secretary; and

''(iii) be in good health, as determined by the Secretary.''.

(2) REGULATIONS.—Not later than 36 months after the date of enactment of this Act, the Secretary shall promulgate final regulations to carry out the amendment made by paragraph (1)

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date on which final regulations described in paragraph (2) take effect.

(b) EXTENSION OF TEMPORARY SUSPENSION PERIOD.—Section 19(a) of the Animal Welfare Act (7 U.S.C. 2149) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) EXTENSION OF TEMPORARY SUSPENSION PERIOD.—If the Secretary has reason to believe that a violation that results in a temporary suspension pursuant to paragraph (1) is continuing or will continue after the expiration of the 21-day temporary suspension period described in that paragraph, and the violation will place the health of any animal in serious danger in violation of this Act, the Secretary may extend the temporary suspension period for such additional period as is necessary to ensure that the health of an animal is not in serious danger, as determined by the Secretary, but not to exceed 60 days.''.

(c) AUTHORITY TO APPLY FOR INJUNCTIONS.—Section 29 of the Animal Welfare Act (7 U.S.C. 2159) is amended—

(1) in subsection (a), by inserting ''or that any person is acting as a dealer or exhibitor without a valid license that has not been suspended or revoked, as required by this Act,'' after ''promulgated thereunder,'';

(2) in subsection (b), by striking the last sentence; and

(3) by adding at the end the following:

''(c) INJUNCTIONS; REPRESENTATION.—

''(1) INJUNCTIONS.—The Secretary may apply directly to the appropriate United States district court for a temporary restraining order or injunction described in subsection (a).

''(2) REPRESENTATION.—Attorneys of the Department of Agriculture may represent the Secretary in United States district court in any civil action brought under this section.''.

(d) EFFECT ON STATE LAW.—Nothing in this section or the amendments made by this section (including any regulations promulgated as a result of this section) preempts any State law (including a regulation) that provides stricter requirements than the requirements provided in the amendments made by this section.

SA 3724. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 108, strike line 3 and all that follows through page 123, line 8 and insert the following:

(A) the 2009, 2010, 2011, and 2012 crop years;

(B) the 2010, 2011, and 2012 crop years;

(C) the 2011 and 2012 crop years; or

(D) the 2012 crop year.

(2) ELECTION; TIME FOR ELECTION.—

(A) IN GENERAL.—The Secretary shall provide notice to producers regarding the opportunity to make the election described in paragraph (1).

(B) NOTICE REQUIREMENTS.—The notice shall include—

(i) notice of the opportunity of the producers on a farm to make the election; and

(ii) information regarding the manner in which the election must be made and the time periods and manner in which notice of the election must be submitted to the Secretary.

(3) ELECTION DEADLINE.—Within the time period and in the manner prescribed pursuant to paragraph (2), the producers on a farm shall submit to the Secretary notice of the election made under paragraph (1).

(4) EFFECT OF FAILURE TO MAKE ELECTION.—If the producers on a farm fail to make the election under paragraph (1) or fail to timely notify the Secretary of the election made, as required by paragraph (3), the producers shall be deemed to have made the election to receive payments and loans under subtitle A for all covered commodities and peanuts on the farm for the applicable crop year.

(b) PAYMENTS REQUIRED.—

(1) IN GENERAL.—In the case of producers on a farm who make the election under subsection (a) to receive average crop revenue payments, for any of the 2009 through 2012 crop years for all covered commodities and peanuts, the Secretary shall make average crop revenue payments available to the producers on a farm in accordance with this subsection.

(2) FIXED PAYMENT COMPONENT.—Subject to paragraph (3), in the case of producers on a farm described in paragraph (1), the Secretary shall make average crop revenue payments available to the producers on a farm for each crop year in an amount equal to not less than the product obtained by multiplying—

(A) $15 per acre; and

(B) 100 percent of the lower of—

(i) the quantity of base acres on the farm for all covered commodities and peanuts (as adjusted in accordance with the terms and conditions of section 1101 or 1302, as determined by the Secretary); or

(ii) the average of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm during the 2002 through 2007 crop years.

(3) REVENUE COMPONENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall increase the amount of the average crop revenue payments available to the producers on a farm in a State for a crop year if—

(i) the actual State revenue for the crop year for the covered commodity or peanuts in the State determined under subsection (c); is less than

(ii) the average crop revenue program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d).

(B) PRICES.—The Secretary shall increase the amount of the average crop revenue payments available to the producers on a farm in a State for a crop year only if (as determined by the Secretary)—

(i) the amount determined by multiplying—

(I) the actual yield for the covered commodity or peanuts of the producers on the farm; and

(II) the average crop revenue program harvest price for the crop year for the covered commodity or peanuts determined under subsection (c)(3); is less than

(ii) the amount determined by multiplying—

(I) the yield used to calculate crop insurance coverage for the covered commodity or peanuts on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (commonly referred to as ''actual production history''); and

(II) the pre-planting price for the applicable crop year for the covered commodity or peanuts in a State determined under subsection (d)(3).

(4) TIME FOR PAYMENTS.—In the case of each of the 2009 through 2012 crop years, the Secretary shall make—

(A) payments under the fixed payment component described in paragraph (2) not earlier than October 1 of the calendar year in which the crop of the covered commodity or peanuts is harvested; and

(B) payments under the revenue component described in paragraph (3) beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity or peanuts.

(c) ACTUAL STATE REVENUE.—

(1) IN GENERAL.—For purposes of subsection (b)(3)(A), the amount of the actual State revenue for a crop year of a covered commodity shall equal the product obtained by multiplying—

(A) the actual State yield for each planted acre for the crop year for the covered commodity or peanuts determined under paragraph (2); and

(B) the average crop revenue program harvest price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(2) ACTUAL STATE YIELD.—For purposes of paragraph (1)(A) and subsection (d)(1)(A), the actual State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal (as determined by the Secretary)—

(A) the quantity of the covered commodity or peanuts that is produced in the State during the crop year; divided by

(B) the number of acres that are planted to the covered commodity or peanuts in the State during the crop year.

(3) AVERAGE CROP REVENUE PROGRAM HARVEST PRICE.—

(A) IN GENERAL.—For purposes of paragraph (1)(B), subject to subparagraph (B), the average crop revenue program harvest price for a crop year for a covered commodity or peanuts in a State shall equal the harvest price that is used to calculate revenue under revenue coverage plans that are offered for the crop year for the covered commodity or peanuts in the State under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(B) ASSIGNED PRICE.—If the Secretary cannot establish the harvest price for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A), the Secretary shall assign a price for the covered commodity or peanuts in the State on the basis of comparable price data.

(d) AVERAGE CROP REVENUE PROGRAM GUARANTEE.—

(1) IN GENERAL.—The average crop revenue program guarantee for a crop year for a covered commodity or peanuts in a State shall equal 90 percent of the product obtained by multiplying—

(A) the expected State yield for each planted acre for the crop year for the covered commodity or peanuts in a State determined under paragraph (2); and

(B) the average crop revenue program preplanting price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(2) EXPECTED STATE YIELD.—

(A) IN GENERAL.—For purposes of paragraph (1)(A), subject to subparagraph (B), the expected State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal the projected yield for the crop year for the covered commodity or peanuts in the State, based on a linear regression trend of the yield per acre planted to the covered commodity or peanuts in the State during the 1980 through 2006 period using National Agricultural Statistics Service data.

(B) ASSIGNED YIELD.—If the Secretary cannot establish the expected State yield for each planted acre for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A) or if the linear regression trend of the yield per acre planted to the covered commodity or peanuts in the State (as determined under subparagraph (A)) is negative, the Secretary shall assign an expected State yield for each planted acre for the crop year for the covered commodity or peanuts in the State on the basis of expected State yields for planted acres for the crop year for the covered commodity or peanuts in similar States.

(3) AVERAGE CROP REVENUE PROGRAM PREPLANTING PRICE.—

(A) IN GENERAL.—For purposes of paragraph (1)(B), subject to subparagraphs (B) and (C), the average crop revenue program pre-planting price for a crop year for a covered commodity or peanuts in a State shall equal the average price that is used to calculate revenue under revenue coverage plans that are offered for the covered commodity in the State under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop year and the preceding 2 crop years.

(B) ASSIGNED PRICE.—If the Secretary cannot establish the pre-planting price for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A), the Secretary shall assign a price for the covered commodity or peanuts in the State on the basis of comparable price data.

(C) MINIMUM AND MAXIMUM PRICE.—In the case of each of the 2011 through 2012 crop years, the average crop revenue program preplanting price for a crop year for a covered commodity or peanuts under subparagraph (A) shall not decrease or increase more than 15 percent from the pre-planting price for the preceding year.

(e) PAYMENT AMOUNT.—Subject to subsection (f), if average crop revenue payments are required to be paid for any of the 2009 through 2012 crop years of a covered commodity or peanuts under subsection (b)(3), in addition to the amount payable under subsection (b)(2), the amount of the average crop revenue payment to be paid to the producers on the farm for the crop year under this section shall be increased by an amount equal to the product obtained by multiplying—

(1) the difference between—

(A) the average crop revenue program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d); and

(B) the actual State revenue from the crop year for the covered commodity or peanuts in the State determined under subsection (c);

(2) 95 percent of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm in the crop year;

(3) the quotient obtained by dividing—

(A) the expected county yield for the crop year, determined for the county in the same manner as the expected State yield is determined for a State under subsection (d)(2); by

(B) the expected State yield for the crop year, as determined under subsection (d)(2); and

(4) 90 percent.

(f) LIMITATION ON PAYMENT AMOUNT.—The amount of the average crop revenue payment to be paid to the producers on a farm for a crop year of a covered commodity or peanuts under subsection (e) shall not exceed 25 percent of the average crop revenue program guarantee for the crop year for the covered commodity or peanuts in a State determined under subsection (d)(1).

(g) RECOURSE LOANS.—For each of the 2009 through 2012 crops of a covered commodity or peanuts, the Secretary shall make available to producers on a farm who elect to receive payments under this section recourse loans, as determined by the Secretary, on any production of the covered commodity.

SEC. 1402. PRODUCER AGREEMENT AS CONDITION OF AVERAGE CROP REVENUE PAYMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive average crop revenue payments with respect to the farm, the producers shall agree, and in the case of subparagraph (C), the Farm Service Agency shall certify, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.); and

(C) that the individuals or entities receiving payments are producers;

(D) to use the land on the farm, in a quantity equal to the attributable base acres for the farm and any base acres for peanuts for the farm under part III of subtitle A, for an

agricultural or conserving use, and not for a nonagricultural commercial, industrial, or residential use (including land subdivided and developed into residential units or other nonfarming uses, or that is otherwise no longer intended to be used in conjunction with a farming operation), as determined by the Secretary; and

(E) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (D).

(2) COMPLIANCE.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) TRANSFER OR CHANGE OF INTEREST IN FARM.—

(1) TERMINATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm for which average crop revenue payments are made shall result in the termination of the payments, unless the transferee or owner of the farm agrees to assume all obligations under subsection (a).

(B) EFFECTIVE DATE.—The termination shall take effect on the date determined by the Secretary.

(2) EXCEPTION.—If a producer entitled to an average crop revenue payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with rules issued by the Secretary.

(c) ACREAGE REPORTS.—

(1) IN GENERAL.—As a condition on the receipt of any benefits under this subtitle, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(2) PENALTIES.—No penalty with respect to benefits under subtitle shall be assessed against the producers on a farm for an inaccurate acreage report unless the producers on the farm knowingly and willfully falsified the acreage report.

(d) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(e) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of average crop revenue payments among the producers on a farm on a fair and equitable basis.

(f) AUDIT AND REPORT.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall—

(1) conduct an audit of average crop revenue payments; and

(2) submit to Congress a report that describes the results of that audit.

SEC. 1403. PLANTING FLEXIBILITY.

(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on base acres on a farm for which the producers on a farm elect to receive average crop revenue payments (referred to in this section as ''base acres'').

(b) LIMITATIONS REGARDING CERTAIN COMMODITIES.—

(1) GENERAL LIMITATION.—The planting of an agricultural commodity specified in paragraph (3) shall be prohibited on base acres unless the commodity, if planted, is destroyed before harvest.

(2) TREATMENT OF TREES AND OTHER PERENNIALS.—The planting of an agricultural commodity specified in paragraph (3) that is produced on a tree or other perennial plant shall be prohibited on base acres.

(3) COVERED AGRICULTURAL COMMODITIES.—Paragraphs (1) and (2) apply to the following agricultural commodities:

(A) Fruits.

(B) Vegetables (other than mung beans and pulse crops).

(C) Wild rice.

(c) EXCEPTIONS.—Paragraphs (1) and (2) of subsection (b) shall not limit the planting of an agricultural commodity specified in paragraph (3) of that subsection—

(1) in any region in which there is a history of double-cropping of covered commodities with agricultural commodities specified in subsection (b)(3), as determined by the Secretary, in which case the double-cropping shall be permitted;

(2) on a farm that the Secretary determines has a history of planting agricultural commodities specified in subsection (b)(3) on base acres, except that average crop revenue payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(3) by the producers on a farm that the Secretary determines has an established planting history of a specific agricultural commodity specified in subsection (b)(3), except that—

(A) the quantity planted may not exceed the average annual planting history of such agricultural commodity by the producers on the farm in the 1991 through 1995 or 1998 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(B) average crop revenue payments shall be reduced by an acre for each acre planted to such agricultural commodity.

(d) PLANTING TRANSFERABILITY PILOT PROJECT.—Producers on a farm that elect to receive average crop revenue payments shall be eligible to participate in the pilot program established under section 1106(d) under the same terms and conditions as producers that receive direct payments and counter-cyclical payments.

(e) PRODUCTION OF FRUITS OR VEGETABLES FOR PROCESSING.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), effective beginning with the 2009 crop.

SA 3725. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 336, strike lines 6 through 21 and insert the following:

''(4) COMPENSATION.—Effective on the date of enactment of this paragraph, the Secretary shall pay the lowest amount of compensation for a conservation easement, as determined by a comparison of—

''(A) the amount necessary to encourage the enrollment of parcels of land that are of importance in achieving the purposes of the program, as determined by the State Conservationist, in cooperation with the State technical committee, based on—

''(i) the net present value of 30 years of annual rental payments based on the county simple average soil rental rates developed under subchapter B;

''(ii) an area-wide market analysis or survey; or

''(iii) an amount not less than the value of the agricultural or otherwise undeveloped raw land based on the Uniform Standards of Professional Appraisal Practices;

''(B) the amount corresponding to a geographical area value limitation, as determined by the State Conservationist, in cooperation with the State technical committee; and

''(C) the amount contained in the offer made by the landowner.

''(5) PAYMENT SCHEDULE.—Except as otherwise provided in this subchapter, payments may be provided under this subchapter pursuant to an easement agreement, contract, or other agreement, in a lump sum payment, or in not more than 30 annual payments in equal or unequal amounts, as agreed to by the Secretary and the landowner.''.

SA 3726. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2359 and insert the following:

SEC. 2359. GROUND AND SURFACE WATER CONSERVATION.

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is amended by striking subsection (c) and inserting the following:

''(c) FUNDING.—

''(1) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, in addition to amounts made available under section 1241(a) to carry out this chapter, the Secretary shall use $60,000,000 for each of fiscal years 2008 through 2012.

''(2) FUNDING FOR CERTAIN STATES.—Of the funds made available under paragraph (1), the Secretary shall provide to each State the boundaries of which encompass a multistate aquifer from which documented groundwater withdrawals exceed 16,000,000,000 gallons per day, for water conservation or irrigation practices, an amount equal to not less than the greater of—

''(A) $3,000,000; or

''(B) the simple average of amounts allocated to producers in the State under this section for the period of fiscal years 2002 through 2007.

''(3) EASTERN SNAKE PLAIN AQUIFER PILOT.—

''(A) IN GENERAL.—Of the funds made available under paragraph (1), the Secretary shall reserve not less than $2,000,000, to remain available until expended, for regional water conservation activities in the Eastern Snake Aquifer region.

''(B) APPROVAL.—The Secretary may approve regional water conservation activities under this paragraph that address, in whole or in part, water quality issues.''.

SA 3727. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2359 and insert the following:

SEC. 2359. GROUND AND SURFACE WATER CONSERVATION.

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is amended by striking subsection (c) and inserting the following:

''(c) FUNDING.—

''(1) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, in addition to amounts made available under section 1241(a) to carry out this chapter, the Secretary shall use $60,000,000 for each of fiscal years 2008 through 2012.

''(2) FUNDING FOR CERTAIN STATES.—Of the funds made available under paragraph (1), the Secretary shall provide to each State the boundaries of which encompass a multistate aquifer from which documented groundwater withdrawals exceed 16,000,000,000 gallons per day, for water conservation or irrigation practices, an amount equal to not less than the greater of—

''(A) $3,000,000; or

''(B) the simple average of amounts allocated to producers in the State under this section for the period of fiscal years 2002 through 2007.''.

SA 3728. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 471, strike line 22 and insert the following:

''(iv) IDENTIFICATION OF WATER QUALITY AND WATER QUANTITY PRIORITY AREAS.—

''(I) IN GENERAL.—Subject to subclause (II), the Secretary shall identify areas in which protecting or improving water quality or water quantity is a priority.

''(II) MANDATORY INCLUSIONS.—The Secretary shall include in any identification of areas under subclause (I)—

''(aa) the Chesapeake Bay;

''(bb) the Upper Mississippi River basin;

''(cc) the greater Everglades ecosystem;

''(dd) the Klamath River basin;

''(ee) the Sacramento/San Joaquin River watershed;

''(ff) the Mobile River Basin; and

''(gg) the Ogallala Aquifer.

''(III) FUNDING.—The Secretary shall reserve for use in areas identified under this clause not more than 50 percent of amounts made available for regional water enhancement activities under this paragraph.

''(v) DURATION.—

SA 3729. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 398, strike lines 22 through 26 and insert the following:

''(8) to assist producers in developing water conservation plans;

''(9) to reduce groundwater depletion, with priority given to regions that have significant rates of withdrawal or historic depletions due to agricultural use; and

''(10) to promote any other measures that improve groundwater and surface water conservation, as determined by the Secretary.

SA 3730. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 775, strike line 22 and all that follows through page 776, line 19 and insert the following:

''(B) WATER AND WASTE DISPOSAL GRANTS AND DIRECT AND GUARANTEED LOANS.—For the purpose of water and waste disposal grants and direct and guaranteed loans provided under paragraphs (1), (2), and (24) of section 306(a), the terms 'rural' and 'rural area' mean a city, town, or unincorporated area that has a population of no more than 10,000 inhabitants.

''(C) COMMUNITY FACILITY LOANS AND GRANTS.—For the purpose of community facility direct and guaranteed loans and grants under paragraphs (1), (19), (20), (21), and (24) of section 306(a), the terms 'rural' and 'rural area' mean any area other than—

''(i) an area described in clause (i), (ii), or (iii) of subparagraph (A); and

''(ii) a city, town, or unincorporated area that has a population of greater than 20,000 inhabitants.

''(D) AREAS RURAL IN CHARACTER.—

''(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, the Under Secretary for Rural Development may determine (pursuant to a petition by a local comunity or on the inititative of the Under Secretary) that an area described in clause (ii) or (iii) of subparagraph (A) is a rural area for the purposes of this paragraph, if the Under Secretary finds that the area is rural in character, as determined by the Under Secretary.

''(ii) ADMINISTRATION.—In carrying out clause (i), the Under Secretary for Rural Development—

''(I) shall not delegate the authority described in clause (i); but

''(II) shall consult with the applicable rural development State or regional director of the Department of Agriculture.

''(E) EXCLUSIONS.—Notwithstanding any other provision of this paragraph, in determining which census blocks are not in a rural area (as defined in this paragraph), the Secretary shall exclude any cluster of census blocks that would otherwise be considered not in a rural area only because the cluster is adjacent to not more than 2 census blocks that are otherwise considered not in a rural area under this paragraph.''.

(b) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) assesses the various definitions of the term ''rural'' and ''rural area''that are used with respect to programs administered by the Secretary;

(2) describes the effects that the variations in those definitions have on those programs;

(3) make recommendations for ways to better target funds provided through rural development programs;

(4) describes the effects the changes to the definitions of the terms ''rural'' and ''rural area'' in the Farm Security and Rural Investment Act of 2002 and this Act had on those programs and eligible areas; and

(5) determines what effects the changes had on the level of rural development funding and participation in those programs in each State.

SA 3731. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 776 strike line 19 and insert the following:

20,000 inhabitants.

''(D) AREAS RURAL IN CHARACTER.—

''(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, the Under Secretary for Rural Development may determine that an area described in clause (ii) or (iii) of subparagraph (A) is a rural area for the purposes of this paragraph, if the Under Secretary finds that the area is rural in character, as determined by the Under Secretary.

''(ii) DELEGATIONS.—The authority described in clause (i) may not be delegated by the Under Secretary for Rural Development.

''(E) EXCLUSIONS.—Notwithstanding any other provision of this paragraph, in determining which census blocks are not in a rural area (as defined in this paragraph), the Secretary shall exclude any cluster of census blocks that would otherwise be considered not in a rural area only because a census block in the cluster is adjacent to only 1 census block that—

''(i) is otherwise considered not in a rural area under this paragraph; and

''(ii) is also adjacent to only 1 census block that is otherwise considered not in a rural area.''.

SA 3732. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agrucultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 774, strike line 10 and all that follows through page 776, line 19, and insert the following:

(a) RURAL AREA.—

(1) DEFINITION.—Section 343(a)(13) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)) is amended by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The terms 'rural' and 'rural area' mean—

''(i) any area other than a city or town that has a population of greater than 50,000 inhabitants, except that, for all activities under programs in the rural development mission area within the areas of the County of Honolulu, Hawaii, and the Commonwealth of Puerto Rico, the Secretary may designate any portion of the areas as a rural area or eligible rural community that the Secretary determines is not urban in character, other than any area included in the Honolulu Census Designated Place or the San Juan Census Designated Place; and

''(ii) any urbanized area contiguous and adjacent to such a city or town.''.

(2) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(A) assesses the various definitions of the term ''rural'' that are used with respect to programs administered by the Secretary addressed in this title of this Act;

(B) describes the effects that the variations in those definitions have on those programs; and

(C) makes recommendations for ways to better target funds provided through rural development programs addressed in this title of this Act.

SA 3733. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 905, between lines 17 and 18, insert the following:

SEC. 7013. PURPOSES AND FINDINGS RELATING TO ANIMAL HEALTH AND DISEASE RESEARCH.

Section 1429 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191) is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(10) support work with agricultural colleges and universities to develop methods and practices of animal husbandry that reduce dependence on antibiotic use.''.

On page 987, line 18, insert after ''genomics)'' the following: '', the movement of antibiotics and antibiotic resistance traits from animal confinement facilities into ground and surface waters, and methods and practices to ensure health and reduce the use of antibiotics; and methods to transition to practices and systems that minimize antibiotic use''.

On page 1002, after line 21, insert the following:

SEC. 73___. RESEARCH AND EDUCATION GRANTS TO PREVENT ANTIBIOTIC RESISTANT BACTERIA THAT MAY BE TRANSFERRED FROM LIVESTOCK TO HUMANS.

(a) IN GENERAL.—The Secretary shall award research and education grants to minimize the development of antibiotic resistant bacteria that may be transferred from livestock to humans.

(b) ELIGIBILITY AND APPLICATION.—To be eligible to receive a grant under this section, an entity shall—

(1) be an institution of higher education, a public or private nonprofit organization, or an individual; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—An entity shall use a grant awarded under this section to conduct research to minimize the development of antibiotic resistant bacteria that may be transferred from livestock to humans, including research on—

(1) methods and practices of animal husbandry that reduce dependence on antibiotic use;

(2) movement of antibiotics and antibiotic resistance traits from animal confinement facilities into ground and surface waters;

(3) methods and practices that ensure health and reduce use of antibiotics;

(4) methods to transition to practices and systems that avoid antibiotic use; and

(5) the transmission of antibiotic resistant traits among related and unrelated bacteria.

(d) ADMINISTRATION.—Grants under this section shall be awarded on a competitive and formula basis.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SA 3734. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 905, between lines 17 and 18, insert the following:

SEC. 7013. PURPOSES AND FINDINGS RELATING TO ANIMAL HEALTH AND DISEASE RESEARCH.

Section 1429 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191) is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(10) support work with agricultural colleges and universities to develop methods and practices of animal husbandry that reduce dependence on antibiotic use.''.

On page 987, line 18, insert after ''genomics)'' the following: '', the movement of antibiotics and antibiotic resistance traits from animal confinement facilities into ground and surface waters, and methods and practices to ensure health and reduce the use of antibiotics; and methods to transition to practices and systems that minimize antibiotic use''.

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(a) IN GENERAL.—The Secretary shall award research and education grants to minimize the development of antibiotic resistant bacteria that may be transferred from livestock to humans.

(b) ELIGIBILITY AND APPLICATION.—To be eligible to receive a grant under this section, an entity shall—

(1) be an institution of higher education, a public or private nonprofit organization, or an individual; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—An entity shall use a grant awarded under this section to conduct research to minimize the development of antibiotic resistant bacteria that may be transferred from livestock to humans, including research on—

(1) methods and practices of animal husbandry that reduce dependence on antibiotic use;

(2) movement of antibiotics and antibiotic resistance traits from animal confinement facilities into ground and surface waters;

(3) methods and practices that ensure health and reduce use of antibiotics;

(4) methods to transition to practices and systems that avoid antibiotic use; and

(5) the transmission of antibiotic resistant traits among related and unrelated bacteria.

(d) ADMINISTRATION.—Grants under this section shall be awarded on a competitive and formula basis.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SA 3735. Mrs. CLINTON (for herself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 863, strike line 24 and insert the following:

''(j) COMPREHENSIVE RURAL BROADBAND STRATEGY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Food and Energy Security Act of 2007, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing a comprehensive rural broadband strategy that includes—

''(A) recommendations—

''(i) to promote interagency coordination of Federal agencies in regards to policies, procedures, and targeted resources, and to improve and streamline the polices, programs, and services;

''(ii) to coordinate among Federal agencies regarding existing rural broadband or rural initiatives that could be of value to rural broadband development;

''(iii) to address both short- and long-term solutions and needs assessments for a rapid build-out of rural broadband solutions and applications for Federal, State, regional, and local government policy makers;

''(iv) to identify how specific Federal agency programs and resources can best respond to rural broadband requirements and overcome obstacles that currently impede rural broadband deployment; and

''(v) to promote successful model deployments and appropriate technologies being used in rural areas so that State, regional, and local governments can benefit from the cataloging and successes of other State, regional, and local governments; and

''(B) a description of goals and timeframes to achieve the strategic plans and visions identified in the report.

''(2) UPDATES.—The Under Secretary shall update and evaluate the report described in paragraph (1) on an annual basis.

''(k) FUNDING.—

SA 3736. Mr. WYDEN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1097, strike line 1 and all that follows through page 1103, line 15, and insert the following:

"SEC. 9004. BIOENERGY CROP TRANSITION ASSISTANCE.

''(a) BIOENERGY CROP TRANSITION ASSISTANCE PROGRAM.—

''(1) PURPOSES.—The purposes of the program established under this subsection are—

''(A) to promote the production of a diverse array of eligible bioenergy crops across the United States in a sustainable manner that protects the soil, air, water, and wildlife, to the maximum extent practicable;

''(B) to provide financial and technical assistance to owners and operators of eligible cropland to produce perennial bioenergy crops of suitable quality and in sufficient quantities to support and induce development and expansion of the use of the bioenergy crops for—

''(i) biofuels; or

''(ii) power or heat generation to supplement or replace nonbiobased energy resources; and

''(C) to gather technical information necessary to increase sustainable bioenergy crop production in the future.

''(2) DEFINITIONS.—In this section:

''(A) BIOENERGY CROP.—

''(i) IN GENERAL.—The term 'bioenergy crop' means a perennial tree or plant native to the United States or another perennial plant as determined by the Secretary, that can be grown to provide raw renewable biomass energy or biofuels.

''(ii) EXCLUSIONS.—The term 'bioenergy crop' does not include—

''(I) any crop that is eligible for benefits under title I of the Food and Energy Security Act of 2007;

''(II) any plant that—

''(aa) the Secretary determines to be invasive or noxious on a regional basis under the Plant Protection Act (7 U.S.C. 7701 et seq.); or

''(bb) has the potential to become invasive or noxious on a regional basis as determined by the Secretary, in consultation with other appropriate Federal or State departments and agencies; or

''(III) any plant produced on land that, as of the date of enactment of the Food and Energy Security Act of 2007, is—

''(aa) in accordance with clause (iii), grassland that was not previously tilled or broken, as defined by the Secretary, in consultation with the Secretary of the Interior;

''(bb) native forest; or

''(cc) wetland.

''(iii) GRASSLAND.—Grassland described in clause (ii)(III)(aa) does not include land that, for at least 3 of the 5 crop years preceding the date of enactment of the Food and Energy Security Act of 2007, has been devoted to managed pasture.

''(B) BIOENERGY CROP TRANSITION ASSISTANCE PAYMENT.—The term 'bioenergy crop transition assistance payment' means an annual payment to a bioenergy crop producer who is participating in an approved bioenergy crop transition assistance program project under this subsection.

''(C) COMPREHENSIVE STEWARDSHIP INCENTIVES PROGRAM.—The term 'comprehensive stewardship incentives program' means the program established under chapter 6 of subtitle D of title XII of the Food Security Act of 1985.

''(D) ELIGIBLE APPLICANT.—The term 'eligible applicant' means a group of agricultural landowners and operators producing or proposing to produce eligible bioenergy crops together with the owner or operator of an existing or proposed biomass conversion facility that intends to use the bioenergy crops.

''(3) PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a competitive process under which the Secretary, acting through the Natural Resources Conservation Service, shall select projects of eligible applicants from geographically-diverse areas of the United States to participate in the bioenergy crop transition assistance program under this subsection.

''(B) APPLICATION ASSISTANCE.—

''(i) IN GENERAL.—An eligible applicant may apply for a project planning grant of up to $50,000 to assist in assembling a bioenergy crop transition assistance program application.

''(ii) MATCHING REQUIREMENT.—To receive a planning grant under clause (i), the eligible applicant shall provide 100 percent matching funding.

''(C) APPLICATION REQUIREMENTS.—An application submitted under the competitive process described in subparagraph (A) shall include—

''(i) the designation of a proposed bioenergy supply region at a distance economically practicable for transportation of the bioenergy crop to the biomass conversion facility;

''(ii) letters of intent from the agricultural landowners and operators applying for the project application, in the proposed supply region to produce a minimum specified number of acres of bioenergy crops;

''(iii) documentation from the eligible applicants that describes—

''(I) the variety of bioenergy crop the owners and operators have committed to producing; and

''(II) the variety of crop that the owners and operators would have grown if the owners and operators had not committee to producing the bioenergy crop; and

''(iv) a letter of intent from the owners or operators of the existing or proposed biomass conversion facility in the bioenergy supply region to use the bioenergy crops described in clause (iii)(I).

''(D) SELECTION CRITERIA.—In selecting projects from applications submitted under this subsection, the Secretary shall—

''(i) consider—

''(I) the likelihood that the project will become viable; and

''(II) the geographic diversity of the projects; and

''(ii) give priority to projects that—

''(I) involve ecologically appropriate proposed bioenergy crops;

''(II) have the highest estimated benefits to wildlife, air, soil, and water quality improvement;

''(III) include plans to grow polycultures of at least 2 species;

''(IV) include the participation of beginning farmers or ranchers or socially disadvantaged farmers or ranchers; or

''(V) include local ownership of the biomass conversion facility of the project.

''(4) CONTRACT REQUIREMENTS.—

''(A) IN GENERAL.—An agricultural producer described in an application for a project selected by the Secretary under paragraph (3) shall have the opportunity to enroll eligible cropland of the agricultural producer under a contract entered into with the Secretary, acting through the Natural Resources Conservation Service.

''(B) REQUIREMENTS.—Under a contract described in subparagraph (A), an agricultural producer shall be required—

''(i) to produce 1 or more perennial eligible bioenergy crops;

''(ii) to meet the stewardship threshold (as determined under the comprehensive stewardship incentives program) for water, wildlife, and soil quality by the end of the last year of the contract described in subparagraph (A);

''(iii) to cooperate with the Secretary in the process of gathering such information as the Secretary shall require for the purposes of the study under paragraph (6); and

''(iv) to restrict the harvesting of bioenergy crops until after the end of the brooding and nesting season, in accordance with regional regulations promulgated by the Secretary in consultation with—

''(I) State Conservationists of the Natural Resources Conservation Service;

''(II) the United States Fish and Wildlife Service; and

''(III) State wildlife agencies.

''(5) CONTRACT BENEFITS.—

''(A) IN GENERAL.—An agricultural producer that has entered into a contract described in paragraph (4) shall be eligible to receive, as determined by the Secretary—

''(i) a Federal cost share for the cost of establishing the bioenergy crop produced by the agricultural producer under the project in an amount that is equal to—

''(I) 50 percent of the total cost;

''(II) in the case of a beginning farmer or rancher or a socially disadvantaged farmer or ranchers, 75 percent of the total cost; or

''(III) in the case of eligible producers that establish a polyculture crop mix of at least 3 perennial species, 90 percent of the total cost; and

''(ii) an annual bioenergy crop transition incentive payment in an amount determined by the Secretary.

''(B) COMPREHENSIVE STEWARDSHIP INCENTIVES PROGRAM PRIORITY.—During the project contract period, an agricultural producer that meets comprehensive stewardship incentives program eligibility requirements shall have a priority for enrollment in the stewardship section of that program, including enhanced payments for—

''(i) the maintenance and active management of a conservation system that incorporates 2 or more native perennial bioenergy crop species; and

''(ii) participation in a research and demonstration project.

''(C) USE OF CROP.—If the bioenergy crop cannot be sold to the biomass conversion facility designated in the project application, the agricultural producer may use the crop for other purposes that are in compliance with the contract requirements described in paragraph (4).

''(6) STUDY AND REPORT.—The Secretary shall carry out a study of the results of the projects funded under this section, including—

''(A) the production potential of a variety of bioenergy crops and crop mixes;

''(B) the effect of the harvesting of bioenergy crops on—

''(i) wildlife and stand establishment;

''(ii) carbon and nitrogen cycles; and

''(iii) erosion, sedimentation, soil compaction, and soil health;

''(C) the impacts on water quality and consumption;

''(D) the soil carbon content and lifecycle greenhouse gas emissions of different bioenergy crops and the uses of the crops; and

''(E) the economic effectiveness of the incentives under this section in encouraging agricultural producers to produce bioenergy crops.

''(b) FOREST BIOMASS PLANNING GRANTS.—The Secretary shall provide forest biomass planning assistance grants to private landowners to develop forest stewardship plans that involve sustainable management of biomass from forest land of the private landowners that will preserve diversity, soil, water, or wildlife values of the land, while ensuring a steady supply of biomass material, through—

''(1) State forestry agencies, in consultation with State wildlife agencies; and

''(2) technical service provider arrangements with third parties.

''(c) ASSISTANCE FOR COLLECTION, HARVEST, STORAGE, AND TRANSPORTATION OF RENEWABLE BIOMASS.—

''(1) IN GENERAL.—The Secretary shall establish a program to provide assistance to an agricultural producer, forest land owner, or timber harvester holding the right to collect or harvest renewable biomass, for collecting, harvesting, transporting, and storing renewable biomass that is sustainably harvested and collected to be used in the production of advanced biofuels, heat, or power from a biomass conversion facility.

''(2) PAYMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (C), an entity described in paragraph (1) shall receive payments under this subsection for each ton of renewable biomass delivered to a biomass conversion facility, based on a fixed rate to be established by the Secretary in accordance with subparagraph (B).

''(B) FIXED RATE.—The Secretary shall establish a fixed payment rate for purposes of subparagraph (A) to reflect—

''(i) the estimated cost of collecting, harvesting, storing, and transporting the applicable renewable biomass; and

''(ii) such other factors as the Secretary determines to be appropriate.

''(C) FOREST LAND OWNER ELIGIBILITY.—Owners of forest land shall be eligible to receive payments under this subsection only if the owners are acting pursuant to a forest stewardship plan.

''(d) FUNDING.—

''(1) BIOMASS CROP TRANSITION ASSISTANCE.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out subsections (a) and (b) $130,000,000 for fiscal year 2008, to remain available until expended, of which not more than 10 percent shall be used to carry out subsection (b).

''(2) ASSISTANCE FOR COLLECTION, HARVEST, STORAGE AND TRANSPORT OF RENEWABLE BIOMASS.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out subsection (c) $10,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

SA 3737. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning with line 1 on page 872, strike through line 3 on page 879 and insert the following:

SUBTITLE C—BROADBAND DATA IMPROVEMENT

SEC. 6201. SHORT TITLE.

This subtitle may be cited as the ''Broadband Data Improvement Act''.

SEC. 6202. FINDINGS.

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary state efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

SEC. 6203. IMPROVING FEDERAL DATA ON BROADBAND.

(a) IMPROVING FCC BROADBAND DATA.—Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall issue an order in WC docket No. 07-38 which shall, at a minimum—

(1) identify tiers of broadband service, among those used by the Commission in collecting Form 477 data, in which a substantial majority of the connections in such tier provide consumers with an information transfer rate capable of reliably transmitting full-motion, high definition video; and

(2) revise its Form 477 reporting requirements as necessary to enable the Commission to identify actual numbers of broadband connections subscribed to by residential and business customers, separately, either within a relevant census tract from the most recent decennial census, a 9-digit postal zip code, or a 5-digit postal zip code, as the Commission deems appropriate.

(b) EXCEPTION.—The Commission shall exempt an entity from the reporting requirements of subsection (a)(3) if the Commission determines that a compliance by that entity with the requirements is cost prohibitive, as defined by the Commission.

(c) PROPRIETARY INFORMATION.—Nothing in this section shall reduce or remove any obligation the Commission has to protect proprietary information, nor shall this section be construed to compel the Commission to make publically available any proprietary information. Any information collected by the Commission pursuant to this section that reveals any competitively sensitive information of an individual provider of broadband service capability shall not be disclosed by the Commission.

(d) IMPROVING SECTION 706 INQUIRY.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 nt) is amended—

(1) by striking ''regularly'' in subsection (b) and inserting ''annually'';

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

''(c) MEASUREMENT OF EXTENT OF DEPLOYMENT.—In determining under subsection (b) whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion, the Commission shall consider data collected through Form 477 reporting requirements.

''(d) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—As part of the inquiry required by subsection (b), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability (as defined by section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 nt)) and to the extent that data from the Census Bureau is available, determine, for each such unserved area—

''(1) the population;

''(2) the population density; and

''(3) the average per capita income.''.

(e) IMPROVING CENSUS DATA ON BROADBAND.—The Secretary of Commerce, in consultation with the Federal Communications Commission, shall expand the American Community Survey conducted by the Bureau of the Census to elicit information for residential households, including those located on native lands, to determine whether persons at such households own or use a computer at that address, whether persons at that address subscribe to Internet service and, if so, whether such persons subscribe to dial-up or broadband Internet service at that address.

SEC. 6204. STUDY ON ADDITIONAL BROADBAND METRICS AND STANDARDS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to consider and evaluate additional broadband metrics or standards that may be used by industry and the Federal Government to provide users with more accurate information about the cost and capability of their broadband connection, and to better compare the deployment and penetration of broadband in the United States with other countries. At a minimum, such study shall consider potential standards or metrics that may be used—

(1) to calculate the average price per megabit per second of broadband offerings;

(2) to reflect the average actual speed of broadband offerings compared to advertised potential speeds and to consider factors affecting speed that may be outside the control of a broadband provider;

(3) to compare, using comparable metrics and standards, the availability and quality of broadband offerings in the United States with the availability and quality of broadband offerings in other industrialized nations, including countries that are members of the Organization for Economic Cooperation and Development; and

(4) to distinguish between complementary and substitutable broadband offerings in evaluating deployment and penetration.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the results of the study, with recommendations for how industry and the Federal Communications Commission can use such metrics and comparisons to improve the quality of broadband data and to better evaluate the deployment and penetration of comparable broadband service at comparable rates across all regions of the Nation.

SEC. 6205. STUDY ON THE IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESSES.

(a) IN GENERAL.—The Small Business Administration Office of Advocacy shall conduct a study evaluating the impact of broadband speed and price on small businesses.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Small Business and Entrepreneurship, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Small Business on the results of the study, including—

(1) a survey of broadband speeds available to small businesses;

(2) a survey of the cost of broadband speeds available to small businesses;

(3) a survey of the type of broadband technology used by small businesses; and

(4) any policy recommendations that may improve small businesses access to comparable broadband services at comparable rates in all regions of the Nation.

SEC. 6206. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) PURPOSES.—The purposes of any grant under subsection (b) are—

(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;

(2) to achieve improved technology literacy, increased computer ownership, and home broadband use among such citizens and businesses;

(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and

(4) to establish and sustain an environment ripe for broadband services and information technology investment.

(b) ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each State.

(2) COMPETITIVE BASIS.—Any grant under subsection (b) shall be awarded on a competitive basis.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require;

(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant; and

(3) agree to comply with confidentiality requirements in subsection (h)(2) of this section.

(d) PEER REVIEW; NONDISCLOSURE.—

(1) IN GENERAL.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.

(2) REVIEW PROCEDURES.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant to be reviewed; and

(B) provide the results of any review by such group to the Secretary of Commerce; and

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers in connection with projects funded by any such grant.

(e) USE OF FUNDS.—A grant awarded to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment;

(B) the rate at which residential and business users adopt broadband service and other related information technology services; and

(C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to identify the speeds of broadband connections made available to individuals and businesses within the State, and, at a minimum, to rely on the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers, including information transfer rates identified under section 6203(a)(2) of this subtitle, to promote greater consistency of data among the States;

(5) to create and facilitate in each county or designated region in a State a local technology planning team—

(A) with members representing a cross section of the community, including representatives of business, telecommunications labor organizations, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and

(B) which shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

(6) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved areas and areas in which broadband penetration is significantly below the national average, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;

(7) to establish programs to improve computer ownership and Internet access for unserved areas and areas in which broadband penetration is significantly below the national average;

(8) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;

(9) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and

(10) to create within each State a geographic inventory map of broadband service, including the availability of broadband service connections meeting information transfer rates identified by the Commission under section 6203(a)(2) of this subtitle, which shall—

(A) identify gaps in such service through a method of geographic information system mapping of service availability at the census block level among residential or business customers; and

(B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.

(f) PARTICIPATION LIMIT.—For each State, an eligible entity may not receive a new grant under this section to fund the activities described in subsection (d) within such State if such organization obtained prior grant awards under this section to fund the same activities in that State in each of the previous 4 consecutive years.

(g) REPORTING.—The Secretary of Commerce shall—

(1) require each recipient of a grant under subsection (b) to submit a report on the use of the funds provided by the grant; and

(2) create a web page on the Department of Commerce web site that aggregates relevant information made available to the public by grant recipients, including, where appropriate, hypertext links to any geographic inventory maps created by grant recipients under subsection (e)(10).

(h) ACCESS TO AGGREGATE DATA.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall provide eligible entities access, in electronic form, to aggregate data collected by the Commission based on the Form 477 submissions of broadband service providers.

(2) LIMITATION.—Notwithstanding any provision of Federal or State law to the contrary, an eligible entity shall treat any matter that is a trade secret, commercial or financial information, or privileged or confidential, as a record not subject to public disclosure except as otherwise mutually agreed to by the broadband service provider and the eligible entity. This paragraph applies only to information submitted by the Commission or a broadband provider to carry out the provisions of this subtitle and shall not otherwise limit or affect the rules governing public disclosure of information collected by any Federal or State entity under any other Federal or State law or regulation.

(i) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a non-profit organization that is selected by a State to work in partnership with State agencies and private sector partners in identifying and tracking the availability and adoption of broadband services within each State.

(3) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(B) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(C) that has an established competency and proven record of working with public and private sectors to accomplish widescale deployment and adoption of broadband services and information technology;

(D) that has a board of directors a majority of which is not composed of individuals who are also employed by, or otherwise associated with, any Federal, State, or local government or any Federal, State, or local agency; and

(E) that has a board of directors which does not include any member that is employed either by a broadband service provider or by any other company in which a broadband service provider owns a controlling or attributable interest.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2008 through 2012.

(k) NO REGULATORY AUTHORITY.—Nothing in this section shall be construed as giving any public or private entity established or affected by this subtitle any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

SA 3738. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VII, add the following:

SEC. 7_____. VITICULTURE STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the ways in which the projected changes in climate conditions, including projected increase in global temperature, during the 25-year period beginning on the date of enactment of this Act will—

(A) change the vineyard suitability of the 10 largest wine-producing States with respect to vineyard location and varieties of grape grown; and

(B) cause vineyard grape growers to change vineyard management practices.

(2) SURVEY.—The study under paragraph (1) shall include a survey of the state of plant breeding science that could allow cultivars or rootstocks to better adapt to warmer environments and soil conditions expected as a result of the projected change in climate conditions described in paragraph (1).

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the study under subsection (a), including recommendations of the Secretary, if any, regarding whether increased granular modeling of the climate of grape-growing regions should be required to mitigate the impacts of the projected changes in climate conditions, including projected increase in global temperature, on viticulture in the United States.

SA 3739. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 210, strike line 20 and all that follows through page 213, line 5, and insert the following:

''(1) CROP YEARS.—

''(A) 2009 CROP YEAR.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during the 2009 crop year if the average adjusted gross income of the individual or entity exceeds $1,000,000, unless not less than 66.66 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(B) 2010 AND SUBSEQUENT CROP YEARS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2) during any of the 2010 and subsequent crop years if the average adjusted gross income of the individual or entity exceeds $750,000, unless not less than 66.66 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(2) COVERED BENEFITS.—Paragraph (1) applies with respect to the following:

''(A) Title XII of this Act.

''(B) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(C) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(D) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

''(E) Title II of the Food and Energy Security Act of 2007.

''(F) Title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223).

SA 3740. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, strike lines 4 through 14, and insert the following:

Act, may not exceed $40,000 (as adjusted under paragraph (3) in the case of corn).

''(2) COUNTER-CYCLICAL PAYMENTS.—The total amount of counter-cyclical payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under part I of subtitle A of title I of the Food and Energy Security Act of 2007 for one or more covered commodities (except for peanuts), or average crop revenue payments determined under section 1401(b)(3) of that Act, may not exceed $60,000 (as adjusted under paragraph (3) in the case of corn).

''(3) SPECIAL RULE FOR CORN.—

''(A) IN GENERAL.—For each crop year, the Secretary shall calculate a per bushel ethanol benefit for corn resulting from Federal incentives for ethanol.

''(B) REDUCTION IN PAYMENTS.—

''(i) REDUCTION OF DIRECT PAYMENT.—The maximum amount of direct payments that a person or legal entity is entitled to receive for a crop year for corn under paragraph (1), or average crop revenue payments determined under section 1401(b)(2) of the Food and Energy Security Act of 2007, shall be reduced by an amount equal to the product obtained by multiplying—

''(I) the amount of the ethanol benefit calculated under subparagraph (A); by

''(II) the actual quantity of corn produced by the individual or entity during the preceding crop year.

''(ii) REDUCTION OF COUNTER-CYCLICAL PAYMENTS.—If the amount calculated under subclauses (I) and (II) of clause (i) for a person or legal entity exceeds the amount of direct payments the person or legal entity would otherwise be entitled to receive under paragraph (1) for corn, the maximum amount of counter-cyclical payments for corn that the person or legal entity is entitled to receive under paragraph (2), or average crop revenue payments determined under section 1401(b)(3) of the Food and Energy Security Act of 2007, shall be reduced by the excess amount.

SA 3741. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1486, line17, strike all through page 1487, line 7, and insert the following:

''(3) REDUCED AMOUNT AFTER SALE OF 5,000,000,000 GALLONS.—

''(A) IN GENERAL.—In the case of any calendar year beginning after the date described in subparagraph (B), the last row in the table in paragraph (2) shall be applied by substituting '46 cents' for '51 cents'.

''(B) DATE DESCRIBED.—The date described in this subparagraph is the first date on which 5,000,000,000 gallons of ethanol (including cellulosic ethanol) have been produced in or imported into the United States after the date of the enactment of this paragraph, as certified by the Secretary, in consultation with the Administrator of the Environmental Protection Agency.''.

SA 3742. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1491, between lines 11 and 12, insert the following:

SEC. ____. ENERGY SAVINGS CERTIFICATION REQUIREMENT WITH RESPECT TO CREDIT FOR ETHANOL FUELS.

(a) INCOME TAX CREDIT.—Paragraph (2) of section 40(h) (relating to reduced credit amount for ethanol blenders) is amended—

(1) by striking ''For purposes of paragraph (1), the blender amount'' and inserting ''For purposes of paragraph (1)—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the blender amount'', and

(2) by adding at the end the following new subparagraph:

''(B) SPECIAL RULE WITH RESPECT TO UNCERTIFIED ETHANOL.—

''(i) IN GENERAL.—In the case of any alcohol or alcohol fuel mixture which contains ethanol that does not meet the requirements of clause (ii), the blender amount and the low-proof blender amount shall be zero.

''(ii) CERTIFICATION OF NET ENERGY SAVINGS FOR ETHANOL.—Ethanol meets the requirements of this paragraph if such ethanol has been produced at a facility at which the process for the production of ethanol is certified by the Environmental Protection Agency as resulting in a net energy savings.''.

(b) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 6426(b) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is—

''(A) 60 cents in the case of an alcohol fuel mixture in which none of the alcohol is ethanol, and

''(B) in the case of an alcohol fuel mixture which contains ethanol—

''(i) 51 cents if all ethanol used in the alcohol fuel mixture meets the requirement of paragraph (5), and

''(ii) zero in any other case.''.

(2) CERTIFICATION.—Subsection (b) of section 6426 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) CERTIFICATION OF NET ENERGY SAVINGS FOR ETHANOL.—Ethanol meets the requirements of this paragraph if such ethanol has been produced at a facility at which the process for the production of ethanol is certified by the Environmental Protection Agency as resulting in a net energy savings.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale or use after the date of the enactment of this Act.

SA 3743. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1045, between lines 2 and 3, insert the following:

SEC. 750__. ANIMAL BIOSCIENCE FACILITY, BOZEMAN, MONTANA.

There is authorized to be appropriated to the Secretary for the period of fiscal years 2008 through 2012 $16,000,000, to remain available until expended, for the construction in Bozeman, Montana, of an animal bioscience facility within the Agricultural Research Service.

SA 3744. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 692, between lines 17 and 18, insert the following:

SEC. 49___. EFFECT OF PARTICIPATION IN FARMERS' MARKET NUTRITION PROGRAM.

Section 17(m)(6) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(6)) is amended by adding at the end the following:

''(G) EFFECT OF PARTICIPATION.—The Secretary shall not restrict any State that participates in the program under this subsection to a per recipient cap for the amount of Federal food benefits allocated for recipients under the program.''.

SA 3745. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 664, strike line 23 and all that follows through page 665, line 5, and insert the following:

(2) by redesignating paragraph (2) as paragraph (4);

(3) by inserting after paragraph (1) the following:

''(2) ADMINISTRATION.—In providing grants under paragraph (1), the Secretary shall give priority to projects that can be replicated in schools.

''(3) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ELIGIBLE PROGRAM.—The term 'eligible program' means—

''(I) a school-based program with hands-on vegetable gardening and nutrition education that is incorporated into the curriculum for 1 or more grades at 2 or more eligible schools; or

''(II) a community-based summer program with hands-on vegetable gardening and nutrition education that is part of, or coordinated with, a summer enrichment program at 2 or more eligible schools.

''(ii) ELIGIBLE SCHOOL.—The term 'eligible school' means a public school, at least 50 percent of the students of which are eligible for free or reduced price meals under this Act.

''(B) ESTABLISHMENT.—The Secretary shall carry out a pilot program under which the Secretary shall provide to nonprofit organizations or public entities in not more than 5 States grants to develop and run, through eligible programs, community gardens at eligible schools in the States that would—

''(i) be planted, cared for, and harvested by students at the eligible schools; and

''(ii) teach the students participating in the community gardens about agriculture, sound farming practices, and diet.

''(C) PRIORITY STATES.—Of the States provided a grant under this paragraph—

''(i) at least 1 State shall be among the 15 largest States, as determined by the Secretary;

''(ii) at least 1 State shall be among the 16th to 30th largest States, as determined by the Secretary; and

''(iii) at least 1 State shall be a State that is not described in clause (i) or (ii).

''(D) USE OF PRODUCE.—Produce from a community garden provided a grant under this paragraph may be—

''(i) used to supplement food provided at the eligible school;

''(ii) distributed to students to bring home to the families of the students; or

''(iii) donated to a local food bank or senior center nutrition program.

''(E) NO COST-SHARING REQUIREMENT.—A nonprofit organization or public entity that receives a grant under this paragraph shall not be required to share the cost of carrying out the activities assisted under this paragraph.

''(F) EVALUATION.—A nonprofit organization or public entity that receives a grant under this paragraph shall be required to cooperate in an evaluation in accordance with paragraph (1)(H).

''(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $10,000,000.''; and

(4) in paragraph (4) (as redesignated by paragraph (2)), by inserting ''(other than paragraph (3))'' after ''this subsection''.

SA 3746. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. REPORT RELATING TO THE ENDING OF CHILDHOOD HUNGER IN THE UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the United States has the highest rate of childhood poverty in the industrialized world, with over ⅕ of all children of the United States living in poverty, and almost half of those children living in extreme poverty;

(2) childhood poverty in the United States is growing rather than diminishing;

(3) households with children experience hunger at more than double the rate as compared to households without children;

(4) hunger is a major problem in the United States, with the Department of Agriculture reporting that 12 percent of the citizens of the United States (approximately 35,000,000 citizens) could not put food on the table of those citizens at some point during 2006;

(5) of the 35,000,000 citizens of the United States that have very low food security—

(A) 98 percent of those citizens worried that money would run out before those citizens acquired more money to buy more food;

(B) 96 percent of those citizens had to cut the size of the meals of those citizens or even go without meals because those citizens did not have enough money to purchase appropriate quantities of food; and

(C) 94 percent of those citizens could not afford to eat balanced meals;

(6) the phrase ''people with very low food security'', a new phrase in our national lexicon, in simple terms means ''people who are hungry'';

(7) 30 percent of black and Hispanic children, and 40 percent of low income children, live in households that do not have access to nutritionally adequate diets that are necessary for an active and healthy life;

(8) the increasing lack of access of the citizens of the United States to nutritionally adequate diets is a significant factor from which the Director of the Centers for Disease Control and Prevention concluded that ''during the past 20 years there has been a dramatic increase in obesity in the United States'';

(9) during the last 3 decades, childhood obesity has—

(A) more than doubled for preschool children and adolescents; and

(B) more than tripled for children between the ages of 6 and 11 years;

(10) as of the date of enactment of this Act, approximately 9,000,000 children who are 6 years old or older are considered obese;

(11) scientists have demonstrated that there is an inverse relation between obesity and doing well in school; and

(12) a study published in Pediatrics found that ''6- to 11-year-old food-insufficient children had significantly lower arithmetic scores and were more likely to have repeated a grade, have seen a psychologist, and have had difficulty getting along with other children''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a national disgrace that many millions of citizens of the United States, a disproportionate number of whom are children, are going hungry in this great nation, which is the wealthiest country in the history of the world;

(2) because the strong commitment of the United States to family values is deeply undermined when families and children go hungry, the United States has a moral obligation to abolish hunger; and

(3) through a variety of initiatives (including large funding increases in nutrition programs of the Federal Government), the United States should abolish child hunger and food insufficiency in the United States by the 2013.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the relevant committees of Congress a report that describes the best and most cost-effected manner by which the Federal Government could allocate an increased amount of funds to new programs and programs in existence as of the date of enactment of this Act to achieve the goal of abolishing child hunger and food insufficiency in the United States by 2013.

SA 3747. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1563, line 6, strike through page 1564, line 15, and insert following:

SEC. 12504. MODIFICATION OF SECTION 1031 TREATMENT FOR CERTAIN REAL ESTATE.

(a) IN GENERAL.—Section 1031 (relating to exchange of property held for productive use or investment), as amended by this Act, is amended by adding at the end the following new subsection:

''(j) SPECIAL RULE FOR SUBSIDIZED AGRICULTURAL REAL PROPERTY.—

''(1) IN GENERAL.—Subsidized agricultural real property and nonagricultural real property are not property of a like kind.

''(2) SUBSIDIZED AGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'subsidized agricultural real property' means real property—

''(A) which is used as a farm for farming purposes (within the meaning of section 2032A(e)(5)); and

''(B) with respect to which a taxpayer receives, in the taxable year in which an exchange of such property is made, any payment or benefit under—

''(i) part I of subtitle A,

''(ii) part III (other than sections 1307 and 1308) of subtitle A, or

''(iii) subtitle B,

of title I of the Food and Energy Security Act of 2007.

''(3) NONAGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'nonagricultural real property' means real property which is not used as a farm for farming purposes (within the meaning of section 2032A(e)(5)).

''(4) EXCEPTION.—Paragraph (1) shall not apply with respect to any subsidized agricultural real property which, not later than the date of the exchange, is permanently retired from any program under which any payment or benefit described in paragraph (2)(B) is made.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to exchanges completed after the date of the enactment of this Act.

SA 3748. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1488, strike lines 1 through 21, and insert following:

SEC. 12316. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking ''5 percent'' and inserting ''2 percent''.

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2007.

SA 3749. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1473, strike line 3 and all that follows through page 1480, line 3, and insert the following:

SEC. 12312. CREDIT FOR PRODUCTION OF CELLULOSIC BIOMASS ALCOHOL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking ''plus'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', plus'', and by adding at the end the following new paragraph:

''(4) the small cellulosic alcohol producer credit.''.

(b) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

''(6) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

''(A) IN GENERAL.—In addition to any other credit allowed under this section, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount for each gallon of qualified cellulosic alcohol production.

''(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means the excess of—

''(i) $1.28, over

''(ii) the sum of—

''(I) the amount of the credit in effect for alcohol which is ethanol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic alcohol production, plus

''(II) the amount of the credit in effect under subsection (b)(4) at the time of such production.

''(C) LIMITATION.—

''(i) IN GENERAL.—No credit shall be allowed to any taxpayer under subparagraph (A) with respect to any qualified cellulosic alcohol production during the taxable year in excess of 60,000,000 gallons.

''(ii) AGGREGATION RULE.—For purposes of clause (i), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

''(iii) PARTNERSHIP, S CORPORATIONS, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitation contained in clause (i) shall be applied at the entity level and at the partner or similar level.

''(D) QUALIFIED CELLULOSIC ALCOHOL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic alcohol production' means any cellulosic biomass alcohol which during the taxable year—

''(i) is sold by the taxpayer to another person—

''(I) for use by such other person in the production of a qualified alcohol mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such cellulosic biomass alcohol at retail to another person and places such cellulosic biomass alcohol in the fuel tank of such other person, or

''(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic alcohol production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(E) CELLULOSIC BIOMASS ALCOHOL.—

''(i) IN GENERAL.—The term 'cellulosic biomass alcohol' has the meaning given such term under section 168(l)(3), but does not include any alcohol with a proof of less than 150.

''(ii) DETERMINATION OF PROOF.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

''(F) ALLOCATION OF SMALL CELLULOSIC PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

''(G) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic alcohol production after December 31, 2007, and before April 1, 2015.''.

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting ''or subsection (b)(6)(G)'' after ''by reason of paragraph (1)'' in paragraph (2), and

(B) by adding at the end the following new paragraph:

''(3) EXCEPTION FOR SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).''.

(c) ALCOHOL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—If—

''(i) any credit is allowed under subsection (a)(4), and

''(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(D),

then there is hereby imposed on such person a tax equal to the applicable amount for each gallon of such cellulosic biomass alcohol.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking ''PRODUCER'' in the heading and inserting ''SMALL ETHANOL PRODUCER''.

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking ''or (C)'' and inserting ''(C), or (D)''.

(d) ALCOHOL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR SMALL CELLULOSIC ALCOHOL PRODUCERS.—No small cellulosic alcohol producer credit shall be determined under subsection (a) with respect to any alcohol unless such alcohol is produced in the United States.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

SA 3750. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1473, strike line 3 and all that follows through page 1480, line 3, and insert the following:

SEC. 12312. CREDIT FOR PRODUCTION OF CELLULOSIC BIOMASS ALCOHOL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking ''plus'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', plus'', and by adding at the end the following new paragraph:

''(4) the small cellulosic alcohol producer credit.''.

(b) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

''(6) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—

''(A) IN GENERAL.—In addition to any other credit allowed under this section, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount for each gallon of qualified cellulosic alcohol production.

''(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means the excess of—

''(i) $1.28, over

''(ii) the sum of—

''(I) the amount of the credit in effect for alcohol which is ethanol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic alcohol production, plus

''(II) the amount of the credit in effect under subsection (b)(4) at the time of such production.

''(C) LIMITATION.—

''(i) IN GENERAL.—No credit shall be allowed to any taxpayer under subparagraph (A) with respect to any qualified cellulosic alcohol production during the taxable year in excess of 60,000,000 gallons.

''(ii) AGGREGATION RULE.—For purposes of clause (i), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

''(iii) PARTNERSHIP, S CORPORATIONS, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitation contained in clause (i) shall be applied at the entity level and at the partner or similar level.

''(D) QUALIFIED CELLULOSIC ALCOHOL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic alcohol production' means any cellulosic biomass alcohol which during the taxable year—

''(i) is sold by the taxpayer to another person—

''(I) for use by such other person in the production of a qualified alcohol mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such cellulosic biomass alcohol at retail to another person and places such cellulosic biomass alcohol in the fuel tank of such other person, or

''(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic alcohol production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(E) CELLULOSIC BIOMASS ALCOHOL.—

''(i) IN GENERAL.—The term 'cellulosic biomass alcohol' has the meaning given such term under section 168(l)(3), but does not include any alcohol with a proof of less than 150.

''(ii) DETERMINATION OF PROOF.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

''(F) ALLOCATION OF SMALL CELLULOSIC PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

''(G) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic alcohol production after December 31, 2007, and before April 1, 2015.''.

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting ''or subsection (b)(6)(G)'' after ''by reason of paragraph (1)'' in paragraph (2), and

(B) by adding at the end the following new paragraph:

''(3) EXCEPTION FOR SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).''.

(c) ALCOHOL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) SMALL CELLULOSIC ALCOHOL PRODUCER CREDIT.—If—

''(i) any credit is allowed under subsection (a)(4), and

''(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(D),

then there is hereby imposed on such person a tax equal to the applicable amount for each gallon of such cellulosic biomass alcohol.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking ''PRODUCER'' in the heading and inserting ''SMALL ETHANOL PRODUCER''.

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking ''or (C)'' and inserting ''(C), or (D)''.

(d) ALCOHOL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR SMALL CELLULOSIC ALCOHOL PRODUCERS.—No small cellulosic alcohol producer credit shall be determined under subsection (a) with respect to any alcohol unless such alcohol is produced in the United States.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

On page 1482, line 20, strike '', as amended by this Act,''.

On page 1482, line 22, strike ''(j)'' and insert ''(i)''.

On page 1485, line 16, strike ''section 312 of''.

On page 1488, strike lines 1 through 21, and insert following:

SEC. 12316. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking ''5 percent'' and inserting ''2 percent''.

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2007.

Beginning on page 1563, line 6, strike through page 1564, line 15, and insert following:

SEC. 12504. MODIFICATION OF SECTION 1031 TREATMENT FOR CERTAIN REAL ESTATE.

(a) IN GENERAL.—Section 1031 (relating to exchange of property held for productive use or investment), as amended by this Act, is amended by adding at the end the following new subsection:

''(j) SPECIAL RULE FOR SUBSIDIZED AGRICULTURAL REAL PROPERTY.—

''(1) IN GENERAL.—Subsidized agricultural real property and nonagricultural real property are not property of a like kind.

''(2) SUBSIDIZED AGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'subsidized agricultural real property' means real property—

''(A) which is used as a farm for farming purposes (within the meaning of section 2032A(e)(5)); and

''(B) with respect to which a taxpayer receives, in the taxable year in which an exchange of such property is made, any payment or benefit under—

''(i) part I of subtitle A,

''(ii) part III (other than sections 1307 and 1308) of subtitle A, or

''(iii) subtitle B,

of title I of the Food and Energy Security Act of 2007.

''(3) NONAGRICULTURAL REAL PROPERTY.—For purposes of this subsection, the term 'nonagricultural real property' means real property which is not used as a farm for farming purposes (within the meaning of section 2032A(e)(5)).

''(4) EXCEPTION.—Paragraph (1) shall not apply with respect to any subsidized agricultural real property which, not later than the date of the exchange, is permanently retired from any program under which any payment or benefit described in paragraph (2)(B) is made.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to exchanges completed after the date of the enactment of this Act.

SA 3751. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 893, between lines 4 and 5, insert the following:

SEC. 64____. RIO GRANDE BASIN MANAGEMENT PROJECT.

The Food Security Act of 1985 is amended by inserting after section 1240K (as added by section 2361) the following:

''SEC. 1240L. RIO GRANDE BASIN MANAGEMENT PROJECT.

''(a) DEFINITION OF RIO GRANDE BASIN.—In this section, the term 'Rio Grande Basin' includes all tributaries, backwaters, and side channels (including watersheds) of the United States that drain into the Rio Grande River.

''(b) ESTABLISHMENT.—The Secretary, in conjunction with partnerships of institutions

of higher education working with farmers, ranchers, and other rural landowners, shall establish a program under which the Secretary shall provide grants to the partnerships to benefit the Rio Grande Basin by—

''(1) restoring water flow and the riparian habitat;

''(2) improving usage;

''(3) addressing demand for drinking water;

''(4) providing technical assistance to agricultural and municipal water systems; and

''(5) researching alternative treatment systems for water and waste water.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—A grant provided under this section may be used by a partnership for the costs of carrying out an activity described in subsection (b), including the costs of—

''(A) direct labor;

''(B) appropriate travel;

''(C) equipment;

''(D) instrumentation;

''(E) analytical laboratory work;

''(F) subcontracting;

''(G) cooperative research agreements; and

''(H) similar related expenses and costs.

''(2) LIMITATION.—A grant provided under this section shall not be used to purchase or construct any building.

''(d) REPORTS.—A partnership that receives a grant under this subsection shall submit to the Secretary annual reports describing—

''(1) the expenses of the partnership during the preceding calendar year; and

''(2) such other financial information as the Secretary may require.

''(e) FUNDING.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012, to remain available until expended.''.

SA 3752. Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 895, between lines 7 and 8, insert the following:

SEC. 7003. USE OF FEDERAL FUNDS MADE AVAILABLE FOR COOPERATIVE CENTERS.

Section 1409A(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3124a(b)) is amended—

(1) by striking ''(b) In order to promote'' and inserting the following:

''(b) COOPERATIVE HUMAN NUTRITION CENTERS.—

''(1) IN GENERAL.—To promote''; and

(2) by adding at the end the following:

''(2) PROHIBITION RELATING TO REDUCTION OF FUNDS.—Notwithstanding any other provision of law, the Secretary shall not, with respect to any cooperative children's human nutrition center located in Houston, Texas, or Little Rock, Arkansas—

''(A) reduce the amount of Federal funds made available by any Act through rescission, reprogramming, or project termination; or

''(B) withhold an amount greater than 5 percent of the amount of Federal funds made available by any Act for direct, indirect, or administrative costs.''.

SA 3753. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, strike lines 4 through 8.

On page 36, strike lines 14 through 21.

On page 110, strike lines 18 through 23.

Beginning on page 266, strike line 11 and all that follows through page 267, line 7.

Beginning on page 275, strike line 15 and all that follows through page 276, line 2.

SA 3754. Mr. BROWN (for himself, Mr. SUNUNU, Mrs. MCCASKILL, Mr. DURBIN, Mr. SCHUMER, Mr. MCCAIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 268, strike line 8 and all that follows through page 293, line 2, and insert the following:

SEC. 1908. PREMIUM REDUCTION PLAN.

Section 508(e) of Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by adding at the end the following:

''(6) DISCOUNT STUDY.—

''(A) IN GENERAL.—The Secretary shall commission an entity independent of the crop insurance industry (with expertise that includes traditional crop insurance) to study the feasibility of permitting approved insurance providers to provide discounts to producers purchasing crop insurance coverage without undermining the viability of the Federal crop insurance program.

''(B) COMPONENTS.—The study should include—

''(i) an evaluation of the operation of a premium reduction plan that examines—

''(I) the clarity, efficiency, and effectiveness of the statutory language and related regulations;

''(II) whether the regulations frustrated the goal of offering producers upfront, predictable, and reliable premium discount payments; and

''(III) whether the regulations provided for reasonable, cost-effective oversight by the Corporation of premium discounts offered by approved insurance providers, including—

''(aa) whether the savings were generated from verifiable cost efficiencies adequate to offset the cost of discounts paid; and

''(bb) whether appropriate control was exercised to prevent approved insurance providers from preferentially offering the discount to producers of certain agricultural commodities, in certain regions, or in specific size categories;

''(ii) examination of the impact on producers, the crop insurance industry, and profitability from offering discounted crop insurance to producers;

''(iii) examination of implications for industry concentration from offering discounted crop insurance to producers;

''(iv) an examination of the desirability and feasibility of allowing other forms of price competition in the Federal crop insurance program;

''(v) a review of the history of commissions paid by crop insurance providers; and

''(vi) recommendations on—

''(I) potential changes to this title that would address the deficiencies in past efforts to provide discounted crop insurance to producers,

''(II) whether approved insurance providers should be allowed to draw on both administrative and operating reimbursement and underwriting gains to provide discounted crop insurance to producers; and

''(III) any other action that could increase competition in the crop insurance industry that will benefit producers but not undermine the viability of the Federal crop insurance program.

''(C) REQUEST FOR PROPOSALS.—In developing the request for proposals for the study, the Secretary shall consult with parties in the crop insurance industry (including producers and approved insurance providers and agents, including providers and agents with experience selling discount crop insurance products).

''(D) REVIEW OF STUDY.—The independent entity selected by Secretary under subparagraph (A) shall seek comments from interested stakeholders before finalizing the report of the entity.

''(E) REPORT.—Not later than 18 months after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results and recommendations of the study.''.

SEC. 1909. DENIAL OF CLAIMS.

Section 508(j)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)(2)(A)) is amended by inserting ''on behalf of the Corporation'' after ''approved provider''.

SEC. 1910. MEASUREMENT OF FARM-STORED COMMODITIES.

Section 508(j) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)) is amended by adding at the end the following:

''(5) MEASUREMENT OF FARM-STORED COMMODITIES.—Beginning with the 2009 crop year, for the purpose of determining the amount of any insured production loss sustained by a producer and the amount of any indemnity to be paid under a plan of insurance—

''(A) a producer may elect, at the expense of the producer, to have the Farm Service Agency measure the quantity of the commodity; and

''(B) the results of the measurement shall be used as the evidence of the quantity of the commodity that was produced.''.

SEC. 1911. SHARE OF RISK.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by striking paragraph (3) and inserting the following:

''(3) SHARE OF RISK.—The reinsurance agreements of the Corporation with the reinsured companies shall require the cumulative underwriting gain or loss, and the associated premium and losses with such amount, calculated under any reinsurance agreement (except livestock) ceded to the Corporation by each approved insurance provider to be not less than 30 percent.''.

SEC. 1912. REIMBURSEMENT RATE.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 1906(2)) is amended—

(1) in subparagraph (A), by striking ''Except as provided in subparagraph (B)'' and inserting ''Except as otherwise provided in this paragraph''; and

(2) by adding at the end the following:

''(E) REIMBURSEMENT RATE REDUCTION.—For each of the 2009 and subsequent reinsurance years, the reimbursement rates for administrative and operating costs shall be 5 percentage points below the rates in effect as of the date of enactment of the Food and Energy Security Act of 2007 for all crop insurance policies used to define loss ratio .

''(F) REIMBURSEMENT RATE FOR AREA POLICIES AND PLANS OF INSURANCE.—Notwithstanding subparagraphs (A) through (E), for each of the 2009 and subsequent reinsurance years, the reimbursement rate for area policies and plans of insurance shall be 17 percent of the premium used to define loss ratio for that reinsurance year.''.

SEC. 1913. RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by adding at the end the following:

''(8) RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.—

''(A) IN GENERAL.—Notwithstanding section 536 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 1506 note; Public Law 105-185) and section 148 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1506 note; Public Law 106-224), the Corporation may renegotiate the financial terms and conditions of each Standard Reinsurance Agreement—

''(i) following the reinsurance year ending June 30, 2010;

''(ii) once during each period of 3 reinsurance years thereafter; and

''(iii) subject to subparagraph (B), in any case in which the approved insurance providers, as a whole, experience unexpected adverse circumstances, as determined by the Secretary.

''(B) NOTIFICATION REQUIREMENT.—If the Corporation renegotiates a Standard Reinsurance Agreement under subparagraph (A)(iii), the Corporation shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the renegotiation.''.

SEC. 1914. CHANGE IN DUE DATE FOR CORPORATION PAYMENTS FOR UNDERWRITING GAINS.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) (as amended by section 1912) is amended by adding at the end the following:

''(9) DUE DATE FOR PAYMENT OF UNDERWRITING GAINS.—Effective beginning with the 2011 reinsurance year, the Corporation shall make payments for underwriting gains under this title on—

''(A) for the 2011 reinsurance year, October 1, 2012; and

''(B) for each reinsurance year thereafter, October 1 of the following calendar year.''.

SEC. 1915. ACCESS TO DATA MINING INFORMATION.

(a) IN GENERAL.—Section 515(j)(2) of the Federal Crop Insurance Act (7 U.S.C. 1515(j)(2)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(A) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(B) ACCESS TO DATA MINING INFORMATION.—

''(i) IN GENERAL.—The Secretary shall establish a fee-for-access program under which approved insurance providers pay to the Secretary a user fee in exchange for access to the data mining system established under subparagraph (A) for the purpose of assisting in fraud and abuse detection.

''(ii) PROHIBITION.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Corporation shall not impose a requirement on approved insurance providers to access the data mining system established under subparagraph (A).

''(II) ACCESS WITHOUT FEE.—If the Corporation requires approved insurance providers to access the data mining system established under subparagraph (A), access will be provided without charge to the extent necessary to fulfill the requirements.

''(iii) ACCESS LIMITATION.—In establishing the program under clause (i), the Secretary shall ensure that an approved insurance provider has access only to information relating to the policies or plans of insurance for which the approved insurance provider provides insurance coverage, including any information relating to—

''(I) information of agents and adjusters relating to policies for which the approved insurance provider provides coverage;

''(II) the other policies or plans of an insured that are insured through another approved insurance providers; and

''(III) the policies or plans of an insured for prior crop insurance years.''.

(b) INSURANCE FUND.—Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended—

(1) in subsection (b), by adding at the end the following:

''(3) DATA MINING SYSTEM.—The Corporation shall use amounts deposited in the insurance fund established under subsection (c) from fees collected under section 515(j)(2)(B) to administer and carry out improvements to the data mining system under that section.''; and

(2) in subsection (c)(1)—

(A) by striking ''and civil'' and inserting ''civil''; and

(B) by inserting ''and fees collected under section 515(j)(2)(B)(i),'' after ''section 515(h),''.

SEC. 1916. PRODUCER ELIGIBILITY.

Section 520(2) of the Federal Crop Insurance Act (7 U.S.C. 1520(2)) is amended by inserting ''or is a person who raises livestock owned by other persons (that is not covered by insurance under this title by another person)'' after ''sharecropper''.

SEC. 1917. CONTRACTS FOR ADDITIONAL CROP POLICIES.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522) is amended—

(1) by redesignating paragraph (10) as paragraph (14); and

(2) by inserting after paragraph (9) the following:

''(10) ENERGY CROP INSURANCE POLICY.—

''(A) DEFINITION OF DEDICATED ENERGY CROP.—In this subsection, the term 'dedicated energy crop' means an annual or perennial crop that—

''(i) is grown expressly for the purpose of producing a feedstock for renewable biofuel, renewable electricity, or bio-based products; and

''(ii) is not typically used for food, feed, or fiber.

''(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure dedicated energy crops.

''(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of dedicated energy crops, including policies and plans of insurance that—

''(i) are based on market prices and yields;

''(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate the policies and plans of insurance based on the use of weather or rainfall indices to protect the interests of crop producers; and

''(iii) provide protection for production or revenue losses, or both.

''(11) AQUACULTURE INSURANCE POLICY.—

''(A) DEFINITION OF AQUACULTURE.—In this subsection:

''(i) IN GENERAL.—The term 'aquaculture' means the propagation and rearing of aquatic species in controlled or selected environments, including shellfish cultivation on grants or leased bottom and ocean ranching.

''(ii) EXCLUSION.—The term 'aquaculture' does not include the private ocean ranching of Pacific salmon for profit in any State in which private ocean ranching of Pacific salmon is prohibited by any law (including regulations).

''(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure aquaculture operations.

''(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of fish and other seafood in aquaculture operations, including policies and plans of insurance that—

''(i) are based on market prices and yields;

''(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate how best to incorporate insuring of aquaculture operations into existing policies covering adjusted gross revenue; and

''(iii) provide protection for production or revenue losses, or both.

''(12) ORGANIC CROP PRODUCTION COVERAGE IMPROVEMENTS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Corporation shall offer to enter into 1 or more contracts with qualified entities for the development of improvements in Federal crop insurance policies covering organic crops.

''(B) PRICE ELECTION.—

''(i) IN GENERAL.—The contracts under subparagraph (A) shall include the development of procedures (including any associated changes in policy terms or materials required for implementation of the procedures) to offer producers of organic crops a price election that would reflect the actual retail or wholesale prices, as appropriate, received by producers for organic crops, as established using data collected and maintained by the Agricultural Marketing Service.

''(ii) DEADLINE.—The development of the procedures required under clause (i) shall be completed not later than the date necessary to allow the Corporation to offer the price election—

''(I) beginning in the 2009 reinsurance year for organic crops with adequate data available; and

''(II) subsequently for additional organic crops as data collection for those organic crops is sufficient, as determined by the Corporation.

''(13) SKIPROW CROPPING PRACTICES.—

''(A) IN GENERAL.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research into needed modifications of policies to insure corn and sorghum produced in the Central Great Plains (as determined by the Agricultural Research Service) through use of skiprow cropping practices.

''(B) RESEARCH.—Research described in subparagraph (A) shall—

''(i) review existing research on skiprow cropping practices and actual production history of producers using skiprow cropping practices; and

''(ii) evaluate the effectiveness of risk management tools for producers using skiprow cropping practices, including—

''(I) the appropriateness of rules in existence as of the date of enactment of this paragraph relating to the determination of acreage planted in skiprow patterns; and

''(II) whether policies for crops produced through skiprow cropping practices reflect actual production capabilities.''.

SEC. 1918. RESEARCH AND DEVELOPMENT.

(a) REIMBURSEMENT AUTHORIZED.—Section 522(b) of the Federal Crop Insurance Act (7

U.S.C. 1522(b)) is amended by striking paragraph (1) and inserting the following:

''(1) RESEARCH AND DEVELOPMENT REIMBURSEMENT.—The Corporation shall provide a payment to reimburse an applicant for research and development costs directly related to a policy that—

''(A) is submitted to, and approved by, the Board pursuant to a FCIC reimbursement grant under paragraph (7); or

''(B) is—

''(i) submitted to the Board and approved by the Board under section 508(h) for reinsurance; and

''(ii) if applicable, offered for sale to producers.''.

(b) FCIC REIMBURSEMENT GRANTS.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended by adding at the end the following:

''(7) FCIC REIMBURSEMENT GRANTS.—

''(A) GRANTS AUTHORIZED.—The Corporation shall provide FCIC reimbursement grants to persons (referred to in this paragraph as 'submitters') proposing to prepare for submission to the Board crop insurance policies and provisions under subparagraphs (A) and (B) of section 508(h)(1), that apply and are approved for the FCIC reimbursement grants under this paragraph.

''(B) SUBMISSION OF APPLICATION.—

''(i) IN GENERAL.—The Board shall receive and consider applications for FCIC reimbursement grants at least once each year.

''(ii) REQUIREMENTS.—An application to receive a FCIC reimbursement grant from the Corporation shall consist of such materials as the Board may require, including—

''(I) a concept paper that describes the proposal in sufficient detail for the Board to determine whether the proposal satisfies the requirements of subparagraph (C); and

''(II) a description of —

''(aa) the need for the product, including an assessment of marketability and expected demand among affected producers;

''(bb) support from producers, producer organizations, lenders, or other interested parties; and

''(cc) the impact the product would have on producers and on the crop insurance delivery system; and

''(III) a statement that no products are offered by the private sector that provide the same benefits and risk management services as the proposal;

''(IV) a summary of data sources available that demonstrate that the product can reasonably be developed and properly rated; and

''(V) an identification of the risks the proposed product will cover and an explanation of how the identified risks are insurable under this title.

''(C) APPROVAL CONDITIONS.—

''(i) IN GENERAL.—A majority vote of the Board shall be required to approve an application for a FCIC reimbursement grant.

''(ii) REQUIRED FINDINGS.—The Board shall approve the application if the Board finds that—

''(I) the proposal contained in the application—

''(aa) provides coverage to a crop or region not traditionally served by the Federal crop insurance program;

''(bb) provides crop insurance coverage in a significantly improved form;

''(cc) addresses a recognized flaw or problem in the Federal crop insurance program or an existing product;

''(dd) introduces a significant new concept or innovation to the Federal crop insurance program; or

''(ee) provides coverage or benefits not available from the private sector;

''(II) the submitter demonstrates the necessary qualifications to complete the project successfully in a timely manner with high quality;

''(III) the proposal is in the interests of producers and can reasonably be expected to be actuarially appropriate and function as intended;

''(IV) the Board determines that the Corporation has sufficient available funding to award the FCIC reimbursement grant; and

''(V) the proposed budget and timetable are reasonable.

''(D) PARTICIPATION.—

''(i) IN GENERAL.—In reviewing proposals under this paragraph, the Board may use the services of persons that the Board determines appropriate to carry out expert review in accordance with section 508(h).

''(ii) CONFIDENTIALITY.—All proposals submitted under this paragraph shall be treated as confidential in accordance with section 508(h)(4).

''(E) ENTERING INTO AGREEMENT.—Upon approval of an application, the Board shall offer to enter into an agreement with the submitter for the development of a formal submission that meets the requirements for a complete submission established by the Board under section 508(h).

''(F) FEASIBILITY STUDIES.—

''(i) IN GENERAL.—In appropriate cases, the Corporation may structure the FCIC reimbursement grant to require, as an initial step within the overall process, the submitter to complete a feasibility study, and report the results of the study to the Corporation, prior to proceeding with further development.

''(ii) MONITORING.—The Corporation may require such other reports as the Corporation determines necessary to monitor the development efforts.

''(G) RATES.—Payment for work performed by the submitter under this paragraph shall be based on rates determined by the Corporation for products—

''(i) submitted under section 508(h); or

''(ii) contracted by the Corporation under subsection (c).

''(H) TERMINATION.—

''(i) IN GENERAL.—The Corporation or the submitter may terminate any FCIC reimbursement grant at any time for just cause.

''(ii) REIMBURSEMENT.—If the Corporation or the submitter terminates the FCIC reimbursement grant before final approval of the product covered by the grant, the submitter shall be entitled to—

''(I) reimbursement of all eligible costs incurred to that point; or

''(II) in the case of a fixed rate agreement, payment of an appropriate percentage, as determined by the Corporation.

''(iii) DENIAL.—If the submitter terminates development without just cause, the Corporation may deny reimbursement or recover any reimbursement already made.

''(I) CONSIDERATION OF PRODUCTS.—The Board shall consider any product developed under this paragraph and submitted to the Board under the rules the Board has established for products submitted under section 508(h).''.

(c) CONFORMING AMENDMENT.—Section 523(b)(10) of the Federal Crop Insurance Act (7 U.S.C. 1523(b)(10)) is amended by striking ''(other than research and development costs covered by section 522)''.

SEC. 1919. FUNDING FROM INSURANCE FUND.

Section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) is amended—

(1) in paragraph (1), by striking ''$10,000,000'' and all that follows through the end of the paragraph and inserting ''$7,500,000 for fiscal year 2008 and each subsequent fiscal year''; and

(2) by striking paragraph (2) and inserting the following:

''(2) CONTRACTING, DATA MINING, AND COMPREHENSIVE INFORMATION MANAGEMENT SYSTEM.—Of the amounts made available from the insurance fund established under section 516(c), the Corporation may use not more than $12,500,000 for fiscal year 2008 and each subsequent fiscal year to carry out, in addition to other available funds—

''(A) contracting and partnerships under subsections (c) and (d);

''(B) data mining and data warehousing under section 515(j)(2);

''(C) the comprehensive information management system under section 10706 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8002);

''(D) compliance activities, including costs for additional personnel; and

''(E) development, modernization, and enhancement of the information technology systems used to manage and deliver the crop insurance program.''.

SEC. 1920. INCREASED FUNDING FOR CERTAIN PROGRAMS.

In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(1) the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the ''Farm and Ranch Lands Protection Program''), an additional $10,000,000 for each of fiscal years 2008 through 2012;

(2) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), an additional $50,000,000 for the period of fiscal years 2008 through 2012;

(3) the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), an additional $30,000,000 for each of fiscal years 2008 through 2012;

(4) the McGovern-Dole International Food for Education and Child Nutrition Program established under section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), an additional $100,000,000 for each of fiscal years 2009 and 2010; and

(5) the improvements to the food and nutrition program made by section 4109 (and the amendments made by that sections) without regard to section 4908(b)(7).

SEC. 1921. STRENGTHENING THE FOOD PURCHASING POWER OF LOW-INCOME AMERICANS.

(a) IN GENERAL.—Section 5(e)(1) of the Food and Nutrition Act of 2007 (7 U.S.C. 2014(e)(1)) is amended—

(1) in subparagraph (A)(ii), by striking ''not less than $134'' and all that follows through the end of the clause and inserting the following: ''not less than—

''(I) for fiscal year 2008, $141, $241, $199, and $124, respectively;

''(II) for each of fiscal years 2009 through 2012, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food;

''(III) for fiscal year 2013, $134, $229, $189, and $118, respectively; and

''(IV) for fiscal year 2014 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics

of the Department of Labor, for items other than food.'';

(2) in subparagraph (B)(ii), by striking ''not less than $269.'' and inserting the following: ''not less than—

''(I) for fiscal year 2008, $283;

''(II) for each of fiscal years 2009 through 2012, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food;

''(III) for fiscal year 2013, $269; and

''(IV) for fiscal year 2014 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.''; and

(3) by adding at the end the following:

''(C) REQUIREMENT.—Each adjustment under subclauses (II) and (IV) of subparagraph (A)(ii) and subclauses (II) and (IV) of subparagraph (B)(ii) shall be based on the unrounded amount for the prior 12-month period.''.

(b) EFFECT OF OTHER PROVISION.—The amendments made by section 4102 shall have no force or effect.

SA 3755. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 385, lines 16 and 17, strike ''13,273,000 acres for each fiscal year, but not to exceed 79,638,000 acres'' and insert ''11,945,700 acres for each fiscal year, but not to exceed 71,674,200 acres''.

On page 403, line 21, strike ''$60,000,000'' and insert ''$82,600,000''.

On page 445, line 20, strike ''$97,000,000'' and insert ''$120,000,000''.

On page 445, line 24, strike ''$240,000,000'' and insert ''$500,000,000''.

On page 446, strike lines 4 through 7 and insert the following:

''(A) $1,370,000,000 for each of fiscal years 2008 and 2009; and

''(B) $1,400,000,000 for each of fiscal years 2010 through 2012.

SA 3756. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 499, strike line 15 and all that follows through page 501, line 2, and insert the following:

(a) FEDERAL CROP INSURANCE.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following:

''(o) CROP INSURANCE INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.—

''(1) DEFINITION OF NATIVE SOD.—In this subsection, the term 'native sod' means land—

''(A) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

''(B) that has never been used for production of an agricultural commodity.

''(2) INELIGIBILITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), native sod acreage on which an agricultural commodity is planted for which a policy or plan of insurance is available under this title shall be ineligible for benefits under this Act.

''(B) DE MINIMUS ACREAGE.—

''(i) EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from subparagraph (A).

''(ii) WAIVER.—The Secretary may provide a waiver from the application of subparagraph (A) for areas of 15 acres or less on a case-by-case basis.''.

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)) is amended by adding at the end the following:

''(4) PROGRAM INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.—

''(A) DEFINITION OF NATIVE SOD.—In this paragraph, the term 'native sod' means land—

''(i) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

''(ii) that has never been used for production of an agricultural commodity.

''(B) INELIGIBILITY.—Except as provided in subparagraph (C), native sod acreage on which an agricultural commodity is planted for which a policy or plan of Federal crop insurance is available shall be ineligible for benefits under this section.

''(C) DE MINIMUS ACREAGE.—

''(i) EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from subparagraph (B).

''(ii) WAIVER.—The Secretary may provide a waiver from the application of subparagraph (B) for areas of 15 acres or less on a case-by-case basis.''.

SA 3757. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

SEC. 11072. POULTRY SUSTAINABILITY RESEARCH PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE APPLICANT.—The term ''eligible applicant'' includes any institution of higher education, farmer or other agricultural producer, municipality, and private nonprofit organization that—

(A) expresses to the Secretary an interest in the long-term environmental and economic sustainability of the agricultural industry; and

(B) is located in—

(i) the State of Arkansas;

(ii) the State of Oklahoma; and

(iii) the State of Texas.

(2) PROGRAM.—The term ''program'' means the poultry sustainability research program established under subsection (b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a poultry sustainability research program.

(2) REQUIRED ACTIVITIES.—In carrying out the program, the Secretary shall—

(A) identify challenges and develop solutions to enhance the economic and environmental sustainability of the poultry industry in the Southwest region of the United States;

(B) research, develop, and implement programs—

(i) to recover energy and other useful products from poultry waste;

(ii) to identify new technologies for the storage, treatment, use, and disposal of animal waste; and

(iii) to assist the poultry industry in ensuring that emissions of animal waste (within the meaning of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o))) and discharges (as defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362)) of the industry are maintained at levels at or below applicable regulatory standards;

(C) provide technical assistance, training, applied research, and monitoring to eligible applicants;

(D) develop environmentally effective programs in the poultry industry; and

(E) collaborate with eligible applicants to work with the Federal Government (including Federal agencies) in the development of conservation, environmental credit trading, and watershed programs to help private landowners and agricultural producers meet applicable water quality standards.

(c) CONTRACTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall offer to enter into contracts with eligible applicants.

(2) APPLICATION.—

(A) SUBMISSION OF APPLICATION.—To enter into a contract with the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) GUIDELINES.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate a regulation describing the application requirements, including milestones and goals to be achieved by each eligible applicant.

(d) REPORTS.—Not later than 2 years after the date of enactment of this Act, and for each fiscal year thereafter, the Secretary shall submit to Congress a report describing—

(1) each project for which funds are provided under this section; and

(2) any advance in technology resulting from the implementation of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012, to remain available until expended.

SA 3758. Mr. SMITH (for himself, Mr. BARRASSO, and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. FEDERAL AND STATE COOPERATIVE FOREST, RANGELAND, AND WATERSHED RESTORATION AND PROTECTION.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term ''eligible State'' means a State that contains National Forest System land or Bureau of Land Management land located west of the 100th meridian.

(2) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of Agriculture, with respect to National Forest System land; or

(B) the Secretary of the Interior, with respect to Bureau of Land Management land.

(3) STATE FORESTER.—The term ''State forester'' means the head of a State agency with jurisdiction over State forest land in an eligible State.

(b) COOPERATIVE AGREEMENTS AND CONTRACTS.—

(1) IN GENERAL.—The Secretary may enter into a cooperative agreement or contract (including a sole source contract) with a State forester to authorize the State forester to provide the forest, rangeland, and watershed restoration and protection services described in paragraph (2) on National Forest System land or Bureau of Land Management land, as applicable, in the eligible State if similar and complementary restoration and protection services are being provided by the State forester on adjacent State or private land.

(2) AUTHORIZED SERVICES.—The forest, rangeland, and watershed restoration and protection services referred to in paragraph (1) include the conduct of—

(A) activities to treat insect infected trees;

(B) activities to reduce hazardous fuels; and

(C) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(3) STATE AS AGENT.—Except as provided in paragraph (6), a cooperative agreement or contract entered into under paragraph (1) may authorize the State forester to serve as the agent for the Secretary in providing the restoration and protection services authorized under paragraph (1).

(4) SUBCONTRACTS.—In accordance with applicable contract procedures for the eligible State, a State forester may enter into subcontracts to provide the restoration and protection services authorized under a cooperative agreement or contract entered into under paragraph (1).

(5) TIMBER SALES.—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract entered into under paragraph (1).

(6) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any restoration and protection services to be provided under this section by a State forester on National Forest System land or Bureau of Land Management land, as applicable, shall not be delegated to a State forester or any other officer or employee of the eligible State.

(7) APPLICABLE LAW.—The restoration and protection services to be provided under this section shall be carried out on a project-to-project basis under existing authorities of the Forest Service or Bureau of Land Management, as applicable.

(c) TERMINATION OF EFFECTIVENESS.—

(1) IN GENERAL.—The authority of the Secretary to enter into cooperative agreements and contracts under this section terminates on September 30, 2012.

(2) CONTRACT DATE.—The termination date of a cooperative agreement or contract entered into under this section shall not extend beyond September 30, 2013.

SA 3759. Ms. SNOWE (for herself, Mr. SCHUMER, Mrs. CLINTON, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

Subtitle C—Northern Border Economic Development Commission

SEC. 11081. DEFINITIONS.

In this subtitle:

(1) COMMISSION.—The term ''Commission'' means the Northern Border Economic Development Commission established by section 11082.

(2) FEDERAL GRANT PROGRAM.—The term ''Federal grant program'' means a Federal grant program to provide assistance in carrying out economic and community development activities and conservation activities that are consistent with economic development.

(3) NON-PROFIT ENTITY.—The term ''non-profit entity'' means any entity with tax-exempt or non-profit status, as defined by the Internal Revenue Service.

(4) REGION.—The term ''region'' means the area covered by the Commission (as described in section 11094).

SEC. 11082. NORTHERN BORDER ECONOMIC DEVELOPMENT COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Northern Border Economic Development Commission.

(2) COMPOSITION.—The Commission shall be composed of—

(A) a Federal member, to be appointed by the President, with the advice and consent of the Senate; and

(B) the Governor of each State in the region that elects to participate in the Commission.

(3) COCHAIRPERSONS.—The Commission shall be headed by—

(A) the Federal member, who shall serve—

(i) as the Federal cochairperson; and

(ii) as a liaison between the Federal Government and the Commission; and

(B) a State cochairperson, who—

(i) shall be a Governor of a participating State in the region; and

(ii) shall be elected by the State members for a term of not less than 1 year.

(b) ALTERNATE MEMBERS.—

(1) STATE ALTERNATES.—

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

(B) VOTING.—An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the member for whom the individual is an alternate.

(2) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

(3) QUORUM.—

(A) IN GENERAL.—Subject to the requirements of this paragraph, the Commission shall determine what constitutes a quorum of the Commission.

(B) FEDERAL COCHAIRPERSON.—The Federal cochairperson or the Federal cochairperson's designee must be present for the establishment of a quorum of the Commission.

(C) STATE ALTERNATES.—A State alternate shall not be counted toward the establishment of a quorum of the Commission.

(4) DELEGATION OF POWER.—No power or responsibility of the Commission specified in paragraphs (3) and (4) of subsection (c), and no voting right of any Commission member, shall be delegated to any person—

(A) who is not a Commission member; or

(B) who is not entitled to vote in Commission meetings.

(c) DECISIONS.—

(1) REQUIREMENTS FOR APPROVAL.—Except as provided in subsection (g), decisions by the Commission shall require the affirmative vote of the Federal cochairperson and of a majority of the State members, exclusive of members representing States delinquent under subsection (g)(2)(C).

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

(3) DECISIONS REQUIRING QUORUM OF STATE MEMBERS.—The following decisions may not be made without a quorum of State members:

(A) A decision involving Commission policy.

(B) Approval of State, regional, or subregional development plans or strategy statements.

(C) Modification or revision of the Commission's code.

(D) Allocation of amounts among the States.

(4) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals is a responsibility of the Commission and shall be carried out in accordance with section 11088.

(d) DUTIES.—The Commission shall—

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

(2) not later than 365 days after the date of enactment of this Act, establish priorities in a development plan for the region (including 5-year regional outcome targets);

(3) assess the needs and capital assets of the region based on available research, demonstration projects, assessments, and evaluations of the region prepared by Federal, State, or local agencies, local development districts, and any other relevant source;

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

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

(5) actively solicit the participation of representatives of local development districts, industry groups, and other appropriate organizations as approved by the Commission, in all public proceedings of the Commission conducted under subsection (e)(1), either in-person or through interactive telecommunications; and

(6) encourage private investment in industrial, commercial, and other economic development projects in the region.

(e) ADMINISTRATION.—In carrying out subsection (d), the Commission may—

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

(2) authorize, through the Federal or State cochairperson or any other member of the Commission designated by the Commission,

the administration of oaths if the Commission determines that testimony should be taken or evidence received under oath;

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

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

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

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

(7) provide for coverage of Commission employees in a suitable retirement and employee benefit system by—

(A) making arrangements or entering into contracts with any participating State government; or

(B) otherwise providing retirement and other employee benefit coverage;

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

(9) enter into and perform such contracts or other transactions as are necessary to carry out Commission duties;

(10) establish and maintain a central office located within the Northern Border Economic Development Commission region and field offices at such locations as the Commission may select; and

(11) provide for an appropriate level of representation in Washington, DC.

(f) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

(1) cooperate with the Commission; and

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

(g) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—Administrative expenses of the Commission (except for the expenses of the Federal cochairperson, including expenses of the alternate and staff of the Federal cochairperson, which shall be paid solely by the Federal Government) shall be paid—

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

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

(2) STATE SHARE.—

(A) IN GENERAL.—The share of administrative expenses of the Commission to be paid by each State shall be determined by the Commission.

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

(C) DELINQUENT STATES.—If a State is delinquent in payment of the State's share of administrative expenses of the Commission under this subsection—

(i) no assistance under this subtitle shall be furnished to the State (including assistance to a political subdivision or a resident of the State); and

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

(h) COMPENSATION.—

(1) FEDERAL COCHAIRPERSON.—The Federal cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title V, United States Code.

(2) ALTERNATE FEDERAL COCHAIRPERSON.—The alternate Federal cochairperson—

(A) shall be compensated by the Federal Government at level V of the Executive Schedule described in paragraph (1); and

(B) when not actively serving as an alternate for the Federal cochairperson, shall perform such functions and duties as are delegated by the Federal cochairperson.

(3) STATE MEMBERS AND ALTERNATES.—

(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Commission at the rate established by law of the State.

(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary from any source other than the State for services provided by the member or alternate to the Commission.

(4) DETAILED EMPLOYEES.—

(A) IN GENERAL.—No person detailed to serve the Commission under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Commission from—

(i) any source other than the State, local, or intergovernmental department or agency from which the person was detailed; or

(ii) the Commission.

(B) VIOLATION.—Any person that violates this paragraph shall be fined not more than $5,000, imprisoned not more than 1 year, or both.

(C) APPLICABLE LAW.—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Commission under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

(5) ADDITIONAL PERSONNEL.—

(A) COMPENSATION.—

(i) IN GENERAL.—The Commission may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Commission to carry out the duties of the Commission.

(ii) EXCEPTION.—Compensation under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

(B) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

(i) the carrying out of the administrative duties of the Commission;

(ii) direction of the Commission staff; and

(iii) such other duties as the Commission may assign.

(C) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Commission (except the Federal cochairperson of the Commission, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Commission under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

(i) CONFLICTS OF INTEREST.—

(1) IN GENERAL.—Except as provided under paragraph (2), no State member, alternate, officer, or employee of the Commission shall participate personally and substantially as a member, alternate, officer, or employee of the Commission, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee any of the following persons has a financial interest:

(A) The member, alternate, officer, or employee.

(B) The spouse, minor child, partner, or organization (other than a State or political subdivision of the State) of the member, alternate, officer, or employee, in which the member, alternate, officer, or employee is serving as officer, director, trustee, partner, or employee.

(C) Any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment.

(2) DISCLOSURE.—Paragraph (1) shall not apply if the State member, alternate, officer, or employee—

(A) immediately advises the Commission of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a potential conflict of interest;

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

(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Commission that the interest is not so substantial as to be likely to affect the integrity of the services that the Commission may expect from the State member, alternate, officer, or employee.

(3) VIOLATION.—Any person that violates this subsection shall be fined not more than $10,000, imprisoned not more than 2 years, or both.

(j) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Commission may declare void any contract, loan, or grant of or by the Commission in relation to which the Commission determines that there has been a violation of any provision under subsection (h)(4), subsection (i), or sections 202 through 209 of title 18, United States Code.

SEC. 11083. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.

(a) IN GENERAL.—The Commission may approve grants to States, local development districts (as defined in section 11085(a)), and public and nonprofit entities for projects, approved in accordance with section 11088—

(1) to develop the infrastructure of the region for the purpose of facilitating economic development in the region (except that grants for this purpose may only be made to a State or local government);

(2) to assist the region in obtaining job training, employment-related education, business development, and small business development and entrepreneurship;

(3) to assist the region in community and economic development;

(4) to support the development of severely distressed and underdeveloped areas;

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

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

(7) to achieve the purposes of this subtitle.

(b) FUNDING.—

(1) IN GENERAL.—Funds for grants under subsection (a) may be provided—

(A) entirely from appropriations to carry out this section;

(B) in combination with funds available under another State or Federal grant program; or

(C) from any other source.

(2) ELIGIBLE PROJECTS.—The Commission may provide assistance, make grants, enter into contracts, and otherwise provide funds to eligible entities in the region for projects that promote—

(A) business development;

(B) job training or employment-related education;

(C) small businesses and entrepreneurship, including—

(i) training and education to aspiring entrepreneurs, small businesses, and students;

(ii) access to capital and facilitating the establishment of small business venture capital funds;

(iii) existing entrepreneur and small business development programs and projects; and

(iv) projects promoting small business innovation and research;

(D) local planning and leadership development;

(E) basic public infrastructure, including high-tech infrastructure and productive natural resource conservation;

(F) information and technical assistance for the modernization and diversification of the forest products industry to support value-added forest products enterprises;

(G) forest-related cultural, nature-based, and heritage tourism;

(H) energy conservation and efficiency in the region to enhance its economic competitiveness;

(I) the use of renewable energy sources in the region to produce alternative transportation fuels, electricity and heat; and

(J) any other activity facilitating economic development in the region.

(3) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share in any grant program, funds appropriated or otherwise made available to carry out this section may be used to increase a Federal share in a grant program, as the Commission determines appropriate.

SEC. 11084. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

(a) FEDERAL GRANT PROGRAM FUNDING.—In accordance with subsection (b), the Federal cochairperson may use amounts made available to carry out this subtitle, without regard to any limitations on areas eligible for assistance or authorizations for appropriation under any other Act, to fund all or any portion of the basic Federal contribution to a project or activity under a Federal grant program in the region in an amount that is above the fixed maximum portion of the cost of the project otherwise authorized by applicable law, but not to exceed 80 percent of the costs of the project.

(b) CERTIFICATION.—

(1) IN GENERAL.—In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant program is proposed to be made under this section, no Federal contribution shall be made until the Federal official administering the Federal law authorizing the contribution certifies that the program or project—

(A) meets the applicable requirements of the applicable Federal grant law; and

(B) could be approved for Federal contribution under the law if funds were available under the law for the program or project.

(2) CERTIFICATION BY COMMISSION.—

(A) IN GENERAL.—The certifications and determinations required to be made by the Commission for approval of projects under this subtitle in accordance with section 11088—

(i) shall be controlling; and

(ii) shall be accepted by the Federal agencies.

(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—Any finding, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant program shall be accepted by the Federal cochairperson with respect to a supplemental grant for any project under the program.

SEC. 11085. LOCAL DEVELOPMENT DISTRICTS; CERTIFICATION AND ADMINISTRATIVE EXPENSES.

(a) DEFINITION OF LOCAL DEVELOPMENT DISTRICT.—In this section, the term ''local development district'' means an entity designated by the State that—

(1) is—

(A)(i) a planning district in existence on the date of enactment of this Act that is recognized by the Economic Development Administration of the Department of Commerce; or

(ii) a development district recognized by the State; or

(B) if an entity described in subparagraph (A)(i) or (A)(ii) does not exist, an entity designated by the Commission that satisfies the criteria developed by the Economic Development Administration for a local development district; and

(2) has not, as certified by the Federal cochairperson—

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

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

(b) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—

(1) IN GENERAL.—The Commission may make grants for administrative expenses under this section.

(2) CONDITIONS FOR GRANTS.—

(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the local development district receiving the grant.

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

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

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

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

(A) are involved in multijurisdictional planning;

(B) provide technical assistance to local jurisdictions and potential grantees; and

(C) provide leadership and civic development assistance.

SEC. 11086. DEVELOPMENT PLANNING PROCESS.

(a) STATE DEVELOPMENT PLAN.—In accordance with policies established by the Commission, each State member shall submit a development plan for the area of the region represented by the State member.

(b) CONTENT OF PLAN.—A State development plan submitted under subsection (a) shall reflect the goals, objectives, and priorities identified in the regional development plan developed under section 11082(d)(2).

(c) CONSULTATION.—In carrying out the development planning process, a State shall—

(1) consult with—

(A) local development districts;

(B) local units of government;

(C) institutions of higher learning; and

(D) stakeholders; and

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

(d) PUBLIC PARTICIPATION.—The Commission and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

SEC. 11087. PROGRAM DEVELOPMENT CRITERIA.

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

(1) the relationship of the project to overall regional development;

(2) the economic distress of an area, including the per capita income, outmigration, poverty and unemployment rates, and other socioeconomic indicators for the area;

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

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

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

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

(7) the preservation of multiple uses, including conservation, of natural resources.

(b) NO RELOCATION ASSISTANCE.—No financial assistance authorized by this subtitle shall be used to assist an establishment in relocating from 1 area to another.

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

SEC. 11088. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

(a) IN GENERAL.—A State or regional development plan or any multistate subregional plan that is proposed for development under this subtitle shall be reviewed by the Commission.

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

(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member and Federal cochairperson that the application for the project—

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

(2) meets applicable criteria under section 11087;

(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

(4) otherwise meets the requirements of this subtitle.

(d) VOTES FOR DECISIONS.—Upon certification of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Commission under section 11082(c) shall be required for approval of the application.

SEC. 11089. CONSENT OF STATES.

Nothing in this subtitle requires any State to engage in or accept any program under this subtitle without the consent of the State.

SEC. 11090. RECORDS.

(a) RECORDS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall maintain accurate and complete records of all transactions and activities of the Commission.

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

(b) RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE.—

(1) IN GENERAL.—A recipient of Federal funds under this subtitle shall, as required by the Commission, maintain accurate and complete records of transactions and activities financed with Federal funds and report on the transactions and activities to the Commission.

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

SEC. 11091. ANNUAL REPORT.

Not later than 180 days after the end of each fiscal year, the Commission shall submit to the President and to Congress a report describing the activities carried out under this subtitle.

SEC. 11092. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Commission to carry out this subtitle $40,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated under subsection (a) for a fiscal year shall be used for administrative expenses of the Commission.

SEC. 11093. TERMINATION OF COMMISSION.

This subtitle shall have no force or effect on or after October 1, 2012.

SEC. 11094. REGION OF NORTHERN BORDER ECONOMIC DEVELOPMENT COMMISSION.

(a) GOAL.—It shall be the goal of the Commission to address economic distress along the northern border of the United States east of, and including, Cayuga County, New York, especially in rural areas.

(b) COUNTIES INCLUDED IN NORTHERN BORDER REGION.—Consistent with the goal described in subsection (a), the region of Commission shall include the following counties:

(1) In Maine, the counties of Aroostook, Franklin, Oxford, Somerset, and Washington.

(2) In New Hampshire, the county of Coos.

(3) In New York, the counties of Cayuga, Clinton, Franklin, Jefferson, Oswego, and St. Lawrence.

(4) In Vermont, the counties of Essex, Franklin, Grand Isle, and Orleans.

(c) CONTIGUOUS COUNTIES.—

(1) IN GENERAL.—Subject to paragraph (2), in addition to the counties listed in subsection (b), the region of Commission shall include the following counties:

(A) In Maine, the counties of Androscoggin, Kennebec, Penobscot, Piscataquis, and Waldo.

(B) In New York, the counties of Essex, Hamilton, Herkimer, Lewis, Oneida, and Seneca.

(C) In Vermont, the county of Caledonia.

(2) RECOMMENDATIONS TO CONGRESS.—As part of an annual report submitted under section 11091, the Commission may recommend to Congress removal of a county listed in paragraph (1) from the region on the basis that the county no longer exhibits 2 or more of the following economic distress factors: population loss, poverty, income levels, and unemployment.

(d) EXAMINATION OF ADDITIONAL COUNTIES AND AREAS FOR INCLUSION IN THE REGION.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Commission—

(A) shall examine all counties that border the region of the Commission specified in subsection (a), including the political subdivisions and census tracts within such counties; and

(B) may add a county or any portion of a county examined under subparagraph (A)to the region, if the Commission determines that the county or portion—

(i) is predominantly rural in nature; and

(ii) exhibits significant economic distress in terms of population loss, poverty, income levels, unemployment, or other economic indicator that the Commission considers appropriate.

(2) PRIORITY.—In carrying out paragraph (1)(A), the Commission shall first examine the following counties:

(A) In Maine, the counties of Hancock and Knox.

(B) In New Hampshire, the counties of Grafton, Carroll, and Sullivan.

(C) In New York, the counties of Fulton, Madison, Warren, Saratoga, and Washington.

(D) In Vermont, the county of Lamoille.

(e) ADDITION OF COUNTIES AND OTHER AREAS.—

(1) RECOMMENDATIONS.—Following the one-year period beginning on the date of enactment of this Act, as part of an annual report submitted under section 11091, the Commission may recommend to Congress additional counties or portions of counties for inclusion in the region.

(2) AREAS OF ECONOMIC DISTRESS.—The Commission may recommend that an entire county be included in the region on the basis of one or more distressed areas within the county.

(3) ASSESSMENTS OF ECONOMIC CONDITIONS.—The Commission may provide technical and financial assistance to a county that is not included in the region for the purpose of conducting an economic assessment of the county. The results of such an assessment may be used by the Commission in making recommendations under paragraph (1).

(f) LIMITATION.—A county eligible for assistance from the Appalachian Regional Commission under subtitle IV of title 40, United States Code, shall not be eligible for assistance from the Northern Border Economic Development Commission.

SEC. 11095. REDUCTION IN FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of this Act or an amendment made by this Act, for the period beginning on October 1, 2007, and ending on September 30, 2011—

(1) each amount provided to carry out a program under title I or an amendment made by title I is reduced by an amount necessary to achieve a total reduction of $200,000,000; and

(2) the Secretary shall adjust the amount of each payment, loan, gain, or other assistance provided under each program described in paragraph (1) by such amount as is necessary to achieve the reduction required under that paragraph, as determined by the Secretary.

(b) APPLICATION.—This section does not apply to a payment, loan, gain, or other assistance provided under a contract entered into by the Secretary before the date of enactment of this Act.

SA 3760. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1495, strike line 10 and all that follows through page 1500, line 7, and insert the following:

PART IV—ENERGY PROGRAM FUNDING AND INCENTIVES FOR ALTERNATIVE FUELS

SEC. 12331. INCREASED FUNDING FOR CERTAIN ENERGY PROGRAMS.

In addition to the amounts made available under title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) (as amended by section 9001), of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(1) the biorefinery and repowering assistance program established under section 9005 of that Act , an additional $100,000,000 for fiscal year 2008;

(2) the Rural Energy for America Program established under section 9007 of that Act, an additional $120,000,000 for fiscal year 2008; and

(3) the biomass research and development program established under section 9008 of that Act, an additional $20,000,000 for each of fiscal years 2008 through 2012.

SEC. 12332. EXTENSION AND MODIFICATION OF CREDIT FOR COAL-TO-LIQUID FUELS.

(a) EXTENSION.—

(1) ALTERNATIVE FUEL CREDIT.—Paragraph (4) of section 6426(d) (relating to alternative fuel credit) is amended to read as follows:

''(4) TERMINATION.—This subsection shall not apply to any sale or use for any period after—

''(A) September 30, 2014, in the case of any sale or use involving liquified hydrogen,

''(B) December 31, 2010, in the case of any sale or use involving a liquid fuel derived from coal (including peat) through the Fischer-Tropsch process, and

''(C) September 30, 2009, in the case of any other sale or use.''.

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) (relating to alternative fuel mixture credit) is amended to read as follows:

''(3) TERMINATION.—This subsection shall not apply to any sale or use for any period after—

''(A) September 30, 2014, in the case of any sale or use involving liquified hydrogen,

''(B) December 31, 2010, in the case of any sale or use involving a liquid fuel derived from coal (including peat) through the Fischer-Tropsch process, and

''(C) September 30, 2009, in the case of any other sale or use.''.

(3) PAYMENTS.—Paragraph (5) of section 6427(e) (relating to termination) is amended—

(A) in subparagraph (C)—

(i) by striking ''subparagraph (D)'' and inserting ''subparagraphs (D) and (E)'', and

(ii) by striking ''and'' at the end,

(B) by redesignating subparagraph (D) as subparagraph (E), and

(C) by inserting after subparagraph (C) the following new subparagraph:

''(D) any alternative fuel or alternative fuel mixture (as so defined) involving a liquid fuel derived from coal (including peat) through the Fischer-Tropsch process sold or used after December 31, 2010, and''.

(b) CREDIT ALLOWED FOR AVIATION USE OF FUEL.—Paragraph (1) of section 6426(d) is amended by inserting ''sold by the taxpayer for use as a fuel in aviation,'' after ''motorboat,''.

(c) CARBON CAPTURE REQUIREMENT FOR CERTAIN FUELS.—

(1) IN GENERAL.—Subsection (d) of section 6426, as amended by subsection (a), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) CARBON CAPTURE REQUIREMENT.—

''(A) IN GENERAL.—The requirements of this paragraph are met if the fuel is certified, under such procedures as required by the Secretary, as having been derived from coal produced at a gasification facility which separates and sequesters not less than the applicable percentage of such facility's total carbon dioxide emissions.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 50 percent in the case of fuel produced after the date of the enactment of this paragraph and on or before the earlier of—

''(I) the date the Secretary makes a determination under subparagraph (C), or

''(II) December 30, 2010, and

''(ii) 75 percent in the case of fuel produced after the date on which the applicable percentage under clause (i) ceases to apply.

''(C) DETERMINATION TO INCREASE APPLICABLE PERCENTAGE BEFORE DECEMBER 31, 2010.—If the Secretary, after considering the recommendations of the Carbon Sequestration Capability Panel, finds that the applicable percentage under subparagraph (B) should be 75 percent for fuel produced before December 31, 2010, the Secretary shall make a determination under this subparagraph. Any determination made under this subparagraph shall be made not later than 30 days after the Secretary receives from the Carbon Sequestration Panel the report required under section 331(c)(3)(D) of the Heartland, Habitat, Harvest, and Horticulture Act of 2007.''.

(2) CONFORMING AMENDMENT.—Subparagraph (E) of section 6426(d)(2) is amended by inserting ''which meets the requirements of paragraph (4) and which is'' after ''any liquid fuel''.

(3) CARBON SEQUESTRATION CAPABILITY PANEL.—

(A) ESTABLISHMENT OF PANEL.—There is established a panel to be known as the ''Carbon Sequestration Capability Panel'' (hereafter in this paragraph referred to as the ''Panel'').

(B) MEMBERSHIP.—The Panel shall be composed of—

(i) 1 representative from the National Academy of Sciences,

(ii) 1 representative from the University of Kentucky Center for Applied Energy Research, and

(iii) 1 individual appointed jointly by the representatives under clauses (i) and (ii).

(C) STUDY.—The Panel shall study the appropriate percentage of carbon dioxide for separation and sequestration under section 6426(d)(4) of the Internal Revenue Code of 1986 consistent with the purposes of such section. The panel shall consider whether it is feasible to separate and sequester 75 percent of the carbon dioxide emissions of a facility, including costs and other factors associated with separating and sequestering such percentage of carbon dioxide emissions.

(D) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Panel shall report to the Secretary of Treasury, the Committee on Finance of the Senate, and the Committee on Ways and Means of the House of Representatives on the study under subparagraph (C).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. 12333. EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

SA 3761. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 313, strike line 21 and all that follows through page 320, line 22, and insert the following:

(e) PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by striking subsection (h) and inserting the following:

''(h) PILOT PROGRAM FOR ENROLLMENT OF WETLAND, SHALLOW WATER AREAS, AND BUFFER ACREAGE IN CONSERVATION RESERVE.—

''(1) PROGRAM.—

''(A) IN GENERAL.—During the 2008 through 2012 calendar years, the Secretary shall carry out a program in each State under which the Secretary shall enroll eligible acreage described in paragraph (2).

''(B) PARTICIPATION AMONG STATES.—The Secretary shall ensure, to the maximum extent practicable, that owners and operators in each State have an equitable opportunity to participate in the pilot program established under this subsection.

''(2) ELIGIBLE ACREAGE.—

''(A) IN GENERAL.—Subject to subparagraphs (B) through (E), an owner or operator may enroll in the conservation reserve under this subsection—

''(i)(I) a wetland (including a converted wetland described in section 1222(b)(1)(A)) that had a cropping history during at least 3 of the immediately preceding 10 crop years;

''(II) a shallow water area that was devoted to a commercial pond-raised aquaculture operation any year during the period of calendar years 2002 through 2007; or

''(III) an agriculture drainage water treatment that receives flow from a row crop agriculture drainage system and is designed to provide nitrogen removal in addition to other wetland functions; and

''(ii) buffer acreage that—

''(I) is contiguous to a wetland or shallow water area described in clause (i);

''(II) is used to protect the wetland or shallow water area described in clause (i); and

''(III) is of such width as the Secretary determines is necessary to protect the wetland or shallow water area described in clause (i) or to enhance the wildlife benefits, including through restriction of bottomland hardwood habitat, taking into consideration and accommodating the farming practices (including the straightening of boundaries to accommodate machinery) used with respect to the cropland that surrounds the wetland or shallow water area.

''(B) EXCLUSIONS.—Except for a shallow water area described in paragraph (2)(A)(i), an owner or operator may not enroll in the conservation reserve under this subsection—

''(i) any wetland, or land on a floodplain, that is, or is adjacent to, a perennial riverine system wetland identified on the final national wetland inventory map of the Secretary of the Interior; or

''(ii) in the case of an area that is not covered by the final national inventory map, any wetland, or land on a floodplain, that is adjacent to a perennial stream identified on a 1–24,000 scale map of the United States Geological Survey.

''(C) PROGRAM LIMITATIONS.—

''(i) IN GENERAL.—The Secretary may enroll in the conservation reserve under this subsection not more than—

''(I) 100,000 acres in any 1 State referred to in paragraph (1); and

''(II) not more than a total of 1,000,000 acres.

''(ii) RELATIONSHIP TO PROGRAM MAXIMUM.—Subject to clause (iii), for the purposes of subsection (d), any acreage enrolled in the conservation reserve under this subsection shall be considered acres maintained in the conservation reserve.

''(iii) RELATIONSHIP TO OTHER ENROLLED ACREAGE.—Acreage enrolled under this subsection shall not affect for any fiscal year the quantity of—

''(I) acreage enrolled to establish conservation buffers as part of the program announced on March 24, 1998 (63 Fed. Reg. 14109); or

''(II) acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965).

''(iv) REVIEW; POTENTIAL INCREASE IN ENROLLMENT ACREAGE.—Not later than 3 years after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall—

''(I) conduct a review of the program under this subsection with respect to each State that has enrolled land in the program; and

''(II) notwithstanding clause (i)(I), increase the number of acres that may be enrolled by a State under clause (i)(I) to not more than 150,000 acres, as determined by the Secretary.

''(D) OWNER OR OPERATOR LIMITATIONS.—

''(i) WETLAND.—

''(I) IN GENERAL.—Except for a shallow water area described in paragraph (2)(A)(i), the maximum size of any wetland described in subparagraph (A)(i) of an owner or operator enrolled in the conservation reserve under this subsection shall be 40 contiguous acres.

''(II) COVERAGE.—All acres described in subclause (I) (including acres that are ineligible for payment) shall be covered by the conservation contract.

''(ii) BUFFER ACREAGE.—The maximum size of any buffer acreage described in subparagraph (A)(ii) of an owner or operator enrolled in the conservation reserve under this subsection shall be determined by the Secretary in consultation with the State Technical Committee.

''(iii) TRACTS.—Except for a shallow water area described in paragraph (2)(A)(i) and buffer acreage, the maximum size of any eligible acreage described in subparagraph (A) in a tract (as determined by the Secretary) of an owner or operator enrolled in the conservation reserve under this subsection shall be 40 acres.

''(3) DUTIES OF OWNERS AND OPERATORS.—Under a contract entered into under this subsection, during the term of the contract, an owner or operator of a farm or ranch shall agree—

''(A) to restore the hydrology of the wetland within the eligible acreage to the maximum extent practicable, as determined by the Secretary;

''(B) to establish vegetative cover (which may include emerging vegetation in water

and bottomland hardwoods, cypress, and other appropriate tree species in shallow water areas) on the eligible acreage, as determined by the Secretary;

''(C) to a general prohibition of commercial use of the enrolled land; and

''(D) to carry out other duties described in section 1232.

''(4) DUTIES OF THE SECRETARY.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in return for a contract entered into by an owner or operator under this subsection, the Secretary shall make payments based on rental rates for cropland and provide assistance to the owner or operator in accordance with sections 1233 and 1234.

''(B) CONTINUOUS SIGNUP.—The Secretary shall use continuous signup under section 1234(c)(2)(B) to determine the acceptability of contract offers and the amount of rental payments under this subsection.

''(C) INCENTIVES.—The amounts payable to owners and operators in the form of rental payments under contracts entered into under this subsection shall reflect incentives that are provided to owners and operators to enroll filterstrips in the conservation reserve under section 1234.''.

SA 3762. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11_____. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

Section 6405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2655) is amended to read as follows:

''SEC. 6405. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

''(a) DEFINITION OF EMERGENCY MEDICAL SERVICE.—In this section:

''(1) IN GENERAL.—The term 'emergency medical service' means any resource used by a qualified public or private entity, or by any other entity recognized as qualified by the State involved, to deliver medical care outside of a medical facility under emergency conditions that occur as a result of—

''(A) the condition of the patient; or

''(B) a natural disaster or similar situation.

''(2) INCLUSIONS.—The term 'emergency medical service' includes (compensated or volunteer) services delivered by an emergency medical service provider or other provider recognized by the State involved that is licensed or certified by the State as an emergency medical technician or the equivalent (as determined by the State), a registered nurse, a physician assistant, or a physician that provides services similar to services provided by such an emergency medical service provider.

''(b) GRANTS.—The Secretary shall award grants to eligible entities—

''(1) to enable the entities to provide for improved emergency medical services in rural areas; and

''(2) to pay the cost of training firefighters and emergency medical personnel in firefighting, emergency medical practices, and responding to hazardous materials and bioagents in rural areas.

''(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be—

''(A) a State emergency medical services office;

''(B) a State emergency medical services association;

''(C) a State office of rural health;

''(D) a local government entity;

''(E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

''(F) a State or local ambulance provider; or

''(G) any other entity determined to be appropriate by the Secretary; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that includes—

''(A) a description of the activities to be carried out under the grant; and

''(B) an assurance that the applicant will comply with the matching requirement of subsection (f).

''(d) USE OF FUNDS.—An entity shall use amounts received under a grant made under subsection (b) only in rural areas—

''(1) to hire or recruit emergency medical service personnel;

''(2) to recruit or retain volunteer emergency medical service personnel;

''(3) to train emergency medical service personnel in emergency response, injury prevention, safety awareness, and other topics relevant to the delivery of emergency medical services;

''(4) to fund training to meet Federal or State certification requirements;

''(5) to provide training for firefighters and emergency medical personnel for improvements to the training facility, equipment, curricula, and personnel;

''(6) to develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning); and

''(7) to educate the public concerning cardiopulmonary resuscitation, first aid, injury prevention, safety awareness, illness prevention, and other related emergency preparedness topics.

''(e) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to—

''(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (G) of subsection (c)(1); and

''(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (d).

''(f) MATCHING REQUIREMENT.—The Secretary may not make a grant under this section to an entity unless the entity agrees that the entity will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to 5 percent of the amount received under the grant.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section not more than $30,000,000 for each of fiscal years 2008 through 2012.

''(2) ADMINISTRATIVE COSTS.—Not more than 10 percent of the amount appropriated under paragraph (1) for a fiscal year may be used for administrative expenses.''.

SA 3763. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—DOMESTIC PET TURTLE MARKET ACCESS

SEC. ____. SHORT TITLE.

This title may be cited as the ''Domestic Pet Turtle Equality Act''.

SEC. ____. FINDINGS.

Congress makes the following findings:

(1) Pet turtles less than 10.2 centimeters in diameter have been banned for sale in the United States by the Food and Drug Administration since 1975 due to health concerns.

(2) The Food and Drug Administration does not ban the sale of iguanas or other lizards, snakes, frogs, or other amphibians or reptiles that are sold as pets in the United States that carry salmonella bacteria. The Food and Drug Administration also does not require that these animals be treated for salmonella bacteria before being sold as pets.

(3) The technology to treat turtles for salmonella, and make them safe for sale, has greatly advanced since 1975. Treatments exist that can eradicate salmonella from turtles up until the point of sale, and individuals are more aware of the causes of salmonella, how to treat salmonella poisoning, and the seriousness associated with salmonella poisoning.

(4) University research has shown that these turtles can be treated in such a way that they can be raised, shipped, and distributed without having a recolonization of salmonella.

(5) University research has also shown that pet owners can be equipped with a treatment regimen that allows the turtle to be maintained safe from salmonella.

(6) The Food and Drug Administration and the Department of Agriculture should allow the sale of turtles less than 10.2 centimeters in diameter as pets as long as the sellers are required to use proven methods to treat these turtles for salmonella.

SEC. ____. REVIEW, REPORT, AND ACTION ON THE SALE OF BABY TURTLES.

(a) PET TURTLE.—In this section, the term ''pet turtle'' means a turtle that is less than 10.2 centimeters in diameter.

(b) PREVALENCE OF SALMONELLA.—Not later than 60 days after the date of enactment of this title, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall determine the prevalence of salmonella in each species of reptile and amphibian sold legally as a pet in the United States in order to determine whether the prevalence of salmonella in reptiles and amphibians sold legally as pets in the United States on average is not more than 10 percent less than the percentage of salmonella in pet turtles.

(c) ACTION IF PREVALENCE IS SIMILAR.—If the prevalence of salmonella in reptiles and amphibians sold legally as pets in the United States on average is more than 10 percent less than the percentage of salmonella in pet turtles—

(1) the Secretary of Agriculture shall—

(A) conduct a study to determine how pet turtles can be sold safely as pets in the United States and provide recommendations to Congress not later than 150 days after the date of such determination;

(B) in conducting such study, consult with all relevant stakeholders, such as the Centers for Disease Control and Prevention, the turtle farming industry, academia, and the American Academy of Pediatrics; and

(C) examine the safety measures taken to protect individuals from salmonella-related

dangers involved with reptiles and amphibians sold legally in the United States that contain a similar or greater presence of salmonella than that of pet turtles; and

(2) the Secretary of Agriculture—

(A) may not prohibit the sale of pet turtles in the United States; or

(B) shall prohibit the sale in the United States of any reptile or amphibian that contains a similar or greater prevalence of salmonella than that of pet turtles.

SA 3764. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 210, strike line 15 and all that follows through page 214, line 9, and insert the following:

(c) MODIFICATION OF LIMITATION.—

(1) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION.—

''(1) COMMODITY AND CONSERVATION PROGRAMS.—

''(A) COMMODITY PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(A) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds—

''(i) $250,000, if less than 66.66 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary; or

''(ii) $750,000.

''(B) CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(2) COVERED BENEFITS.—

''(A) IN GENERAL.—Paragraph (1)(A) applies with respect to the following:

''(i) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(ii) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(iii) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

''(B) CONSERVATION PROGRAMS.—Paragraph (1)(B) applies with respect to a payment under any program under—

''(i) title XII of this Act;

''(ii) title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223); or

''(iii) title II of the Food and Energy Security Act of 2007.

''(3) INCOME DERIVED FROM FARMING, RANCHING OR FORESTRY OPERATIONS.—In determining what portion of the average adjusted gross income of an individual or entity is derived from farming, ranching, or forestry operations, the Secretary shall include income derived from—

''(A) the production of crops, livestock, or unfinished raw forestry products;

''(B) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land or water or hunting rights;

''(C) the sale of equipment to conduct farm, ranch, or forestry operations;

''(D) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

''(E) the provision of production inputs and services to farmers, ranchers, and foresters;

''(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities;

''(G) the sale of land that has been used for agriculture; and

''(H) payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007.''.

(2) INCREASED FUNDING FOR CERTAIN PROGRAMS.—In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(A) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), an additional $20,000,000 for the period of fiscal years 2013 through 2017;

(B) the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), an additional $10,000,000 for each of fiscal years 2013 through 2016;

(C) the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), an additional $5,000,000 for each of fiscal years 2013 through 2017;

(D) the program of grants to encourage State initiatives to improve broadband service established under section 6202, an additional—

(i) $40,000,000 for the period of fiscal years 2009 through 2012; and

(ii) $30,000,000 for the period of fiscal years 2013 through 2017;

(E) the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), an additional $10,000,000 for each of fiscal years 2013 through 2014;

(F) the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), an additional $15,000,000 for each of fiscal years 2013 through 2017;

(G) the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012; and

(H) the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012.

SA 3765. Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 210, strike line 15 and all that follows through page 214, line 9, and insert the following:

(c) MODIFICATION OF LIMITATION.—

(1) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION.—

''(1) COMMODITY AND CONSERVATION PROGRAMS.—

''(A) COMMODITY PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(A) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds—

''(i) $250,000, if less than 66.66 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary; or

''(ii) $750,000.

''(B) CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(2) COVERED BENEFITS.—

''(A) IN GENERAL.—Paragraph (1)(A) applies with respect to the following:

''(i) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(ii) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(iii) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

''(B) CONSERVATION PROGRAMS.—Paragraph (1)(B) applies with respect to a payment under any program under—

''(i) title XII of this Act;

''(ii) title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223); or

''(iii) title II of the Food and Energy Security Act of 2007.

''(3) INCOME DERIVED FROM FARMING, RANCHING OR FORESTRY OPERATIONS.—In determining what portion of the average adjusted

gross income of an individual or entity is derived from farming, ranching, or forestry operations, the Secretary shall include income derived from—

''(A) the production of crops, livestock, or unfinished raw forestry products;

''(B) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land or water or hunting rights;

''(C) the sale of equipment to conduct farm, ranch, or forestry operations;

''(D) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

''(E) the provision of production inputs and services to farmers, ranchers, and foresters;

''(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities;

''(G) the sale of land that has been used for agriculture; and

''(H) payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007.''.

(2) INCREASED FUNDING FOR CERTAIN PROGRAMS.—In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(A) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), an additional $20,000,000 for the period of fiscal years 2013 through 2017;

(B) the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), an additional $10,000,000 for each of fiscal years 2013 through 2016;

(C) the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), an additional $5,000,000 for each of fiscal years 2013 through 2017;

(D) the program of grants to encourage State initiatives to improve broadband service established under section 6202, an additional—

(i) $40,000,000 for the period of fiscal years 2009 through 2012; and

(ii) $30,000,000 for the period of fiscal years 2013 through 2017;

(E) the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), an additional $10,000,000 for each of fiscal years 2013 through 2014;

(F) the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), an additional $15,000,000 for each of fiscal years 2013 through 2017;

(G) the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012; and

(H) the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012.

SA 3766. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(__)PAUNSAUGUNT PLATEAU WILDLIFE AND RANGELAND ENHANCEMENT PILOT PROGRAM.—

(1) Of the amounts made available in Subsection ____—the Secretary shall reserve $5,000,000 to remain available until expended to initiate a pilot program in partnership with local Water Conservation Districts for watershed restoration and the protection and enhancement of native, introduced, and sensitive forage grass and browse, plant species for use by wildlife and livestock in the Paunsaugunt Plateau and adjacent public and private lands in the region.

(2)APPROVAL.—The Secretary may also approve regional conservation activities under this subsection to facilitate vegetative manipulation of climax pinion juniper rangeland, restoration of erosion drainage areas and riparian areas in cooperation with local Water Conservation Districts.

SA 3767. Mr. NELSON of Florida (for himself, Mr. MARTINEZ, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 234, between lines 12 and 13, insert the following:

SEC. 1815. FUNDS FOR PROMOTION OF ORANGE JUICE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury shall, not later than December 31, 2007, and each year thereafter, transfer to the Department of Citrus of the State of Florida an amount equal to 30 percent of the amounts received in the general fund of the Treasury of the United States during the preceding fiscal year that are attributable to the duties collected on articles described in subsection (b).

(b) ARTICLES DESCRIBED.—The articles described in this subsection are articles classifiable under subheadings 2009.11.00 through 2009.19.00 of the Harmonized Tariff Schedule of the United States, that are entered, or withdrawn from warehouse, for consumption.

(c) USE OF AMOUNTS TRANSFERRED.—The amounts transferred pursuant to this section shall be used by the State of Florida for research and promotion activities related to orange juice.

SA 3768. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1472, line 1, strike all through page 1480, line 3, and insert the following:

PART II—ALCOHOL AND OTHER FUELS

SEC. 12311. EXPANSION OF SPECIAL ALLOWANCE TO CELLULOSIC BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) (relating to special allowance for cellulosic biomass ethanol plant property) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—For purposes of this subsection, the term 'cellulosic biofuel' means any liquid transportation fuel derived from any lignocellulosic or hemicellulosic matter (other than food starch) that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (l) of section 168 is amended by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel''.

(2) The heading of section 168(l) is amended by striking ''CELLULOSIC BIOMASS ETHANOL'' and inserting ''CELLULOSIC BIOFUEL''.

(3) The heading of paragraph (2) of section 168(l) is amended by striking ''CELLULOSIC BIOMASS ETHANOL'' and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 12312. CREDIT FOR PRODUCTION OF CELLULOSIC BIOFUEL.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 30D. CELLULOSIC BIOFUEL PRODUCTION.

''(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to $1.28 for each gallon of qualified cellulosic biofuel production.

''(b) QUALIFIED CELLULOSIC BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic biofuel production' means any cellulosic biofuel which is produced in the United States by the taxpayer and which during the taxable year—

''(1) is sold by the taxpayer to another person—

''(A) for use by such other person in the production of a qualified cellulosic biofuel mixture in such other person's trade or business (other than casual off-farm production),

''(B) for use by such other person as a fuel in a trade or business, or

''(C) who sells such cellulosic biofuel at retail to another person and places such cellulosic biofuel in the fuel tank of such other person, or

''(2) is used or sold by the taxpayer for any purpose described in paragraph (1).

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid transportation fuel derived from any lignocellulosic or hemicellulosic mater (other than food starch) that is available on a renewable or recurring basis.

''(2) QUALIFIED CELLULOSIC BIOFUEL MIXTURE.—The term 'qualified cellulosic biofuel mixture' means a mixture of cellulosic biofuel and any petroleum fuel product which—

''(A) is sold by the person producing such mixture to any person for use as a fuel, or

''(B) is used as a fuel by the person producing such mixture.

''(3) ADDITIONAL DISTILLATION EXCLUDED.—The qualified cellulosic biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(4) UNITED STATES PRODUCTION ONLY.—No credit shall be determined under subsection

(a) with respect to any biofuel unless such biofuel is produced in the United States.

''(5) CELLULOSIC BIOFUEL NOT USED AS A FUEL.—If any credit is allowed under subsection (a) and any person does not use such cellulosic biofuel for a purpose described in subsection (b), then there is hereby imposed on such person a tax equal to $1.28 for each gallon of such cellulosic biofuel.

''(6) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(7) ALLOCATION OF CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under section 40(g)(6) shall apply for purposes of this section.

''(8) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section to any taxpayer with respect to any cellulosic biofuel if a credit or payment is allowed with respect to such fuel to such taxpayer under section 40, 40A, 6426, or 6427(e).

''(d) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowable under subpart A and sections 27, 30, 30B, and 30C.

''(e) CARRYFORWARD AND CARRYBACK OF UNUSED CREDIT.—

''(1) IN GENERAL.—If the credit allowable under subsection (a) exceeds the limitation imposed by subsection (d) for such taxable year (hereinafter in this section referred to as the 'unused credit year') reduced by the sum of the credits allowable under subpart A, such excess shall be—

''(A) carried back to the taxable year preceding the unused credit year, and

''(B) carried forward to each of the 20 taxable years following the unused credit year.

''(2) TRANSITION RULE.—The credit under subsection (a) may not be carried to a taxable year beginning before January 1, 2008.

''(f) APPLICATION OF SECTION.—This section shall apply with respect to qualified cellulosic biofuel production—

''(1) after December 31, 2007, and

''(2) before the later of—

''(A) the date on which the Secretary of Energy certifies that 1,000,000,000 gallons of cellulosic biofuels have been produced in the United States after December 31, 2007, and

''(B) April 1, 2015.''.

(b) DEDUCTION ALLOWED FOR UNUSED CREDIT.—Section 196(c) is amended by adding at the end the following new subsection:

''(d) DEDUCTION ALLOWED FOR CELLULOSIC BIOFUEL PRODUCTION CREDIT.—

''(1) IN GENERAL.—If any portion of the credit allowed under section 30D for any taxable year has not, after the application of section 30D(d), been allowed to the taxpayer as a credit under such section for any taxable year, an amount equal to such credit not so allowed shall be allowed to the taxpayer as a deduction for the first taxable year following the last taxable year for which such credit could, under section 30D(e), have been allowed as a credit.

''(2) TAXPAYER'S DYING OR CEASING TO EXIST.—If a taxpayer dies or ceases to exist before the first taxable year following the last taxable year for which the credit could, under section 30D(e), have been allowed as a credit, the amount described in paragraph (1) (or the proper portion thereof) shall, under regulations prescribed by the Secretary, be allowed to the taxpayer as a deduction for the taxable year in which such death or cessation occurs.''.

(c) CONFORMING AMENDMENTS.—

(1)(A) Section 87 is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the cellulosic biofuel production credit determined with respect to the taxpayer under section 30D(a).''.

(B) The heading of section 87 of such Code is amended by striking ''**AND BIODIESEL FUELS CREDITS**'' and inserting ''**, BIODIESEL FUELS,** and **CELLULOSIC BIOFUELS CREDITS**''.

(C) The item relating to section 87 is the table of sections for part II of subchapter B of chapter 1 of such Code is amended by striking ''and biodiesel fuels credits'' and inserting '', biodiesel fuels, and cellulosic biofuels credits''.

(2) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 40A the following new item:

''Sec. 30D. Cellulosic biofuel production.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

SA 3769. Mr. CRAPO (for himself, Mr. BINGAMAN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 334, strike lines 23 through 25 and insert the following:

described in clauses (i) and (ii).'';

(2) in subsection (c), by striking ''2007 calendar'' and inserting ''2012 fiscal''; and

(3) in subsection (d)—

(A) in paragraph (2), by striking ''or'' at the end; and

(B) by striking paragraph (3) and inserting the following:

''(3) a riparian area; or

''(4) a riparian area and an adjacent area that links the riparian area to other parcels of wetland that are protected by wetlands reserve agreements or some other device or circumstance that achieves the same purpose as a wetlands reserve agreement.''.

SA 3770. Mr. CRAPO (for himself, Mr. BINGAMAN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 334, strike lines 23 through 25 and insert the following:

described in clauses (i) and (ii).'';

(2) in subsection (c), by striking ''2007 calendar'' and inserting ''2012 fiscal''; and

(3) in subsection (d)—

(A) in paragraph (2), by striking ''or'' at the end; and

(B) by striking paragraph (3) and inserting the following:

''(3) a riparian area; or

''(4) a riparian area and an adjacent area that links the riparian area to other parcels of wetland that are protected by wetlands reserve agreements or some other device or circumstance that achieves the same purpose as a wetlands reserve agreement.''.

SA 3771. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.__. AGRICULTURAL REGULATORY FLEXIBILITY

Chapter 55 of title 7 is amended by adding following:

''§ 2301 Definitions

For purposes of this chapter—

''(1) the term ''agency'' means an agency as defined in section 551(1) of title 5;

''(2) the term ''agricultural entity'' means any person or entity that has income derived from farming, ranching or forestry operations, the production of crops, livestock, or unfinished raw forestry products; the sale, including the sale of easements and development rights, of farm, ranch, or forestry and or water or hunting rights; the sale of equipment to conduct farm ranch, or forestry operations; the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights; the provision of production inputs and services to farmers, ranchers, and foresters; the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities; the sale of land that has been used for agriculture; and payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007;

''(3) the term ''rule'' means any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of title 5, or any other law, including any rule of general applicability governing Federal grants to State and local governments for which the agency provides an opportunity for notice and public comment, except that the term ''rule'' does not include a rule of particular applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefore or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances;

''(4) the term ''collection of information''—

''(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

''(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, 10 or more persons, other than agencies, instrumentalities, or employees of the United States; or

''(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

''(B) shall not include a collection of information described under section 3518(c)(1) of title 44, United States Code.

''(5) Recordkeeping requirement.—The term ''recordkeeping requirement'' means a requirement imposed by an agency on persons to maintain specified records.

''§ 2302. Agricultural regulatory flexibility agenda

''(a) During the months of October and April of each year, each agency shall publish in the Federal Register an agricultural regulatory flexibility agenda which shall contain—

''(1) a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of agricultural entities;

''(2) a summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for

the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking, and;

''(3) the name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

''(b) Each agricultural regulatory flexibility agenda shall be transmitted to the Chief Counsel for Advocacy of the Department of Agriculture for comment, if any.

''(c) Each agency shall endeavor to provide notice of each agricultural regulatory flexibility agenda to agricultural entities or their representatives through direct notification or publication of the agenda in publications likely to be obtained by such agricultural entities and shall invite comments upon each subject area on the agenda.

''(d) Nothing in this section precludes an agency from considering or acting on any matter not included in an agricultural regulatory flexibility agenda, or requires an agency to consider or act on any .matter listed in such agenda.

''§ 2303. Initial agricultural regulatory flexibility analysis

''(a) Whenever an agency is required by section 553 of title 5, or any other law, to publish general notice of proposed rulemaking for any proposed rule, or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, the agency shall prepare and make available for public comment an initial agricultural regulatory flexibility analysis. Such analysis shall describe the impact of the proposed rule on agricultural entities. The initial agricultural regulatory flexibility analysis or a summary shall be published in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule. The agency shall transmit a copy of the initial agricultural regulatory flexibility analysis to the Chief Counsel for Advocacy of the Department of Agriculture. In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules published in the Federal Register for codification in the Code of Federal Regulations, but only to the extent that such interpretative rules impose on agricultural entities a collection of information requirement.

''(b) Each initial agricultural regulatory flexibility analysis required under this section shall contain—

''(1) a description of the reasons why action by the agency is being considered;

''(2) a succinct statement of the objectives of, and legal basis for, the proposed rule;

''(3) a description of and, where feasible, an estimate of the number of agricultural entities to which the proposed rule will apply;

''(4) a description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of agricultural entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record;

''(5) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap or conflict with the proposed rule.

''(c) Each initial agricultural regulatory flexibility analysis shall also contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on agricultural entities. Consistent with the stated objectives of applicable statutes, the analysis shall discuss significant alternatives such as—

''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to agricultural entities;

''(2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such agricultural entities;

''(3) the use of performance rather than design standards; and

''(4) an exemption from coverage of the rule, or any part thereof, for such agricultural entities.

''§ 2304. Final agricultural regulatory flexibility analysis

''(a) When an agency promulgates a final rule under section 553 of title 5, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States as described in section 103(a), the agency shall prepare a final agricultural regulatory flexibility analysis. Each final agricultural regulatory flexibility analysis shall contain—

''(1) a succinct statement of the need for, and objectives of, the rule;

''(2) a summary of the significant issues raised by the public comments in response to the initial agricultural regulatory flexibility analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments;

''(3) a description of and an estimate of the number of agricultural entities to which the rule will apply or an explanation of why no such estimate is available;

''(4) a description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of agricultural entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

''(5) a description of the steps the agency has taken to minimize the significant economic impact on agricultural entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on agricultural entities was rejected.

''(b) The agency shall make copies of the final agricultural regulatory flexibility analysis available to members of the public and shall publish in the Federal Register such analysis or a summary thereof.

''§ 2305. Avoidance of duplicative or unnecessary analysis

''(a) Any Federal agency may perform the analyses required by sections 102, 103, and 104 of this chapter in conjunction with or as a part of any other agenda or analysis required by any other law if such other analysis satisfies the provisions of such sections.

''(b) Sections 103 and 104 of this chapter shall not apply to any proposed or final rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of agricultural entities. If the head of the agency makes a certification under the preceding sentence, the agency shall publish such certification in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule or at the time of publication of the final rule, along with a statement providing the factual basis for such certification. The agency shall provide such certification and statement to the Chief Counsel for Advocacy of the Department of Agriculture.

''(c) In order to avoid duplicative action, an agency may consider a series of closely related rules as one rule for the purposes of sections 102, 103, 104 and 110 of this chapter.

''§ 2306. Effect on other law

The requirements of sections 103 and 104 of this chapter do not alter in any manner standards otherwise applicable by law to agency action.

''§ 2307. Preparation of analyses

''In complying with the provisions of sections 103 and 104 of this chapter, an agency may provide either a quantifiable or numerical description of the effects of a proposed rule or alternatives to the proposed rule, or more general descriptive statements if quantification is not practicable or reliable.

''§ 2308. Procedure for waiver or delay of completion

''(a) An agency head may waive or delay the completion of some or all of the requirements of section 103 of this chapter by publishing in the Federal Register, not later than the date of publication of the final rule, a written finding, with reasons therefore, that the final rule is being promulgated in response to an emergency that makes compliance or timely compliance with the provisions of section 103 of this chapter impracticable.

''(b) Except as provided in section 105(b), an agency head may not waive the requirements of section 104 of this chapter. An agency head may delay the completion of the requirements of section 104 of this chapter for a period of not more than one hundred and eighty days after the date of publication in the Federal Register of a final rule by publishing in the Federal Register, not later than such date of publication, a written finding, with reasons therefore, that the final rule is being promulgated in response to an emergency that makes timely compliance with the provisions of section 104 of this chapter impracticable. If the agency has not prepared a final agricultural regulatory analysis pursuant to section 104 of this chapter within one hundred and eighty days from the date of publication of the final rule, such rule shall lapse and have no effect. Such rule shall not be repromulgated until a final regulatory flexibility analysis has been completed by the agency.

''§ 2309. Procedures for gathering comments

''(a) When any rule is promulgated which will have a significant economic impact on a substantial number of agricultural entities, the head of the agency promulgating the rule or the official of the agency with statutory responsibility for the promulgation of the rule shall assure that agricultural entities have been given an opportunity to participate in the rulemaking for the rule through the rational use of techniques such as—

''(1) the inclusion in an advanced notice of proposed rulemaking, if issued, of a statement that the proposed rule may have a significant economic effect on a substantial number of agricultural entities;

''(2) the publication of general notice of proposed rulemaking in publications likely to be obtained by agricultural entities;

''(3) the direct notification of interested agricultural entities;

''(4) the conduct of open conferences or public hearings concerning the rule for agricultural entities including soliciting and receiving comments over computer networks; and

''(5) the adoption or modification of agency procedural rules to reduce the cost or complexity of participation in the rulemaking by agricultural entities.

''(b) Prior to publication of an initial agricultural regulatory flexibility analysis which a covered agency is required to conduct by this chapter—

''(1) a covered agency shall notify the Chief Counsel for Advocacy of the Department of Agriculture and provide the Chief Counsel with information on the potential impacts of the proposed rule on agricultural entities that might be affected;

''(2) not later than 15 days after the date of receipt of the materials described in paragraph (1), the Chief Counsel shall identify individuals representative of affected agricultural entities for the purpose of obtaining advice and recommendations from those individuals about the potential impacts of the proposed rule;

''(3) the agency shall convene a review panel for such rule consisting wholly of full time Federal employees of the office within the agency responsible for carrying out the proposed rule, the Office of Information and Regulatory Affairs within the Office of Management and Budget, and the Chief Counsel;

''(4) the panel shall review any material the agency has prepared in connection with this chapter, including any draft proposed rule, collect advice and recommendations of each individual agricultural entity representative identified by the agency after consultation with the Chief Counsel, on issues related to subsections 103(b), paragraphs (3), (4) and (5) and 103(c);

''(5) not later than 60 days after the date a covered agency convenes a review panel pursuant to paragraph (3), the review panel shall report on the comments of the agricultural entity representatives and its findings as to issues related to subsections 103(b), paragraphs (3), (4) and (5) and 103(c), provided that such report shall be made public as part of the rulemaking record; and

''(6) where appropriate, the agency shall modify the proposed rule, the initial agricultural flexibility analysis or the decision on whether an initial flexibility analysis is required.

''(c) An agency may in its discretion apply subsection (b) to rules that the agency intends to certify under subsection 105(b), but the agency believes may have a greater than de minimis impact on a substantial number of agricultural entities.

''(d) For purposes of this section, the term ''covered agency'' means the Environmental Protection Agency and the Department of the Interior and its agencies.

''(e) The Chief Counsel for Advocacy, in consultation with the individuals identified in subsection (b)(2), and with the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget, may waive the requirements of subsections (b)(3), (b)(4), and (b)(5) by including in the rulemaking record a written finding, with reasons therefor, that those requirements would not advance the effective participation of agricultural entities in the rulemaking process. For purposes of this subsection, the factors to be considered in making such a finding are as follows:

''(1) In developing a proposed rule, the extent to which the covered agency consulted with individuals representative of affected agricultural entities with respect to the potential impacts of the rule and took such concerns into consideration.

''(2) Special circumstances requiring prompt issuance of the rule.

''(3) Whether the requirements of subsection (b) would provide the individuals identified in subsection (b)(2) with a competitive advantage relative to other agricultural entities.

''§ 2310. Periodic review of rules

''(a) Within one hundred and eighty days after the effective date of this chapter, each agency shall publish in the Federal Register a plan for the periodic review of the rules issued by the agency which have or will have a significant economic impact upon a substantial number of agricultural entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such agricultural entities. The plan shall provide for the review of all such agency rules existing on the effective date of this chapter within ten years of that date and for the review of such rules adopted after the effective date of this chapter within ten years of the publication of such rules as the final rule. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, he shall so certify in a statement published in the Federal Register and may extend the completion date by one year at a time for a total of not more than five years.

''(b) In reviewing rules to minimize any significant economic impact of the rule on a substantial number of agricultural entities in a manner consistent with the stated objectives of applicable statutes, the agency shall consider the following factors—

''(1) the continued need for the rule;

''(2) the nature of complaints or comments received concerning the rule from the public;

''(3) the complexity of the rule;

''(4) the extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

''(5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

''(c) Each year, each agency shall publish in the Federal Register a list of the rules which have a significant economic impact on a substantial number of agricultural entities, which are to be reviewed pursuant to this section during the succeeding twelve months. The list shall include a brief description of each rule and the need for and legal basis of such rule and shall invite public comment upon the rule.

''§ 2311. Judicial review

''(a)(1) For any rule subject to this chapter, an agricultural entity that is adversely affected or aggrieved by final agency action is entitled to judicial review of agency compliance with the requirements of sections 101, 104, 105(b), 108(b), and 110 in accordance with chapter 7 of title 5. Agency compliance with sections 107 and 109(a) shall be judicially reviewable in connection with judicial review of section 104.

''(2) Each court having jurisdiction to review such rule for compliance with section 553, or under any other provision of law, shall have jurisdiction to review any claims of noncompliance with sections 101, 104, 105(b), 108(b) and 110 in accordance with chapter 7. Agency compliance with sections 107 and 109(a) shall be judicially reviewable in connection with judicial review of section 104.

''(3)(A) An agricultural entity may seek such review during the period beginning on the date of final agency action and ending one year later, except that where a provision of law requires that an action challenging a final agency action be commenced before the expiration of one year, such lesser period shall apply to an action for judicial review under this section.

''(B) In the case where an agency delays the issuance of a final agricultural flexibility analysis pursuant to section 108(b) of this chapter, an action for judicial review under this section shall be filed not later than—

''(i) one year after the date the analysis is made available to the public, or

''(ii) where a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the 1–year period, the number of days specified in such provision of law that is after the date the analysis is made available to the public.

'(4) In granting any relief in an action under this section, the court shall order the agency to take corrective action consistent with this chapter and chapter 7 of title 5, including, but not limited to—

''(A) remanding the rule to the agency, and

''(B) deferring the enforcement of the rule against agricultural entities unless the court finds that continued enforcement of the rule is in the public interest.

''(5) Nothing in this subsection shall be construed to limit the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law or to grant any other relief in addition to the requirements of this section.

''(b) In an action for the judicial review of a rule, the agricultural flexibility analysis for such rule, including an analysis prepared or corrected pursuant to paragraph (a)(4), shall constitute part of the entire record of agency action in connection with such review.

''(c) Compliance or noncompliance by an agency with the provisions of this chapter shall be subject to judicial review only in accordance with this section.

''(d) Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise permitted by law.

''§ 2312. Reports and intervention rights

''(a) The Chief Counsel for Advocacy of the Department of Agriculture shall monitor agency compliance with this chapter and shall report at least annually thereon to the President and to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry.

''(b) The Chief Counsel for Advocacy of the Department of Agriculture is authorized to appear as amicus curiae in any action brought in a court of the United States to review a rule. In any such action, the Chief Counsel is authorized to present his or her views with respect to compliance with this chapter, the adequacy of the rulemaking record with respect to agricultural entities and the effect of the rule on agricultural entities.

''(c) A court of the United States shall grant the application of the Chief

Counsel for Advocacy of the Department of Agriculture to appear in any such action for the purposes described in subsection (b).

''§ 2313. Creation of USDA Office of Advocacy within Department of Agriculture; Chief Counsel for Agricultural Advocacy

There is established within the Department of Agriculture a USDA Office of Advocacy. The management of the Office shall be vested in a Chief Counsel for Advocacy who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

''§ 2314. Primary functions of USDA Office of Advocacy

The primary functions of the USDA Office of Advocacy shall be to—

''(1) measure the direct costs and other effects of government regulation on agricultural entities; and make legislative and nonlegislative proposals for eliminating excessive or unnecessary regulations of agricultural entities;

''(2) study the ability of financial markets and institutions to meet agricultural entity credit needs and determine the impact of government demands for credit on agricultural entities;

''(3) recommend specific measures for creating an environment in which all agricultural entities will have the opportunity to compete effectively and expand to their full potential, and to ascertain the common reasons, if any, for agricultural entity successes and failures;

''(4) evaluate the efforts of each department and agency of the United States, and of private industry, to assist agricultural entities owned and controlled by veterans, and agricultural entities concerns owned and controlled by serviced-disabled veterans and to provide statistical information on the utilization of such programs by such agricultural entities, and to make appropriate recommendations to the Secretary of Agriculture and to the Congress in order to promote the establishment and growth of those agricultural entities.

''§ 2315. Additional duties of USDA Office of Advocacy

The USDA Office of Advocacy shall also perform the following duties on a continuing basis:

''(1) serve as a focal point for the receipt of complaints, criticisms, and suggestions concerning the policies and activities of the Administration and any other Federal agency which affects agricultural entities;

''(2) counsel agricultural entities on how to resolve questions and problems concerning the relationship of the agricultural entity to the Federal Government;

''(3) develop proposals for changes in the policies and activities of any agency of the Federal Government which will better fulfill the purposes of agricultural entities and communicate such proposals to the appropriate Federal agencies;

''(4) represent the views and interests of agricultural entities before other Federal agencies whose policies and activities may affect agricultural entities; and

''(5) enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about the programs and services provided by the Federal Government which are of benefit to agricultural entities, and information on how agricultural entities can participate in or make use of such programs and services.

SA 3772. Mr. HARKIN (for himself, Mr. SMITH, Mr. BINGAMAN, Mrs. BOXER, Mr. DOMENICI, Mr. CARDIN, Mr. ALLARD, Mr. SESSIONS, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 461, strike line 24 and all that follows through page 474, line 25, and insert the following:

''(f) PARTNERSHIPS AND COOPERATION.—

''(1) IN GENERAL.—In carrying out each program under subtitle D (excluding the wetlands reserve program and the conservation reserve program), the Secretary may designate special projects to enhance assistance provided to multiple producers to address conservation issues relating to agricultural and nonindustrial private forest management and production, if recommended by the applicable State Conservationist, in consultation with the State technical committee.

''(2) PURPOSES.—The purposes of special projects carried out under this subsection shall be to achieve local, statewide, or regional conservation objectives by—

''(A) encouraging producers to cooperate in the installation and maintenance of conservation practices that affect multiple agricultural operations;

''(B) encouraging producers to cooperate in meeting applicable Federal, State, and local regulatory requirements regarding natural resources and the environment;

''(C) encouraging producers to share information and technical and financial resources;

''(D) facilitating cumulative conservation benefits in geographic areas;

''(E) promoting the development and demonstration of innovative conservation methods; and

''(F) seeking opportunities to simultaneously advance—

''(i) the conservation of natural resources; and

''(ii) the community development and economic conditions of agricultural areas.

''(3) ELIGIBLE PARTNERS.—State and local government entities (including irrigation and water districts and canal companies), Indian tribes, farmer cooperatives, institutions of higher education, nongovernmental organizations, and producer associations shall be eligible to apply under this subsection.

''(4) SPECIAL PROJECT APPLICATION.—To apply for designation as a special project under paragraph (1), partners shall submit an application to the Secretary that includes—

''(A) a description of the geographic area, the current conditions, the conservation objectives to be achieved through the special project, and the expected level of participation by agricultural and nonindustrial private forest landowners;

''(B) a description of the partners collaborating to achieve the project objectives and the roles, responsibilities, and capabilities of the partners;

''(C) a description of the program resources from 1 or more programs under subtitle D that are requested from the Secretary, in relevant units, and the non-Federal resources that will be leveraged by the Federal contribution;

''(D) a description of—

''(i) any proposed program adjustment described in paragraph (5)(D)(ii); and

''(ii) the means by which each proposed program adjustment will accelerate the achievement of environmental benefits;

''(E) a description of the plan for monitoring, evaluating, and reporting on any progress made towards achieving the purposes of the special project; and

''(F) such other information as the Secretary considers necessary.

''(5) DUTIES OF THE SECRETARY.—

''(A) IN GENERAL.—The Secretary shall enter into multiyear agreements with partners to facilitate the delivery of conservation program resources in a manner to achieve the purposes described in paragraph (2).

''(B) PROJECT SELECTION.—

''(i) IN GENERAL.—The Secretary shall conduct a competitive process to select projects funded under this subsection.

''(ii) FACTORS CONSIDERED.—In conducting the process described in clause (i), the Secretary shall make public factors to be considered in evaluating applications.

''(iii) PRIORITY.—The Secretary may give priority to applications based on—

''(I) the highest percentage of producers involved, and the inclusion of the highest percentage of working agricultural land in the area;

''(II) the highest percentage of on-the-ground conservation to be implemented;

''(III) non-Federal resources to be leveraged;

''(IV) cost-effectiveness;

''(V) the highest likelihood of achieving project goals and objectives;

''(VI) innovation in conservation methods and delivery, including outcome-based performance measures and methods;

''(VII) innovation in linking conservation and community development objectives; and

''(VIII) other factors, as determined by the Secretary.

''(C) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary and partners shall provide appropriate technical and financial assistance to producers participating in a special project in an amount determined by the Secretary to be necessary to achieve the purposes described in paragraph (2).

''(D) ADMINISTRATION.—

''(i) IN GENERAL.—The Secretary shall ensure that resources made available under this subsection are delivered in accordance with applicable program rules relating to basic program functions, including appeals, payment limitations, and conservation compliance.

''(ii) FLEXIBILITY.—The Secretary may adjust elements of the programs under this title to better reflect unique local circumstances and purposes, if the Secretary determines that such adjustments are necessary to achieve the purposes of this subsection.

''(iii) ADDITIONAL REQUIREMENTS.—The Secretary may establish additional requirements beyond applicable program rules in order to effectively implement this subsection.

''(6) SPECIAL RULES APPLICABLE TO REGIONAL WATER ENHANCEMENT PROJECTS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ELIGIBLE PARTNER.—The term 'eligible partner' means—

''(I) an eligible partner identified in paragraph (3); and

''(II) a water or wastewater agency of a State.

''(ii) ELIGIBLE PROJECT.—

''(I) IN GENERAL.—The term 'eligible project' means a project that is specifically targeted to improve water quality or quantity in an area.

''(II) INCLUSIONS.—The term 'eligible project' includes a project that involves—

''(aa) resource condition assessment and modeling;

''(bb) water quality, water quantity, or water conservation plan development;

''(cc) management system and environmental monitoring and evaluation;

''(dd) cost-share restoration or enhancement;

''(ee) incentive payments for land management practices;

''(ff) easement purchases;

''(gg) conservation contracts with landowners;

''(hh) improved irrigation systems;

''(ii) water banking and other forms of water transactions;

''(jj) groundwater recharge;

''(kk) stormwater capture; and

''(ll) other water-related activities that the Secretary determines will help to achieve the water quality or water quantity benefits identified in the agreement in subparagraph (E) on land described in paragraph (1).

''(B) REGIONAL WATER ENHANCEMENT PROCEDURES.—With respect to proposals for eligible projects by eligible partners, the Secretary shall establish specific procedures (to be known collectively as 'regional water enhancement procedures') in accordance with this paragraph.

''(C) MEANS.—Regional water enhancement activities in a particular region shall be carried out through a combination of—

''(i) multiyear agreements between the Secretary and eligible partners;

''(ii) other regional water enhancement activities carried out by the Secretary; and

''(iii) regional water enhancement activities carried out by eligible partners through other means.

''(D) MULTIYEAR AGREEMENTS WITH ELIGIBLE PARTNERS.—

''(i) SOLICITATION OF PROPOSALS.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall invite prospective eligible partners to submit proposals for regional water enhancement projects.

''(ii) ELEMENTS OF PROPOSALS.—To be eligible for consideration for participation in the program, a proposal submitted by an eligible partner shall include—

''(I) identification of the exact geographic area for which the partnership is proposed, which may be based on—

''(aa) a watershed (or portion of a watershed);

''(bb) an irrigation, water, or drainage district;

''(cc) the service area of an irrigation water delivery entity; or

''(dd) some other geographic area with characteristics that make the area suitable for landscape-wide program implementation;

''(II) identification of the water quality or water quantity issues that are of concern in the area;

''(III) a method for determining a baseline assessment of water quality, water quantity, and other related resource conditions in the region;

''(IV) a detailed description of the proposed water quality or water quantity improvement activities to be undertaken in the area, including an estimated timeline and program resources for every activity; and

''(V) a description of the performance measures to be used to gauge the effectiveness of the water quality or water quantity improvement activities.

''(iii) SELECTION OF PROPOSALS.—The Secretary shall award multiyear agreements competitively, with priority given, as determined by the Secretary, to selecting proposals that—

''(I) have the highest likelihood of improving the water quality or quantity issues of concern for the area;

''(II) involve multiple stakeholders and will ensure the highest level of participation by producers and landowners in the area through performance incentives to encourage adoption of specific practices in specific locations;

''(III) will result in the inclusion of the highest percentage of working agricultural land in the area;

''(IV) will result in the highest percentage of on-the-ground activities as compared to administrative costs;

''(V) will provide the greatest contribution to sustaining or enhancing agricultural or silvicultural production in the area; and

''(VI) include performance measures that will allow post-activity conditions to be satisfactorily measured to gauge overall effectiveness.

''(iv) IDENTIFICATION OF WATER QUALITY AND WATER QUANTITY PRIORITY AREAS.—

''(I) IN GENERAL.—Subject to subclause (II), the Secretary shall identify areas in which protecting or improving water quality or water quantity is a priority.

''(II) MANDATORY INCLUSIONS.—The Secretary shall include in any identification of areas under subclause (I)—

''(aa) the Chesapeake Bay;

''(bb) the Upper Mississippi River basin;

''(cc) the greater Everglades ecosystem;

''(dd) the Klamath River basin;

''(ee) the Sacramento/San Joaquin River watershed;

''(ff) the Mobile River basin;

''(gg) the Puget Sound; and

''(hh) the Ogallala Aquifer.

''(III) FUNDING.—The Secretary shall reserve for use in areas identified under this clause not more than 50 percent of amounts made available for regional water enhancement activities under this paragraph.

''(E) AGREEMENTS.—Not later than 30 days after the date on which the Secretary awards an agreement under subparagraph (D), the Secretary shall enter into an agreement with the eligible partner that, at a minimum, contains—

''(i) a description of the respective duties and responsibilities of the Secretary and the eligible partner in carrying out the activities in the area; and

''(ii) the criteria that the Secretary will use to evaluate the overall effectiveness of the regional water enhancement activities funded by the multiyear agreement in improving the water quality or quantity conditions of the region relative to the performance measures in the proposal.

''(F) CONTRACTS WITH OTHER PARTIES.—An agreement awarded under subparagraph (D) may provide for the use of third-party providers (including other eligible partners) to undertake specific regional water enhancement activities in a region on a contractual basis with the Secretary or the eligible partner.

''(G) CONSULTATION WITH OTHER AGENCIES.—With respect to areas in which a Federal or State agency is, or will be, undertaking other water quality or quantity-related activities, the Secretary and the eligible partner may consult with the Federal or State agency in order to—

''(i) coordinate activities;

''(ii) avoid duplication; and

''(iii) ensure that water quality or quantity improvements attributable to the other activities are taken into account in the evaluation of the Secretary under subparagraph (E)(ii).

''(H) RELATIONSHIP TO OTHER PROGRAMS.—The Secretary shall ensure that, to the extent that producers and landowners are individually participating in other programs under subtitle D in a region in which a regional water enhancement project is in effect, any improvements to water quality or water quantity attributable to the individual participation are included in the evaluation criteria developed under subparagraph (E)(ii).

''(I) CONSISTENCY WITH STATE LAW.—Any water quality or water quantity improvement activity undertaken under this paragraph shall be consistent with State water laws.

''(7) DURATION.—

''(A) IN GENERAL.—Multiyear agreements under this subsection shall be for a period not to exceed 5 years.

''(B) EARLY TERMINATION.—The Secretary may terminate a multiyear agreement before the end of the agreement if the Secretary determines that performance measures are not being met.

''(8) FUNDING.—

''(A) SET ASIDE.—

''(i) IN GENERAL.—Of the funds provided for each of fiscal years 2008 through 2012 to carry out the conservation programs in subtitle D (excluding the conservation reserve program, the conservation security program, the conservation stewardship program, and the wetlands reserve program), the Secretary shall reserve 10 percent for use for activities under this section.

''(ii) CONSERVATION STEWARDSHIP PROGRAM.—Of the acres allocated for the conservation stewardship program for each of fiscal years 2008 through 2012, the Secretary shall reserve 10 percent for use for activities under this section.

''(B) STATE PROJECTS.—Of the funds and acres allocated to each State in each fiscal year by the Secretary to carry out conservation programs under this subsection, not more than 15 percent may be used by the appropriate State Conservationist to carry out special projects (excluding regional water enhancement projects) that are authorized under this subsection.

''(C) PARTNERS.—Overhead or administrative costs of partners may not be covered by funds provided through this subsection.

''(D) UNUSED FUNDING.—Any funds made available, and any acres reserved, for a fiscal year under subparagraph (A) that are not obligated or enrolled by April 1 of the fiscal year may be used to carry out other activities under conservation programs under subtitle D during the fiscal year in which the funding becomes available.''.

SA 3773. Mr. KOHL (for himself, Ms. SNOWE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE XIII—HOUSING ASSISTANCE COUNCIL

SEC. 13001. SHORT TITLE.

This title may be cited as the ''Housing Assistance Council Authorization Act of 2007''.

SEC. 13002. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by such Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council—

(1) $10,000,000 for fiscal year 2008; and

(2) $15,000,000 for each of fiscal years 2009 and 2010.

SEC. 13003. AUDITS AND REPORTS.

(a) AUDIT.—In any year in which the Housing Assistance Council receives funds under this title, the Comptroller General of the United States shall—

(1) audit the financial transactions and activities of such Council only with respect to such funds so received; and

(2) submit a report detailing such audit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(b) GAO REPORT.—The Comptroller General of the United States shall conduct a

study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative on the use of any funds appropriated to the Housing Assistance Council over the past 10 years.

SEC. 13004. PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES.

None of the funds made available under this title may be used to provide direct housing assistance to any person not lawfully present in the United States.

SEC. 13005. LIMITATION ON USE OF AUTHORIZED AMOUNTS.

None of the amounts authorized by this title may be used to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer.

SA 3774. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4156, making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(d) EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other material to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 3775. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1072, after line 25, add the following:

SEC. 8203. STEWARDSHIP END-RESULT CONTRACTING PROJECTS.

Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

(2) by inserting after subsection (g) the following:

''(h) CANCELLATION OR TERMINATION COSTS.—

''(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary is not required to obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

''(2) FUNDING SOURCES.—The costs of any cancellation or termination of a multiyear stewardship contract described in paragraph (1) may be paid from—

''(A) appropriations originally made available for the performance of the contract concerned;

''(B) appropriations currently available for procurement of the type of service concerned, and not otherwise obligated; or

''(C) funds appropriated for payments for that performance or procurement.

''(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary may—

''(A) seek a supplemental appropriation; or

''(B) request funds from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.''.

On page 1237, strike lines 9 through 18 and insert the following:

''(B)AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.''

SA 3776. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11072. PROHIBITIONS ON DOG FIGHTING VENTURES.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)(1)—

(A) by striking ''any person to knowingly sponsor'' and inserting ''any person—

''(A) to knowingly sponsor'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(B) to knowingly sponsor or exhibit an animal in a dog fighting venture.'';

(2) in subsection (b)—

(A) by striking ''any person to knowingly sell'' and inserting ''any person—

''(1) to knowingly sell'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(2) to knowingly sell, buy, possess, train, transport, deliver, or receive for purposes of transportation, any dog or other animal, for the purposes of having the dog or other animal, or offspring of the dog or other animal, participate in a dog fighting venture.'';

(3) in the last sentence of subsection (f), by striking ''by the United States''; and

(4) in subsection (g)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

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

''(6) the term 'dog fighting venture'—

''(A) means any event that—

''(i) involves a fight between at least 2 animals;

''(ii) includes at least 1 dog; and

''(iii) is conducted for purposes of sport, wagering, or entertainment; and

''(B) does not include any activity the primary purpose of which involves the use of 1 or more animals to hunt another animal; and''.

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended to read as follows:

''§ 49. Enforcement of animal fighting prohibitions

''(a) ANIMAL FIGHTING VENTURES.—Whoever violates subsection (a)(1)(A), (b)(1), (c), or (e) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.

''(b) DOG FIGHTING VENTURES.—Whoever violates subsection (a)(1)(B) or (b)(2) of section 26 of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 5 years, or both, for each violation.''.

SA 3774. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4156, making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(d) EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other material to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 3775. Mr. KYL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1072, after line 25, add the following:

SEC. 8203. STEWARDSHIP END-RESULT CONTRACTING PROJECTS.

Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

(2) by inserting after subsection (g) the following:

''(h) CANCELLATION OR TERMINATION COSTS.—

''(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary is not required to obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

''(2) FUNDING SOURCES.—The costs of any cancellation or termination of a multiyear stewardship contract described in paragraph (1) may be paid from—

''(A) appropriations originally made available for the performance of the contract concerned;

''(B) appropriations currently available for procurement of the type of service concerned, and not otherwise obligated; or

''(C) funds appropriated for payments for that performance or procurement.

''(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary may—

''(A) seek a supplemental appropriation; or

''(B) request funds from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.''.

On page 1237, strike lines 9 through 18 and insert the following:

''(B) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.''

SA 3776. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

SEC. 11072. PROHIBITIONS ON DOG FIGHTING VENTURES.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)(1)—

(A) by striking ''any person to knowingly sponsor'' and inserting ''any person—

''(A) to knowingly sponsor'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(B) to knowingly sponsor or exhibit an animal in a dog fighting venture.'';

(2) in subsection (b)—

(A) by striking ''any person to knowingly sell'' and inserting ''any person—

''(1) to knowingly sell'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(2) to knowingly sell, buy, possess, train, transport, deliver, or receive for purposes of transportation, any dog or other animal, for the purposes of having the dog or other animal, or offspring of the dog or other animal, participate in a dog fighting venture.'';

(3) in the last sentence of subsection (f), by striking ''by the United States''; and

(4) in subsection (g) —

(A) in paragraph (5), by striking ''and'' at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

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

''(6) the term 'dog fighting venture'—

''(A) means any event that—

''(i) involves a fight between at least 2 animals;

''(ii) includes at least 1 dog; and

''(iii) is conducted for purposes of sport, wagering, or entertainment; and

''(B) does not include any activity the primary purpose of which involves the use of 1 or more animals to hunt another animal; and''.

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended to read as follows:

''§ 49. Enforcement of animal fighting prohibitions

''(a) ANIMAL FIGHTING VENTURES.—Whoever violates subsection (a)(1)(A), (b)(1), (c), or (e) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.

''(b) DOG FIGHTING VENTURES.—Whoever violates subsection (a)(1)(B) or (b)(2) of section 26 of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 5 years, or both, for each violation.''.

SA 3777. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3701 submitted by Mr. KYL (for himself and Mr. ALLARD) and intended to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 8203. STEWARDSHIP END-RESULT CONTRACTING PROJECTS.

(a) CANCELLATION OR TERMINATION COSTS.—Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

(2) by inserting after subsection (g) the following:

''(h) CANCELLATION OR TERMINATION COSTS.—

''(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary is not required to obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

''(2) FUNDING SOURCES.—The costs of any cancellation or termination of a multiyear stewardship contract described in paragraph (1) may be paid from—

''(A) appropriations originally made available for the performance of the contract concerned;

''(B) appropriations currently available for procurement of the type of service concerned, and not otherwise obligated; or

''(C) funds appropriated for payments for that performance or procurement.

''(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary may—

''(A) seek a supplemental appropriation; or

''(B) request funds from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.''.

(b) NATIONAL SHEEP AND GOAT INDUSTRY IMPROVEMENT CENTER.—Section 375(e)(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)) (as amended by section 10303(b)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

SA 3778. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3621 submitted by Mr. COLEMAN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike lines 3 through 6 and insert the following:

''(iv)(I) Except as provided in subclause (II), a payment under the environmental quality incentives program established under chapter 4 of subtitle D of title XII.

''(II) The Secretary may grant a waiver for the average adjusted gross income limitation as applied to benefits under subclause (I) and subparagraph (B) to owners of land in agricultural uses if—

''(aa) the highest use land value of the land is at least 100 percent higher than the market value of an agricultural land value appraisal on the same tract of land; and

''(bb) the State conservationist certifies that a qualified appraisal has been carried out on the land, or a similar tract of land, that demonstrates the disparity between the agricultural and development values and certifies that without participation in a conservation program described in subclause (I) or subparagraph (B), the owner of the land would be under significant development pressures that could interfere with the agricultural and conservation uses of the land.

SA 3779. Mr. NELSON of Florida submitted an amendment intended to be

proposed to amendment SA 3559 submitted by Mr. INOUYE (for himself and Mr. AKAKA) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, AND MR. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike lines 7 through 9 of the amendment and insert the following:

operation carried out in the State of Hawaii.

''(4) WAIVER AUTHORITY.—The Secretary may grant a waiver for the average adjusted gross income limitation in paragraph (1)(C) to owners of land in agricultural uses if—

''(A) the highest use land value of the land is at least 100 percent higher than the market value of an agricultural land value appraisal on the same tract of land; and

''(B) the State conservationist certifies that—

''(i) a qualified appraisal has been carried out on the land, or a similar tract of land, that demonstrates the disparity between the agricultural and development values; and

''(ii) without participation in a conservation program described in paragraph (2)(B), the owner of the land would be under significant development pressures that could interfere with the agricultural and conservation uses of the land.

''(5) INCOME DERIVED FROM FARMING, RANCHING, OR FORESTRY OPERATIONS.—In determining

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SA 3780. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3665 submitted by Mr. ENSIGN and intented to be proposed to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike lines 1 through 11 and insert the following:

''(B) CONSERVATION PROGRAMS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, except as provided in clause (ii), an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(ii) WAIVER AUTHORITY.—The Secretary may grant a waiver for the average adjusted gross income limitation in clause (i) to owners of land in agricultural uses if—

''(I) the highest use land value of the land is at least 100 percent higher than the market value of an agricultural land value appraisal on the same tract of land; and

''(II) the State conservationist certifies that—

''(aa) a qualified appraisal has been carried out on the land, or a similar tract of land, that demonstrates the disparity between the agricultural and development values; and

''(bb) without participation in a conservation program described in paragraph (2)(B), the owner of the land would be under significant development pressures that could interfere with the agricultural and conservation uses of the land.

SA 3781. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3645 submitted by Mr. ENSIGN and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, AND MR. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike line 1 and insert the following:

''(B) CONSERVATION PROGRAMS.—

''(i) WAIVER AUTHORITY.—The Secretary may grant a waiver for the average adjusted gross income limitation in clause (ii) to owners of land in agricultural uses if—

''(I) the highest use land value of the land is at least 100 percent higher than the market value of an agricultural land value appraisal on the same tract of land; and

''(II) the State conservationist certifies that—

''(aa) a qualified appraisal has been carried out on the land, or a similar tract of land, that demonstrates the disparity between the agricultural and development values; and

''(bb) without participation in a conservation program described in paragraph (2)(B), the owner of the land would be under significant development pressures that could interfere with the agricultural and conservation uses of the land.

''(ii) LIMITATION.—Not-

SA 3782. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3764 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, AND MR. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(3) EXTENSIONS.—Notwithstanding any other provision of this Act, or an amendment made by this Act—

(A) the authority to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), is extended through September 30, 2017;

(B) the authority to carry out the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), is extended through September 30, 2016;

(C) the authority to carry out the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), is extended through September 30, 2017;

(D) the authority to carry out the program of grants to encourage State initiatives to improve broadband service established under section 6202, is extended through September 30, 2017;

(E) the authority to carry out the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), is extended through September 30, 2014;

(F) the authority to carry out the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), is extended through September 30, 2017;

(G) the authority to carry out the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012; and

(H) the authority to carry out the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012.

SA 3783. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3765 submitted by Ms. KLOBUCHAR (for herself, Mr. DURBIN, and Mr. BROWN) and intended to be proposed to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, AND MR. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(3) EXTENSIONS.—Notwithstanding any other provision of this Act, or an amendment made by this Act—

(A) the authority to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), is extended through September 30, 2017;

(B) the authority to carry out the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), is extended through September 30, 2016;

(C) the authority to carry out the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), is extended through September 30, 2017;

(D) the authority to carry out the program of grants to encourage State initiatives to improve broadband service established under section 6202, is extended through September 30, 2017;

(E) the authority to carry out the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), is extended through September 30, 2014;

(F) the authority to carry out the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), is extended through September 30, 2017;

(G) the authority to carry out the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012; and

(H) the authority to carry out the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 15, 2007, at 9:30 a.m., in open session, to receive testimony on the state of the United States Army.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing.

The hearing will address issues related to the retirement of the Space Shuttle, its remaining missions, the National Aeronautics and Space Administration's, NASA, plans to compensate should they not fulfill all mission requirements on schedule, and other issues facing NASA when the Space Shuttle is retired.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m., in room SD 366 of the Dirksen Senate Office Building, in order to conduct a hearing.

The purpose of the hearing is to receive testimony on S. 2203, a bill to reauthorize the Uranium Enrichment Decontamination and Decommissioning Fund, and for other purposes.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m., in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, ''Legislative Hearing on America's Climate Security Act of 2007, S. 2191.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 2:30 p.m. in order to conduct a hearing on the anti-drug foreign assistance package for Mexico and Central America.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NELSON of Florida. 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 entitled ''Restoring Congressional Intent and Protections under the Americans with Disabilities Act'' November 15, 2007, at 2 p.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. 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 15, 2007, at 10 a.m. in room 226 of the Dirksen Senate Office Building.

Agenda:

I. Bills

S. 2248, Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2007;

S. 352, Sunshine in the Courtroom Act of 2007, (Grassley, Schumer, Leahy, Specter, Graham, Feingold, Cornyn, Durbin);

S. 344, A bill to permit the televising of Supreme Court proceedings, (Specter, Grassley, Durbin, Schumer, Feingold, Cornyn);

S. 1638, Federal Judicial Salary Restoration Act of 2007, (Leahy, Hatch, Feinstein, Graham, Kennedy).

II. Resolutions

S. Res. 366, designating November 2007 as ''National Methamphetamine Awareness Month,'' to increase awareness of methamphetamine abuse, (Baucus, Grassley, Biden, Graham, Schumer);

S. Res. 367, commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall, (Lieberman, Specter, Biden, Brownback, Cardin, Feinstein)

III. Nominations

Joseph N. Laplante to be United States District Judge for the District of New Hampshire; Reed Charles O'Connor to be United States District Judge for the Northern District of Texas, Dallas Division; Thomas D. Schroeder to be United States District Judge for the Middle District of North Carolina; Amul R. Thapar to be United States District Judge for the Eastern District of Kentucky.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Thursday, November 15, 2007, off the Senate Floor in the Reception Room, immediately after the first rollcall vote occurring after 10 a.m. to consider the nomination of Michael W. Hager to be an Assistant Secretary of Veterans Affairs for Human Resources and Management.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 15, 2007, at 2:30 p.m. in order to conduct a business meeting.

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

SPECIAL COMMITTEE ON AGING

Mr, NELSON of Florida. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, November 15, 2007, from 1:30 p.m.–4 p.m. in room SD–G50 of the Dirksen Senate Office Building for the purpose of conducting a hearing.

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

SUBCOMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA AND THE SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia and the Subcommittee on State, Local, and Private Sector Preparedness and Integration be authorized to meet during the session of the Senate on Thursday, November 15, 2007, at 10 a.m. in order to conduct a hearing entitled, ''Not a Matter 'If,' But of 'When': The Status of U.S. Response Following an RDD Attack.''

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

TO AMEND THE HIGHER EDUCATION ACT OF 1965

Mr. MENENDEZ. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2371, introduced earlier today.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2371) to amend the Higher Education Act of 1965 to make technical corrections.

There being no objection, the Senate proceeded to consider the bill.

Mr. MENENDEZ. I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2371) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF UNTAXED INCOME AND BENEFITS.

(a) AMENDMENT.—Section 480(b) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(b)) is amended by striking paragraph (2) and inserting the following:

''(2) The term 'untaxed income and benefits' shall not include—

''(A) the amount of additional child tax credit claimed for Federal income tax purposes;

''(B) welfare benefits, including assistance under a State program funded under part A of title IV of the Social Security Act and aid to dependent children;

''(C) the amount of earned income credit claimed for Federal income tax purposes;

''(D) the amount of credit for Federal tax on special fuels claimed for Federal income tax purposes;

''(E) the amount of foreign income excluded for purposes of Federal income taxes; or

''(F) untaxed social security benefits.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on July 1, 2009.

SEC. 2. INCOME-BASED REPAYMENT FOR MARRIED BORROWERS FILING SEPARATELY.

Section 493C of the Higher Education Act of 1965 (20 U.S.C. 1098e) is amended by adding at the end the following:

''(d) SPECIAL RULE FOR MARRIED BORROWERS FILING SEPARATELY.—In the case of a married borrower who files a separate Federal income tax return, the Secretary shall calculate the amount of the borrower's income-based repayment under this section solely on the basis of the borrower's student loan debt and adjusted gross income.''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

NOMINATION DISCHARGED

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the National Oceanic and Atmosphere Administration nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid on the table; that the Homeland Security Committee be discharged from further consideration of the nomination of Todd Zinser to be inspector general of the Department of Commerce and that he be placed on the calendar; that the President be immediately notified of the Senate's action and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN982 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (57) beginning Michael S. Gallagher, and ending Mark K. Frydrych, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NAMING OF EMANCIPATION HALL

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 1679 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the title of the bill.

The assistant legislative clerk read as follows:

A bill (S. 1679) to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

There being no objection, the Senate proceeded to consider the bill.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

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

The bill (S. 1679) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF GREAT HALL OF THE CAPITOL VISITOR CENTER AS EMANCIPATION HALL.

(a) IN GENERAL.—The great hall of the Capitol Visitor Center shall be known and designated as ''Emancipation Hall'', and any reference to the great hall in any law, rule, or regulation shall be deemed to be a reference to Emancipation Hall.

(b) EFFECTIVE DATE.—This section shall apply on and after the date of the enactment of this Act.

IDENTITY THEFT ENFORCEMENT AND RESTITUTION ACT OF 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 459, S. 2168.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2168) to amend title 18 United States Code to enable increased Federal prosecution of identity theft crimes and to allow for restitution for victims of identity theft.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2168

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 ''Identity Theft Enforcement and Restitution Act of 2007''.

SEC. 2. CRIMINAL RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in the case of an offense under sections 1028(a)(7) or 1028A(a) of this title, pay an amount equal to the value of the time reasonably spent by the victim in an attempt to remediate the intended or actual harm incurred by the victim from the offense.''.

SEC. 3. PREDICATE OFFENSES FOR AGGRAVATED IDENTITY THEFT AND MISUSE OF IDENTIFYING INFORMATION OF ORGANIZATIONS.

(a) IDENTITY THEFT.—Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7), by inserting ''(including an organization as defined in section 18 of this title)'' after ''person''; and

(2) in subsection (d)(7), by inserting ''or other person'' after ''specific individual''.

(b) AGGRAVATED IDENTITY THEFT.—Section 1028A of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting ''(including an organization as defined in section 18 of this title)'' after ''person''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting '', or a conspiracy to commit such a felony violation,'' after ''any offense that is a felony violation'';

(B) by redesignating—

(i) paragraph (11) as paragraph (14);

(ii) paragraphs (8) through (10) as paragraphs (10) through (12), respectively; and

(iii) paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(C) by inserting prior to paragraph (2), as so redesignated, the following:

''(1) section 513 (relating to making, uttering, or possessing counterfeited securities);'';

(D) by inserting after paragraph (8), as so redesignated, the following:

''(9) section 1708 (relating to mail theft);'';

(E) in paragraph (12), as so redesignated, by striking ''; or'' and inserting a semicolon; and

(F) by inserting after paragraph (12), as so redesignated, the following:

''(13) section 7201, 7206, or 7207 of title 26 (relating to tax fraud); or''.

SEC. 4. ENSURING JURISDICTION OVER THE THEFT OF SENSITIVE IDENTITY INFORMATION.

Section 1030(a)(2)(C) of title 18, United States Code, is amended by striking ''if the conduct involved an interstate or foreign communication''.

SEC. 5. MALICIOUS SPYWARE, HACKING AND KEYLOGGERS.

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking ''(A)(i) knowingly'' and inserting ''(A) knowingly'';

(ii) by redesignating clauses (ii) and (iii) as subparagraphs (B) and (C), respectively; and

[(iii) in subparagraph (C), as so redesignated, by striking ''; and'' and inserting a period;**]**

(iii) in subparagraph (C), as so redesignated—

(I) by inserting ''and loss'' after ''damage''; and

(II) by striking ''; and'' and inserting a period;

(2) in subsection (c)—

(A) in paragraph (2)(A), by striking ''(a)(5)(A)(iii),'';

(B) in paragraph (3)(B), by striking ''(a)(5)(A)(iii),'';

(C) by amending paragraph (4) to read as follows:

''(4)(A) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 5 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(B), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

''(I) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(II) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(III) physical injury to any person;

''(IV) a threat to public health or safety;

''(V) damage affecting a computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

''(VI) damage affecting 10 or more protected computers during any 1-year period; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(B) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(A), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused) a harm provided in subclauses (I) through (VI) of subparagraph (A)(i); or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(C) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 20 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subparagraphs (A) or (B) of subsection (a)(5) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(D) a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subsection (a)(5)(C) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(E) if the offender attempts to cause or knowingly or recklessly causes serious bodily injury from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for not more than 20 years, or both;

''(F) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

''(G) a fine under this title, imprisonment for not more than 1 year, or both, for—

''(i) any other offense under subsection (a)(5); or

''(ii) an attempt to commit an offense punishable under this subparagraph.''; and

(D) by striking paragraph (5); and

(3) in subsection (g)—

(A) in the second sentence, by striking ''in clauses (i), (ii), (iii), (iv), or (v) of subsection (a)(5)(B)'' and inserting ''in subclauses (I), (II), (III), ❙(IV), (V), or (VI)❙ *(IV), or (V)* of subsection (c)(4)(A)(i)''; and

(B) in the third sentence, by striking ''subsection (a)(5)(B)(i)'' and inserting ''subsection (c)(4)(A)(i)(I)''.

(b) CONFORMING CHANGES.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking ''1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)'' and inserting ''1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)''.

SEC. 6. CYBER-EXTORTION.

Section 1030(a)(7) of title 18, United States Code, is amended to read as follows:

''(7) with intent to extort from any person any money or other thing of value, transmits in interstate or foreign commerce any communication containing any—

''(A) threat to cause damage to a protected computer;

''(B) threat to obtain information from a protected computer without authorization or in excess of authorization or to impair the confidentiality of information obtained from a protected computer without authorization or by exceeding authorized access; or

''(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;''.

SEC. 7. CONSPIRACY TO COMMIT CYBER-CRIMES.

Section 1030(b) of title 18, United States Code, is amended by inserting ''conspires to commit or'' after ''Whoever''.

SEC. 8. USE OF FULL INTERSTATE AND FOREIGN COMMERCE POWER FOR CRIMINAL PENALTIES.

Section 1030(e)(2)(B) of title 18, United States Code, is amended by inserting ''or affecting'' after ''which is used in''.

SEC. 9. FORFEITURE FOR SECTION 1030 VIOLATIONS.

Section 1030 of title 18, United States Code, is amended by adding at the end the following:

''(i)(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) such person's interest in any personal property that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

''(j) For purposes of subsection (i), the following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(1) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this section, or a conspiracy to violate this section.

''(2) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this section, or a conspiracy to violate this section''.

SEC. 10. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.

(a) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review its guidelines and policy statements applicable to persons convicted of offenses under sections 1028, 1028A, 1030, 2511, and 2701 of title 18, United States Code, and any other relevant provisions of law, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by such guidelines and policy statements.

(b) REQUIREMENTS.—In determining its guidelines and policy statements on the appropriate sentence for the crimes enumerated in subsection (a), the United States Sentencing Commission shall consider the extent to which the guidelines and policy statements may or may not account for the following factors in order to create an effective deterrent to computer crime and the theft or misuse of personally identifiable data:

(1) The level of sophistication and planning involved in such offense.

(2) Whether such offense was committed for purpose of commercial advantage or private financial benefit.

(3) The potential and actual loss resulting from the offense including—

(A) the value of information obtained from a protected computer, regardless of whether the owner was deprived of use of the information; and

(B) where the information obtained constitutes a trade secret or other proprietary information, the cost the victim incurred developing or compiling the information.

(4) Whether the defendant acted with intent to cause either physical or property harm in committing the offense.

(5) The extent to which the offense violated the privacy rights of individuals.

(6) The effect of the offense upon the operations of an agency of the United States Government, or of a State or local government.

(7) Whether the offense involved a computer used by the United States Government, a State, or a local government in furtherance of national defense, national security, or the administration of justice.

(8) Whether the offense was intended to, or had the effect of, significantly interfering with or disrupting a critical infrastructure.

(9) Whether the offense was intended to, or had the effect of, creating a threat to public health or safety, causing injury to any person, or causing death.

(10) Whether the defendant purposefully involved a juvenile in the commission of the offense.

(11) Whether the defendant's intent to cause damage or intent to obtain personal information should be disaggregated and considered separately from the other factors set forth in USSG 2B1.1(b)(14).

(12) Whether the term ''victim'' as used in USSG 2B1.1, should include individuals whose privacy was violated as a result of the offense in addition to individuals who suffered monetary harm as a result of the offense.

(13) Whether the defendant disclosed personal information obtained during the commission of the offense.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(2) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(3) make any conforming changes to the sentencing guidelines; and

(4) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

Mr. LEAHY. Mr. President, I am pleased that the Senate has taken an

important step to combat identity theft and to protect the privacy rights of all Americans by passing the Leahy-Specter Identity Theft Enforcement and Restitution Act of 2007. This bipartisan cyber crime bill will provide new tools to Federal prosecutors to combat identity theft and other computer crimes. Today's prompt action by the Senate brings us one step closer to providing these much-needed tools to Federal prosecutors and investigators who are on the front lines of the battle against identity theft and other cyber crimes.

I thank Senator SPECTER, who has been a valuable partner in combating the growing problem of identity theft for many years, for joining with me to introduce this important privacy bill. I also thank Senators DURBIN, GRASSLEY, SCHUMER, BILL NELSON, INOUYE, STEVENS and FEINSTEIN for joining with us as cosponsors of this important legislation.

I commend Senators BIDEN and HATCH for their important work in this area. I am pleased that several provisions that they have drafted to further strengthen this cyber crime legislation will be included in this bill, and that with those additions, they have also cosponsored it.

Senator SPECTER and I have worked closely with the Department of Justice in crafting this bill and the Leahy-Specter Identity Theft Enforcement and Restitution Act has the strong support of the Department of Justice and the Secret Service. This bill is also supported by a broad coalition of business, high tech and consumer groups, including Microsoft, Consumers Union, the Cyber Security Industry Alliance, the Business Software Alliance, AARP and the Chamber of Commerce.

The Identity Theft Enforcement and Restitution Act takes several important and long overdue steps to protect Americans from the growing and evolving threat of identity theft and other cyber crimes. First, to better protect American consumers, our bill provides the victims of identity theft with the ability to seek restitution in Federal court for the loss of time and money spent restoring their credit and remedying the harms of identity theft, so that identity theft victims can be made whole.

Second, because identity theft schemes are much more sophisticated and cunning in today's digital era, our bill also expands the scope of the Federal identity theft statutes so that the law keeps up with the ingenuity of today's identity thieves. Our bill adds three new crimes—passing counterfeit securities, mail theft, and tax fraud—to the list of predicate offenses for aggravated identity theft. And, in order to better deter this kind of criminal activity, our bill also significantly increases the criminal penalties for these crimes. To address the increasing number of computer hacking crimes that involve computers located within the same State, our bill also eliminates the jurisdictional requirement that a computer's information must be stolen through an interstate or foreign communication in order to federally prosecute this crime.

Our bill also addresses the growing problem of the malicious use of spyware to steal sensitive personal information, by eliminating the requirement that the loss resulting from the damage to a victim's computer must exceed $5,000 in order to federally prosecute this offense. The bill also carefully balances this necessary change with the legitimate need to protect innocent actors from frivolous prosecutions, and clarifies that the elimination of the $5,000 threshold applies only to criminal cases. In addition, our bill addresses the increasing number of cyber attacks on multiple computers, by making it a felony to employ spyware or keyloggers to damage 10 or more computers, regardless of the aggregate amount of damage caused. By making this crime a felony, the bill ensures that the most egregious identity thieves will not escape with minimal punishment under Federal cyber crime laws.

Lastly, our bill strengthens the protections for American businesses, which are more and more becoming the focus of identity thieves, by adding two new causes of action under the cyber extortion statute—threatening to obtain or release information from a protected computer and demanding money in relation to a protected computer—so that this bad conduct can be federally prosecuted. In addition, because a business as well as an individual can be a prime target for identity theft, our bill closes several gaps in the federal identity theft and the aggravated identity theft statutes to ensure that identity thieves who target a small business or a corporation can be prosecuted under these laws. The bill also adds the remedy of civil and criminal forfeiture to the arsenal of tools to combat cyber crime and our bill directs the United States Sentencing Commission to review its guidelines for identity theft and cyber crime offenses.

The Identity Theft Enforcement and Restitution Act is a good, bipartisan measure to help combat the growing threat of identity theft and other cyber crimes to all Americans. Just this week, FBI Director Robert Mueller reminded all Americans that cyber threats will continue to grow as our Nation becomes more dependent upon high technology. This carefully balanced bill protects the privacy rights of American consumers, the interests of business and the legitimate needs of law enforcement. This privacy bill also builds upon our prior efforts to enact comprehensive data privacy legislation. The Leahy-Specter Personal Data Privacy and Security Act, S. 495, which Senator SPECTER and I reintroduced earlier this year, would address the growing dangers of identity theft at its source—lax data security and inadequate breach notification. Protecting the privacy and security of American consumers should be one of the Senate's top legislative priorities and I urge the majority leader to take up that measure at the earliest opportunity.

Again, I thank the bipartisan coalition of Senators who have joined Senator SPECTER and me in supporting this important privacy legislation, as well as the many consumer and business groups that support this bill. I ask unanimous consent that a copy of a support letter that I have received from the Chamber of Commerce regarding this bill be printed in the RECORD.

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

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, November 2, 2007.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, thank you for your leadership on issues related to identity theft and other types of cyber crime. The Chamber strongly supports S. 2168, the ''Identity Theft Enforcement and Restitution Act of 2007,'' and congratulates the Committee on the Judiciary for reporting favorably this important legislation.

The Internet today is a major engine of economic growth for the United States. Unfortunately, accompanying this amazing growth has been the continued rise of malicious cyber activity by very coordinated and clever criminal networks. S. 2168 will go a long way to address this very serious issue by giving law enforcement officials much needed tools and resources to combat these criminals.

Once again, the Chamber appreciates your leadership on these issues, and looks forward to working with the Committee to assure passage of S. 2168 by the full Senate.

Sincerely,

R. BRUCE JOSTEN.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 2168), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2168

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 ''Identity Theft Enforcement and Restitution Act of 2007''.

SEC. 2. CRIMINAL RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in the case of an offense under sections 1028(a)(7) or 1028A(a) of this title, pay an amount equal to the value of the time reasonably spent by the victim in an attempt to remediate the intended or actual harm incurred by the victim from the offense.''.

SEC. 3. PREDICATE OFFENSES FOR AGGRAVATED IDENTITY THEFT AND MISUSE OF IDENTIFYING INFORMATION OF ORGANIZATIONS.

(a) IDENTITY THEFT.—Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7), by inserting ''(including an organization as defined in section 18 of this title)'' after ''person''; and

(2) in subsection (d)(7), by inserting ''or other person'' after ''specific individual''.

(b) AGGRAVATED IDENTITY THEFT.—Section 1028A of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting ''(including an organization as defined in section 18 of this title)'' after ''person''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting '', or a conspiracy to commit such a felony violation,'' after ''any offense that is a felony violation'';

(B) by redesignating—

(i) paragraph (11) as paragraph (14);

(ii) paragraphs (8) through (10) as paragraphs (10) through (12), respectively; and

(iii) paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(C) by inserting prior to paragraph (2), as so redesignated, the following:

''(1) section 513 (relating to making, uttering, or possessing counterfeited securities);'';

(D) by inserting after paragraph (8), as so redesignated, the following:

''(9) section 1708 (relating to mail theft);'';

(E) in paragraph (12), as so redesignated, by striking ''; or'' and inserting a semicolon; and

(F) by inserting after paragraph (12), as so redesignated, the following:

''(13) section 7201, 7206, or 7207 of title 26 (relating to tax fraud); or''.

SEC. 4. ENSURING JURISDICTION OVER THE THEFT OF SENSITIVE IDENTITY INFORMATION.

Section 1030(a)(2)(C) of title 18, United States Code, is amended by striking ''if the conduct involved an interstate or foreign communication''.

SEC. 5. MALICIOUS SPYWARE, HACKING AND KEYLOGGERS.

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking ''(A)(i) knowingly'' and inserting ''(A) knowingly'';

(ii) by redesignating clauses (ii) and (iii) as subparagraphs (B) and (C), respectively; and

(iii) in subparagraph (C), as so redesignated—

(I) by inserting ''and loss'' after ''damage''; and

(II) by striking ''; and'' and inserting a period;

(2) in subsection (c)—

(A) in paragraph (2)(A), by striking ''(a)(5)(A)(iii),'';

(B) in paragraph (3)(B), by striking ''(a)(5)(A)(iii),'';

(C) by amending paragraph (4) to read as follows:

''(4)(A) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 5 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(B), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

''(I) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(II) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(III) physical injury to any person;

''(IV) a threat to public health or safety;

''(V) damage affecting a computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

''(VI) damage affecting 10 or more protected computers during any 1-year period; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(B) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(A), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused) a harm provided in subclauses (I) through (VI) of subparagraph (A)(i); or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(C) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 20 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subparagraphs (A) or (B) of subsection (a)(5) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(D) a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subsection (a)(5)(C) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(E) if the offender attempts to cause or knowingly or recklessly causes serious bodily injury from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for not more than 20 years, or both;

''(F) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

''(G) a fine under this title, imprisonment for not more than 1 year, or both, for—

''(i) any other offense under subsection (a)(5); or

''(ii) an attempt to commit an offense punishable under this subparagraph.''; and

(D) by striking paragraph (5); and

(3) in subsection (g)—

(A) in the second sentence, by striking ''in clauses (i), (ii), (iii), (iv), or (v) of subsection (a)(5)(B)'' and inserting ''in subclauses (I), (II), (III), (IV), or (V) of subsection (c)(4)(A)(i)''; and

(B) in the third sentence, by striking ''subsection (a)(5)(B)(i)'' and inserting ''subsection (c)(4)(A)(i)(I)''.

(b) CONFORMING CHANGES.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking ''1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)'' and inserting ''1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)''.

SEC. 6. CYBER-EXTORTION.

Section 1030(a)(7) of title 18, United States Code, is amended to read as follows:

''(7) with intent to extort from any person any money or other thing of value, transmits in interstate or foreign commerce any communication containing any—

''(A) threat to cause damage to a protected computer;

''(B) threat to obtain information from a protected computer without authorization or in excess of authorization or to impair the confidentiality of information obtained from a protected computer without authorization or by exceeding authorized access; or

''(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;''.

SEC. 7. CONSPIRACY TO COMMIT CYBER-CRIMES.

Section 1030(b) of title 18, United States Code, is amended by inserting ''conspires to commit or'' after ''Whoever''.

SEC. 8. USE OF FULL INTERSTATE AND FOREIGN COMMERCE POWER FOR CRIMINAL PENALTIES.

Section 1030(e)(2)(B) of title 18, United States Code, is amended by inserting ''or affecting'' after ''which is used in''.

SEC. 9. FORFEITURE FOR SECTION 1030 VIOLATIONS.

Section 1030 of title 18, United States Code, is amended by adding at the end the following:

''(i)(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) such person's interest in any personal property that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

''(j) For purposes of subsection (i), the following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(1) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this section, or a conspiracy to violate this section.

''(2) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this section, or a conspiracy to violate this section''.

SEC. 10. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.

(a) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review its guidelines and policy statements applicable to persons convicted of offenses under sections 1028, 1028A, 1030, 2511, and 2701 of title 18, United States Code, and any other relevant provisions of law, in order

to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by such guidelines and policy statements.

(b) REQUIREMENTS.—In determining its guidelines and policy statements on the appropriate sentence for the crimes enumerated in subsection (a), the United States Sentencing Commission shall consider the extent to which the guidelines and policy statements may or may not account for the following factors in order to create an effective deterrent to computer crime and the theft or misuse of personally identifiable data:

(1) The level of sophistication and planning involved in such offense.

(2) Whether such offense was committed for purpose of commercial advantage or private financial benefit.

(3) The potential and actual loss resulting from the offense including—

(A) the value of information obtained from a protected computer, regardless of whether the owner was deprived of use of the information; and

(B) where the information obtained constitutes a trade secret or other proprietary information, the cost the victim incurred developing or compiling the information.

(4) Whether the defendant acted with intent to cause either physical or property harm in committing the offense.

(5) The extent to which the offense violated the privacy rights of individuals.

(6) The effect of the offense upon the operations of an agency of the United States Government, or of a State or local government.

(7) Whether the offense involved a computer used by the United States Government, a State, or a local government in furtherance of national defense, national security, or the administration of justice.

(8) Whether the offense was intended to, or had the effect of, significantly interfering with or disrupting a critical infrastructure.

(9) Whether the offense was intended to, or had the effect of, creating a threat to public health or safety, causing injury to any person, or causing death.

(10) Whether the defendant purposefully involved a juvenile in the commission of the offense.

(11) Whether the defendant's intent to cause damage or intent to obtain personal information should be disaggregated and considered separately from the other factors set forth in USSG 2B1.1(b)(14).

(12) Whether the term ''victim'' as used in USSG 2B1.1, should include individuals whose privacy was violated as a result of the offense in addition to individuals who suffered monetary harm as a result of the offense.

(13) Whether the defendant disclosed personal information obtained during the commission of the offense.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(2) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(3) make any conforming changes to the sentencing guidelines; and

(4) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SUPPORTING THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 384, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 384) expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

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

Ms. LANDRIEU. Mr. President, I rise today in honor of National Adoption Day and National Adoption Month. Senator COLEMAN and I understand that later today the Senate will consider our resolution recognizing National Adoption Day and National Adoption Month.

Every child should have a loving and permanent family. The Hague Convention recognizes ''that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.'' Unfortunately, not all children have a family of their own. However, through adoption a child can have a ''forever family.''

President Bush has recognized the importance of adoption to children and our Nation. Thus, he has declared November to be National Adoption Month. Nearly half of all Americans have been touched by adoption.

In 2002, 151,332 children found ''forever families,'' a significant increase from 119,766 in 1996. 21,063 of these children were born in another country and adopted by American families. Public agency adoptions have more than doubled since 1995. The National Council for Adoption attributes the increase ''in part to the Adoption and Safe Families Act of 1997's Adoption Incentive Program, which awards financial incentives to States for placing foster children into adoptive homes.'' Seven States: Arizona, Hawaii, Iowa, Kentucky, North Carolina, Oklahoma, and Wyoming, quadrupled the annual number of public agency adoptions from 1995 to 2005. Over 7,000 children who are part of the public child welfare system are adopted every year in California, which is the highest number of all 50 States. However, only 10 percent of the 513,000 children in foster care will ever be adopted.

National Adoption Day occurs on November 17 as a part of National Adoption Month. National Adoption Day is an event to raise awareness of the 114,000 children in foster care who are waiting for permanent families. Since the first National Adoption Day in 2000, nearly 17,000 children have joined ''forever families'' on this special day. This year we hope to have events in all 50 States, the District of Columbia, and Puerto Rico. Over 190 events in 48 States, the District of Columbia, and Puerto Rico are planned for this Saturday to finalize the adoption of over 3,000 foster children and youth.

I want you to picture what happens on this fall day, children running, laughing, and playing with their new parent. Think about a girl or boy planning their special outfit and joyously awaiting the family celebration. Imagine the excitement welling up inside of a child as she looks into her new parent's eyes and knows she is finally part of a family. She will never dread the sound of a car coming to take her away again or wonder where she will lay her head or which school she will be moved to.

Now picture the other dramatically different reality. In 2005, there were 514,000 children in foster care and 115,000 of them were waiting to be adopted. The following States have the largest number of children in their foster care system: California, Florida, Michigan, New York, Pennsylvania, and Texas. Between fiscal years 2000 and 2005, States made progress in reducing the number of children in their foster care systems, such as Illinois, 34 percent reduction, and New York, 35 percent reduction. These children have not had the luxury of their own room, a stable school environment, or a constant adult in their lives. Though the average percentage of children in foster care who are waiting to be adopted is 24 percent, some States have percentages as low as 5 percent,—California—and as high as 38 percent—New Jersey and South Carolina.

Of the 52,000 foster children who were adopted, 60 percent of them were adopted by their foster parents. According to a recent survey by the Dave Thomas Foundation for Adoption, many potential adoptive parents have considered foster care adoption, but ''a majority of Americans hold misperceptions about the foster care adoption process and the children who are eligible for adoption. For example, ''two-thirds of those considering foster care adoption are unnecessarily concerned that biological parents can return to claim their children and nearly half of all Americans mistakenly believe that foster care adoption is expensive, when in reality adopting from foster care is without substantial cost.''

In Louisiana there are 4,541 children in foster care and 1,162 of them are waiting to be adopted. I would like to tell you about some of the foster children in Louisiana who are looking for their ''forever families.''

Natalyia is a cute, outgoing and loveable 8-year-old who is bright and energetic. She is in the second grade and she is an above average student. She loves to read books, ride her bike, complete crossword puzzles, and play

with her dolls. Natalyia has been in foster care since November 2001. The average length of time a child spends in foster care is over 2 years.

Most foster children entered into State custody because their parents were either unable or unwilling to care for them. Not only are children separated from parents, but in many cases, siblings are separated when they are placed in foster care. Terron and Montrell are two brothers in the Louisiana foster care system who would like to be adopted together.

Terron is a handsome, happy 8-year-old in the third grade who is placed in the same foster home with his younger brother, Montrell. Both boys would like to be adopted together, because they share a close bond. Terron responds positively to structure, love, and consistency. He is a caring child who has enjoyed living in a two-parent family. He enjoys soccer, baseball, fishing and any outdoor activity. He wants his new family to know that he likes to eat spaghetti, macaroni, and rice-a-roni. Terron would benefit from a two-parent family that can provide structure as well as stimulation.

Montrell is Terron's brother. He is a very sweet, friendly, and open young boy who responds well to structure and consistency. He is very bonded to his older brother and with time and nurturance can adjust to a new environment. Montrell is a first grader. School is a challenge for him but with patience and redirection, he responds well. Montrell's overall health is good and he is basically a happy little boy. He enjoys riding his bicycle and playing outside. Montrell and Terron would benefit from a 2-parent family that can provide structure as well as stimulation.

Over half the children in foster care are 10 years of age or older and have more difficulty being adopted. These children are just waiting to flourish with the right parent's guidance. Kody and Ronnie are two brothers who are above the age of 10 years old and are waiting in the Louisiana foster care system for a ''forever family.''

Kody is a cute, very active and outgoing, blonde haired, hazel eyed, 13-year-old boy. He enjoys football, skateboarding, fourwheeling, and playing video games. He also loves horses. He is a sixth grader who enjoys science and reading. Kody would like to be an entertainer when he grows up, such as an actor, a comedian, or a rapper. He would like to be in the same home as his brother, Ronnie.

Ronnie is Kody's brother. He is an 11-year-old boy who resembles his brother. Ronnie loves both playing and watching football. He likes to play video games and board games, horses, and going fishing. He is a fourth grader who likes math and science. He would like to be a policeman when he grows up, so that he could rescue people. He would also like to own a toy company, so that he could invent new video games. He wants a family who would care about him. He is very close to his brother Kody and wishes to remain in contact with him.

I could stand here every day for the next month and talk about each child who needs to be adopted out of foster care. The bottom line is that each of these children, from one day old to 22 years old, needs permanency. They all need a loving, nurturing family that will help them to grow, bring out their unique personalities, and transform them into confident and happy adults.

On National Adoption Day, I have faith that this can be done and we must continue to be the catalyst. The miracle of adoption cannot be explained, but the loving parents that are holding their children for the first time today are living examples of how dreams can be realized. As an adoptive mother myself, I find that words cannot adequately explain the miracle of adoption. I can only take a moment to offer my most humble thanks, gratitude, and appreciation to all those across the Nation who have given their Saturday to help find waiting children safe and loving homes.

Let us continue to remember that when National Adoption Month and Day end there are still thousands of children like Natalyia, Montrell, Terron, Kody, and Ronnie who need that sense of permanency. I challenge Congress to make these children their first priority and to help them to finally realize that dream. Please support our resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 384) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 384

Whereas there are approximately 514,000 children in the foster care system in the United States, approximately 115,000 of whom are waiting for families to adopt them;

Whereas 52 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 2 years;

Whereas, for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who ''age out'' of foster care by reaching adulthood without being placed in a permanent home has increased by 41 percent since 1998, and nearly 25,000 foster youth age out every year;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a recent survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though ''Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years'';

Whereas, while 3 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, nearly 17,000 children have joined forever families during National Adoption Day;

Whereas, in 2006, adoptions were finalized for over 3,300 children through more than 250 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico; and

Whereas, on October 31, 2007, the President proclaimed November 2007 as National Adoption Month, and National Adoption Day is on November 17, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the citizens of the United States to consider adoption during the month of November and all throughout the year.

MEASURE READ THE FIRST TIME—S. 2363

Mr. SALAZAR. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2363) 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.

Mr. SALAZAR. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

Mrs. HUTCHISON. Mr. President, for S. 2363, the report accompanying this bill is the Statement of Managers as

printed in the conference report to accompany H.R. 3043 as Division B, Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008.

ORDERS FOR FRIDAY, NOVEMBER 16, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 8:30 a.m., Friday, November 16; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that there then be a period of debate of 1 hour prior to the first cloture vote to be equally divided and controlled between the two leaders or their designees and as previously ordered; provided that Senator HARKIN be recognized for up to 10 minutes of the majority's time; that Members have until 9 a.m. to file any germane second-degree amendments.

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

ORDER FOR ADJOURNMENT

Mr. SALAZAR. Mr. President, if there is no further business today, I now ask that the Senate stand adjourned under the previous order following the remarks of the Senator from South Dakota, Mr. THUNE.

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

The Senator from South Dakota.

THE FARM BILL

Mr. THUNE. Mr. President, I want to take the opportunity to kind of make a little assessment of where we are with regard to the farm bill. I have listened throughout the course of the day as Members have come over and accusations have flown back and forth about why we are not making any progress on the farm bill.

Frankly, it is unfortunate because we have a lot of farmers, the people who are actually out there working the land, raising the food that feeds our country and a good part of the world, who are depending upon the Senate to act.

We have heard from farm organizations, as I am sure most Senators have, about the importance of getting this farm bill passed so they know what the policies are going to be, what the rules are going to be, what the programs are going to be as they begin to make decisions about the 2008 planting season.

As I have listened to all the debate as it has gone back and forth, I have heard a lot of my colleagues, and my colleague from Colorado who is a valued member of the Ag Committee—we worked closely on the renewable energy provisions in the bill, and I think we produced a very good bill out of the Ag Committee.

But there are 21 of us, 21 Senators on the Ag Committee, 21 members out of 100 Senators who serve on the Senate Ag Committee. We came out with a bill that we think makes a lot of sense. It was a balanced bill. It addressed the important issue of providing support for production agriculture for our farmers. It had a good strong conservation title that extends and expands in some ways the Conservation Reserve Program, the Wetlands Reserve Program, the Grassland Reserve Program, a number of conservation programs that are important to the way we manage our lands in this country and provide good environmental stewardship.

It had, of course, a good strong energy title which I worked on a lot, along with a number of my colleagues on the committee, including the Senator from Colorado and the Senator from Nebraska, Mr. NELSON.

We put together what I think is a good, strong energy title that provides incentives for cellulosic ethanol production. It also had a disaster title, something that we have not had for some time in the farm bill, that provides a backstop against those years when you have weather-related disasters and we have had to come to the Congress and try to get political support for disaster relief.

Oftentimes it has been problematic there. This puts in place a contingency fund, an emergency fund, for those years in which our producers are not able to raise a crop for some reason, in most cases because of the weather.

It has, of course, as my colleague from Colorado mentioned, about 67 percent of the money in the bill going into the nutrition title, which funds many of the programs that help people across the country, whether that is the Food Stamp Program, a WIC program, all of those programs that provide support and food for people who need it.

So it is, as we would say, a balanced bill, a bill that was debated back and forth. There were a lot of amendments offered. We spent a day and a half in the markup. But as I said, what is important to note about that is there are only 21 Members of the Senate on the Senate Ag Committee. That means there are 79 Members of this body who have not had any input in this process up to this point.

Well, when the bill was brought to the floor last week on Monday, which is now 9, going on 10 days ago, the assumption was at that point those Members of the Senate who have not served as members of the Ag Committee may have a chance to get their priorities addressed in this farm bill, to offer amendments they think can improve it.

In many cases a farm bill reflects regional priorities. Different people around the country look at these issues very differently. It obviously has a national priority as well. But I think it is fair to say that a lot of Members of the Senate would want to come down here and offer amendments.

In fact, a number of amendments were filed, some 200-plus, almost 300 amendments. Now I, for one, would like to see an agreement reached between our leaders that would end this bickering and this standoff and get us to where we can process some of these amendments and get them voted on so that we can move toward final consideration of this bill, which I noted earlier is so important to farmers across this country.

But what happened very early on in that process was the leader, the majority leader, did what they in Washington in the Senate called ''filling the tree.'' By that, for those who are not familiar with Washington speak, it essentially means it prevents others from offering amendments. All of the amendments that can be offered have been offered. The leader filled the tree and for the past 9 days now has precluded the opportunity for other Members of the Senate, those other 79 Members of the Senate who do not serve on the Ag Committee, to be able to come down and offer amendments they think would ultimately improve the bill.

What is significant about that is it is not unprecedented. It has been done. They said it was done when the Republicans controlled the Senate. I am sure it was—I do not believe very successfully because I do not think it is a tactic or a procedure that lends itself to the nature of this institution or how it works. The Senate is unique in all the world. It is the world's greatest deliberative body. We really value the opportunity to come and amend the bill that is brought to the floor of the Senate, which is generally open to amendment.

So when the tree gets filled and amendments are blocked from consideration, it essentially shuts down the process that the Senate normally uses to consider and amend bills and ultimately vote on bills.

So where are we today? We are almost 2 weeks into this now, and we have yet to vote on a single amendment. We have not had one vote on an amendment to the farm bill after now having it on the floor for almost 2 weeks.

I have to say, for those who would like to offer amendments and have those amendments voted on, it has been very frustrating. My own view is that we are not going to be able to debate 200 or 300 amendments, but we ought to be able to narrow that down, and our leaders could go about that process. But you cannot even do that when the tree is filled. You cannot even consider and vote on any amendments.

So here we are. A farm bill is something that we do every 5 or 6 years in the Congress. I was associated with the last one in 2002 as a Member of the House of Representatives, a member of the Ag Committee. In that particular bill, which was 5 years ago, we set policies that carried us to the end of the fiscal year 2007, which ended on September 30 of this year. And we now

need a new policy to carry us forward to the year 2012.

So the point is, this is something we do every 5 years. This is a significant and consequential event when it comes to the Congress and the policies that it puts in place with regard to agriculture in this country that our farmers use as the framework or the guideline to make their decisions.

So when you do something every 5 or 6 years, the assumption normally is that you are going to want to do it right. I think we did do it right. I think we produced a bill out of the Ag Committee that, as I said, is very solid, very balanced. But I have a lot of colleagues who would like to have their voices heard in this process, offer amendments that they think would improve the bill.

So where are we today after 2 weeks, after having debated this bill on the Senate floor, or at least talked about it? We have not taken any action. I think it is a real disservice to the farmers of this country and to our rural economy, those rural communities that depend upon agriculture for their livelihood, that we have failed to act because the leadership, the Democratic leader, decided when he called up the bill to fill the amendment tree so that amendments could not be considered.

Two weeks on the bill, we have yet to vote on a single amendment on a piece of legislation that is 1,600 pages long and spends 280 billion tax dollars over the course of the next 5 years. Not one amendment has been voted on.

Now, just to put it in perspective and provide a little bit of a framework for previous farm bills, as I said, I was associated with the farm bill in 2002 as a Member of the House of Representatives. During debate of the 2002 farm bill, there were 246 amendments that were filed. Democrats and Republicans came together and voted on 49 of those amendments, including 25 rollcall votes in the Senate.

Before that, if you go back to the 1996 farm bill, there were 339 amendments offered to that farm bill. In 1996, the Republican leadership—at that time it was under the control of the Republicans—allowed 26 amendment votes, including 11 of those being rollcall votes.

During consideration of the 1990 farm bill, there were 113 votes, including 22 rollcall votes. And, finally, if you go all the way back to 1985—I was actually a staffer here at that time—there were 88 votes, 33 of which were rollcall votes. So 33 rollcall votes in 1985, 22 rollcall votes in 1990, out of a total of 130 votes taken.

As I said, in 1996 there were 26 amendment votes, including 11 rollcalls. And in the 2002 farm bill, there were 49 amendments offered and voted on, I should say, including 25 of those being decided by a rollcall vote.

My point, very simply, is, it is unprecedented what is happening with regard to the farm legislation, to a farm bill that has these kind of consequences, this kind of cost, and this importance to the Nation's farm economy. I would hope that as this moves forward, and when the Senate—I use that term loosely because it is not moving forward; we are not getting anything done. It is a great frustration to many of us who worked hard to produce a bill, to get it to the floor of the Senate.

But I do not think you can take a piece of legislation of this consequence and try and ram it through without even allowing a vote on a single amendment. We have been here for 2 weeks. We have not voted on one single amendment.

I understand that the majority leader wants to limit the number of amendments. That is why he filled the tree. He essentially wants to decide which amendments are germane and which amendments are relevant. Normally, that is a decision that is made by the Parliamentarian. But what he has said is: I want to choose for my side, for the Democratic side, as well as for the Republican side, which amendments we consider, if any, and essentially approve those, which completely undermines, as I said, the basic premise of the Senate, which is when a bill is brought to the floor, those bills are open to amendment.

That has been the practice here for a good long time. It certainly has been the case on previous farm bills going back, as the numbers I just reported say, going back to 1985.

I say all of that to, as I said, take a little assessment, back off a little bit from all the rhetoric that we heard on the floor today. I would like to see us be able to work on it in a bipartisan way because, traditionally, historically, agriculture in the Senate and in the Congress generally has not been a partisan issue.

There are divisions that occur in agriculture but generally along regional lines. Those of us who represent the upper Midwest have slightly different priorities when it comes to a farm bill than those who represent the South or the West. You have special crop groups. You have your sort of base commodities—your corn, your wheat, soybeans, livestock, the things that we raise and grow in the upper Midwest. You have dairy and sugar.

We have dairy, sugar, lots of competing interests, all which play out in a debate over a farm bill. But what is regrettable about that in this particular case is that we are seeing what appears to be for the first time partisan gridlock over whether Members of the Senate, the 79 Members who are not members of the Ag Committee, will have an opportunity, as they traditionally do, to come forward to offer amendments they think will improve the bill. I express my frustration and the frustration of those farmers I represent. The organizations that have been in contact with my office are urging us to get on with this. I would love to be able to do that.

I have an amendment that has been filed that is very important to the bill. It improves the energy title of the bill. We came out with a bill that was a good product. I was pleased and happy with what we produced from the committee. But when it came to the floor, it became clear to me we could improve upon that by adding an amendment, a renewable fuels standard that would further strengthen the energy title of the bill. It became even more important when we started to look at what is going to happen next year in 2008, if we don't increase the cap on the renewable fuels standard, the 7.5 billion gallon cap in the renewable fuels standard today. We will reach that by the end of this year. So we have 2008, where we will be past the 7.5 billion gallons, and at that point there is very little incentive for oil companies to continue to blend ethanol. We need to get the statutory cap raised so we are at 8.5 billion gallons next year, and those who want to make investments in this industry will feel confident that there is going to be a new renewable fuels standard that increases the level of renewable fuels, something which I believe every Member of this body supports.

I believe when you are looking at $100 oil and looking at our dependence upon foreign countries for energy supply, it makes enormous sense to do everything we can to come up with homegrown, domestic sources of energy and supplies. I would hope that amendment will be able to be voted on at some point. But at this point we are shut down. We are locked down. That is unfortunate. My hope would be we can move very quickly in the days we have ahead of us this year—I hope by tomorrow—to achieve some understanding or agreement about how we will proceed to come to a final vote. I hope the majority leader will decide in the end to move away from the practice he has adopted on this bill of filling the tree and preventing amendments from being offered so we can get to what the Senate does, and that is consider, deliberate, vote on amendments, take a piece of legislation, allow those 79 Members of the Senate who are not members of the Senate Ag Committee to be heard in the process and to have their opportunities to improve the bill to their liking and according to the priorities their constituents want to see addressed.

I hope as we come back tomorrow we will be able to make more headway on this issue.

I yield the floor.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 8:30 a.m. on Friday, November 16, 2007.

Thereupon, the Senate, at 7:58 p.m., adjourned until Friday, November 16, 2007, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

CRAIG W. DUEHRING, OF MINNESOTA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE MICHAEL L. DOMINGUEZ.

DEPARTMENT OF THE TREASURY

NEEL T. KASHKARI, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY. (NEW POSITION)

REFORM BOARD (AMTRAK)

THOMAS C. CARPER, OF ILLINOIS, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE SYLVIA DE LEON, TERM EXPIRED.

NANCY A. NAPLES, OF NEW YORK, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE ENRIQUE J. SOSA, RESIGNED.

DENVER STUTLER, JR., OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE DAVID MCQUEEN LANEY, TERM EXPIRING.

DEPARTMENT OF THE TREASURY

ERIC M. THORSON, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY, VICE HAROLD DAMELIN, RESIGNED.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

ANA M. GUEVARA, OF FLORIDA, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS, VICE JENNIFER L. DORN, TERM EXPIRED.

DEPARTMENT OF STATE

GOLI AMERI, OF OREGON, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS), VICE DINA HABIB POWELL.

DEPARTMENT OF EDUCATION

TRACY RALPH JUSTESEN, OF UTAH, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION, VICE JOHN H. HAGER, RESIGNED.

DEPARTMENT OF JUSTICE

NATHAN J. HOCHMAN, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE EILEEN J. O'CONNOR.

GRACE C. BECKER, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WAN J. KIM.

DEPARTMENT OF VETERANS AFFAIRS

JAMES B. PEAKE, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF VETERANS AFFAIRS, VICE JIM NICHOLSON, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

DAMON L. BENTLEY, 0000

To be lieutenant

SEAN C. BENNETT, 0000
ANGELIQUE FLOOD, 0000
TANYA C. SAUNDERS, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

WILLIAM E. ACKERMAN, 0000
MICHAEL L. AMARAL, 0000
SCOTT B. AVERY, 0000
JOSE L. BAEZ, 0000
KELLEY M. BARHAM, 0000
DACOSTA E. BARROW, 0000
ROBERT A. BOWDEN, 0000
PETER T. BULATAO, 0000
ROLANDO CASTRO, JR., 0000
ALLISON P. CLARK III, 0000
RUSSELL E. COLEMAN, 0000
PATRICIA DARNAUER, 0000
DEBRA L. DUNIVIN, 0000
RALPH A. FRANCO, JR., 0000
DANIEL W. GALL, 0000
KATHY E. GATES, 0000
RICARDO A. GLENN, 0000
ROBERT L. GOODMAN, 0000
WILLIAM B. GRIMES, 0000
STEVE HOROSKO III, 0000
DANIEL H. JIMENEZ, 0000
DANIEL J. JONES, 0000
MICHAEL L. KIEFER, 0000
GUY T. KIYOKAWA, 0000
RICHARD G. LOONEY, 0000
PETER T. MCHUGH, 0000
ROBERT D. MITCHELL, 0000
DAVID R. PETRAY, 0000
LESLIE J. PIERCE, 0000
JOEL T. POSTMA, 0000
FRANCISCO J. RENTAS, 0000
MICHAEL J. ROGERS, 0000
PATRICK G. SESTO, 0000
JAMES E. SHIELDS, 0000
STUART W. SMYTHE, JR., 0000
CARLHEINZ W. STOKES, 0000
JEFFREY P. STOLROW, 0000
GREGORY A. SWANSON, 0000
CHERYL TAYLORWHITEHEAD, 0000
MARK A. VAITKUS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

RACHEL A. ARMSTRONG, 0000
LORIE A. BROWN, 0000
THOMAS H. CHAPMAN, JR., 0000
ANNA I. CORULLI, 0000
LAWRENCE E. CROZIER, 0000
FLAVIA D. DIAZHAYS, 0000
STEVEN R. DRENNAN, 0000
KATHLEEN M. FORD, 0000
PETRA GOODMAN, 0000
VINETTE E. GORDON, 0000
KAREN T. GRACE, 0000
TONY B. HALSTEAD, 0000
ANGELENE HEMINGWAY, 0000
MARK E. HODGES, 0000
BARBARA R. HOLCOMB, 0000
SHERI A. HOWELL, 0000
CAPONERA P. KREKLAU, 0000
JUDITH A. LEE, 0000
GLORIA R. LONG, 0000
REYNOLD L. MOSIER, 0000
SUSAN M. RAYMOND, 0000
VERONICA A. THURMOND, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

VIVIAN T. HUTSON, 0000
PEGGY P. JONES, 0000
LEO H. MAHONY, JR., 0000
ROBERT L. MATEKEL, 0000
JOSEPH M. MOLLOY, 0000
LAURIE E. SWEET, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

GARY D. COLEMAN, 0000
BRADFORD W. HILDABRAND, 0000
JOLYNNE W. RAYMOND, 0000
DANA P. SCOTT, 0000
TIMOTHY H. STEVENSON, 0000
ERIK H. TORRING III, 0000
PAUL E. WHIPPO, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

LILLIAN L. LANDRIGAN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

HORACE E. GILCHRIST, 0000

THE JUDICIARY

ROD J. ROSENSTEIN, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE FRANCIS D. MURNAGHAN, JR., DECEASED.

GENE E. K. PRATTER, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE FRANKLIN S. VAN ANTWERPEN, RETIRED.

LINCOLN D. ALMOND, OF RHODE ISLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND, VICE ERNEST C. TORRES, RETIRED.

MARK S. DAVIS, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE T. S. ELLIS, III, RETIRED.

DAVID GREGORY KAYS, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI, VICE DEAN WHIPPLE, RETIRED.

DAVID J. NOVAK, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE ROBERT E. PAYNE, RETIRED.

CAROLYN P. SHORT, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE GENE E. K. PRATTER, UPON ELEVATION.

RICHARD T. MORRISON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE CAROLYN MILLER PARR, TERM EXPIRED.

DEPARTMENT OF JUSTICE

JOSEPH P. RUSSONIELLO, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE KEVIN VINCENT RYAN.

DIANE J. HUMETEWA, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS, VICE PAUL. K. CHARLTON, RESIGNED.

REBECCA A. GREGORY, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE MATTHEW D. ORWIG, RESIGNED.

GREGORY A. BROWER, OF NEVADA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS, VICE DANIEL G. BOGDEN, RESIGNED.

EDMUND A. BOOTH, JR., OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE LISA GODBEY WOOD, RESIGNED.

MICHAEL G. MCGINN, OF MINNESOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS, VICE ALLEN GARBER, RETIRED.

REED VERNE HILLMAN, OF MASSACHUSETTS, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS, VICE ANTHONY DICHIO.

WILLIAM JOSEPH HAWE, OF WASHINGTON, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE ERIC EUGENE ROBERTSON, RESIGNED.

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 general

LT. GEN. ROGER A. BRADY, 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. RICHARD Y. NEWTON III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. WALTER D. GIVHAN, 0000

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar:

*TODD J. ZINSER, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF COMMERCE.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, November 15, 2007:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH MICHAEL S. GALLAGHER AND ENDING WITH MARK K. FRYDRYCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2007.

EXTENSIONS OF REMARKS

COMMENDING THE SUSSEX COUNTY METH TASK FORCE FOR ITS SERVICE TO THE COMMUNITY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend the citizens who have spent the last 2½ years working to keep the people of Sussex County safe from methamphetamines as part of the Sussex County Meth Task Force. My staff and I have had the honor of working with these committed individuals over the years and have borne witness to the gusto with which they have performed their work.

Only a few years ago, as local meth labs were busted and drug use seemed to be on the rise, the people of Sussex County did not stand idly by. Instead, they formed this task force and set to training local law enforcement, informing citizens, and quite literally taking back their streets. They have trained more than 700 volunteer firefighters and others. They have distributed informative "meth packets" to over 165 local retailers. They have worked with local educators and organizations to raise public awareness of the scourge of meth.

The results have been impressive and local law enforcement now feel confident that methamphetamines have not been able to establish a foothold in Sussex County, New Jersey. And so they are disbanding their formal group and spreading the word to show others how they've been so successful, including in a presentation at the statewide League of Municipalities conference earlier this week.

Many, many individuals deserve credit for the good work of the Task Force. Tom Davis, the Sussex County Fire Marshal, has served as Task Force Chairperson, shepherding the group through its several goals. Tom Cooney, of the Sussex County Narcotics Task Force, has helped to train hundreds of first responders and others. Dan Coronato has helped to put the Sussex County Task Force in touch with others who can benefit from their model. And Becky Carlson, Barbara Adolphe, Meg Samuel-Siegel, and Jane Butz have been the glue holding them all together, serving as a constant source of information and direction.

I commend the members of the Sussex County Meth Task Force for their extraordinary service to their community and I look forward to continuing to work with them all to keep our streets safe and our schools and neighborhoods drug-free.

PROVIDING THAT THE GREAT HALL OF THE CAPITOL VISITOR CENTER SHALL BE KNOWN AS EMANCIPATION HALL

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. RANGEL. Mr. Speaker, I rise today to support naming the great hall at the Capitol Visitor Center the "Emancipation Hall." It is in the spirit of this country's great advances—particularly in solidifying our most precious values of freedom, equality, and justice—that I urge this body to move forward with this measure. Let the tenets of our great democracy ring down that hall—and throughout all the halls of Congress.

HONORING LIEUTENANT COMMANDER ERIK SAMSEL KRISTENSEN, USN

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SESTAK. Madam Speaker, I rise today to acknowledge an important and emotional ceremony that will take place at the United States Naval Academy's Hubbard Hall on this Saturday, November 17, 2007.

Hubbard Hall is home to Navy's crew teams, and there, a rowing shell will be dedicated in memory of an extraordinary graduate of the USNA Class of 1995, LCDR Erik Samsel Kristensen. While leading a rescue effort in support of U.S. Navy SEALS under heavy enemy fire, Lieutenant Commander Kristensen was killed in action in Asadabad, Afghanistan on June 28, 2005. In that engagement, our Nation, our Navy, and the Kristensen family lost a young warrior son who exemplified the honor, courage and commitment that is the very soul of our Navy and the Naval Academy. In the time since Lieutenant Commander Kristensen's sacrifice, he has been accorded honors richly deserved. However, in organizing the effort to name a racing shell in his memory, his classmate and shipmate, Mr. Brooks McFeely, found a unique and lasting medium to communicate the courage, determination and selflessness that characterized his great friend's life.

Over the years Hubbard Hall has been a crucible of leadership development under the guidance of coaching legends including Rusty Callow, Carl Ullrich, and Rick Clothier. Home to Olympians, scholars, and most importantly, warriors, Hubbard Hall has a rich tradition of honing the work ethic, competitive spirit and teamwork essential to victory in peace and war.

Madam Speaker, it is essential that we honor Lieutenant Commander Erik Kristensen, a leader who epitomized the Navy rower as described by Oliver Wendell Holmes, Jr.

"Is life less than a boat race? If a man will give the blood in his body to win the one, will he spend all the might of his soul to prevail in the other?"

To the men and women at Hubbard Hall who follow the example of LCDR Erik Kristensen, that will always be a rhetorical question. In honor of a great man and his family, the people of the United States of America wish Godspeed and great victories to the shell 'Kristensen' and the midshipmen fortunate to row in that testament to honor and courage.

CONFERENCE REPORT ON H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of this final FY 08 Transportation-HUB Appropriations Conference Report for the key infrastructure investments it makes and the housing support it provides.

In the aftermath of the 1–35 bridge collapse in Minneapolis this summer, it should be clear to every American that we can no longer afford the Bush Administration's policy of deferring needed maintenance to our nation's infrastructure—or shrink from the infrastructure investments necessary for the safe and vibrant America we are committed to building in the 21th century.

That's why this bill invests $40.2 billion to improve and maintain our Nation's highways, including an additional $1 billion to ensure the safety of our bridges. Additionally, we allocate $9.65 billion to the Federal Transit Administration for capital improvements to our commuter and light rail systems in order to encourage the use of mass transit, alleviate traffic congestion and reduce pollution. We wisely reject President Bush's effort to bankrupt Amtrak and instead provide $1.45 billion to support our national rail system and the 24 million passengers it serves. And we provide $3.5 billion for vital airport modernization initiatives designed to expand airport capacity, make critical safety improvements and expand noise mitigation efforts.

On the housing front, we fund 15,500 new vouchers for vulnerable populations like low-income families, homeless veterans and the disabled. We spend $145 million—or $29 million over the President's request—to protect children from lead poisoning. We invest $3.79 billion in the Community Development Block Grant, CDBG program to revitalize neighborhoods across the nation. And we allocate $200 million to the Neighborhood Reinvestment Corporation for its work counseling the

estimated 2.5 million homeowners at risk of foreclosure as a consequence of the ongoing subprime mortgage crisis.

Mr. Speaker, I am pleased to support this conference report.

HONORING JEREMY THOMAS CHARLTON

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. CAPITO. Madam Speaker, I rise today to extend congratulations to Jeremy Thomas Charlton, who recently received the highest rank in boy scouting, Eagle Scout, on September 23, 2007. He is a member of Troop 33, sponsored by First United Methodist Church in Romney, WV.

For his Eagle Scout service project, Jeremy painted and repaired three buildings at the Hampshire County Fairgrounds. These buildings are used every summer in August during the Hampshire County Fair and throughout the year by various community organizations. Jeremy's beautification and improvements have increased the fairground as a whole.

Throughout his involvement since Cub Scouts, Jeremy has been an exemplary scout. He is a recipient of the Arrow of Light Award and officiates as a Scout Chaplain Aide to his fellow scouts.

In addition to his scout activities, Jeremy is very involved with his church's youth group and is a member of the Bible quiz team. A dedicated citizen, Jeremy has taken on several community service projects including food drives, picking up litter, and helping clean up the Potomac River.

Jeremy is truly representative of the Scout oath, ''to do my duty to God and country'' and I am proud to recognize a dedicated young man, like Jeremy Charlton. Hampshire County is fortunate to have him as a leader and I look forward to hearing about his future accomplishments.

BROADBAND CENSUS OF AMERICA ACT OF 2007

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. GENE GREEN of Texas. Mr Speaker, as an original cosponsor of H.R. 3919, I rise in strong support of this legislation.

Recent data indicate that the United States has fallen behind other nations in the availability, speed, and value of broadband services, which refers to high-speed Internet access. The Organization for Economic Cooperation and Development reported earlier this year that among the group's 30 member countries, the United States had fallen to 15th place in per capita broadband use by the end of 2006, whereas in 2001 the United States had been in fourth place. The United States recently ranked 21st in the International Telecommunication Union's Digital Opportunity Index, which includes 11 different variables of technology development, including the cost of connectivity relative to per capita income.

H.R. 3919 would direct the National Telecommunications and Information Administration (NTIA) to produce a public, online map showing what types of broadband access are provided where and by which companies. As the Government Accountability Office (GAO) noted in May, 2006: ''Without accurate, reliable data to aid in analysis of the existing deployment gaps, it will be difficult to develop policy responses toward gaps in broadband availability.'' Some experts have forecast that implementation of universal broadband service would fuel the American economy, adding $500 billion and creating 1.2 million new jobs. H.R. 3919 is an essential first step toward bringing high-speed Internet to every American and in ensuring that our Nation's citizens can realize the vibrant future that the information age offers.

This bill requires the Federal Communications Commission (FCC) to complete an annual broadband census, i.e., an assessment and report on the deployment of broadband service capability, which would include a comparison with deployment in other countries. The measure also requires the National Technology Information Administration (NTIA) to develop a broadband inventory map showing the availability of service and types of service available, and it permits the NTIA to make grants to assist in the development of such a map. It also requires periodic FCC consumer surveys regarding broadband service.

It has been said before that ''sound data makes sound policy,'' and this legislation will provide the information that is necessary to assist Congress and the FCC in creating a sound, national broadband strategy to bring us in line with other countries' broadband deployment.

Mr. Speaker, I again what to express my strong support for this legislation and I urge my colleagues to join me in supporting H.R. 3919.

IN HONOR OF MARY ORR'S COMMITMENT TO THE STUDENTS, TEACHERS, AND PARENTS AT ABRAHAM LINCOLN ELEMENTARY SCHOOL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GARRETT. Madam Speaker, I rise today to commend Mary Orr, Principal at Abraham Lincoln Elementary School in Wyckoff, New Jersey, for her extraordinary commitment to high standards of education excellence.

Mary Orr has taken learning to a new level, integrating fresh technology, new education tools, and incredible enthusiasm into the approach at Abraham Lincoln. She mixes theory-driven number-crunching with a very personal touch at her school, encouraging teachers to find new and creative ways to help their students ''learn to be learners.'' Mary Orr has developed her own method for using spreadsheets to chart test scores and provide teachers with easy-to-follow graphs on their classroom achievements. She also encourages her teachers to use technology to give students new ways to access information and develop a real love of learning.

An educator in Wyckoff since 1969, Mary Orr is being honored now as New Jersey's Distinguished Principal by the U.S. Department of Education and National Association of Elementary School Principals. She has long been eligible to retire, but she continues to give her all to the students, teachers, and parents of Abraham Lincoln Elementary School.

In fact, she continues to pursue enhancement of her own already-impressive professional credentials. She has already earned a master's degree in language arts and a doctorate in education administration, yet Mary Orr is pursuing a second master's in educational technology. And, all the while, she also remains an active part of the community, spending time with the local Rotary Club and earning the 2004 Wyckoff Family YMCA's First Annual William E. Boye Jr. Humanitarian Award.

From her enthusiastic spirit to her detail-driven approach, Mary Orr has made Abraham Lincoln Elementary School a model for all to emulate. I commend her on her good work there.

EXPRESSING SYMPATHY AND PLEDGING SUPPORT FOR VICTIMS OF FLOODING IN SOUTHERN MEXICO

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. RANGEL. Mr. Speaker, I rise today to add my voice to the many somber ones already extending sympathy and well wishes to the people of Mexico after the extensive flooding there last Saturday. The images were startling and sobering—a dramatic reminder of our own travails following Hurricane Katrina, as thousands in Mexico waited for rescue atop their rooftops. The southeastern state of Tabasco was struck the most crippling blow, as water inundated its capital city, Villahermosa, and affected as many as 1 million of the state's 2.2 million residents.

Words can only go so far. We should offer any and all resources that might soften the devastation in Mexico. When our struggling neighbors cry out, America heeds their calls. One of the worst natural disasters in that country's history requires immediate and attentive support.

We are with Mexico in this time of tribulation. This call to action merits our full endorsement—and the Mexican people, our most genuine compassion.

HONORING THE UNITED STATES NAVAL ACADEMY MASQUERADERS

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SESTAK. Madam Speaker, I rise today to recognize the United States Naval Academy's midshipman theater company, the Masqueraders, on the occasion of their centennial year. The Masqueraders, sponsored by the Naval Academy English Department, support the moral and mental development of

midshipmen by bringing works of literature to the stage. By engaging the Brigade of Midshipmen with complex moral issues and portrayals of human nature, the Masqueraders have helped prepare generations of future officers for the challenges of military leadership.

While midshipmen produced theater pieces in the nineteenth century, the Masqueraders formally organized in 1907 with the approval of the Commandant of Midshipmen. That year, under the leadership of Midshipmen First Class Kirkwood H. Donavin, William B. Piersol, and Frank W. Townsend, the Masqueraders began an unbroken series of annual performances that have educated midshipmen up to the present day. Productions have ranged from Greek tragedies and comedies to classics of the modern stage. Highlights of the group's century of service include a 1974 American College Theater Festival production of Rosencrantz and Guildenstern are Dead, invited to play at the Kennedy Center's Eisenhower Theater and honored by the Chief of Naval Operations, and a critically acclaimed 1983 compilation of Shakespeare history plays.

Madam Speaker, we should especially acknowledge Professors Michael Jasperson, David White, and Anne Marie Drew, for their vision and dedication as Masqueraders directors from 1960 to 2001. We should also recognize the current director, Professor Christy Stanlake; co-presidents, Midshipmen First Class Joy Dewey and David Smestuen; and Officer Representative, Commander Mark Larabee. Finally, we should acknowledge the key support provided by the English Department Chair, Professor Allyson Booth, and the Director of the Division of Humanities and Social Sciences, Colonel David Mollahan.

Madam Speaker, it is fitting that we honor the Masqueraders for their century of commitment to the power of theater to prepare midshipmen for leadership in peace and war. In honor of Masqueraders' support of the mission of the Naval Academy, the people of the United States of America wish them all success for another hundred years of service to the Brigade of Midshipmen, our Navy and Marine Corps, and our country.

GREAT AMERICAN SMOKEOUT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize the American Cancer Society's 31st annual Great American Smokeout—a day when smokers across the Nation mark the event by cutting back, forsaking cigarettes for the day, or perhaps quitting altogether.

I'm proud that in my Congressional district, all the hospitals—which already prohibit smoking indoors—will today be extending their smoke-free zones and prohibit the use of tobacco products anywhere on their campuses. This includes outside entrances, walkways, parking lots and garages. Patients, visitors, and hospital employees are covered by this policy. These medical institutions, which treat many diseases that result from use of tobacco products, are taking a critical step that will lead to patients, visitors, and staff reducing and hopefully quitting the use of tobacco products. By taking this action, the hospitals in my community will lead by example in our efforts to reduce tobacco use.

The toll of tobacco in America is devastating, with 440,000 people dying prematurely each year from tobacco use. Tobacco use is the cause of at least 30 percent of all cancer deaths and 87 percent of lung cancer deaths. Secondhand smoke is a major health hazard—3,000 otherwise healthy nonsmokers nationwide will die of lung cancer annually because of their exposure to secondhand smoke.

In Maryland, there will be more than 4,000 new cases of lung cancer diagnosed this year and there will be nearly 3,000 lung cancer deaths. In addition to the thousands of lives lost to diseases caused by tobacco products, the annual direct and indirect health care costs in the U.S. caused by tobacco use is approximately $194 billion.

As people across the country begin to attempt to conquer tobacco addiction on this Great American Smokeout day, Congress must continue to do its part on reducing the addiction to tobacco. I urge my colleagues to cosponsor and pass H.R. 1108, the Family Smoking Prevention and Control Act. This bill would grant the FDA the authority to regulate tobacco products and the marketing of those products, which the tobacco industry has shamelessly marketed to our Nation's youth to create lifetime smokers and consumers of their deadly products.

Madam Speaker, I applaud the hospitals in my congressional district for becoming smoke-free zones and commend the American Cancer Society for their efforts in reducing America's addiction to tobacco products.

HONORING DONALD W. CAMPBELL

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. CAPITO. Madam Speaker, I rise today to respectfully request that my colleagues join me in congratulating Donald W. Campbell for being named the National Parks Conservation Association 2007 recipient of the Steven Tyng Mather Award.

Don Campbell has been a tireless advocate and ambassador for Harper's Ferry National Historic Park for nearly thirty years. When he arrived at Harper's Ferry as Superintendent, Don was a self-described ''peace, love, and let's everybody get along,'' laid-back Californian. Since then, he has forged relationships of mutual trust and understanding with the communities that surround his park and has touched many with his strong values and steady leadership.

Don's service, leadership, and advocacy for the protection of Harper's Ferry National Historic Park exemplify what it means to be a steward of America's national parks. For more than twenty years, the National Parks Conservation Association has proudly presented the annual Steven Tyng Mather Award to a National Park Service employee who has worked tirelessly to protect our national parks. His contribution to the Harper's Ferry National Historic Park will always be appreciated and I am pleased that he is being recognized for his service to our community.

In closing, I want to thank my colleagues for joining me in recognizing Donald W. Campbell as the 2007 Steven Tyng Mather Award winner for his dedication to protecting this scenic and historic jewel.

911 MODERNIZATION AND PUBLIC SAFETY ACT OF 2007

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of this legislation to update and improve 911 services for today's technology.

Improving public safety is a constant struggle, as I have learned working on improving 911 services for the Houston area and the entire state of Texas as a state legislator, and I want to thank Mr. GORDON for his work on this legislation, both in introducing it and for working with all involved parties throughout the process to create a bill with such broad support.

In June 2005, after it received reports about the inability of some Voice over Internet Protocol (VoIP) customers to access 911 services, the Federal Communications Commission (FCC) issued regulations requiring VoIP providers to automatically provide 911 services to their customers, and to route these calls with a call-back number and the caller's registered location, either directly or through a third-party.

After trying to address this issue for several years, I hope we can send a bill to the President this Congress addressing VoIP E911. The purpose of H.R. 3403 is to ensure that consumers using VoIP services to place phone calls have access to E911, by giving VoIP providers access to 911 infrastructure and by extending existing liability protections to VoIP service.

This bill requires VoIP providers to provide 911 service and E911 service to its subscribers in accordance with the Federal Communications Commission (FCC) regulations. It allows VoIP to access the nation's existing 911 infrastructure, which is largely operated by their competitors, traditional telephone companies. VoIP companies will also be permitted to access existing 911 infrastructure not only to deliver 911 calls, but also to provide location and call-back information for those calls.

Customers using VoIP services expect to access 911 services just as wireless and wireline customers do, and this legislation ensures it is parallel with those services when it comes to E911 regulations and requirements.

I strongly support this legislation to improve public safety, and I urge my colleagues to join me in supporting it.

IN HONOR OF THE 50TH ANNIVERSARY OF THE COLONEL JOHN ROSENKRANS CHAPTER OF THE NEW JERSEY SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to the Colonel John Rosenkrans Chapter of the New Jersey Society of Sons of the American Revolution. The Society strives to preserve and share the rich heritage of our Nation's birth for the generations. Its many chapters, dotted throughout our Nation, keep the spirit of the American revolution alive and help to spark the same love of country and principle that led our forefathers to give birth to our Constitution and our Nation.

New Jersey, often known as ''Crossroads of the Revolution,'' has a long and proud history and played a pivotal role in our nascent Nation's victory in the Revolutionary War. The New Jersey Journal, published in Chatham, was a major catalyst for the Revolution. The Continental Congress met in Nassau Hall at Princeton University. One of the most famous women of the Revolution, Molly Pitcher, was a legend born of New Jersey battles. And, this fine state was the third to ratify the Constitution and the first to ratify the Bill of Rights. Then, of course, there is Washington's crossing of the Delaware River, the Battles of Trenton and Princeton, the Battle of Monmouth, and more. These are all part of the American psyche and history.

Colonel John Rosenkrans has been described as ''perhaps the most outstanding Revolutionary patriot of Sussex County.'' The compatriots of this chapter of the New Jersey Society of Sons of the American Revolution have made it their duty to share his stories and those of the Colonel's heroic contemporaries. They play an important part in keeping our Nation's feet firmly planted in our proud past as we reach ever higher into the future. This weekend, they will celebrate their 50th anniversary, and I commend them for their good work.

PAYING TRIBUTE TO A PIONEER, THE LATE REP. GUS HAWKINS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. RANGEL. Madam Speaker, I rise today in reverence of the 100 years Augustus Freeman ''Gus'' Hawkins, the former representative from Los Angeles, fought on this Earth for the causes of justice and equality. Prior to his passing, he had been the oldest former member of Congress, and the longevity of his legacy will easily match the longevity of his years.

He was the first African American elected to the House from California—and, indeed, from the entire western United States—as well as a founding member of the Congressional Black Caucus. He was instrumental in the passage of the watershed Civil Rights Act of 1964, sponsoring its equal employment section setting up the Equal Employment Opportunity Commission.

We honor him for the strides our community, and our country, took under his stewardship, and for his impeccable sense of purpose that inspires us today.

TRIBUTE TO THE GREATER SOMERSET COUNTY CHAPTER OF THE AMERICAN RED CROSS

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. FERGUSON. Madam Speaker, I rise to honor the Greater Somerset County Chapter of the American Red Cross, which today is celebrating its 90th anniversary.

The American Red Cross has a rich history of providing relief and assistance to victims of fires, floods and other natural disasters, dating back to its founding by Clara Barton in 1881. The organization is a great American success story, as it relies on the contributions of volunteers, and gains its funding through private donations and fees from health and safety services.

The Greater Somerset County Chapter evolved as a conglomeration of smaller chapters in central New Jersey, the first of which was the Bound Brook Chapter in 1917. This chapter includes 15 municipalities, providing residents with access to emergency and disaster services 24 hours a day, 7 days a week, including blood-donation programs, preparedness education, health and safety training, and medical transportation services.

I would also like to recognize the important work that the Greater Somerset County Chapter's members performed for the residents of New Jersey that I represent during flooding that occurred in recent years, particularly in the towns of Bound Brook and Manville. The vital services provided by these volunteers—and the care and compassion displayed during these difficult times—epitomized the mission of the American Red Cross.

Madam Speaker, the Greater Somerset County Chapter, as well as the American Red Cross as a whole, represents the best in helping Americans in their time of need. I am proud to represent an area that is home to such a fine organization, and I am pleased to congratulate the Greater Somerset County Chapter of the American Red Cross as it celebrates its 90th anniversary.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, I regret that I missed rollcall vote No. 1091. Had I been present, I would have voted ''yea.''

HONORING THE DEDICATION OF THE MICHAEL A. GUIDO THEATER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. DINGELL. Madam Speaker, I rise today to congratulate the city of Dearborn for the dedication of the Michael A. Guido Theater at the Ford Community & Performing Arts Center.

On November 16, 2007, the City of Dearborn will hold a gala celebration honoring the life of the late Mayor Michael A. Guido. It is at this gala event that the magnificent theater at the Ford Community & Performing Arts Center will be dedicated in Mayor Guido's name. This is a fitting tribute as the state-of-the-art Ford Community & Performing Arts Center was the crowning achievement in the impressive career of Mayor Guido. The center is the largest municipally owned recreation center in North America.

Along with the dedication ceremony, the evening will also include a fundraiser for the Michael A. Guido Pancreatic Cancer Research Fund at the Karmanos Cancer Institute. That the funds will go to pancreatic research is especially meaningful to our late ''friendly mayor'' and his family.

For 21 years Mayor Guido served the city of Dearborn with enthusiasm, devotion, and a sense of humor. Throughout his career he accomplished much. Known for his commitment to the people of Dearborn, fiscal responsibility, and leadership skills, among his many achievements, Guido served as president of the U.S. Conference of Mayors and held various leadership positions with the National League of Cities. During his battle with pancreatic cancer, Guido continued to work tirelessly in City Hall on behalf of the people of Dearborn. He also sprouted growth throughout Dearborn. A short list of his accomplishments includes the devolvement of downtown Dearborn, the creation of recreational facilities like the Dearborn Ice Skating Center, the construction of a new police headquarters, the redesign of Ford Wood Park, and the expansion of Esper Branch Library.

I ask that all of my colleagues join me in congratulating the city of Dearborn for the dedication of the Michael A. Guido Theater, as well as joining me in remembering the devoted public servant who served the people of Dearborn for 21 years.

HONORING ROBERT MANT

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. DELAHUNT. Madam Speaker, I rise today to honor Robert Mant, a constituent who lost his courageous 9-year battle with colon cancer on March 29, 2007.

This week, the Town of Brewster, Massachusetts, will honor Bob for his many years of dedicated public service by naming a stunning stretch of beach along Cape Cod Bay as ''Mant's Landing''.

First and foremost, ''Captain Bob'', as he was lovingly referred to by family and friends,

was the ultimate family man. He married his high school sweetheart Linda, and was a loving and devoted family man to the very end. His three children, Sara, Joshua and Nicole, were the absolute center of his life, and there was nothing he would not and did not do for them.

A brilliant and passionate leader of men, Bob was voted President of his senior class and captain of his football team at Kearny High School in New Jersey. He would go on to excel at Princeton University, where he pursued his passion for the ocean. Upon graduation, he converted a 100 acre copper mine into a salt water lake and founded Maine Sea Farms, a pioneer aquaculture venture where he raised Pacific Coho Salmon.

Bob would continue to be a leader and innovator in the field of marine biology for the next 40 years, always doing things in his own unique way. He spent his last 20 years as the Director of Natural Resources for the Town of Brewster, and was admired by all for his dedication to protecting the town's beaches, ponds and shellfish. More importantly, Bob was respected for the way he approached his job and for his many acts of kindness.

Bob's one-of-a-kind personality, his unparalleled toughness, and passion for life were an inspiration to all who knew him. This past spring, the town unanimously voted to honor Bob by dedicating a stretch of beach along Cape Cod Bay, "Mant's Landing". It is a fitting tribute for such a remarkable man.

IN CELEBRATION OF THE RE-OPENING OF THE MARTIN WOLDSON THEATER AT THE FOX IN SPOKANE, WASHINGTON

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize a historic landmark in Spokane, Washington—the Martin Woldson Theater at the Fox. On Saturday, November 17th the Martin Woldson Theater will roll out the red carpet and re-open its doors after undergoing a multi-year renovation. Through the efforts of our community, the Martin Woldson Theater has come to symbolize the importance of restoration and our commitment to revitalize downtown Spokane.

On September 3, 1931 when the Fox opened its doors for the first time, it became an instant attraction for theater goers in Spokane and an important part of the downtown community. It opened to a sold-out crowd of 1,400 who came to see not only the beautiful new theater but also the love story "Merely Mary Ann."

The Fox was designed by noted Seattle architect Robert Reamer with the interior design by Anthony Heinsbergen. The auditorium, lobby, and mezzanine murals created the illusions of undersea worlds and forest canopies. It remains the only large Art Deco theater north of San Francisco.

The Fox Theater was in constant operation as a movie and performance theater for nearly 70 years. The theater closed its doors on Thursday, September 21, 2000 after a showing of the movie "Gladiator."

Thanks to the tireless efforts of our Spokane Community, the Spokane Symphony will now call the Martin Woldson Theater at the Fox home. They will use the facility for their performances but the theater will also attract regional and national arts groups and performers.

I also want to recognize Miss Myrtle Woldson for her inaugural gift that helped make possible the re-opening of the Theater. It is only fitting that the theater be named for her father, Martin Woldson, whose pioneering spirit lives on in the Pacific Northwest.

Madam Speaker, I invite my colleagues to join me in celebrating the re-opening of the Fox Theater. What a thrill it will be to enjoy all it has to offer and I hope my colleagues will visit Spokane to see this magnificent piece of history.

IN RECOGNITION OF THE PASSING OF SERGEANT DANIEL L. McCALL, UNITED STATES ARMY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. MILLER of Florida. Madam Speaker, I rise to honor the memory of SGT Daniel McCall, United States Army. Sergeant McCall gave his life in defense of our Nation and was killed in action on October 30, 2007 in Salmen Pak, Iraq. Sergeant McCall was serving with the 1st Battalion, 15th Infantry Regiment, 3rd Brigade Combat Team, 3rd Infantry Division, Fort Benning, Georgia.

Daniel was a 2001 Pace High School honor graduate and a star athlete. He held numerous track records, many of which still stand. In June 2004, he enlisted in the United States Army, following in his grandfather "Duke's" footsteps. Daniel excelled as an infantryman as he graduated from airborne school and was selected for Special Forces training. It was at Fort Bragg, NC that Daniel met the love of his life, Brittnay, whom he married in April 2006. He and Brittnay transferred back to Fort Benning and Daniel deployed to Iraq in March 2007. Sergeant McCall's accomplishments while serving his country include: Special Forces training, sniper school, combat life saver training, and the warrior leaders course. He received the Bronze Star Medal, Purple Heart, Combat Infantryman's Badge, Army Commendation Medal, and the Global War on Terrorism Medal, just to name a few.

Daniel's grandfather, Duke, said "Daniel was loved by all who met him, and his smile would brighten up the room." His uncle, Dr. Robin McCall said of Daniel, "He set higher goals, and he set higher standards for others to follow. He didn't accept average. He was a shining example to all."

Daniel was buried with full military honors on November 8, 2007 at Barrancas National Cemetery, Pensacola Naval Air Station. Several hundred people attended the funeral to remember this patriot—this fine soldier. While his earthly remains will be enshrined forever in Pensacola, Daniel's memory and example of selfless service will live on in the hearts of all of us in northwest Florida. I am always reminded of the greatness of our country when I meet military families like the McCalls, who supported Daniel as he volunteered to defend America.

The people of Pace have reason to be proud of Sergeant McCall, and I am humbled to be able to represent those people. Vicki and I will keep Daniel's entire family, especially his wife, Brittnay, his mother, Petra, and his grandparents, Duke and Liane McCall, in our thoughts and prayers. I hope all the people of northwest Florida and our Nation do the same. May God bless SGT Daniel McCall and all of those who serve in our Armed Forces and defend our Nation around the globe.

CONFERENCE REPORT ON H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to support H.R. 3074, the FY08 Transportation and Housing and Urban Development Appropriations Bill, but to voice my concerns over the lack of a provision omitted from the final conference report.

The Conference Report before us today addresses many of the problems facing Americans today. It helps to provide affordable housing for those Americans who need it most and modernizes our transportation infrastructure to enhance safety on our Nation's roads, our railways, and airplanes. This legislation also works to ensure the viability of mass transit operations throughout the Nation, all of which are necessary to reduce traffic congestion, lessen our dependence on foreign oil, and reduce our contribution to global warming. This is a strong, essential bill, and I will be supporting its passage, but I would like to express one concern I have with the conference report.

As a way to provide Federal housing assistance to tribal members in a way that recognizes self-determination and self-government, Congress enacted the Native American Housing Assistance and Self-Determination Act and as part of it, the Indian Housing Block Grant, IHBG, program. This program provides an allocation of funds on a formula to help tribes address their housing needs. Beginning in 2000, the Census allowed respondents to claim that they are American Indian Alaska Native in combination with other racial groups, or AIAN only. In response, HUD shifted the basis for the needs portion of the IHBG distribution from single-race to multi-race.

This unilateral decision by HUD to change its distribution formula has adversely impacted many of our Nation's tribes, as there was a large shift in funding among NAHASDA recipients. Compounded with the little to no funding increases that Native American housing programs have received in the past several years, tribes and their housing entities have been left without the resources they need to provide housing services for their members. This year's House passed T–HUD appropriations bill recognized that this change has adversely impacted many Native American tribes. Additionally, it directed the GAO to conduct a study to analyze the impact of these funding changes and report its findings to Congress. Unfortunately, the Conference Report removed the language requiring the study.

One of the greatest challenges facing Native Americans is the lack of sufficient housing. Approximately 40 percent of on-reservation housing is considered inadequate—often overcrowded and lacking basic facilities, such as electricity and plumbing. The study requested by the House only asked the GAO to study the impact of funding changes on the housing needs of tribal communities, and I do not see how this study could do anything but help. We must have all information possible as we continue to address the need for adequate housing on tribal lands.

HONORING DR. JAMES D. QUAY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. CAPPS. Madam Speaker, I rise today to honor and congratulate my friend Dr. James D. Quay of Albany, CA. Jim is retiring early next year after a distinguished 25-year career as Executive Director of the California Council for the Humanities. Throughout his career he has been a tireless State and national leader of the effort to strengthen communities through public practice of the humanities.

Jim was born and grew up in Allentown, PA, where his family has resided for at least nine generations. He first came to California in June 1969 on a belated honeymoon with his wife, Caren. They marveled at the spectacular coast and the beautiful rolling hills, and were struck by how often strangers smiled at them as they passed on the sidewalk. When they got on the plane to return home, they felt as if they were leaving home.

Arriving back in the East, Jim immediately applied to U.C. Berkeley. After he completed service in Harlem as a conscientious objector to the Vietnam War, he and Caren drove to Berkeley, arriving in July 1970. They have stayed ever since. The couple has two children, Jesse (1976) and Jenny (1981).

Jim received his doctorate in english literature from Berkeley in 1981. He taught writing at U.C. Santa Cruz and worked first as the Humanist-in-Residence, then as Associate Producer at California Public Radio, before being hired to lead the California Council for the Humanities in 1983. My late husband, Congressman Walter Capps, was the Chairman of the selection committee bestowing Jim with this honor.

Among his many achievements at the Council, Jim developed the first public programs in California to discuss the Vietnam War and its domestic aftermath. He supported the creation and expansion of a program to strengthen California's community museums. He brought Motheread, a family literacy program, to Los Angeles. He formed a partnership with Heyday Books to publish important anthologies about California and its history. He led a statewide effort to commemorate the California Sesquicentennial. And he sparked the development of the humanities council's landmark California Stories initiative.

But Jim is not just a list of accomplishments. He's a good friend, a loving husband and father, and a thoughtful, insightful leader. During a time of reflection in 1996, he sat down and made a list of 25 things that mattered most to him. Here are six of them: "My wonderful family, at table or at play; California, the promise, the people and the place; Religious music from almost anywhere; A pint of Guinness, freshly poured; Dawn; Acts of forgiveness and compassion."

Madam Speaker, I am proud to honor James Quay for his work and for his example as a human being and I ask you to join me in wishing him a retirement filled with long hikes, long conversations, much music, and much good cheer.

75TH ANNIVERSARY OF FAMINE-GENOCIDE OF 1932–1933

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LEVIN. Madam Speaker, I rise to mark the 75th anniversary of one of the worst crimes committed against our common humanity, and to remember the victims of the manmade famine that killed millions of Ukrainians in 1932–33.

During the Famine-Genocide of 1932–33, 7 to 10 million Ukrainians were deliberately and systematically starved to death. We are familiar with the terrible suffering caused by famines that are the result of natural forces. But this period is all the more tragic because it resulted from criminal acts and deliberate, criminal decisions by political officials. Yet it is also one of the least known of human tragedies. Despite efforts by the Soviet government at the time and afterward to hide the planned and systematic nature of this famine-genocide, the Ukrainian Diaspora has struggled to preserve its memory.

I am proud that Congress has supported these efforts. Last year, Congress approved legislation to authorize the Government of Ukraine to donate a memorial in the District of Columbia honoring the victims of the Famine-Genocide. Today, the Ukrainian Government, the Ukrainian-American Community, and the Department of Interior are working to identify a site for this memorial where all Americans can come to remember the victims of these acts and to contemplate their meaning and consequences.

This memorial is very important to the 1.5 million Ukrainian-Americans throughout the United States, and indeed to all humanity. It will not only honor their memory but serve as a tangible reminder to all of us that we must work together to prevent such tragedies in the future.

It is critical to ensure that this tragedy is never forgotten. This is an important lesson because the Soviet Union proved during this period that food can be a weapon. By introducing unrealistically high quotas on grain and other agricultural products, which were strictly enforced by Red Army troops, the Soviet government deliberately starved 7 to 10 million Ukrainians. The harvest of 1932 was only 12 percent below 1926–1930 average, but millions of Ukrainians died a slow, agonizing death of hunger.

This effort was systematic and premeditated. Having sealed the borders of Ukraine to prevent any outward migration or outside relief efforts, the Soviet Union proceeded to confiscate grain and summarily execute anyone found taking even a handful of grain that was considered "social property." The result was devastating, and exactly what the Soviet government intended. Materials now being found in KGB archives have shown the pre-meditated, political nature of the famine.

The United States and its people must stand with those living under oppressive and tyrannical regimes as they struggle for their freedom. Part of this struggle is to remember the brutal acts of these regimes and their victims. Preventing the recurrence of crimes against humanity such as the Ukrainian Famine-Genocide begins with remembering the tragedies of the past.

I urge all of my colleagues to join the Ukrainian-American Community today in remembering the victims of this tragedy and renewing our commitment to ensure that it is never repeated.

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT, 2008

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. BLUMENAUER. Mr. Speaker, I have consistently voted against funding for this ill-conceived and miserably run war, but I reluctantly support this additional funding because it will require the beginning of a withdrawal from Iraq. It also contains important provisions to prevent torture and ensure that our troops are fully equipped and trained.

Because President Bush has done nothing to earn the trust of Congress or the American people, this funding is only for a few months, giving Congress the chance to exercise oversight and hold the President accountable to ensure that the withdrawal is actually occurring at a responsible pace.

With a veto likely, we must tell the President that Congress will not provide this $50 billion, and certainly not the entire $200 billion he's asked for, as a blank check. But I am pleased that, in this legislation, Congress is saying that we will only fund an end to this war, not its continuation. Bringing this nightmare to a quick and responsible close is my highest priority.

HONORING SANDRA COOK FOR HER YEARS OF PUBLIC SERVICE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to praise a public servant who is finishing 20 years of outstanding service to the Federal Government and a total of more than 30 years of public service. Members of Congress and their staff who are engaged with Federal education legislation have benefited from the wisdom and professionalism of Sandra Cook, Special Assistant in the Office of Legislation and Congressional Affairs at the U.S. Department of Education. Sandra joined the Department in 1988, and has worked with Members of Congress and

their staff on many of our most critical educational issues. In the past 10 years, she has specialized in elementary and secondary education, including No Child Left Behind. Sandra was involved in helping to pass NCLB and has kept the lines of communication open between the Executive and Legislative branches of Government.

Sandra is a career civil servant who knows that Federal education policy matters. She has served under administrations of both parties and has consistently received internal recognition for her professionalism and commitment to excellence. Her quiet, thoughtful comments in congressional meetings and discussions with congressional staff have provided both with information and guidance. Sandra's Rolodex is renowned for both its size and breadth. And no matter how stressful the situation because of time pressures or personalities, Sandra has never lost her calm, composed, and friendly demeanor.

After graduating from Southern Illinois University, where she was an honors student, Sandra Cook began her professional life as a teacher. She taught language arts and history for 6 years in West Lafayette, IN. Though she did not stay in the classroom as a career, those experiences shaped the rest of her professional life, particularly her work at the U.S. Department of Education.

Sandra's public service prior to joining the Department included work for several Members of Congress: Representatives Robert Daniel, Jr., Tom Railsback, and Rod Chandler; and Senator Paul Trible. She also worked for Fairfax County Supervisor Farrell Egge in Virginia, who represented the Mt. Vernon district.

As she retires from Government service and heads back to her family in her home State of Illinois, I am proud to thank Sandra Cook publicly on behalf of this Congress for her many contributions to our Nation and its students.

HONORING THE BAND CHICAGO FOR THEIR ACCOMPLISHMENTS ON THEIR 40TH ANNIVERSARY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to recognize the numerous achievements of the band Chicago and congratulate them as they celebrate their 40th anniversary with a concert event at the Chicago History Museum on December 4, 2007. Over the last four decades, Chicago has become one of the most successful and longest lasting musical groups in history, and their music has touched hundreds of millions of listeners around the world.

The band was originally formed in 1967 as the Chicago Transit Authority by saxophonist Walter Parazaider, trombonist James Pankow, trumpet player Lee Loughnane, guitarist Terry Kath, keyboardist Robert Lamm, drummer Danny Seraphine, and bassist Peter Cetera. Within 2 years, this band composed mostly of Loyola University music students was signed to Columbia Records and released their first album.

During the next four decades, Chicago would go on to sell over 120 million records while releasing over 30 albums, 19 of which went gold. Among their many great singles, Chicago reached the top of the charts with favorites such as ''If You Leave Me Now,'' ''Hard to Say I'm Sorry,'' and ''Look Away.'' In addition to their incredible commercial success, Chicago has garnered considerable respect among critics and has won numerous awards, including three Grammy Awards as well as a Favorite Rock Group award at the American Music Awards.

Awards and honors aside, Chicago has a special gift for bringing people together, something I have personally experienced. My wife, Judy, and I are long-time fans of the band, and I will always remember that I proposed to Judy while we listened to the Chicago song ''Beginnings.'' Chicago also employs their fame to connect with others by supporting a number of charities including World Hunger Year. In addition, Chicago donates a portion of their ticket sales to the Ara Parseghian Medical Research Foundation which seeks a cure to the fatal children's disease Neimann-Pick Type C and also to Charlie Weis's Hannah & Friends Foundation which helps improve the quality of life for children and adults with special needs.

Madam Speaker, it is fitting that we honor the band Chicago as they celebrate their 40th anniversary, and I encourage all those who appreciate the band to visit an exhibit at the Chicago History Museum honoring the band's musical legacy. I wish the members of the band the best as they continue into their fifth decade.

CONGRATULATING FORMER PENNSYLVANIA GOV. WILLIAM W. SCRANTON, RECIPIENT OF THE 2007 MONSIGNOR MCGOWAN CORNERSTONE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to former Pennsylvania Gov. William W. Scranton who is being honored as this year's recipient of the Monsignor Andrew J. McGowan Cornerstone Award.

This prestigious award honors an individual who best exemplifies the spirit, leadership and service of Msgr. Andrew J. McGowan as a catalyst for social, cultural and economic growth, and to promote the charitable ideals of philanthropy and collaboration in northeastern Pennsylvania.

The Monsignor McGowan Cornerstone Award was designed through the efforts of the nonprofit organizations throughout northeastern Pennsylvania and the Mid-Atlantic region that benefited from Monsignor McGowan's participation as a board member and a mentor for community improvement.

Governor Scranton has distinguished himself in so many ways throughout his eventful life.

In 1941 he interrupted his law school education at Yale to enter the United States Army Air Corps where he served as an Air Transport Command pilot during World War II.

Following the war, he completed his law school education and began private legal practice as well as participation in several businesses.

In 1959, he was appointed by U.S. President Dwight D. Eisenhower to serve as special assistant to U.S. Secretary of State John Foster Dulles. A year later, he ran and was elected to the U.S. House of Representatives from the 10th Congressional District of Pennsylvania.

In 1962, he was elected governor of the Commonwealth of Pennsylvania and, during his term, he signed into law sweeping reforms in the State's educational system including creation of the State community college system, the State board of education and the State Higher Education Assistance Agency. In addition, he created a program designed to promote the State in national and international markets and to increase the attractiveness of the State's products and services.

In 1967 and 1968, Governor Scranton participated in the Pennsylvania Constitutional Convention and helped write a new constitution for the State.

Since then, he has served on the boards of directors of some of America's most influential companies including A&P, IBM, the New York Times, Pan American Airways and the H. J. Heinz Company. He also served as president of the Northeastern National Bank and Trust Company.

In 1976, U.S. President Gerald R. Ford named him U.S. Ambassador to the United Nations where he served with distinction until his retirement.

Madam Speaker, please join me in congratulating Governor Scranton for the contributions he has made to the northeastern Pennsylvania community he cherishes so much and to this Nation which owes him a profound debt of gratitude for his years of service and his remarkable achievements.

And let us also recognize the late Msgr. Andrew J. McGowan who labored tirelessly to improve the quality of life in his beloved community and to inspire others to share in the joy of service to mankind.

It is indeed fitting that the first Monsignor McGowan Cornerstone Award be presented to an outstanding Pennsylvanian who shares the same zeal for community service as the man for whom this award is named.

RECOGNIZING THE ACCOMPLISHMENTS OF WILLIAM R. MOLZAHN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the accomplishments of Mr. William R. Molzahn for his service to the Department of the Navy as Deputy General Counsel to the Office of General Counsel. Mr. Molzahn will retire on January 3, 2008 upon having served 33 years of distinguished service. His tenure and record exemplifies the highest traditions of public service.

Born in Chicago, Mr. Molzahn attended California State University, Fullerton, and received his Juris Doctorate from the University of California, Los Angeles. He began his career with the Department of the Navy's Office of General Counsel in 1974, and quickly distinguished himself as an outstanding young attorney. In 1986, he became a member of the Senior Executive Service, after which he

served as Counsel to the Naval Space and Warfare Command and Counsel to the Naval Sea Systems Command.

As the Deputy General Counsel and senior career civilian attorney for the Navy since 2000, Mr. Molzahn has expertly guided an organization of more than 600 attorneys. Among numerous other honors he has received throughout his career, he received a Presidential Rank of Meritorious Executive Award in 1997 and 2005 and a Presidential Rank of Distinguished Executive Award in 2002.

Recently, Mr. Molzahn was integral in the creation of the Navy's Acquisition Integrity Office, the first consolidated program within the Department tasked with proactively investigating and protecting against procurement fraud and other unethical business practices. Also, his advisement on legal issues involving the interrogation and the treatment of foreign nationals detained at Guantanamo Bay Naval Base resulted in the revision of interrogation guidelines to reflect national and international legal and ethical norms.

Serving a critical role in the revitalization of the Department of the Navy's intelligence oversight mechanisms, Mr. Molzahn was actively involved in transforming the Naval Criminal Investigative Service (NCIS) from a law enforcement agency to a premier counterterrorism, counterintelligence, and force protection organization.

Throughout his career, Mr. Molzahn has been an agent for transformation. He has been adept at anticipating the need to realign legal offices and policies to support the Navy mission when needed. His peers trust his unparalleled legal acumen, personal integrity, and consummate professionalism; his supervisors view him as trusted and indispensable legal advisor.

Madam Speaker, I commend Mr. Molzalm for his leadership, and I am proud to have him live in Virginia's 8th Congressional District. I ask my colleagues to join me in congratulating Mr. William R. Molzahn for his many years of exemplary service to the Department of the Navy, and our Nation. We wish him all the best in his retirement.

RECOGNIZING DR. PATRICK SAYNE ON HIS RETIREMENT AS SUPERINTENDENT OF PASO ROBLES JOINT UNIFIED SCHOOL DISTRICT

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. McCARTHY of California. Madam Speaker, I rise today to honor Dr. Patrick Sayne on his retirement as Superintendent of Paso Robles Joint Unified School District.

Dr. Sayne is currently the longest serving superintendent in California. He accepted his first leadership position in Warner Union Elementary School District in San Diego County in 1978, and also served in Valle Lindo School District and Lakeport Unified School District. In 1998, Dr. Sayne became the superintendent of Paso Robles Joint Unified School District, which I represent.

Dr. Sayne is a native of New Jersey, but moved to Long Beach, California with his family when he was a teenager. After graduating from California State University at Long Beach with a bachelor of arts degree in Russian history, he later obtained a master of arts degree in education in 1977. Dr. Sayne then went on to earn his doctorate in educational administration from the University of Southern California in 1988, and remains an avid Trojan fan.

Dr. Sayne has not only dedicated his life to ensuring excellence in education for his students in the school districts he has served, but he has also served his country with 34 years of military service, which includes active and reserve duty with the U.S. Marine Corps. He also joined the U.S. Navy Reserve, and in 2004, Dr. Sayne retired from the Navy Reserves with the rank of Commander.

Not only did he serve his country in the military and dedicate his life to improving the educational opportunities of his students, Dr. Sayne is active in the community, as a volunteer with Rotary International, the Association of California School Administrators, and the American Red Cross, where he is on the board of directors for the San Luis Obispo chapter and spent two weeks in Louisiana helping those communities impacted by Hurricane Katrina. He is also a former member of the Paso Robles Chamber of Commerce board of directors and a current member of the Paso Robles Library Foundation board of directors.

Dr. Sayne will be remembered as an active and involved leader during his nine years at Paso Robles Joint Unified School District. Through his long career as both a teacher and a superintendent, he always put his students first, was a strong advocate for alternative education, and consistently worked with his teachers to examine student performance to ensure that his schools were making a difference for the students.

One of his proudest accomplishments as superintendent of Paso Robles Joint Unified School District was working with the California Office of Emergency Services, OES, and the U.S. Federal Emergency Management Agency, FEMA, to secure funding to rebuild Flamson Middle School, which was destroyed in the December 2003 San Simeon earthquake. His leadership and dogged determination ensured that Flamson will be rebuilt and will again serve the students of the Paso Robles Joint Unified School District.

Dr. Sayne and his wife Mary currently live in Paso Robles and are the proud parents of daughters Cari and Kelly. He and his wife look forward to retirement and staying involved in the Paso Robles community, and I wish Dr. Sayne well in this new chapter of his life.

CONGRATULATIONS TO THE LADY COUGARS OF RICHARDSON'S CANYON CREEK CHRISTIAN ACADEMY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SAM JOHNSON of Texas. I rise to congratulate the Lady Cougars of Richardson's Canyon Creek Christian Academy. They won the State championship in volleyball last weekend.

It's a true Cinderella story. Slated to finish last, with no seniors, the team defeated Tyler All Saints Episcopal to clinch the coveted state title on the campus of TCU.

The Lady Cougars ruled with a 135–7 season. They'll celebrate their huge victory this Sunday at the Conquering the Giants Celebration at Canyon Creek Baptist Church in Richardson, TX.

Congratulations to the Lady Cougars. You make Texas proud.

TRIBUTE TO LUTHER W. HERNDON

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. McINTYRE. Madam Speaker, I rise today to pay tribute to Robeson County Commissioner Luther W. Herndon of St. Pauls, NC, who recently passed away. Affectionately referred to as ''Bill'' by those who knew him and those he served, Commissioner Herndon added new depth to the word, dedication. As a native Southeastern North Carolina and as a public servant, he offered an unwavering service to everything he did and to everyone who knew him, and unwavering commitment to his responsibilities as an elected official.

Born and reared in Robeson County, Commissioner Herndon understood the people he represented and cared deeply about making a positive difference in their lives. Over his lifetime, he experienced firsthand the dramatic changes that have taken place within our Nation's rural communities. Through his visionary leadership, he worked to ensure that the citizens of Robeson County were given the benefits that come with that progress. Because of his strong passion for his hometown, Commissioner Herndon never forgot the traditions and beliefs that make Robeson County unique. Through his dynamic leadership abilities, he was able to strike the crucial balance required by a community that values stability as well as change.

Commissioner Herndon spent more than one-third of his life in public office, sitting for 27 years on the Board of County Commissioners. His list of accomplishments as a public servant is extensive. Throughout his time in office, he worked on projects that improved the county's water services and water quality. Commissioner Herndon was instrumental in the construction of a landfill in his district that remains an example of waste management that is among the best in the State of North Carolina. He also was a strong supporter of county-led efforts to improve Social Security services among the underserved segments of the area.

Commissioner Herndon's dedication to Robeson County both as a native and as an elected official is an inspiration to us all. His record of service is a strong representation of what can be accomplished through devotion to a community and its people. As a retired member of the United States Army, it is not surprising that this dedication encompassed service offered to our Nation as well. The scope and depth of his vision for southeastern North Carolina will be felt for generations to follow. May God bless his family, and may we always remember the leadership and life of Commissioner Bill Herndon.

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT, 2008

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H.R. 4156, the ''Orderly and Responsible Iraq Redeployment Appropriations Act,'' and I want to commend Speaker PELOSI and the Democratic leadership for bringing this bill to the Floor today.

The American people want a new direction in Iraq. By every measure, this war has cost Americans far too much—whether it's lives lost, dollars spent, or our reputation tarnished around the world.

H.R. 4156 would provide critical funding for the troops while also requiring that troops begin to redeploy from Iraq within 30 days of enactment with a goal of completion by December 15, 2008. The legislation would ensure that troops are not deployed to Iraq unless they have been fully trained and equipped. H.R. 4156 also would extend to all U.S. Government agencies and personnel the current prohibitions contained in the Army Field Manual against torture.

Just this week the Joint Economic Committee, of which I am a vice chair, released a study to examine the broader impact of the war on the American economy. So far the full economic costs of the Iraq war are about double the immense Federal budget costs that have been reported to the American people.

The Congressional Budget Office has estimated that Federal spending on the war could reach $2.4 trillion by 2017. Our JEC report finds that when you add in the ''hidden costs'' of the war, the total economic costs will rise by over $1 trillion to $3.5 trillion. The report reveals how we are all paying for this war one way or another—whether it's higher prices at the pump, lost business investment, rising interest payments on the debt, or fixing all the broken bodies and our stretched military.

The President has asked Congress for an additional $200 billion for Iraq, bringing the total request to $607 billion in direct expenditures since the start of the war. This is well over 10 times more than the $50 to $60 billion cost estimated by the Administration prior to the start of the war, with no end in sight from this President.

This legislation sends the President an important message: start bringing our troops home, now.

I urge my colleagues to support this legislation.

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT, 2008

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Ms. ESHOO. Mr Speaker, I believe this legislation is the most important bill the House takes up this year because it will bring an end to the war in Iraq by bringing our troops home safely, honorably, and responsibly.

The bill mandates the start of an ''immediate and orderly'' withdrawal of U.S. armed forces in Iraq within 30 days after enactment. It also requires that the reduction of forces be done in conjunction with comprehensive diplomatic, political, and economic strategies involving Iraq's neighbors.

The bill provides $50 billion for the cost of redeployment, not the $196.4 billion the President has requested to keep the war going.

H.R. 4156 prohibits the use of torture on any person under U.S. custody. This is absolutely necessary because the Administration continues to defend this technique which is not sanctioned in the U.S. Army Field Manual.

The war in Iraq has taken a severe toll on our military. One and one-half million military personnel (or 30 percent of our military) have been deployed to Iraq more than once. Many of our soldiers are redeployed in less than a year. Our troops are exhausted, their equipment is shot and yet the President remains firmly committed to a Korea-like presence in Iraq for years. Our military readiness is severely threatened and our country is less safe today because of the President's ill-conceived and botched-up execution of this war.

The legislation recognizes our military readiness is at its lowest point since the Vietnam war and in order to reverse this, it requires that the President certify to Congress 15 days prior to deployment that our armed forces are ''fully mission capable.''

This Administration's sole focus on Iraq has left Afghanistan in an extraordinary state of vulnerability. We have seen the reemergence of the Taliban, soaring drug production, and the increase of attacks on U.S. and NATO forces. By all measures, the country is at risk of slipping away. This is a terrible and dangerous mistake. Although time is short, there is still an opportunity to defeat our enemies in Afghanistan once and for all. The President must acknowledge what's at stake and immediately take action to prevent the country from returning to what it was—a haven for international terrorism.

The President's justification for the surge was that ''reducing the violence in Baghdad will help make reconciliation possible.'' By all accounts, including the August 2007 National Intelligence Estimate, NIE, the Iraqi government's political progress is stalled. The NIE stated that the ''Iraqi Government will continue to struggle to achieve national-level political reconciliation and improved governance.'' The NIE goes on to state that ''broadly accepted political compromises required for sustained security . . . are unlikely to emerge unless there is a fundamental shift in the factors driving Iraqi political developments.'' It is clear from this NIE that the Iraqi government has done little if anything to initiate political reconciliation.

The American people are demanding a new direction in Iraq. They do not want the President's 10-year war with no end in sight. In fact 68 percent of Americans oppose the war in Iraq and 60 percent support a withdrawal of our troops.

I strongly support this legislation and urge my colleagues to do so as well. We can begin a new and better chapter for America and the world by changing the policy in Iraq.

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT, 2008

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. DINGELL. Mr. Speaker, I support the legislation before us today because I believe it represents a safe and responsible way to bring our troops home from Iraq. The President has had more than four years to demonstrate leadership in Iraq, but at every turn his decisions have dragged us deeper into an ethnic and sectarian crisis that the President seems incapable of solving. Eleven months ago, the bipartisan Iraq Study Group released its report, which offered a comprehensive plan to build up the Iraqi government and create the political and security stability needed to bring our troops home. Unfortunately, the President rejected this bipartisan approach and instead implemented his troop surge. As a result, 2007 was the deadliest year for our troops since the beginning of the war, and we are no closer to a political solution to the problems in Iraq than we were when the troop surge began. Because the President refuses to take responsibility for his failed strategy, I believe it is time for Congress to act.

The legislation before us today provides our troops with the funding and equipment they need to safely do their job. This includes funding for our continued efforts to provide security and support for the government of Afghanistan. However, it is a far cry from the blank check that the President requested. It requires the President to begin redeploying troops out of Iraq within 30 days of enactment, and sets a goal for total redeployment by December 15, 2008. The bill also requires the President to undertake diplomatic efforts designed to engage other regional and international actors in providing for a secure Iraq. It includes important provisions that ensure the first troops sent home are the ones who have served in Iraq the longest, and that no more troops can be sent to Iraq unless they have all of the equipment and training that they need.

I had hoped that this bill would also include funding to address the growing refugee crisis in Iraq. While I am disappointed this issue is not being addressed today, I have been assured that Congress will act soon to assist the millions of Iraqis who have been displaced because of sectarian fighting.

This legislation is not perfect, but I believe that it is worth supporting because it will require the President to do something he has so far refused to do: explain to the public how he plans to get our troops out of Iraq. In fact, this bill would make it clear to the President that he will not get one more dime from Congress until his redeployment plan has been submitted. I applaud Chairman OBEY for staying true to his pledge to send the President an Iraq spending bill with accountability and timelines built in. I urge my colleagues to support this legislation because it represents an important first step towards holding the President accountable and safely bringing our troops home from Iraq.

IN HONOR OF DR. SCOTT D. MILLER

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Dr. Scott D. Miller, the esteemed President of Wesley College for the past ten years. The College's Board of Trustees Chairman recently described Scott Miller's service as ''a legacy of accomplishment. During Dr. Miller's tenure, the College's enrollment has tripled, fund raising has been remarkable, the endowment has doubled and the institution has been named to the prestigious Regional Best Colleges list of the U.S. News & World Report list for the fourth consecutive year.''

A native of western Pennsylvania, Dr. Miller's career has been dedicated to higher education. Although he is only forty-eight years old, Dr. Miller has already served a remarkable seventeen years as a chief executive officer at institutions of higher learning—a testament to his leadership skills and unique vision. In my years of working with Dr. Miller on a variety of issues, I have found him to be an insightful and energetic man with a genuine passion for education.

Dr. Miller's impact on education is certainly not limited to his leadership of Wesley College. He is actively involved in the local community and in higher education at a national level. He was recognized by the American Council on Education in 2004 as among only seventeen college presidents who have advanced their institutions through entrepreneurial leadership. I have no doubt that we will continue to hear great things about Dr. Miller for many years to come.

I congratulate Scott Miller for his years of exemplary service to Wesley College and his countless contributions to the City of Dover and its surrounding communities. On behalf of all Delawareans, I would like to thank Scott and his family for their commitment during the past decade. We wish him all the best as he continues to excel in his career and assumes another important leadership role as President of Bethany College in Bethany, West Virginia.

COMMEMORATING EL CASINO BALLROOM'S 60TH ANNIVERSARY

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GRIJALVA. Madam Speaker, I rise today to commemorate El Casino Ballroom's 60th anniversary.

For sixty years, El Casino Ballroom in Tucson, Arizona has been a community and culture center in Tucson and much of Southern Arizona.

El Casino has touched the lives of many generations; it is a place where families and friends celebrate weddings, quinceañeras, anniversaries, and major events in our lives. It has been a center of culture and history for generations.

For the community, El Casino is the place you look forward to going for concerts, where you hope to see your child celebrate his or her marriage, and where you know any event will bring together new and old friends. For the young, your first celebration at El Casino is a rite of passage.

To celebrate and thank El Casino Ballroom for their service to the community is also to remember how and why El Casino started. Three friends—Ramon Siqueiros, Benjamin Jacobs and Adolfo Loustaunau—brought their vision for a place for Mexican-American families to gather. The friends purchased the land and were part of the construction team that built the ballroom on 26th Street between 2nd and 3rd Avenues. They were the owners, the builders, the managers, and—with their families—the cooks.

For Tucson, El Casino Ballroom is a safe place. In 1947, places throughout Tucson were discriminatory, posting signs of who could and could not frequent the clubs. El Casino was open to all—Mexican Americans, Anglos, African Americans, and anyone who wanted to dance, listen to music or celebrate.

Local and famous artists have performed throughout the years in the ballroom. Among the notables are: Little Joe, Vicente Fernandez, Perez Prado, Fats Domino, Little Richard, Pedro Infante, Javier Solis, Jose Alfredo Jimenez, Los Tigres del Norte, Los Lobos, Mariachi Vargas de Tecalitlán, Duke Ellington, Ike and Tina Turner, Chuck Berry, Queen Ida and local son Lalo Guerrero.

El Casino Ballroom was sold to the Latin American Social Club, a group that is celebrating its 75th Anniversary this weekend. The Latin American Social Club is an organization committed to improving the community needs, and since 1968, they have kept El Casino open.

In 1991, El Casino was temporarily closed due to roof damage. From that temporary loss, the community had a void to fill. After much work, fundraising, construction, and community support, El Casino opened its doors again in 2000. The resurrection of this historical landmark was celebrated throughout Tucson.

When the doors opened, the regular crowds, enthusiasm, and celebrations commenced. The return of El Casino Ballroom was like the return of the most treasured family member.

I congratulate El Casino Ballroom on its anniversary; I wish them many more years so that current and future generations will continue to share in its cherished memories. El Casino is in our hearts. It is a strong part of our community, and is a natural extension of most Tucson families.

HONORING THE AMERICAN CANCER SOCIETY AND THE 31ST GREAT AMERICAN SMOKEOUT

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. CAPPS. Madam Speaker, I rise to commend the American Cancer Society and recognize today, November 15th, as the 31st anniversary of the Great American Smokeout. Across the country, smokers will mark this annual event by cutting back, forsaking cigarettes for the day, or perhaps quitting altogether.

Tragically, more than 440,000 people in America die each year from tobacco related diseases. Lung cancer is the leading cause of cancer death in both men and women—accounting for one in five deaths in the United States. Despite these statistics, however, there is promising news about the significant health effects of quitting. In 1990 the U.S. Surgeon General reported that people who quit smoking, regardless of age, live longer than people who continue to smoke. Quitting smoking substantially decreases the risk of 15 types of cancer and other major diseases, including lung, laryngeal, esophageal, oral, pancreatic, bladder, and cervical cancers. Smokers who quit before age 50 cut their risk of dying in the next 15 years in half, compared with those who continue to smoke.

In addition to encouraging smokers to make a plan to quit, the Great American Smokeout is a day for Americans to join the American Cancer Society and its sister advocacy organization, the American Cancer Society Cancer Action Network (ACS CAN) in their efforts to advocate for smoke-free laws in communities nationwide. The combination of smoke-free communities and smoking cessation support is critical to helping smokers quit and stay tobacco-free.

The American Cancer Society Great American Smokeout grew out of a 1971 event in Randolph, MA, during which Arthur P. Mullaney asked people to give up cigarettes for a day and donate the money they would have spent on cigarettes to a high school scholarship fund. In 1974, Lynn R. Smith, editor of the Monticello Times in Minnesota, spearheaded the state's first D-Day, or Don't Smoke Day. The idea caught on, and on November 18, 1976, the California Division of the American Cancer Society succeeded in getting nearly 1 million smokers to quit for the day. That California event marked the first Great American Smokeout, which went nationwide the next year.

The Great American Smokeout is part of the American Cancer Society Great American Health Challenge, a year-round initiative that encourages Americans to adopt healthy lifestyles to reduce their risk of cancer.

Madam Speaker, as a nurse, I know firsthand the significant health dangers inflicted by smoking. I am honored to acknowledge the American Cancer Society and their annual Great American Smokeout today. I wish them great success in pursuing their goal to assist those who wish to improve their health by quitting smoking.

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT, 2008

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. CASTLE. Mr. Speaker, I rise in opposition to H.R. 4156, the short-term war supplemental appropriations bill. Although I plan to oppose this bill, I am also pleased that its authors included several provisions meant to improve transparency and ensure U.S. troops are adequately trained and mission capable. Hopefully, the inclusion of these provisions

signifies the beginning of real progress, and I plan to work with my colleagues to develop a unified approach to address the challenges we face in Iraq.

Our soldiers in Iraq continue to do tremendous work and it is critical that we provide them with the resources they need to improve security. Unfortunately, the bill before us today would delay important troop-protection and equipment funds requested by the Pentagon. According to Department officials, delaying these funds would also force the Pentagon to begin borrowing from its regular defense budget, which in turn could impact important operating funds for troops and military bases.

Additionally, I am concerned that this legislation would condition troop funding on the initiation of an immediate redeployment from Iraq. Although I strongly support a responsible strategy for bringing U.S. troops home, these decisions should not be mandated by Members of Congress without close consultation with our military and foreign policy leaders in the field. Furthermore, the U.S. commander in Iraq, GEN David Petraeus, has already set forth a plan to bring home a full combat brigade this month and at least five brigades by July of next year. Congress should perform strong oversight with respect to the redeployment process, but placing restrictions on our military commanders is not helpful in their efforts to achieve stability and bring troops home.

Still, I support language in the bill that would improve accountability and increase transparency by requiring regular reports on the status of the military's redeployment plans. In the same way, I support sections of the bill that would ensure military units are properly trained and prepared for deployments. Embracing a comprehensive regional security plan and prohibiting torture are also key provisions which I continue to support. In fact, I recently cosponsored legislation identical to the anti-torture provisions included in H.R. 4156.

The leaders of the U.S. Senate have already made clear that this legislation does not have the votes necessary for passage and therefore many of these important provisions will be left on the table. Therefore, I call on my colleagues to embrace the substantive areas of this bill where we can find agreement, and join me in committing to a bipartisan approach for achieving stability.

Mr. Speaker, the Bipartisan Compact on Iraq Debate, of which I am an original author, identifies the areas where Democrats and Republicans have found agreement. Let us embrace these points of agreement and move forward in supporting our troops serving in combat.

H.R. 4183, TO ESTABLISH THE NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Ms. LORETTA SANCHEZ of California. Madam Speaker, last night I introduced H.R. 4183, a bill to authorize the National Urban Search and Rescue Response System.

The National Urban Search and Rescue Response System is an important part of our Nation's all-hazards preparedness and response efforts. FEMA established the Urban Search and Rescue Response System in 1989 so that local emergency services personnel could act as integrated disaster response task forces. However, the system has never been fully authorized by Congress. As a result the Taskforces have suffered funding shortfalls, and the Taskforce personnel have been deployed without the appropriate Federal worker's compensation and employment protections.

Currently the Urban Search and Rescue Response System is made up of 28 Taskforces that are sponsored by local or State agencies. Most Taskforces consist of 70 personnel that are ready to deploy within 6 hours of activation, for 10-day deployments with 24-hour operations. The Taskforces deploy with all the equipment they need and they are self-sufficient for 72 hours.

In the event of a terrorist attack, a natural disaster, an accident, or another emergency involving structural collapse, FEMA can deploy any or all of the Taskforces to help with the emergency response. Taskforces have been deployed to respond to a variety of emergencies including earthquakes, hurricanes, and terrorism events like the Oklahoma City bombing. In 2001, 25 out of the 28 Taskforces were deployed to respond to 9/11. In 2005, all 28 Taskforces were deployed to respond to Hurricane Katrina. During that deployment the Taskforces searched thousands of collapsed structures in Mississippi and flooded structures in New Orleans, resulting in the rescue of 6,587 victims in New Orleans alone.

In my district the Orange County Fire Authority sponsors the fifth California Urban Search and Rescue Taskforce. The Orange County Fire Authority and the other sponsoring agencies make significant commitments to their Taskforces by absorbing Federal funding shortfalls, maintaining the necessary equipment, and supporting their personnel's participation in training, exercises, prestaging and deployments.

It is time for Congress to provide greater protections to the agencies that sponsor Urban Search and Rescue Taskforces and the individuals that serve on the Taskforces. H.R. 4183 will authorize $52 million annually to ensure that sponsoring agencies are not forced to absorb a Federal funding shortfall. This legislation will also provide Taskforce personnel or their families with Federal injury, illness, disability, and death benefits if the Taskforce member is injured during a Federal deployment. In addition, this bill provides employment protections so that Taskforce members will not lose their jobs because they have been deployed by FEMA.

The National Urban Search and Rescue Taskforces are a valuable resource and an excellent example of how local, State and Federal Governments can cooperate to effectively prepare and respond to all-hazard emergencies. I urge my colleagues to join me in supporting our Nation's Urban Search and Rescue Taskforces, and cosponsoring H.R. 4183.

HONORING THE LIFE AND ACCOMPLISHMENTS OF AMERICAN WORLD WAR II VETERANS WHO FOUGHT IN GREECE

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize the extraordinary life and accomplishments of Andrew Mousalimas, Spiro Cappony, Greg Pahules, Charles Antinopoulos, Gus Kraras, Nicholas Pappas, Peter Photis, Angelus Lygizos, Theodore Russell, Spiros Taflambas, and Vic Miller. All of these distinguished gentlemen are American veterans of United States commando units, who served behind enemy lines and fought alongside Hellenic Armed Forces in occupied Greece during World War II.

World War II involved the first U.S. experience with clandestine commando warfare. Under a classified plan developed by the Office of Strategic Services, OSS, precursor of the CIA, small Operational Groups, OGs, of specially trained U.S. Army infantrymen of various ethnic backgrounds—Greek, Yugoslav, Italian, French, and Norwegian—were infiltrated into occupied Europe to assist local partisan groups in resisting the Nazis. Among these OGs were more than 200 bilingual American soldiers. Their mission was to work with the andartes, the Greek partisans, to make the Nazi withdrawal from Greece in 1944 as costly as possible.

At the time, the OGs' brand of warfare was unique in the history of American arms. They learned special commando tactics at the OSS's secret training center on the grounds of the Congressional Country Club in Chevy Chase, MD, and received demolition training at another clandestine facility in Hagerstown, MD. Beginning in April 1944, they were inserted by night into Greece from Italy, either by boat or air drop. They then walked through the mountains to their operational bases. Once in place, they could not expect reinforcements, tactical support, or medical aid. They had no withdrawal route and were expected to remain in Greece indefinitely, living off the land and moving around on foot.

They punched far above their numbers and succeeded far beyond expectations, making 76 deadly strikes against the withdrawing Germans, on average about once every 3 days, killing or wounding over 1,800 enemy soldiers and blowing up miles of roads, track, and bridges. Their effectiveness can be judged by the severity of the German response. Even though the OGs deployed in uniform, an illegal Wehrmacht order directed that they be slaughtered to the last man if captured. The OGs' presence was a great morale booster for the andartes. OGs were the close-assault troops in operations by Greek partisans and contributed greatly to their success against occupation forces.

With their mission completed, they were withdrawn from Greece at the end of 1944 and officially disbanded a year later. Records of their actions were sealed for 40 years. Having operated autonomously and formally under Allied command, their war record was not fully recognized, with U.S. Army separation papers often not mentioning ground combat in Greece. Some never learned that they had been awarded a Presidential unit citation.

Madam Speaker, I commend and honor these American heroes—recognition of their bravery will be forever memorialized in the U.S. Congress with these remarks. Their dedication to the cause of freedom and democracy shall never be forgotten.

CONGRATULATING FLOWER MOUND HIGH SCHOOL DRUMLINE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Flower Mound High School Drumline in Flower Mound, Texas. The Flower Mound High School Drumline has been named ''Best Drumline in the Nation'' by the Percussive Arts Society International Marching Festival competition in Columbus, Ohio, and for the first time, was awarded the nationally acknowledged Fred Sanford Award.

The Flower Mound High School Drumline's show, entitled ''Primary Focus,'' is centered on the idea that music is the main part of the number. Along with the ''Best Drumline'' award, individual students at Flower Mound High School also received awards for Best Snare Pit, Best Tenor Line and Best Ensemble. The forty-two member drumline competes annually in indoor and outdoor competitions, as well as marching in the half time shows during the football season.

It is my honor to represent a group that shows such talent, hard work, and dedication at such a young age. I extend my sincere congratulations to The Flower Mound High School Drumline.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Ms. ROYBAL-ALLARD. Madam Speaker, I was unavoidably detained and was not present for rollcalls 1090 and 1091 Wednesday, November 14. Had I been present, I would have voted ''yea'' on rollcall 1090 on Agreeing to the Conference Report on H.R. 1429, the Improving Head Start Act and ''yea'' on rollcall 1091 to suspend the rules and pass H.R. 3845 PROTECT Our Children Act.

HONORING CORINNE WHITLATCH AND CHURCHES FOR MIDDLE EAST PEACE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. CAPPS. Madam Speaker, I rise today to honor Corinne Whitlatch on the occasion of her retirement as Executive Director of Churches for Middle East Peace. During her twenty-one years of service, Corinne made a significant contribution to helping policymakers understand the churches' positions and roles in Middle East peacemaking. I appreciate and admire her advocacy in support of a resolution to the Israeli-Palestinian conflict that allows two states—Israel and Palestine—to live in peace and security as neighbors.

Corinne Whitlatch's dedication to achieving peace in the Holy Land and commitment to ensuring a positive future for both the Israelis and Palestinians is admirable. I greatly value the efforts she has made to help both Members of Congress and church congregants approach these issues with compassion and empathy.

As I have worked in support of Israel, of the Palestinian people, and of achieving a two-state solution, I have been proud to stand side by side with Corinne and Churches for Middle East Peace's members, as well as Jewish-Americans and Arab-Americans. My Lutheran upbringing has given me the firm conviction of the important role faith communities have in communicating a message of peace. Under Corinne's leadership, Churches for Middle East Peace has been an important voice on Capitol Hill to communicate this same message.

Madam Speaker, I would like to sincerely thank Corinne for her service on behalf of peace. She will certainly be missed, but I am confident that the fine work of Churches for Middle East Peace will continue and will help see us through a time when the vision of two states is a reality.

EMPLOYMENT NON-DISCRIMINATION ACT OF 2007

SPEECH OF

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3685) to prohibit employment discrimination on the basis of sexual orientation:

Mrs. McMORRIS RODGERS. Madam Chairman, I rise today in opposition to the Employment Non-Discrimination Act because I believe it erodes our family values and the foundation of our Nation.

All people should live without fear of harassment. However, this legislation would create a newly protected class based on ''perceived'' sexual orientation. The term ''perceived'' and how it applies to the workplace will be subject to endless litigation and will ultimately be defined by the court system. It will open the door for anyone of any sexual orientation to claim to have been discriminated against on the basis of perceived sexual orientation. I am disappointed that this will become the latest example of unelected officials deciding an issue for the Legislative branch.

Meanwhile, faith-based institutions such as summer camps, Bible book stores or Christian schools will be the ones held hostage. The bill inappropriately excludes the hundreds or even thousands of religious schools that identify themselves as non-denominational. Unfortunately, the definition of a religious organization does not adequately cover religious schools that are not ''controlled, managed, owned, or supported by a particular religion, religious corporation, association or society.''

To attempt to meet exemptions, these faith-based institutions would be subject to highly inappropriate federal intrusion into their religious activities to determine, in essence, if they are religious ''enough.'' Meanwhile it puts schools that are not directly associated with a church at risk. In Baltimore *Lutheran High School Assn* v. *Employment Security Admin.,* 490A.2d 701 (Md. 1985), an unemployment case, the Maryland Court of Special Appeals ruled against the school declaring it was not ''operated primarily for religious purposes.'' However, the school conducted mandatory chapel services and attempted to integrate a distinctly Christian worldview into all of it courses.

As this current bill would result in a fundamental departure from the longstanding framework of the Civil Rights Act, widespread litigation, a trampling of hiring protections for many faith-based institutions, and an undermining of state laws that define and protect marriage, I will vote to oppose it.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Ms. WOOLSEY. Madam Speaker, on November 13, I was unavoidably detained and was not able to record my vote for rollcall No. 1082.

Had I been present would have voted: rollcall No. 1082—''yea.''

SHAW UNIVERSITY BEARS FOOTBALL TEAM

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. ETHERIDGE. Madam Speaker, I rise today to congratulate Shaw University Bears football team for winning the 2007 Central Intercollegiate Athletic Association, CIAA, Championship, under the leadership of head coach Darrell Asberry. After a hard fought season, the Bears defeated Virginia Union University in a dazzling double overtime performance 31–24 at the Charlotte Memorial Stadium in Charlotte, North Carolina, on November 10, 2007.

Madam Speaker, Shaw University has contributed significantly to the growth and development of North Carolina and the enrichment of countless of its citizens. I am proud to have the honor of representing this outstanding institution. It is fitting that we take a moment today to honor these young athletes as shining stars for the university.

PAYING TRIBUTE TO THE INDEPENDENT LIVING, INC.

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. HINCHEY. Madam Speaker, I rise today to honor Independent Living, Inc., based in Newburgh, New York, as it celebrates the

twentieth anniversary of its founding. For the past two decades, Independent Living has championed the cause of equal rights, access, and opportunity for persons with disabilities, and has worked throughout the Hudson Valley region to enhance the quality of life for these individuals and their families.

Founded in 1987, Independent Living currently provides services and assistance to more than ten thousand people annually. Through the hard work, vision and leadership of founder and Executive Director Douglas J. Hovey, Independent Living has continued to develop and expand its programs and advocacy for persons with disabilities, increasing its staff to more than two hundred.

Independent Living continues to make progress towards the goals of eliminating physical and attitudinal barriers for all persons with disabilities and ensuring that these individuals have universal access and opportunity in every aspect of community life. The organization's programs include information and referral services, peer counseling, individual and systems advocacy, and independent living skills training. Independent Living provides critical assistance with housing, education, employment, medical needs and personal attendant services, as well as advocacy for needed public policy changes at the local, state and federal levels of government.

Independent Living has systematically worked to reduce barriers for persons with disabilities by consulting with and educating family members, educators, service providers, public officials and representatives from the business community. The organization is operated by people with disabilities who clearly understand such barriers and can work effectively to resolve these obstacles. Through their diverse programs for individuals with disabilities, Independent Living also has helped to foster motivation, independence, self-direction, employment, social integration, and community participation.

Madam Speaker, I am delighted to honor Independent Living for its 20 years of committed and distinguished service. I congratulate and salute Doug Hovey, the board of directors and the staff and supporters of this organization for their very positive and lasting impact on the lives of so many individuals and families. I offer my appreciation to Independent Living, Inc., which continues to serve as a strong model for similar efforts throughout our Nation.

HONORING HELENA TRAFFORD DEVEREUX

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GERLACH. Madam Speaker, I rise today to honor Helena Trafford Devereux—a pioneer in special education. From the beginning of her impressive career, her interest as a young school teacher from south Philadelphia was focused on children, usually in the back of the room who were unable to keep up with the rest of the class and were all too often forgotten by other educators. In the early 1900s, Helena Devereux began working with these children and others throughout Philadelphia as she developed the cornerstones of modern-day special education. Her passion led her to work further with these children, bringing eight of them into her home so that she could provide the necessary instruction not only educationally, but vocationally and socially as well. Her success led to the 1912 founding of Devereux, which has become the Nation's largest nonprofit provider of behavioral healthcare for people with developmental/intellectual disabilities, behavioral disorders and mental illness. Ninety-five years later, it now serves 15,000 clients in 11 states throughout the country.

Ms. Devereux's work was truly at the cutting edge for its time. Professionals throughout the country and representing diverse disciplines came to Devereux to study her models of treatment and special education. Being a true visionary, Helena Devereux knew the importance of providing educational services to people with special needs. But more importantly, she knew the importance of training professionals in the fields of education, psychology, social work, psychiatry and related areas. It was therefore important to her that this mission be incorporated in the 1938 charter of Devereux and the 1956 bylaws.

Fifty years ago, shortly before her resignation, Helena Devereux established the Institute of Research and Training, now known as the Institute of Clinical Training and Research (ICTR). ICTR is one of the ten oldest, continuously accredited internship training sites by the American Psychological Association in the country. Since its inception, over 1,200 individuals have received their pre- or post-doctoral training at Devereux and many of these individuals have gone on to attain positions of prominence in the field of psychology.

ICTR has also excelled in developing best practices in the field of education for infants and toddlers, children with significant behavioral disorders and mental illness, and children with developmental disabilities, including autism.

In celebration of the 95th anniversary of Devereux and the 50th anniversary of the ICTR, Devereux is planning a Gala celebration at the Independence Seaport Museum on Friday, November 16, 2007. The Gala is expected to draw the greater Philadelphia business and civic community for an evening of entertainment and appreciation.

While Devereux is recognized as a national leader in providing services for children, adolescents and adults, the largest population base served is in southeastern Pennsylvania. Almost every town and township in the Delaware Valley, as well as more than 40 counties throughout the state, are served by Devereux. In Pennsylvania alone, it serves 1,800 individuals.

Madam Speaker, I am sure all of my colleagues join me today in celebrating the 95th anniversary of Devereux and the 50th anniversary of the ICTR. Their legacy—and the tireless work undertaken by Helena Devereux—is evident in the countless lives that they have affected, and those students who they continue to help every day.

HONORING ANDREW HERDMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Andrew Herdman of Kansas City, Missouri. Andrew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. Over the many years Andrew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Andrew Herdman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING ERIKA B. SCHLAGER'S 20 YEARS OF SERVICE AT THE COMMISSION SECURITY AND COOPERATION IN EUROPE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. HASTINGS of Florida. Madam Speaker, today I am pleased to pay tribute to Erika Schlager for her 20 years of tireless service to the U.S. Commission on Security and Cooperation in Europe, the Helsinki Commission. Erika began her advocacy work as a member of the Commission's professional staff on September 8, 1987, during a period marked by repression and widespread violations of human rights and fundamental freedoms in Central and Eastern Europe, the region of her particular expertise.

Driven by a passion for upholding the human rights commitments enshrined in the Helsinki Final Act, the Universal Declaration of Human Rights and other international instruments, Erika devoted herself to documenting the cases of political prisoners, prisoners of conscience, and others denied their fundamental freedoms. Her focus on the countries of the region began with her academic studies as well as her personal experience. Indeed, Erika was in Poland for further studies when the regime imposed martial law in late 1981. Shortly after she joined the Commission staff, she helped organize a delegation of members to Czechoslovakia where, among other activities, they planned to meet playwright and Charter 77 founder Vaclav Havel. The courageous rights leader was detained by the secret police and prevented from meeting the delegation. Erika was an ardent champion on his behalf as well as for those lesser known victims of repression. She was able to accompany a delegation of Commissioners to Poland in 1989 to witness the installation of the first democratically elected government there in more than six decades. Her diligent monitoring of developments in these countries continues

as those nations move to further consolidate democracy, human rights, and the rule of law.

An impressive expert in the field of international law, Erika continues her advocacy in areas such as the plight of Roma and property restitution for victims of the Holocaust to the challenge of preserving human rights in a post-9/11 world.

Madam Speaker, as Chairman of the Helsinki Commission, I am pleased to recognize and commend Erika Schlager for her faithful, dedicated, and tireless service to me and my colleagues.

CONGRATULATING CARDINAL FRANCIS GEORGE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. EMANUEL. Madam Speaker, I rise today to congratulate Francis Cardinal George, O.M.I. on his election as President of the U.S. Conference of Catholic Bishops.

On November 13th, Cardinal George was elected by the U.S. Conference of Catholic Bishops to the position of president during the bishops' November meeting in Baltimore. He is the first cardinal to be elected president or vice president of the conference since 1971. Cardinal George will serve in this position for the next three years.

As President of the U.S. Conference of Catholic Bishops, Cardinal George will act as spokesperson for the Roman Catholic Church in America and will represent the U.S. church in meetings at the Vatican. Additionally, Cardinal George will accompany Pope Benedict XVI during his first papal pilgrimage to the U.S.

Prior to his election as president of the conference, Cardinal George served as Vice President since 2004. Cardinal George also served on numerous USCCB committees including Liturgy, Doctrine, Pro-Life Activities, and the sub-committee on lay ministry. Since 1990, he has been Episcopal Moderator and member of the board of the National Catholic Office for Persons with Disabilities.

A Chicago native, Cardinal George has been an exemplary leader for Chicago's Catholic community. He currently serves as the Archbishop of Chicago, a position he was appointed to in 1997 by Pope John Paul II. In January 1998, Pope John Paul II announced Archbishop George's elevation to the Sacred College of Cardinals. Cardinal George has been an invaluable asset to Chicago's Catholic Community, and his tenure as Archbishop has been a successful one.

Madam Speaker, I congratulate Cardinal Francis George on his election as President of the U.S. Conference of Catholic Bishops, and I wish him the best of luck in his new role.

HONORING CAVERNA HOSPITAL

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Caverna Hospital in Horse Cave, KY, on the occasion of its 40th Anniversary this year.

Caverna Hospital, has been serving Hart County since 1967. Beginning in the early 1960's, the citizens of Horse Cave and Cave City, KY raised the $350,000 necessary to qualify for federal funding. The community broke ground in July of 1965. Caverna's first patient, Mrs. Lindberg Forbes of Hardyville, was admitted on June 5, 1967.

Caverna has made a number of facility improvements over its four decade history in order to better provide high quality health care to the region. Upgrades were made in 1989 to the patient rooms, CCU, the nursing station, and the cardiac monitoring system. Another major addition occurred in 1997 when a new Emergency Room, x-ray wing, laboratory, waiting area, and more patient rooms were added. Caverna has also made major equipment purchases including a CT scanner, mammography equipment; and ultrasound equipment.

It is my privilege to honor Caverna Hospital today, before the entire House of Representatives, and for its commitment to providing quality health care to the citizens of Kentucky.

HONORING JUSTIN C. SCHULTZ

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Justin C. Schultz of Kansas City, Missouri. Justin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and earning the most prestigious award of Eagle Scout.

Justin has been very active with his troop, participating in many scout activities. Over the many years Justin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Justin C. Schultz for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE 200TH ANNIVERSARY OF BEDFORD COUNTY, TENNESSEE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, I rise today to recognize the 200th anniversary of Bedford County, Tennessee, which I have the honor of representing in this esteemed body. The community in Middle Tennessee will commemorate its bicentennial on December 3.

The area of Bedford County was established by the Tennessee General Assembly by carving out a portion of Rutherford County to extend south to the state's boundary with the Mississippi Territory in present-day Alabama. The county was named for Capt. Thomas Bedford, a soldier who served in the American Revolution.

Today, Bedford County may be best known as the Walking Horse Capital of the World. For nearly 70 years, thousands of people have gathered in Shelbyville, the county seat, during late August and early September for the Tennessee Walking Horse National Celebration. During the first Celebration in 1939, more than 40,000 people attended the event.

In June of each year, nearby Bell Buckle hosts the annual RC and Moon Pie Festival. During the weekend of the festival, the tiny town of 400 residents receives about 15,000 visitors who are able to participate in a 10-mile run, watch parades, spit watermelon seeds and have a taste of the world's largest Moon Pie.

County Mayor Eugene Ray and the rest of the Bicentennial Committee will lead next month's celebration. They have done an outstanding job of organizing this event, and I commend their efforts.

The communities that make up Bedford County have great reason to take pride in their beautiful slice of Middle Tennessee. I wish them well and hope the next 200 years are as prosperous as the first 200 years.

PAYING TRIBUTE TO THE STATE UNIVERSITY OF NEW YORK

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. HINCHEY. Madam Speaker, I rise today to honor the State University of New York's (SUNY) dual diploma program in conjunction with the Turkish Council of Higher Education (YOK). This unique and highly successful international higher education effort has partnered nine top-tier Turkish institutions with nine SUNY campuses. Two of which, SUNY New Paltz and SUNY Binghamton, are located in the district that I represent. This program and others like it are particularly important in the face of our country's current challenges in the Middle East and throughout the world.

The SUNY system, comprised of 64 campuses, provides first-class higher education for over 417,000 students and is the largest comprehensive university system in the nation. Tasked with increasing the number of international students on SUNY campuses, SUNY's Office of International Programs has initiated a broad series of programs to prepare students for an increasingly interconnected world. The dual diploma program with Turkish universities highlights SUNY's commitment and leadership in international education.

Evolving from initial talks held in 2000, the first cohort consisting of 33 Turkish students arrived on SUNY campuses in 2003. These students spend half their undergraduate education at a SUNY campus, half at a Turkish university, and receive a diploma from both. Through committed efforts and diligence, the program now boasts more than 1,500 students in 24 programs and has graduated 100 students. This year the Institute of International Education recognized the program with the Andrew Heiskell Award for Innovation in International Education Partnerships.

Madam Speaker, I am delighted to acknowledge SUNY's leadership, the Office of International Programs, SUNY and Turkish partnership institutions, and all those who have worked to ensure that New York State's system of higher education provides the international components that are critical to higher education, our nation's competitiveness, and our image abroad. Furthermore, I am deeply honored to represent two of SUNY's host institutions, SUNY Binghamton and my alma mater, SUNY New Paltz. Each of these universities' contributions in education and efforts at globalizing their campuses benefit their communities in many broad and profound ways and it is my pleasure to recognize them during International Education Week 2007.

RECOGNIZING LAMAR UNIVERSITY'S DISHMAN DEPARTMENT OF NURSING

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. POE. Madam Speaker, Florence Nightingale, the pioneer of modern nursing, once stated that "Unless we are making progress in our nursing every year, every month, every week, take my word for it we are going back." Lamar University's JoAnne Gay Dishman Department of Nursing has taken this philosophy and ran with it. Their continued excellence has turned the nursing program into one of the most successful in the country.

Nursing education began at Lamar University in 1974. Since then, it has become the second most popular in the university, trailing only General Studies. From 2001 through 2005, the program saw a 30 percent increase in the number of students admitted to the program. Over the same period, the number of pre-nursing majors increased by 195 percent. The popularity stems from the success of both the program and the students. The faculty is staffed by a number of experts with many years of experience. Recently Department Chair Eileen Curl was elected president of the Texas Association of Deans and Directors of Professional Nursing Programs. May 2007 graduates of the Department's associate of applied science program achieved a 100 percent passing rate on the National Council Licensing Examination for Registered Nurses. The national passing rate is 87 percent. Success in the classroom has lead to success after graduation. The University states that 98 percent of senior nursing students have job offers before graduation, and a full 100 percent are employed within six months after graduation. The knowledge learned in the classroom benefits all Southeast Texans, as the University estimates that between 60 to 80 percent of Lamar's graduating classes are employed in local health care agencies. Southeast Texans can feel safe, knowing that they have qualified, competent, and professional nurses to assist them.

Lamar University's Dishman Department of Nursing had humble beginnings but quickly grew to become one of the most popular and distinguished majors. The faculty provides quality education relevant to today's ever-changing world. The students strive to be the best and showcase their values, work ethic and integrity. With an enrollment that grows by the year, the Dishman Department of Nursing will be turning out prominent medical professionals for years to come.

And that's just the way it is.

IN RECOGNITION OF COLORADO PROFESSOR OF THE YEAR AWARD WINNER THOMAS C. MCGUIRE

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LAMBORN. Madam Speaker, I rise today to congratulate Thomas C. McGuire, an associate professor of English and Fine Arts at the United States Air Force Academy, who has been named the Colorado winner of the 2007 U.S. Professors of the Year Award. Since 1981, this program has saluted outstanding undergraduate instructors throughout the country.

This award is recognized as one of the most prestigious honors bestowed upon a professor. To be nominated for this award requires dedication to the art of education and excellence in every aspect of the profession. Mr. McGuire is personally committed to each student and has helped to shape the leaders of tomorrow's Air Force. We are all proud of his accomplishment.

I commend Mr. McGuire for his leadership and dedication. Mr. McGuire's passion has no doubt inspired an untold number of students. It is excellent professors like Mr. McGuire that have enabled the United States Air Force Academy to become one of the very best institutions of higher learning in the nation. I wish today to congratulate Mr. McGuire and the Academy on this tremendous honor.

A PROCLAMATION HONORING HAZEL FARMER ON HER 106TH BIRTHDAY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, Ms. Farmer has demonstrated values of hard work and service throughout her life, always maintaining a positive outlook; and

Whereas, Ms. Farmer loves helping people through volunteering and taking care of them; and

Whereas, Ms. Farmer has dedicated her life to teaching our youth; and

Whereas, Ms. Farmer's character has been praised by the staff at Walnut Hills Retirement Community, as "a sweetheart and a joy to be around;" now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I wish Hazel Farmer a happy and healthy 106th birthday. We recognize the tremendous impact she has had in her community and in the lives of all those people she has touched.

HONORING THE FOSTERVILLE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Fosterville Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Fosterville Volunteer Fire Department was established in 1989 with 10 firefighters and an old handed-down U.S. Army truck. The department has 14 volunteers on its roster and has already responded to over 30 calls in 2007.

Without volunteer fire halls, like Fosterville, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Fosterville Volunteer Fire Department deserve recognition: Chief Bob DeCarlo, Deputy Chief Billy Wallace, Capt. Chuck Lloyd, Lt. Andy Kimbrell, Lt. Issac Keith, Administrative Firefighter Emily Bradley, Training Officer Kevin Kimberlin, Chaplin and Firefighter Clark Sneed, J.D. Iddings, James Bass, Jason Zimmerman, Mark Bonifant and Woman Auxiliaries Emily Bradley, Mary Bass, Candice Lloyd and Jennifer Chapman; Explorer Junior Firefighters: Andrew Redd, Tiffany Kimberlin and Brandi Kimbrell.

WAITING ON JUSTICE TO BE SERVED

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. POE. Madam Speaker, thirteen years ago in Humble, Texas, 33-year-old Farah Fratta was murdered by a hit man, allegedly hired by her own husband, Robert Fratta. In 1994 Robert Fratta was sentenced to death row for his part in this murder-for-hire plan. Since their daughter's murder, Farah's parents, Lex and Betty Baquer have raised Farah's children. The Baquers recently learned that Robert Fratta was granted a new trial.

This second chance frustrates and shocks the Baquers. In the second district of Texas, the community of Humble is troubled to learn that the Baquers and their grandchildren will have to relive another trial. The murder of a loved one is an exceptionally difficult experience yet too often, the victim's families are left alone to fight the criminal justice system. The Baquers have found support and strength through God and in their grandchildren. I want the Baquers to know they are not alone in

their fight, we will continue to remember the legacy that Farah left behind.

So, I stand here today to pay tribute to Betty and Lex Baquer. As a parent of 4 children and 5 grandchildren, I can think of nothing worse than to lose a child. I commend the Baquers for their determination and commitment to justice. As a former judge and prosecutor, I have witnessed how victims as well as their families are treated in the justice system. It's shameful! The first duty of government must be to make sure criminals who commit crimes pay for their acts of violence.

Justice must be served.

And that's just the way it is.

A TRIBUTE TO JEFFERSON AWARD WINNER LISA CHAN OF DALY CITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LANTOS. Madam Speaker, I rise today to share news of an extraordinary young woman from my home district. Lisa Chan, a 17-year-old senior at St. Ignatius College Preparatory School, and a Daly City resident, has been recognized with a Jefferson Award. It is a fitting honor, but let me say it is but one more accolade for this extremely accomplished young lady.

Some might refer to Lisa as an ''overachiever,'' but that would hardly do justice to the list of accomplishments she has already achieved. At her school, she is editor-in-chief of the yearbook, President of the California Scholarship Federation, President/Founder of the Leo's Club, and Academic Representative of the Student Council. Lisa is also able to maintain a 4.2 grade point average.

She won this year's Miss San Francisco Outstanding Teen pageant, which is part of the Miss America organization. Her winning theme of ''Empowering the Youth Toward an Educational Revolution'' highlights her extracurricular activity of creating a non-profit agency to do exactly that. Her ''Bay Area Strive'' group puts high school students to work helping elementary school students. It is a stunning success in its own right, empowering young adults to become active in the effort to upgrade the California public school system. In fact, Lisa has the goal of publishing a book about the effort by her 18th birthday. I am confident that she will succeed in that goal, as she has succeeded in so much already.

Madam Speaker, I am proud to say that Lisa Chan also was one of just eight teenage girls to win the national Target House Volunteer Contest, which focuses on volunteerism. Few teenagers show the drive and determination evidenced by Lisa Chan at such an early age. She is truly a role model for her peers and I am proud to introduce her to my colleagues in the House of Representatives.

Madam Speaker, I have little doubt that Lisa Chan will fulfill her goal of attending college and eventually studying law. Her commitment to the community, matched by her intelligence and perseverance, will hold her in good stead as she pursues her ultimate goal of political activity.

A PROCLAMATION HONORING RUBY GILLIAM ON HER 85TH BIRTHDAY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, Mrs. Gilliam has been a devoted mother and wife, mentor, confidant, and friend to many; and

Whereas, Mrs. Gilliam has demonstrated values of hard work and dedication throughout her life, always maintaining a positive outlook; and

Whereas, she has an unwavering commitment to her community and has been actively involved; and

Whereas, Mrs. Gilliam character and faith has been appreciated for enhancing all of those she has come into contact with; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I wish Ruby Gilliam a happy and healthy 85th birthday. We recognize the tremendous impact she has had in her community and in the lives of all those people she has touched.

HONORING THE BELL BUCKLE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Bell Buckle Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Bell Buckle Volunteer Fire Department was established in 1950 with 15 firefighters, a chief and a truck. Currently, the fire department has 20 volunteers on its training roster and is building an addition to the Fire Hall that will house six trucks.

Without volunteer fire halls, like Bell Buckle, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Bell Buckle Volunteer Fire Department deserve recognition: Chief Mary Lokey, Deputy Chief Ronnie Lokey, Deputy Chief Dave Fisher, Richard Miller, Brian Wafford, Brian Lokey, John Crosslin, Jenna Gragg, Matthew Joseph, Nathan Gragg, Jason Rieben, Matthew Gragg, Travis Miller, Robert Gown, Leo Wilcox, Whitt Ross, Ken Del Villar, Adam Prince, Cain Owens and Daniel Gragg. Also listed on the training roster are retired Chief James Elkin and Phillip Daniel, Gone But Not Forgotten.

THE SPIRIT OF AGGIELAND LIVES ON

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. POE. Madam Speaker, College Station, Texas is the home of Texas A & M University, also known as Aggieland. Texas A & M was founded in 1876, and was the first public institution of higher learning in the state of Texas. Although the education received at Texas A & M is of the highest caliber, it is not the only element that attracts prospective students to College Station for their college careers. It is the sense of belonging that is created at Texas A & M—the Spirit of Aggieland, that unique school spirit that sets Texas A & M apart from the rest.

The spirit of Aggieland, besides being the alma mater of Texas A & M University, refers to the ''spirit that can ne'er be told.'' Many people have described Texas A & M as having a unique school spirit that ''From the outside looking in, you can't understand it. And from the inside looking out you can't explain it.'' What has helped develop this sentiment is the time honored traditions that Aggies everywhere hold dear. Such traditions include Midnight Yell Practice, 12th Man, Yell Leaders, Reveille, Muster, Silver Taps, and Gig'Em. And one of the most notable traditions is Aggie Bonfire.

Bonfire is built every year and lit before the big football game against the University of Texas Longhorns, or ''t.u.'' as the Aggies call them. Bonfire is meant to symbolize the burning desire to beat the University of Texas in the annual football game. The first Bonfire built in 1909 was a heap of trash and debris. By 1969 the stack of logs set a record for the height of a bonfire at 109 feet, 10 inches. There have only been 2 years when bonfire did not burn as scheduled. The first was 1963, the year President Kennedy was assassinated. As a sign of respect, the students dismantled the stack. Head Yell Leader, Mike Marlow explained, ''It is the most we have and the least we can give.'' The other year was 1999, when at 2:42 am on November 18th the 40 ft high stack consisting of 5,000 logs collapsed killing 12 people and injuring 27 others.

It was in dealing with this tragedy that the true strength of Texas A & M emerged. Rescue workers were on the scene within minutes of the collapse. The entire Texas A & M football team and many members of the Corps of Cadets rushed to the site to assist in manually removing the logs. An official memorial service was held in Reed Arena less than 17 hours after the collapse. Over 16,000 mourners gathered to pay tribute to those who had died and those who spent all day trying to rescue the injured. At the end of the ceremony, the crowd spontaneously stood, linked arms, and started singing Amazing Grace.

Eric Opiela, Vice President of the Student Government of The University of Texas at Austin, attended the memorial service, and described the scene saying, ''Aggieland is a very special place, with special people. It is infinitely better equipped than us at dealing with a tragedy such as this for one simple reason. It is a family. It is a family that cares for its own, a family that reaches out, a family that is unified in the face of adversity; a family that moved this Longhorn to tears.''

It is this same sense of unity and family that has compelled current Aggies to continue their tradition of Bonfire. Though the event is now held off campus and not sponsored by the University the passion lives on. And so, on this 8th anniversary of the Texas A & M Bonfire collapse, we pay tribute to the Spirit of Aggieland. May it continue to mystify us, dazzle us, and thrive forever.

And that's just the way it is.

UKRAINIAN FAMINE-GENOCIDE OF 1932–1933

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GERLACH. Madam Speaker, there are few more disturbing examples of human cruelty toward its own kind in the history of the world than the Ukrainian Famine-Genocide of 1932–1933. It is inconceivable that a government could have so little value for human life to kill up to 10 million people, including 3 million children, in order to break national resistance to Communism. For 500 days, 25,000 people died daily from hunger, when nature's harvest provided them with everything needed to lead a normal life and when food was in their plain view. The brutality of such a policy and the callous way it was enforced are beyond comprehension. The Ukrainian Famine-Genocide was caused by the imposition of extraordinarily high grain quotas in the agricultural areas of Ukraine, and inhumane efforts by the Soviet government in taking every foodstuff available to fulfill the quotas. Taking a handful of grain or a potato was considered ''stealing from the state'' and capital punishment could be—and was—applied as a consequence.

The eyewitness accounts are horrifying in their candor. One survivor wrote the following in her diary: ''Upon entering [the village] we caught up with a boy of about 7; my fellow traveler shouted [for him to step out of the way] but the boy did not seem to hear and continued to walk, swaying; our carriage caught up with him; I shouted; the boy stepped out of the way as though unwillingly; I wanted to look him in the face. That face left a chilling impression on me, one that I will never forget. I think that this was the expression of people who know that they will soon die, but who do not want to die. But this was a child. [. . .] I cried silently, so that my companion would not hear. The thought that I could not do anything, that millions of children are dying from hunger [. . .] dismayed me. . . . Near the village soviet office we ran into an old man with the same expression on his face.''

When the news of the Famine-Genocide reached the free world, the Soviet government denied its existence and refused humanitarian aid that could have saved the lives of millions. For the next 60 years, the government aggressively continued to deny the existence of the Famine-Genocide and even banned the use of the word ''famine''.

On the event of the 75th anniversary of the Ukrainian Famine-Genocide, I am confident that I speak on behalf of my constituents and our entire nation when I join the Ukrainian nation in mourning the millions of innocent victims. Their memory will always be with us. I believe it is our moral responsibility to recognize the Ukrainian American community's work and continue to inform the whole world of the crime against the Ukrainian people and humanity committed by the Stalinist totalitarian regime. We cannot let any similar tragedy be repeated ever again. Together, we need to continue to fight totalitarianism and the oppression until every corner of this planet is free and democracy reigns supreme. We honor the memory of the innocent victims and the brave fighters for Ukraine's independence today and we will remember them always.

A PROCLAMATION HONORING COACH IAN COOKE FOR LEADING THE GIRL'S SOCCER TEAM TO PLACE SECOND IN THE MANCHESTER UMBRO INTERNATIONAL CUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, Coach Ian Cooke showed hard work and dedication to the sport of soccer; and

Whereas, Coach Cooke was a leader and mentor for the team; and

Whereas, Coach Ian Cooke has been a role model for sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Coach Ian Cooke for leading the girl's soccer team to place second in the Manchester Umbro International Cup. We recognize the tremendous hard work and leadership he has demonstrated during the 2007 soccer season.

HONORING THE BAPTIST RIDGE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Baptist Ridge Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Baptist Ridge Volunteer Fire Department was established in 2000 in order to serve the city of Hilham. Today, the department has 21 volunteers on its roster.

Without volunteer fire halls, like Baptist Ridge, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Baptist Ridge to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Baptist Ridge Volunteer Fire Department deserve recognition: Chief David Boles, Asst. Chief Joe Boles, Capt. Jackie Hamlet, Lt. Ted Tucker, Anthony Boles, Ravy Watson, Dewayne Scott, Johnny Allen, Kevin Taylor, Mark Minske, Kenny Estep, Bobby Gene Lee, Kyle Spear, Farrah Spear, Reba Allen, Brenda Boles, Robert Abney, Kimberly Tucker, Linda Elam, Mary Boles and Wanton Young.

BRILL ELEMENTARY SCHOOL EARNS MAJOR ACHIEVEMENT

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. POE. Madam Speaker, the staff and students at Brill Elementary School, in Klein Independent School District, set a goal for their physical fitness program and worked hard to achieve it.

As a result of their perseverance and determination, Brill has been awarded the title of Physical Activity and Fitness Honor Roll School by President George Bush's Challenge Program.

Brill received this honor by serving as a national demonstration school in physical fitness and sports for the past three years. During this time, other schools looked to Brill as having the model physical fitness program.

I commend the students, faculty and staff of Brill Elementary for their dedication to physical fitness. I would especially like to recognize the efforts of physical education teachers Darlene Sentesi, Jack Hall and April Holbrook.

This elementary school is the only one in Texas to be considered a national demonstration school and to be awarded the honor roll distinction.

I am proud of the faculty at Brill Elementary for their commitment to the well-being and health of its students.

And that's just the way it is.

RECOGNIZING MRS. LINDA BUZINEC

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. VISCLOSKY. Madam Speaker, it is with immense gratitude and admiration that I stand before you today to recognize the many accomplishments of Mrs. Linda Buzinec, the longtime Mayor of Hobart, IN. A close personal friend of mine, I can truly say that Linda is one of Northwest Indiana's most distinguished and honorable citizens, as well as one of its greatest leaders. She is one of the most involved citizens that I have ever known, especially when it comes to her service to the people of Hobart, IN. First elected to public office in 1988, Linda has been a constant fixture in Hobart, where she has always been fully committed to the people she was elected to serve. Most recently, Linda has served as Mayor of the City of Hobart for the past 12 years. Her efforts throughout her career in public service and the impact she has had on

the city and the people of Hobart will forever be remembered. To honor Linda, a reception will be held at the Avalon Manor in Hobart, IN, on Tuesday, November 27, 2007.

Linda Schmelter was born in Gary, Indiana, to Leonard and Ann Schmelter. A lifelong resident of Hobart, Linda attended Saint Bridget Elementary School and Hobart High School. Upon her graduation, prior to beginning her career as a public servant, Linda was employed by Hobart Federal Savings. Undoubtedly, this position helped Linda develop the communication and organizational skills that would be critical in her future roles as an elected official. Early on, Linda began her career in the public sector in Hobart as an employee of the Hobart Clerk-Treasurer's Office. Throughout the years, she also held positions with the Northern Indiana Public Service Company, NIPSCO, where she was stationed in both the Hobart and Gary locations.

In 1988, Linda was elected First District Councilperson, a position she held through 1995, when she was elected mayor. This began Linda's 12-year mayoral career. During that time, Linda's commitment and proven leadership skills led to many impressive advancements, many of which will have an immeasurable impact on the City and the people of Hobart for years to come. For all of Linda's leadership, hard work, and dedication to the people of Hobart, Linda was awarded the prestigious Sagamore of the Wabash Award in 2005 from former Governor Joseph E. Kernan.

Although Linda's responsibilities in her capacity as mayor have occupied a large amount of her time, Linda has always been active in various organizations throughout the years, including: the Kiwanis, the Hobart Industrial Economic Development Corporation, HIEDC, the Hobart Chamber of Commerce, the Hobart YMCA, and the School City Educational Foundation. She has served on several boards, including: the Workforce Development Board, the Crisis Center Board, and the Saint Mary Medical Board. A dedicated and lifelong Democrat, Linda has also served as Vice-Chair of the Hobart and Lake County Democratic Precinct Organizations and as Treasurer of the Indiana State Democratic Organization.

While Linda has passionately served the people of Hobart with unwavering dedication for many years, her commitment to her community is surpassed only by her love for her family. A loving wife, mother, and grandmother, Linda and her husband, George, have been married for over 26 years. They have one son, Michael, and two teenage grandchildren, whom they cherish and adore.

Madam Speaker, Linda Buzinec has selflessly given her time and efforts to the people of Hobart, Indiana, throughout her years of service. At this time, I ask that you and all of my distinguished colleagues join me in commending her for her years of service and dedication, and I ask that you join me in wishing her the best of health and happiness in the years to come.

A PROCLAMATION HONORING COACH SCOTT NICHOLLS FOR LEADING THE GIRL'S SOCCER TEAM TO PLACE SECOND IN THE MANCHESTER UMBRO INTERNATIONAL CUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, Coach Scott Nicholls showed hard work and dedication to the sport of soccer; and

Whereas, Coach Scott Nicholls was a leader and mentor for the team; and

Whereas, Coach Scott Nicholls has been a role model for sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Coach Scott Nicholls for leading the girl's soccer team to place second in the Manchester Umbro International Cup. We recognize the tremendous hard work and leadership he has demonstrated during the 2007 soccer season.

HONORING THE PUTNAM COUNTY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Putnam County Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Putnam County Volunteer Fire Department was established in 1977. The department started with a Ford van and two 55-gallon drums of water, a water pump and garden hose and approximately four people.

Without volunteer fire halls, like Putnam County, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Putnam County Volunteer Fire Department deserve recognition: Keith Barber, John Barrow, Tony Beaty, Gene Bilbrey, Daryl Blair, Jason Bohannon, Devin Brown, Adam Brown, Roger Brown, Tom Brown, Brian Burgess, Tim Burton, Marshall Cox, Carol Dempsay, Josh Dempsay, Charles Doss, Chris Edgerton, Derrick Edwards, Brent Emery, Timothy Gann, Daniel Harris, Jeff Hicks, Daniel Hodge, Shawn Hotsinpiller, Grant Hubbel, Darrell Jennings, Jason Jennings, Jason Jones, Mike Keith, Jim Knight, Richard Lynch, Lonette Marcus, Jeff Matheney, Tom McClatchie, Marvin Montgomery, Jeremy Morris, John Mullin, Jeremy Nash, Michael Norris, David Phy, Joel Qualls, Danny Randolph, Fred Ray, Ray Rowland, Jason Scott, John Sisco, Brandon Smith, Daniel Snyder, Tony Stamps, Troy Tayse, Tony Waters, Matt White, Tony Williams, Josh Womack, Shandreah Womack and Zack Womack.

TEXAS CHEERLEADERS RAISE MONEY FOR U.S. TROOPS COMING HOME FROM IRAQ

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. POE. Madam Speaker, a strong sense of patriotism is sweeping through the second district of Texas between to local football teams and spreading on to the gridiron. It is a short story, but it says volumes about the generosity and spirit of the people of Texas.

The varsity cheerleaders at Klein Forest High School and Westfield High School challenged each other to see who could raise the most money for troops returning home from Iraq.

The challenge would last two weeks and the money would be presented to members of the Family Readiness Group of Company B, 15th Brigade Troops Battalion, 15th Sustainment Brigade during a homecoming football game.

The cheerleaders collected donations during and after school for the next two weeks. They asked local businesses to help support the troops returning home to Texas. During the homecoming football game, they passed around buckets throughout the stadium for additional donations from the fans.

The two cheerleading squads raised close to $4,000.00 for the Family Readiness Group to use in welcoming home the troops this holiday season.

I commend both squads for being generous and patriotic Americans. Thanks for showing the troops that we support and appreciate the sacrifices they are making for us, our families, and our future.

And that's just the way it is.

A PROCLAMATION HONORING HILLARY BROWN FOR PLACING SECOND IN THE MANCHESTER UMBRO INTERNATIONAL CUP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, Hillary Brown competed in England's largest youth soccer tournament; and

Whereas, Hillary Brown showed hard work and dedication to the sport of soccer; and

Whereas, Hillary Brown has broadened her abilities and skills in the sport of soccer; and

Whereas, Hillary Brown was a supportive team player; and

Whereas, Hillary Brown always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional

District, I congratulate Hillary Brown on placing second in the Manchester Umbro International Cup. We recognize the tremendous hard work and sportsmanship she has demonstrated.

TRIBUTE TO NORCO CITY COUNCILMAN HERB HIGGINS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Norco, California are exceptional. Norco has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Herbert Higgins is one of these individuals. On December 4, 2007, Herb will be honored at a dinner in honor of his retirement from the Norco City Council.

Herb has served on the Norco City Council for 8 years and served as mayor in 2002 and 2005. Prior to being a councilmember, Herb served on the Planning Commission from 1998 to 1999. Councilman Higgins has also served on the Audit Committee, the Norco Chamber of Commerce, the Riverside Child Safety Committee, the Water Task Force, and the Western Riverside Regional Wastewater Authority.

Mr. Higgins has achieved several accomplishments during his tenure on the Norco City Council including: initiating the charter system of government for the city of Norco, instigating the testing of Wyle Labs for the health of our children, developing the Community Action Group and starting the All Volunteer Programs in Norco and the Volunteer Appreciation Dinner.

Herb's tireless passion for community service has contributed immensely to the betterment of the community of Norco, California. Herb has been the heart and soul of many community organizations and events, and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires. I wish him and his lovely wife Doris all the best.

HONORING THE DEKALB COUNTY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the DeKalb County Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The DeKalb County Volunteer Fire Department was established in 1975. Since then, six more substations have been added. The department services 11 communities.

Without volunteer fire halls, like DeKalb County, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the DeKalb County Volunteer Fire Department deserve recognition: Chief Donny Green, SC Ernie Hargis, David Agee, Larry Bain, Duncan Block, Jeffery Bogle, LT Anthony Boyd, Patrick Britain, Gray Cantrell, LT James Cantrell, Ryan Carlisle, Gelasio Chacon, LT Billy Crymes, LT Kevin Curtis, Larry Dalton, Dustin Farris, Claude Foster, Sarah Hash, Timothy Hearn, Anthony Johnson, Darrell Johnson, SC Jerry Johnson, Travis Johnson, Cathy Jones, Richard Judd, SC Richard Kinsey, LT Michael Lawrence, Calvin Martin, Jimmy Martin, Ronald Merriman, Brad Mullinax, John Mullins, Robert Myracle, SC Jeremy Neal, Andy Pack, Billy Parker, SC Danny Parker, Timothy Pedigo, LT James Pennington, Shawn Puckett, Howard Pyles, Jeff Rankhorn, Tim Reynolds, Jason Rice, Wesley Slager, Paulino Solorzano, Jerry Summers, LT Anthony Thomas, C. J. Tramel, Calvin Tramel, Christopher Tramel, Roy Tramel, Kenneth Waggoner, SC Phillip Waggoner, SC Hugh Washer, Jonny Wright, James Young, and LT Mark Young, PR Jerry Bain, PR Kelly Cantrell, PR Daniel Green, PR Rita Houk, PR Justin Ligget, PR Caleb Roth, PR Jonathan Scurlock, PR Andy Snow, PR Shane Turner, and PR Christopher Wyke.

Honorary Lifetime Members: Honorary Captain Jeff Williams, Wilson Williams, Wayne Adcock, R.V. Billings, Mike Cleland, Melvin King, Honorary Asst. Chief Roy Merriman and Bob Rice.

A PROCLAMATION HONORING JOHN AND ANNIE GLENN ON RECEIVING THE 2007 I'M A CHILD OF APPALACHIA

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, John and Annie Glenn are proud of their Appalachia roots, growing up in New Concord, Ohio, where they both attended Muskingum County High School and Muskingum College; and

Whereas, John and Annie Glenn have been an inspiration to their community and the world by making a difference in the lives around them; and

Whereas, Annie Glenn has been a model for those with communicative disorders; and

Whereas, Annie Glenn has been a devoted mother and wife, mentor, confidant, and friend to many; and

Whereas, John Glenn has been an inspiration after being the first astronaut to orbit the Earth, to become the oldest human to venture into space and to serve as a U.S. Senator for four terms; and

Whereas, John Glenn is a testament to all showing that one can come from anywhere and achieve their dreams; and

Whereas, the couple appreciates the importance of education though ones lifetime; and

Whereas, John and Annie Glenn have recognized the importance of business and community achievement; now, therefore, be it

Resolved that along with their friends, family, and the residents of the 18th Congressional District, I commend John and Annie Glenn on their contributions to Appalachia Ohio. Congratulations to John and Annie Glenn on being the 2007 I'm a Child of Appalachia Honoree.

PROVIDING FOR CONSIDERATION OF H.R. 3996, TEMPORARY TAX RELIEF ACT OF 2007

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 9, 2007

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I am proud to support the Temporary Tax Relief Act (H.R. 3996), and I would like to congratulate Chairman RANGEL and Speaker PELOSI for putting families first. This bill is necessary, fair and fiscally responsible. H.R. 3996 reverses the trend of tax breaks for the wealthy and instead gives a well deserved break to hard working middle class Americans.

The AMT was originally designed to ensure that very wealthy individuals did not use loopholes and deductions to avoid paying much or all of their taxes, and for many years it did just that. However, since the AMT was not indexed for inflation, a problem ignored by past Congresses, it now threatens to ensnare 23 million middle-class families. We must act now to prevent this unintended burden on hard-working Americans.

Additionally, several tax benefits for research and development, veterans, college students, and families will be extended by this legislation. These are important provisions of the tax code that, if allowed to expire, would cause millions of American families and businesses to be hit with an unexpectedly high bill from the IRS this year.

Unlike recent Congresses, we in the 110th Congress have made a commitment to pay-as-you-go spending principles. We are all best served by a tax code that is fair, simple and based on the ability to pay, and fixing the tax code for the middle class will mean lessened collections by the IRS. That is why this legislation pays for these tax benefits for middle class Americans by closing loopholes for a few wealthy individuals, such as those who pay less tax on the bonuses they receive for managing multi-million dollar hedge funds than most Americans pay on their hard-earned income.

This legislation also fixes a flaw in the tax code that places an undue burden on families facing foreclosure. Due to this flaw, the outstanding debt owed on a foreclosed home is counted as income for tax purposes. The individuals affected by this never see this 'income' and are clearly not in any position to pay taxes on additional tens of thousands of dollars. This bill will prevent this on-paper income from forcing American families to pay taxes on their misfortune.

I urge my colleagues to support this much needed and fully paid-for tax break for middle class America.

A TRIBUTE TO CLAYTON F. FREIHEIT

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Ms. DEGETTE. Madam Speaker, I rise to honor the extraordinary life and exceptional accomplishments of Clayton F. Freiheit. This remarkable gentleman merits both our recognition and esteem as his impressive record of civic leadership and invaluable service has improved the lives of our people.

Many people have made contributions to our community, but few have left a legacy as has Mr. Freiheit. He was an extraordinary individual who made significant and lasting contributions to Colorado through his exemplary leadership and guidance of the Denver Zoo for nearly four decades. He commanded the respect of his peers through his singular dedication and was a mentor to practically every zoo and aquarium director in the United States. His was a life of enduring accomplishment and our community has truly been enriched by his presence among us.

Clayton Freiheit was born and raised in Buffalo, New York, and as a young boy his fascination with animals led him to draw pictures of the zoo he imagined operating one day. Mr. Freiheit worked as an animal caretaker while attending the University of Buffalo and at the age of twenty-two, he was appointed Curator of the Buffalo Zoological Gardens. To this day, he is the second youngest person ever to serve as the director of an American zoo and under his leadership, the Buffalo Zoo achieved national stature. In 1970, Mr. Freiheit relocated to Denver to become the Executive Director of the Denver Zoological Gardens. Mr. Freiheit is credited with enhancing the stature of the Denver Zoo and it is home to one of the most diverse animal collections of any zoo in the country. Under Mr. Freiheit's thirty-seven year tenure, the Denver Zoo came to be respected both nationally and internationally as a leader in animal care and exhibition, conservation programs, scientific study, environmental education and public service.

It comes as no surprise that Mr. Freiheit achieved unparalleled professional recognition. He served and unprecedented three terms on the board of the American Zoo and Aquarium Association (AZA). He also served as its president and as a member of and emeritus advisor to its Accreditation Commission. One of Mr. Freiheit's colleagues noted that ''He has spent his entire career advancing and promoting the quality and mission of zoos and aquariums (and) has no equal in knowledge of the North American Zoo profession.'' In 1996, The University of Denver awarded Mr. Freiheit an honorary Doctor of Humane Letters degree in recognition of his many contributions to our community. In 2004, Mr. Freiheit became the 16th recipient of the Marlin Perkins Award for Professional Excellence which recognized his dedication to the AZA's mission of

HONORING THE SHACKLE ISLAND VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Shackle Island Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Shackle Island Volunteer Fire Department was established in 1992, with a donated fire engine by the Nashville Fire Department. The department has 30 members and a waiting list to join. The department purchased a new engine in 2001 and a new tanker in 2004.

Without volunteer fire halls, like Shackle Island, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Shackle Island Volunteer Fire Department deserve recognition: Chief Martin Bowers, Asst. Chief Barney Marshall, Captain Mike Elmore, Captain Row Wills, Lt. Brad Haynie, Lt. James Hendricks, Lt. Don Kemper, Lt. Ike Mills, Safety Officer Wynn Batson, Rick Lawson, Paul Christian, Paul Harter, Jeff Garrett, Kevin Douglas, David Frost, Mike Scudder, T.J. Taylor, Cody Steele, L.J. Millington, Jason Davis, Don Sizemore, Chris Parks, Jackie Vickers, Nick Traini, Dick Dickerson, Bill Mounts, Randy Roe, J.C. Russum, Nancy Reding, Mike Hackett, Jessie Devries, Jr., FF Scotty Sizemore and Jr. FF Mikey Taylor.

A PROCLAMATION HONORING 165TH ANNIVERSARY OF THE BISEL UNITED METHODIST CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, the dedicated people of the Bisel United Methodist Church celebrates the 165th anniversary with great joy; and

Whereas, occasions such as these illustrate to us that love mixed with grace and trust will stand the test of time; and

Whereas, it is the fond wish of this body that you will continue to present this work as a beacon for hope to the destitute and maintain your stand as a symbol to this generation that our strength lies in our gracious commitment in unity to each other in the bonds of brotherhood; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend the congregation for your unwavering commitment, recognizing that all great achievements come from great dedication. With great appreciation and respect, we recognize the tremendous impact this congregation has had in the community and in the lives of those people you have touched.

RECOGNIZING MICHAEL J. OCHS' 20 YEARS OF SERVICE AT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. HASTINGS of Florida. Madam Speaker, today I am pleased to pay tribute to Dr. Michael Ochs for his 20 years of untiring service to the U.S. Commission on Security and Cooperation in Europe, the Helsinki Commission. Michael began his work as a member of the professional staff on October 1, 1987, during a period that was to usher in historic change as well as turmoil in the expansive territory once dominated by the Soviet Union.

After completing doctoral work in Russian history and driven by a deep commitment to aid the victims of Soviet oppression, Michael devoted himself to documenting wide-ranging human rights abuses in the U.S.S.R. He participated in the first international human rights conference to be convened in the U.S.S.R., a gathering eventually interrupted by the Soviet secret police, the KGB. Michael was also part of a delegation that visited the Baltic States shortly after the restoration of independence to those countries so brutally repressed during decades of Soviet domination.

Michael was among the earliest pioneers in the observation of elections in the countries that arose following the unraveling of the Soviet empire. Amid triumph and tragedy, Michael has been at the forefront of efforts to promote democracy, human rights and the rule of law in Georgia, Armenia and Azerbaijan as well as the Central Asian counties of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. His depth of knowledge and understanding about each of these countries is only surpassed by his extensive network of contacts and friendships with many of the political leaders—some in government—many in the opposition. Dictators and democrats alike have come to appreciate his insights and analysis.

He has been a witness to the triumphs of Georgia's Rose Revolution and the toppling of the regime in Kyrgyzstan as well as the tragedy of the bloody massacre at Andijon in Uzbekistan. Some of his friends have risen to the highest ranks of political leadership while others have paid the ultimate price for their defense of democracy and human rights.

Madam Speaker, as Chairman of the Helsinki Commission I am pleased to recognize and commend Dr. Michael Ochs for his service to me and my colleagues.

HONORING COMMANDER CHARLES J. DULAY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. EMANUEL. Madam Speaker, I rise today to recognize the distinguished career of Commander Charles Dulay of the Chicago Police Department. After 39 years of honorable and dedicated service to the people of Chicago, Commander Dulay will be retiring, leaving behind a legacy of excellence and dedication.

Since assuming control of the 17th Police District in the Albany Park neighborhood, Commander Dulay has been my partner and a valued ally in helping the people of our community.

Commander Dulay began his career with the force as a part of the Special Operations and Tactical Unit, and then spent 14 years as a captain and district watch commander. Mr. Dulay was promoted to the rank of district commander of the 17th Police District on June 1, 2005.

Throughout his career, Commander Dulay's achievement and public service have been recognized by prestigious honors and awards including two department commendations, 35 honorable mentions, and a unit meritorious citation.

Commander Dulay's community commitments also extend far beyond his work for the Chicago Police force. The commander is a member of the Chicago Police Captain's Association, the Asian-American Law Enforcement Association, and National Association of Asian Law Enforcement. An academic, Mr. Dulay, who holds a master of arts in urban studies from Loyola University, also has 14 years of experience as an adjunct professor of criminal justice at Morton Community College, where he has taught Introduction to Criminal Justice as well as Criminal Procedure.

Commander Dulay has been married for 36 years to his wife, Diane, and is a grandfather of 2-year-old Tadgh. He has also spent the past 5 years perfecting his own award-winning red wine that he crafts alongside a close friend.

Madam Speaker, on behalf of the Fifth Congressional District of Illinois and the people of Albany Park, I congratulate Commander Charles J. Dulay on his accomplished career and thank him for his tireless service to the people of Chicago. I wish him the best of luck and continued success in all of his future endeavors.

HONORING CHIEF JOHN KAZLAUSKAS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Owensboro, KY, Police Chief John Kazlauskas, retiring later this month after 40 years of service to the Owensboro community.

Chief Kazlauskas first joined the Owensboro Police Department in 1966. During his tenure, he has served in or supervised every division within the department. He first supervised patrol officers as captain beginning in 1983. He was appointed chief in 2002.

Chief Kazlauskas has compiled a long list of important accomplishments during his four decades of service including the development of the evidence collection unit in 1973 and the polygraph unit in 1981. During his 5 years as chief, he has worked to modernize equipment for the bomb squad and emergency response teams and oversaw efforts to install mobile data terminals in police vehicles. He also worked to improve administrative efficiency by implementing an electronic records management system.

Chief Kazlauskas has made a strong effort to involve the entire Owensboro community in crime prevention activities, creating a Citizens Advisory Panel, initiating a Crime Stoppers program, and creating a new public information officer position. These initiatives have been tremendously successful in fighting and preventing local crime.

It is my privilege to honor Chief John Kazlauskas today before the entire U.S. House of Representatives for his long and successful career in law enforcement. He has made an indelible difference to the safety and quality of life in his community. On behalf of the tens of thousands of people who live and work in Owensboro, KY, I wish Chief Kazlauskas happiness and good health in his retirement.

HONORING THE BAXTER VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Baxter Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Baxter Volunteer Fire Department began in the 1950s with a donated 1947 Ford Pumper and a handful of volunteers. Currently, the department has 14 volunteers on its roster.

Without volunteer fire halls, like Baxter, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Baxter Volunteer Fire Department deserve recognition: Chief Cris Austin, Asst. Chief Richard McBroom, Capt. Josh Herron, Capt. Fabron Nicholson, Lt. John Ramsey, Steve Warren, Bob Hicks, Joel Qualls, Jason Jones, Mike Randolph, Justin Ramsey, Shane Whitehead and Cadet Firefighters Dustin Stanton and Dusty Mahan.

A PROCLAMATION HONORING 150TH ANNIVERSARY OF MT. HERMON PRESBYTERIAN CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, the dedicated people of the Mt. Hermon Presbyterian Church celebrates the 150th anniversary with great joy; and

Whereas, occasions such as these illustrate to us that love mixed with grace and trust will stand the test of time; and

Whereas, it is the fond wish of this body that you will continue to present this work as a beacon for hope to the destitute and maintain your stand as a symbol to this generation that our strength lies in our gracious commitment in unity to each other in the bonds of brotherhood; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend the congregation for your unwavering commitment, recognizing that all great achievements come from great dedication. With great appreciation and respect, we recognize the tremendous impact this congregation has had in the community and in the lives of those people you have touched.

TRIBUTE TO NORCO MAYOR HARVEY C. SULLIVAN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Norco, California, are exceptional. Norco has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Harvey Sullivan is one of these individuals. On December 4, 2007, Harvey will be honored at a dinner in honor of his retirement from the Norco City Council.

Harvey has served on the Norco City Council for 8 years and has lived in Norco for 15 years. This year he served as mayor. Prior to being a councilmember, Harvey was an electrician. Mayor Sullivan has served on the Norco Schools Committee, Riverside County Library Taskforce, Chamber of Commerce Education Committee, CDA board member, Water Taskforce Committee, United Norconians for Life Over Alcohol and Drugs, UNLOAD Committee, Fee Study Committee for area fees, Alternate Trail Materials Committee, Beautification Committee, Riverside County Transportation Commission, Riverside Transit Agency, and the Western Riverside County Regional Wastewater Authority.

Mr. Sullivan has been a tireless advocate in promoting Norco as ''Horsetown USA,'' was instrumental in bringing the Extreme Mustang Makeover competition to Norco in 2009, has worked with Desert Power to bring solar energy to all of Norco's major city facilities, and

has used Norco's unique lifestyle as an economic driver to promote economic development in the community. In his spare time, Harvey enjoys horseback riding, camping, fishing, and skiing.

Harvey's tireless passion for community service has contributed immensely to the betterment of the community of Norco, California. Herb has been the heart and soul of many community organizations and events and I am proud to call him a fellow community member, American, and friend. I know that many community members are grateful for his service and salute him as he retires. I wish him and his lovely wife Mynon all the best.

EMPLOYMENT NON-DISCRIMINATION ACT OF 2007

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3685) to prohibit employment discrimination on the basis of sexual orientation:

Ms. McCOLLUM of Minnesota. Madam Chairman, I rise today in support of the Employment Non-Discrimination Act (ENDA) because no American should ever fear being discriminated against in the workplace.

The Employment Non-Discrimination Act makes it illegal to fire, refuse to hire, or discriminate in any way against employees based on their sexual orientation. An employee should be judged on their qualifications and performance in the job, and only on their qualifications and performance in the job.

I am proud that as a member of the Minnesota House of Representatives, one of the first votes I cast was to ensure that every person in our State is protected from unjust discrimination regardless of race, religion, sexual orientation or gender. It is disappointing that there are still 30 States in our country where it is legal to fire someone because of their sexual orientation.

While not as comprehensive as Minnesota's civil rights law, ENDA is a good step in protecting every citizen in our country from job discrimination. H.R. 3685 simply provides basic employment protections for gay, lesbian, and bisexual workers.

This legislation addresses concerns that have been expressed by explicitly forbidding quotas or preferential treatment. It also ensures that both denominational and non-denominational religious schools and religious associations continue to have all exemptions currently allowed under the law. Further, H.R. 3685 does not change in any way the definition of marriage under Federal law.

I joined Chairman BARNEY FRANK to strike a provision regarding marriage criteria in employment, because it has no practical affect on civil rights laws and does not weaken the ability of this legislation to protect workers from being discriminated against based on sexual orientation.

Along with my colleagues, I am committed to working to protect, strengthen, and guarantee the rights of all workers in our country. I am a cosponsor of H.R. 2015, the original version of ENDA, which included protections for gender identity. Had I had the opportunity to vote to include gender identity rights in this legislation, I would have supported it.

Current law bars employment discrimination based on race, religion, sex, national origin, age, or disability. Further, the Federal Government already prohibits discrimination based on sexual orientation. It is time to extend these protections to all Americans. I urge my colleagues to join me in voting for H.R. 3685.

HONORING THE GORDONSVILLE FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Gordonsville Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Gordonsville Fire Department was established in 1968. Currently, the department has 19 volunteers on its roster.

Without volunteer fire halls, like Gordonsville, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Gordonsville Volunteer Fire Department deserve recognition: Chief David Blessman, Asst. Chief Jonas Bullington, Capt. Danny Cowell, Lt. Aaron Sterling, Chief of Eng. Jimmy Gregory, Donnie Johnson, Matt Baker, William Vaughn, Paul Pope, Sam Bowles, Terry Fields, Jerry Cralghead, Brandon Ingram, Josh Tisdale, Scott Bennett, Josh Collins, Melvin Paulk, Cyrus Shores and Steven Gray.

RECOGNIZING GEORGE BISTIS UPON HIS UPCOMING RECEIPT OF THE 2007 GUSI PEACE PRIZE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SPACE. Madam Speaker:

Whereas, the 2007 Gusi Peace Prize is to be bestowed upon George Bistis, Chief of the Greek Service, Voice of America; and

Whereas, the Gusi Peace Prize recognizes one's untiring efforts of working toward finding peaceful solutions to political and social issues through broadcast journalism; and

Whereas, the Gusi Peace Prize foundation is a nonprofit organization that annually gives awards to individuals based on their contributions to peace and human rights; and

Whereas, this honor is delivered to Mr. Bistis by The Honorable Manuel L. Morato, President, Gusi Peace Prize Foundation, and The Honorable Barry S. Gusi, Chairman of the Board, Gusi Peace Prize Foundation; and

Whereas, Mr. Bistis' contributions to broadcast journalism have made him an example for all to emulate not only in Greece, Turkey, and the Mediterranean, but throughout the United States and the international community; and

Whereas, the ceremony to present the Gusi Peace Prize to Mr. Bistis will take place on November 21st of this year in Manila, Philippines; now, therefore, be it

Resolved, that along with his peers, coworkers, associates, and the Greek-American community, I congratulate George Bistis upon his upcoming receipt of the 2007 Gusi Peace Prize.

RECOGNITION OF THE GREAT AMERICAN SMOKEOUT

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Ms. DEGETTE. Madam Speaker, I would like to recognize today as the Great American Smokeout. For 31 years, the American Cancer Society has designated this day to help smokers quit for just 1 day, in hopes that they will quit forever.

Cigarette smoking is the number one preventable cause of premature death in the United States. Every year, more than 400,000 Americans die from smoking-related illness, including cancer, cardiovascular disease, and lung disease. One in every five deaths in the United States is smoking related. If current smoking trends continue, tobacco-related deaths worldwide are predicted to double to 10 million per year by 2030.

Secondhand smoke exposure causes disease and premature death in children and adults who do not smoke. Secondhand smoke causes approximately 3,400 lung cancer deaths and 46,000 heart disease deaths in adult nonsmokers in the United States each year.

According to the U.S. Surgeon General, people who quit smoking, regardless of age, live longer than people who continue to smoke. Quitting smoking substantially decreases the risk of lung and other cancers.

Most smokers want to quit. Scientists have developed, and continue to improve, effective ways to help people quit smoking. However, these effective smoking cessation tools are not yet available to all smokers who are motivated to quit.

For years, Congress has been largely silent on the issue of combating smoking. It is time for us to refocus on this issue. I have long been involved in efforts to combat smoking and its consequences, by introducing bills to prevent youth smoking and to support tobacco cessation programs.

This year, we have an opportunity to act. Congressman HENRY WAXMAN has introduced legislation, H.R. 1108, the "Family Smoking Prevention and Tobacco Control Act," to protect the public health by providing the Food and Drug Administration with authority to regulate tobacco products. I hope we will take up this bill soon in the Energy and Commerce Committee, on which I serve.

Please join me in celebrating the Great American Smokeout, and in commending those who make the commitment to quit smoking today.

PROVIDING THAT THE GREAT HALL OF THE CAPITOL VISITOR CENTER SHALL BE KNOWN AS EMANCIPATION HALL

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of H.R. 3315, a measure to designate the great hall of the Capitol Visitor Center as ''Emancipation Hall.'' I commend my friend, Representative ZACH WAMP for introducing this legislation. I am extremely proud to be an original cosponsor of this legislation and commend my 226 other colleagues who share that pride as cosponsors.

I think the Akan principle of Sankofa symbolized by a bird with its head turned backwards taking an egg off its back, most appropriately demonstrates the importance of this legislation. This symbol demonstrates the old saying, ''You cannot know where you are going, without knowing where you have been.'' The story of the United States Capitol exemplifies the importance of this principle in its many historically decorated corridors and monuments. However, the role of enslaved labor in the creation of the Capitol is most notably absent.

I strongly believe that the true history of our Capitol should be recognized so it is not forgotten or misinterpreted. Our Nation is so great because of the rich diversity of cultural narratives, including the experiences of my enslaved ancestors. Neglecting to acknowledge these facts when such an appropriate opportunity has presented itself, would mean forgetting the immense sacrifices of all who have contributed to building our nation. Emancipation Hall is the most appropriate title for the great hall of the Capitol Visitor Center to honor that sacrifice in perpetuity.

Mr. Speaker, I am moved that the imminent passage of this legislation will guarantee that the true story of the construction of our Capitol will greet generations of visitors to come. Emancipation Hall will formally recognize a legacy struggle by African Americans and the resulting freedom that affords me the opportunity to serve in this Congress. I urge my colleagues to stand with me to support this legislation.

CONGRATULATING ALEXANDER HAMILTON ELEMENTARY SCHOOL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. EMANUEL. Madam Speaker, I rise today to congratulate Alexander Hamilton Elementary School on receiving the 2007 Outstanding School Partnership Award.

Third, fourth, and eighth grade students of Alexander Hamilton were ranked in the top 5 out of 40 schools in their area in several categories. The students that were at or above national norms were as follows: third grade reading—91.7 percent, fourth grade science—87.5 percent, eighth grade math—93.3 percent, and eighth grade composite—93.3 percent. The overall combined composite score for third through eighth grades indicated that 80.3 percent of students were at or above national norms.

In recognition of these achievements, Chicago Public School's CEO Arne Duncan and Mayor Richard Daley presented Principal Dr. Mila Strasburg with the 2007 Outstanding School Partnership Award.

Alexander Hamilton Elementary School has a long history of excellence in academic achievement. It has been an Illinois State Board of Education ''Spotlight School'' for several years, a Chicago Public School ''School of Distinction'', and has been recognized by the ''Designs for Change'' for fifteen consecutive years for high student achievement.

Madam Speaker, I congratulate Alexander Hamilton Elementary School on receiving the 2007 Outstanding School Partnership Award and for setting a shining example for our Nation's public schools.

HONORING THE KITTRELL VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Kittrell Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Kittrell Volunteer Fire Department was established in October 1990. In their first year of service, the group responded to nearly 70 calls. Today, the Fire Department has 21 volunteers on its roster and answers between 150 and 175 calls per year.

Without volunteer fire halls, like Kittrell, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2007, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Kittrell Volunteer Fire Department deserve recognition: Members: Asst. Chief Tracey Curray, Asst. Chief Joe Barrett, Capt. Bobby Brewer, Capt. James Paul, Lt. Tim Curray, Lt. Alison Mitchell, Chris Kirksey, Dewayne Hayes, Alvin Brandon, Adam Long, Addison Bond, Charles Sayler, John Lugo, Jr., John Wiseman, Brad Lynn and Stephanie Taylor; Members who also serve on Board of Directors: Fire Chief George Curray, Laughlin Youree, John Donnell, Bud Mitchell and Matt Lane; Board of Directors: Glenn Mitchell, Faye Curray, Robert Adams, Joseph Peay and Jim Puckett.

RECOGNITION OF EIGHTH ANNUAL NATIONAL ADOPTION DAY

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. AKIN. Madam Speaker, I rise today in recognition of the eighth annual National Adoption Day.

On November 17, 2007, a record number of courts across the country will open their doors to finalize the adoptions of thousands of children from foster care. Every child deserves a permanent and loving family and today there are 114,000 children in foster care who are still in need of adoptive homes.

I laud the goals of National Adoption Day 2007 which include:

Finalizing adoptions from foster care in all 50 States; celebrating and honoring all families who adopt; raising awareness about the 114,000 children currently in foster care waiting for adoption; encouraging others to adopt children from foster care; building collaboration among local adoption agencies, courts, and advocacy organizations.

I applaud the efforts of the hundreds of volunteer lawyers, foster care professionals, child advocates and local judges who will come together to celebrate adoptions. I hope the goals of National Adoption Day are met and far exceeded.

THE NATIVE AMERICAN HERITAGE DAY ACT OF 2007

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of H.J. Res. 62, the Native American Heritage Day Act of 2007. I commend my colleague Representative BACA for introducing this resolution and am honored to be an original cosponsor of the legislation. This is a much needed resolution that recognizes the vital contributions of Native Americans to the history of our Nation.

I only need to acknowledge my own heritage to know that the steps to build the bridge of understanding and diplomacy with the Native Americans and other minorities have been inadequate in this country. This legislation proves that we live in a nation that is great for being able to reflect accurately and recognize the history of its own oppressed people.

This bill considers the Friday after Thanksgiving as the appropriate day for the Native American Heritage Day. The timing for this day could not be more appropriate than during a weekend of celebration and giving thanks. It is only right that the original inhabitants of our nation be duly recognized in conjunction with this important celebration.

Mr. Speaker, a specific day of recognition will allow future generations to appropriately recognize and admire Native Americans for their important contributions to all aspects of the American life. For too long, this assistance in the development of our nation has been overlooked.

This day of heritage does not only exhibit proper respect for the indigenous people of

our Nation, but paves the way for tremendous educational opportunities. The implementation of this bill would greatly increase awareness and respect for Native Americans through culturally competent incorporation of their historic contributions into our educational institutions. Taking such action is absolutely essential for our educational curriculum in order to develop progressive young people who can propel our society above intolerance.

Mr. Speaker, there are numerous Congressional findings about the contributions and achievements that the Native Americans have made to the United States that have not been fully realized by the general public. Many aspects of our government, culture, and society have ultimately been derived from Native Americans. Their ideals of checks and balances, freedom of speech, and separation of governmental powers were essential to the foundation of our nation's policies. Native Americans have, and continue to contribute revolutionary advancements in many fields such as agriculture, medicine, and music just to name a few.

Mr. Speaker, this formal recognition is long overdue. Native Americans of this country deserve such recognition without delay. It is absolutely necessary to set at least a moment in our way of life to acknowledge the roots of our democracy.

I urge my colleagues to wholeheartedly support this resolution and other initiatives for the proper recognition of Native Americans.

IN MEMORY OF RAY SMITH, JR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend Ray Smith, Jr., of Hot Springs, Arkansas, who passed away November 1, 2007, at the age of 83.

Ray Smith, Jr., spent his lifetime dedicated to his family, his country and to public service. After returning from World War II where he served as a pilot in the Army Air Corps, Smith completed law school and began practicing in his hometown of Hot Springs.

Smith decided in 1955 to run for public office, which began his whirlwind career in politics that has left a lasting impression upon the Hot Springs region and the State of Arkansas. After he was elected to the Arkansas House of Representatives, Smith rose through the ranks and became majority leader, majority whip and chairman of the House Education Committee. However, it was prior to these accomplishments in which Smith's name will forever be remembered. During the 1958 special session called by then-Governor Orval Faubus, Smith cast the lone dissenting vote on a Faubus bill to close any schools that were ordered to be integrated. It was this belief in equality and opportunity for all Americans that led Smith to vote his convictions even when his colleagues could not.

During his 27 years representing Hot Springs in the Arkansas State Legislature, Smith continued to play a key role in the community. His belief in the importance of education led him to sponsor legislation creating the Garland County Community College, where he would go on to serve as chairman of the board of trustees. His dedication to local organizations such as the Boys Club of Hot Springs and the Hot Springs National Park Rotary Club displayed his deep commitment to giving back to the community.

In addition to his civic leadership, Ray Smith, Jr., was also a man of devout faith. He was a member of the First United Methodist Church where he served on the board of trustees and as chairman of the Official Board of the First United Methodist Church.

I send my deepest condolences to his wife, Patricia Floyd Smith of Hot Springs; his three sons, William Randolph Smith of Washington, DC, Scott Floyd Smith of New York, New York, and Steven Bryan Smith of Hot Springs; his two daughters Patricia Carol Smith of Arkadelphia and Suzanne Smith Palmieri of Silver Spring, Maryland; his brother William Y. Smith of Falls Church, Virginia; his sister Betty Mildred Pierce of Pine Bluff; and to his nine grandchildren and numerous friends. Ray Smith, Jr., will be greatly missed in Hot Springs, Garland County and throughout the State of Arkansas, and I am truly saddened by this loss.

STATEMENT IN SUPPORT OF H.R. 2614

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. CALVERT. Madam Speaker, H.R. 2614 is a relatively modest, yet important step towards meeting the long-term water needs for the West. Water recycling is an approach that more and more communities are tapping to meet local and regional water demand. To address the continued growth of water users, communities are truly maximizing the use of every drop of water.

H.R. 2614 authorizes Federal participation in conjunction with two water reclamation projects, one located in my congressional district and one located in the 41st Congressional District of California. Both projects are located in the greater Inland Empire, a region heavily dependent on imported sources of water.

The City of Corona Water Recycling and Reuse Project will enable the city of Corona to provide recycled water to parks, landscape maintenance districts, schools, landscaped freeway frontages and any other project that does not require potable water. The project will also reduce the need for increased water imports and construction of additional drinking water infrastructure.

The project will consist of three reservoirs and two pump stations along with retrofitted user irrigation systems. Additionally, 27 miles of pipelines are needed since recycled water is required to be kept completely separate from drinking water and uses a dedicated system of pipelines. The city plans to retrofit approximately 200 sites including schools, public parks and landscape areas, freeway landscaping, golf courses, and commercial landscaping.

The Yucaipa Valley Water Supply Renewal Project will maximize the various water resources in the Yucaipa Valley. The new facility will contain an advanced filtration (reverse osmosis) system and a brine pipeline to remove salinity, contaminants, and organic compounds from the water supply in the Yucaipa Valley. The brine pipeline will extend nearly 20 miles to the existing Santa Ana Regional Interceptor brine pipeline.

The completed project will minimize the amount of water imported from northern California, maximize the use of higher quality water, reduce withdrawals from ground water supplies, and provide a long-term, drought-proof water supply. The full project is expected to reduce demands on the California State Water Project by over 4 billion gallons per year, which is a sufficient quantity of water for 27,000 families of four each year.

I want to thank the city of Corona and city of Yucaipa for developing innovative, water-saving projects that truly benefit our entire region. I also want to thank my good friend Grace Napolitano, the Chairwoman of the Water and Power Subcommittee, for her leadership and support of my legislation. I know she shares my belief that water recycling is an important tool in addressing growing water needs in the West. Madam Speaker, I think it is crucial that we recognize and assist communities that are working to reduce their reliance on imported water and I urge all colleagues to support the passage of H.R. 2614.

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT, 2008

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this legislation.

This bill is the opposite of a blank check for the President. The funds it will provide are those that will be needed to move toward an ''immediate and orderly'' redeployment of U.S. troops from Iraq.

The bill requires redeployment to begin within 30 days of its passage and sets a goal of bringing home most our soldiers from Iraq by December 15, 2008.

The bill also requires that our military's mission in Iraq shift from combat to force protection, support for Iraqi security forces, and targeted counterterrorism operations, and it prohibits the deployment of any U.S. troops to Iraq that are not already fully equipped and trained. And it extends to all U.S. Government agencies and personnel the limitations in the Army Field Manual on permissible interrogation techniques, to remove any doubt that loopholes remain for ''waterboarding'' or similar harsh techniques.

It's clear that we're seeing progress on the security front in Iraq—likely the result of more U.S. boots on the ground combined with an insurgency that has largely succeeded in ''cleansing'' Iraq's neighborhoods, driving Iraq's Sunni and Shia populations out of areas where they once lived side by side.

But when he announced the ''surge'' of additional troops to Iraq, President Bush promised us more than progress on the security front in Iraq.

We sent more troops to Iraq to provide ''breathing space'' for the Iraqi Government to

move toward political reconciliation, and that hasn't even begun to happen.

In my view, there is no sustainable role for large numbers of U.S. troops to play in Iraq—whether refereeing a civil war or waiting for the Iraqi Government to decide to act within the ''breathing space'' our brave troops have provided and our taxpayers are paying for at $9 billion per month.

However, while this bill sends the right message—that our troops cannot remain in Iraq indefinitely—regrettably, it does not send it in the best way, because it will be supported almost exclusively by Democrats, and the President has already promised to veto it.

What we need is consensus here at home on a path forward in Iraq, and today's quick consideration of this bill doesn't bring us any closer to that goal.

I believe consensus can be found around the recommendations of the Iraq Study Group, which I introduced as legislation earlier this year, including supporting a course of escalating escalate economic development, empowerment of local government, the provision of basic services, a ''surge'' in regional and international diplomatic efforts, and lightening the American footprint in Iraq.

Only Democrats and Republicans working together can find the path out of Iraq. I will continue to work with colleagues on both sides of the aisle on further steps we can take to change our broader Iraq policy.

RECOGNIZING AMERICA RECYCLES DAY

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. TIBERI. Madam Speaker, as many of my colleagues know, today is America Recycles Day. Celebrating its 10th year, America Recycles Day is dedicated to raising awareness about the benefits of recycling and encouraging Americans to increase their involvement in recycling at home and work. It also serves as a reminder of the social, environmental and economic benefits of recycling.

We're familiar with many recyclables, as more and more Americans take them out to their bins every day. Cardboard boxes are recycled and re-appear as new boxes. Yesterday's front page of a local newspaper may show up as a sports page next month. Glass bottles, aluminum cans, and plastics are also fixtures of daily recycling habits. According to U.S. Environmental Protection Agency, recycling is conservatively projected to have saved 900 trillion Btus, equal to the annual energy use of 9 million households, in 2005.

But it's also important to recognize that recycling is much bigger than just the daily household products that end up in the curbside bin. More than 150 million tons of old cars, tires, materials from buildings that have been demolished, and a wide variety of leftover manufacturing materials are recycled in this country every year.

Scrap recycling is a $65 billion industry in the U.S. that employs over 50,000 people. It also invests significant capital in high-tech, environmentally designed manufacturing machinery that is used to sort, pack, transform, process, manufacture and ship materials to become new products. The scrap recycling industry is also a leading exporter, sending more than $15 billion a year in products to over 140 countries around the world.

I hope all Americans will take a moment to think today about the role recycling plays in their daily lives, the environment, and our economy, and dedicate themselves to doing more.

CELEBRATING 100TH ANNIVERSARY OF TOMBALL, TX

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. McCAUL of Texas. Madam Speaker, I rise today to recognize one of the most extraordinary towns in our country, Tomball, TX, and join them in celebrating their 100-year anniversary. This community began in the early 1800s as a farming community and has grown to be a town encompassing economic growth and core American values which makes our Nation a great place to live.

Tomball was first known as Peck but at the turn of the century, in 1907, the town was officially named Tomball in honor of Mr. Thomas Henry Ball; a Congressman, a lawyer, a proud father, and an honorable man.

Tomball saw their first boom in 1906 when the railroad came to town. The first freight train and the first passenger rail rolled through town in 1907. Today visitors can step back in time and enjoy the newly refurbished train depot, in the heart of downtown Tomball, as trains move through town as they did a century ago.

Tomball was also known as ''Oil Town U.S.A.'' in the early 1930's when oil was discovered in a big Texas way with a ''gusher.'' The city was quick to realize the extraordinary asset before them and negotiated a deal with Humble Oil and Gas allowing the company drilling rights within the city in exchange for free oil and gas to Tomball residents for the next 50 years.

Tomball has seen growth in all aspects of the community. Since the turn of the century, there has been the boom of the railroad, the great success of oil and gas, real estate growth, and road improvements all contributing to the strong economic base for this town. Tomball has always been a place with extraordinary schools, both public and private. The city possesses citizens with an eagerness to learn extending to higher education within the college system. Faith is important to this community and is the foundation that enables numerous churches to congregate within the area.

Tomball is an amazing town within Harris County, TX. It is the continued dedication to this town by its residents which makes it one of the friendliest places to live, not only in Texas but in the United States. Although Tomball has endured many changes over the last century one thing remains the same, the people. As we celebrate the first 100 years of Tomball it is with great joy I say thank you for being a wonderful and compassionate community. The devotion for this community is contagious and I am honored to be your representative, in fact I proudly display a sign in my office that says, ''I Love Tomball.'' I wish this city all the best in the next 100 years. Happy Birthday, Tomball and congratulations on reaching this remarkable milestone.

JOHN GLENN ELEMENTARY RECEIVING THE 2007 NO CHILD LEFT BEHIND BLUE RIBBON AWARD

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate John Glenn Elementary School in Donahue, IA. This week, John Glenn Elementary received the 2007 No Child Left Behind Blue Ribbon School Award. John Glenn Elementary was one of only five schools in Iowa, and 1 of only 289 of 133,000 eligible schools in the country to receive this award. The Blue Ribbon School Award is given annually to a select number of schools that demonstrate dramatic gains in student achievement.

Schools that have received the Blue Ribbon Award are seen as national models that other schools can learn from. John Glenn Elementary clearly fits this role and should be used as a model for other schools in Iowa and throughout the country. The students and faculty at John Glenn Elementary think of themselves as not just another elementary school, but a family. Every day, they actively work with each other and help each other to achieve the goals the school has set forth. John Glenn Elementary has also gained a reputation for being not only a great elementary school, but an active leader in the community. The school has an ongoing alliance with Big Brothers, Big Sisters and operates a volunteer grandparents program. It is clear that John Glenn Elementary has served not only the children that attend the school, but the community as well.

Yesterday, I had the honor of meeting Principal C.J. Albertson and Cindy Irwin, a 5th Grade teacher at John Glenn Elementary. I applaud Principal Albertson, Ms. Irwin, and the entire faculty at John Glenn Elementary for their commitment to public education and the development of our children. All of their hard work and dedication has made John Glenn Elementary one of the best schools in the country. I'm proud to be representing John Glenn Elementary School in Congress and look forward to hearing of their continued success in North Scott County.

NATIONAL ADOPTION DAY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today on the eve of National Adoption Day to recognize those American families that open their hearts and homes to our most vulnerable children and teenagers.

There are currently 114,000 children in foster care who need adoptive homes. Many of these children were victims of abuse, neglect, or abandonment, and most will wait at least

five years and will move at least three times before they are adopted. One in five will never be adopted. In the face of these disheartening statistics, we must celebrate those parents who choose to adopt and provide a loving home to these children and encourage the adoption of more children from foster care.

In November 2000, hundreds of lawyers, child advocates, State foster care agencies, and courts, worked together to finalize hundreds of foster care adoptions across the country as part of National Adoption Day. Since then, National Adoption Day has grown as thousands of new families have come together.

I am proud that Montgomery County, Maryland, which is in my Congressional District, has finalized 7 adoptions this month and 30 so far this year. In one family, 2 sisters, Jerry and Beverly Wright, have adopted 5 children, and, with their biological children, now have 10 children safe and well-cared-for in their home. I congratulate them, and all the happy and thriving families that include adopted children.

HOMEOWNERS' DEFENSE ACT OF 2007

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3355) to ensure the availability and affordability of homeowners' insurance coverage for catastrophic events:

Ms. WATERS. Mr. Chairman, I would also like to thank Mr. KLEIN and Mr. MAHONEY for their leadership in authoring this bill.

Too well, we all remember the aftermath of Hurricane Katrina and the resulting confusion families encountered about their insurance coverage or lack thereof. Well, imagine if a hurricane were to go through a state and only 1 in 8 homeowners were covered by an insurance policy. Unfortunately, this is exactly the situation that exists in California today—only 1 in 8 (or 12 percent) of Californians possess earthquake insurance. At the time of the Northridge earthquake in 1994 almost three times as many people were covered. After the Northridge earthquake, the cost of the coverage doubled and the amount of coverage provided was cut in half.

The California Earthquake Authority (CEA)—created after the Northridge earthquake when insurers restricted homeowners' insurance policies in order to avoid earthquake exposure—currently provides about two-thirds of the residential insurance coverage in California. Since its inception 11 years ago, CEA has been unable to accumulate the amount of capital it projects it will need in the event of a catastrophic earthquake. This year approximately 40 percent of the premium that CEA collects from policyholders will be paid to reinsurers rather than towards capital accumulation or more coverage under the policy.

Including the CEA in the benefits provided under H.R. 3355 will allow it to reduce its claims-paying financing costs while still being able to pay the cost of its losses and repay any reinsurance or loans from the Federal government. By reducing its claims paying costs CEA will be able to accumulate capital faster and encourage more people to buy earthquake insurance.

Inclusion of the CEA in H.R. 3355 makes good economic sense, good actuarial sense, and good common sense. I urge my colleagues to support the Manager's Amendment and the underlying bill before us today.

THE ENSURING MEDICARE ACCESS TO RECREATIONAL THERAPY ACT OF 2007

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. TAUSCHER. Madam Speaker, I rise today to speak on behalf of the many Medicare beneficiaries who require therapeutic rehabilitative services.

I first developed an interest in rehabilitation issues after someone in my own family was forced to cope with a disabling paralytic disease. I saw the benefits of recreational therapy first hand, through the therapy my father received, and I want to be sure everyone has access to the same treatment already covered by Medicare.

Recreational therapy can be a vital service for the ill and the disabled. In many cases, it is a critical means for improving the functioning, independence, and quality of life of persons with illness or disability. Recreational therapy is always prescribed and supervised by a physician as part of a patient's rehabilitative plan of care.

It has long been a priority of mine to remove existing barriers to Medicare beneficiaries' access to recreational therapy. For years, I have worked alongside therapists in trying to help those with illnesses or disabling conditions gain consistent access to these services.

In the past, dozens of my colleagues and I have sought clarification from the Centers for Medicare and Medicaid Services (CMS) on its policy on coverage and payment of recreational therapy services in three inpatient settings: rehabilitation hospitals (IRFs), psychiatric hospitals (IPFs) and skilled nursing facilities (SNFs).

CMS regulations and policy manuals currently lack sufficient clarity on the treatment of recreational therapy provided in these inpatient settings. As a result, widespread confusion and misperceptions surround the recreational therapy benefit under Medicare. Out of concern for potential liability for fraud and abuse, many IRF, IPS, and SNF facility administrators are declining to offer recreational therapy, creating inconsistent access to these vital services for patients throughout the country.

CMS has responded to each Congressional inquiry made on this issue, but to date CMS has not clarified its coverage and payment policy of recreational therapy services to fiscal intermediaries, facility administrators, treating physicians, and other relevant entities. In order to ensure that patients are able to receive appropriate rehabilitative services, CMS must formally clarify its policy.

For the sake of Medicare beneficiaries in need of recreational therapy, it is time to require CMS to do so.

To be sure, CMS has confirmed in writing that it considers recreational therapy to be a covered service in each of these three inpatient settings. CMS has also confirmed that the costs of these services have been built into the prospective payment systems for IRFs, IPFs, and SNFs and, therefore, Medicare is already paying to provide recreational therapy services to beneficiaries who need them. Yet access to recreational therapy is not assured.

To remedy this situation, I am introducing the Ensuring Medicare Access to Recreational Therapy Act of 2007, with Representative Phil English, to make certain that patients who need recreational therapy services, as prescribed by their physician and as warranted by their health condition, have consistent access to these medically necessary services.

Our bill simply directs CMS to clarify current coverage and payment policy by issuing notification that recreational therapy is a covered inpatient service in IRFs, IPFs, and SNFs and that the cost of providing such services has already been built into the prospective payment systems for these inpatient settings. This clarification will serve Medicare beneficiaries far better than the current CMS guidance on this issue.

It is important to note that this legislation will not create new coverage, or add any financial burden to the Medicare program. It will, however, ensure access to rehabilitative care so that individuals with disabilities, injuries, or chronic conditions may regain their maximum level of independent function.

I urge my colleagues to please join us in the fight to remove these arbitrary and unnecessary barriers to consistent access to recreational therapy services for all the Medicare beneficiaries who need them.

SETTING THE RECORD STRAIGHT ABOUT LOWE'S CHRISTMAS TREES

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Ms. FOXX. Madam Speaker, I rise today in support of Lowe's Home Improvement, a company that has long been a strong force of economic development and community involvement in North Carolina.

It recently came to my attention that this week there was a bit of a kerfuffle over a misprint in Lowe's holiday catalog. Apparently the Christmas tree section of the catalogue had a misprint that labeled them ''family trees.''

There was no small outcry from a number of concerned citizens who thought that Lowe's might be up to something here. Well, I want to set the record straight. After hearing from Lowe's myself I know that it was a simple printing error—a matter of a hiccup in the creative process.

Lowe's was quick to apologize for the printing error and assured me that they were not out to alter the nomenclature of this fine Christmas tradition. As a former Christmas tree farmer I know how important it is to millions of Americans that a beautiful evergreen graces their living rooms each year as part of their celebration of this sacred season. At the same time, I also know that Lowe's was in no way attempting to undermine our celebrations of advent.

I fully support every American's right to voice concerns over what many see as the steady march of secularism each Christmas season. But I want to assure them that Lowe's had no such intentions in mind. A printing error slipped through the cracks and the company has pledged to redouble its catalogue proofreading processes.

A company spokesperson has even been quoted in the media explaining that the catalogue title was an error and was inconsistent with the company's long-standing practice of referring to its Christmas trees as ''Christmas trees.'' This spokesperson said that Lowe's had intended to convey that family traditions often begin with a Christmas tree.

I hope that now that the facts are out, we can all return to celebrating the birth of Christ this Christmas season, undistracted by this dust-up over a simple copyediting slipup.

THE ALL-AMERICAN HOLIDAY BILL

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. HUNTER. Madam Speaker, I rise today to honor and encourage Americans to come together this holiday season and protect the greatest economy the world has ever seen. The American economic experiment that started back in the early 20th Century has proved that freedom, innovation and individual drive have the ability to create a prosperous economy. Our economy has enabled us to build a democracy that so many nations seek to emulate. Yet I am sad to report that many families, particularly in the mid-west, which is the backbone of America, are losing manufacturing jobs to countries with less stringent regulatory systems and cheaper labor.

Madam Speaker, the holidays are upon us and I am troubled by the difficulty to buy American-made goods in my holiday shopping quest. Americans should be able to purchase products that are made by Americans. For many years, I have had concerns over the decrease in American manufacturing jobs and the increase in our trade with China, who sends us unsatisfactory goods that are harmful to our families and children.

Today, I am introducing an important resolution that fulfills what I believe to be one of our most important obligations as patriotic Americans: encouraging Americans to purchase American-made products this holiday season.

China is the second largest supplier of consumer products and an increasingly dependent supplier of agricultural products to the United States. The Consumer Product Safety Commission (CPSC) stated that to date, in 2007, over 80 percent of CPSC recall notices have involved Chinese-made products.

Specifically, over the past year, pet food laced with chemicals found in fertilizer caused the sickness and death of several dozen pets in the United States. The Food and Drug Administration released warnings on toothpaste products from China that contained poisonous chemicals, as well as farm-raised fish products that contained uncertified antimicrobial agents. Furthermore, the National Highway Traffic Safety Administration issued a recall of nearly 450,000 tires suspected to have major safety defects. Since March 2007, nearly 20 million Chinese made toys have been recalled by U.S. companies due to suspected lead contamination.

It is clear that China's irresponsible regulatory system is not sufficient to keep the citizens of their trading partners safe. In fact they are not able to provide safe products for their own people. In June 2004, the Chinese People's Daily reported that fake baby formula had killed 50 to 60 infants in China. Fish farmers in China reportedly feed various drugs to the fish to help keep them alive in polluted Chinese waters, and in July 2007, the Xinhua News Agency reported that a government survey of 7,200 different products from nearly 6,500 enterprises found that 19.1 percent of products made in China for domestic consumption in the first half of 2007 were substandard.

I call on my colleagues to join me in supporting the U.S. economy and, in turn, our Armed Forces, by purchasing American products. One of the best things we can do for our returning soldiers is to make sure they have good jobs when they return. Buying American-made products will keep good manufacturing jobs available for our soldiers when they return home. I understand how difficult it will be to purchase all American food and gifts during the holiday season. However, for the 1.8 million American jobs that have been shipped overseas, for the future jobs that are in jeopardy of being lost to cheaper labor and, of course, for the troops serving our country overseas, I ask you to buy for America this holiday season.

ORDERLY AND RESPONSIBLE IRAQ REDEPLOYMENT APPROPRIATIONS ACT, 2008

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesay, November 14, 2007

Mr. LANGEVIN. Mr. Speaker, I wish to express my support for H.R. 4156, the Orderly and Responsible Iraq Redeployment Appropriations Act, which will begin the redeployment of U.S. forces out of Iraq, strengthen our military and enhance our national security. By passing this measure, the House of Representatives is, yet again, sending a clear signal to the President that we need a new course in Iraq.

Though I opposed the resolution authorizing the use of force in Iraq, I later voted for numerous supplemental appropriations bills to ensure that we provided sufficient equipment and resources for our troops. They have done an amazing job in undertaking a difficult and changing mission, and they deserve nothing but the full support of the Nation and its leaders. However, nearly 5 years after our initial invasion of Iraq, the best way to support our troops is to bring them home. In May of this year, I voted against the supplemental appropriations bill for fiscal year 2007 because it gave the President far too much authority to continue a war that had been repeatedly mismanaged by the civilian leadership at the Pentagon.

Unfortunately, 6 months later, very little has changed. The underlying causes of violence in Iraq, which are ethnic and sectarian in nature, have not been addressed. In September, the Government Accountability Office found that the Iraqi Government had met only 3 of 18 congressionally mandated benchmarks for legislative, economic, and security progress. These problems cannot be solved by U.S. military force, and we should not expect our troops to be involved in a civil war. We need to shift our forces from combat operations and redeploy them out of Iraq while we refocus our Nation's efforts on fostering a political reconciliation among Iraq's tribal, ethnic, and religious groups to end the violence.

The bill before us today provides a blueprint for ending the war and bringing our troops home. It requires the President to begin redeployment of troops immediately, with a goal of completing redeployment by December 2008. It also shifts our forces away from a combat mission to focus on force protection, counterterrorism efforts, and the training of Iraqi security forces. Furthermore, it prohibits the deployment of U.S. troops that are not deemed fully mission capable. This provision is particularly important because our men and women in uniform have faced repeated deployments with insufficient rest and training time, and we must take bold steps now to prevent our military being strained to the breaking point. Our readiness levels are already dangerously low because of operations in Iraq, which endangers our national security in the event of a national disaster, a terrorist attack, or some other contingency.

H.R. 4156 recognizes that we need a new direction in Iraq and does not give the President a blank check to maintain the status quo. For that reason, President Bush has threatened to veto the measure. I am deeply disappointed that he is so out of touch with the American people and their priorities. He has requested nearly $200 million to continue operations in Iraq with absolutely no strings attached, while he ignores pressing needs here at home. On Tuesday, he vetoed the Labor-Health and Human Services-Education Appropriations Act for Fiscal Year 2008, claiming that it was too expensive. Operations in Iraq have cost a total of more than $450 billion, yet the President is unwilling to invest $10 billion in priority areas such as medical research, elementary and secondary education, Pell grants, health services to underserved populations, and heating assistance to low-income Americans.

While it is not a perfect bill, H.R. 4156 is an important step to force a fundamental shift in our Iraq policy and to bring our troops home. I would have preferred to see an earlier deadline for troop redeployment, and I have cosponsored legislation with that goal. Nevertheless, a vote for H.R. 4156 is a vote for change, and I thank my colleagues for supporting it.

FEDERAL FOOD DONATION ACT

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. EMERSON. Madam Speaker, I rise today to introduce the Federal Food Donation Act of 2007. As we prepare to return home to spend time with our families and give thanks

for the blessings we have received, I would ask that we pause a moment and think of those less fortunate among us. Yesterday we learned from USDA's annual hunger survey that more than 35 million people in the United States are food insecure; they either suffer from hunger or must sacrifice other essential items for food. Tragically, of these 35 million individuals, 12 million are children. Unfortunately, the number of the hungry among us is increasing. While we, as a government, are taking steps in the right direction, we have a long way to go.

One step we can take is to pass the Federal Food Donation Act, which I introduced today. This legislation would require executive agencies who serve food on their premises to encourage the donation of excess food to nonprofit organizations. Such ''food rescue'' efforts can be particularly useful to the more than 43,000 soup kitchens and food pantries on the front lines battling hunger. As we have celebrated Veterans Day this week, it is important to remember that one out every four homeless individuals is a veteran. Often, the beneficiaries of food rescue efforts serve the homeless community and these veterans.

I would like to particularly thank the dedicated individuals at Rock and Wrap It Up! for their efforts in conceiving and promoting this legislation. This non-profit organization has specialized in food recovery and has been ''thinking outside the box'' in the battle against hunger for years. I appreciate their efforts and look forward to working with them for passage of this legislation.

Madam Speaker, the bottom line we must be aware of is this: the cost of food is increasing. As we prepare our Thanksgiving dinners we will likely hear a lot about the impact of inflation, rising transportation costs, and increasing commodity prices on our family budgets. The effects of rising prices have already been felt by our partners who serve the hungry. More resources are clearly needed. The Federal Food Donation Act may be a small step in the overall battle against hunger, but it is one worth taking.

COMMEMORATING THE 90TH BIRTHDAY OF SENATOR ROBERT C. BYRD

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. RAHALL. Madam Speaker, on November 20, 1917, in Wilkesboro, North Carolina, the world received Cornelius Calvin Sale. Born to a poor, struggling couple, the child was too soon taken from the arms of his loving mother, when she fell victim to the devastating influenza epidemic. The loss of his mother separated him from his siblings and from his father, a man with talented hands and an honest heart, when he was sent to live with an aunt and uncle in the coalfields of southern West Virginia. There his name was changed and so was the course of history for my State and our Nation.

This November 20 marks the 90th birthday of ROBERT C. BYRD. He holds the title of the longest-serving Senator in the history of our Nation. He has held more leadership positions than any other Senator, has cast more rollcall votes than any other Senator, and served on a Senate committee longer than any other Senator. In fact, he has achieved so many records during his tenure of public service that the Guinness people could devote an entire book just to him.

Here in the Congress, ROBERT C. BYRD has seen majorities come and go. He has occupied the suite of the Majority Leader and been banished to the Elba of the Appropriations wing. He has felt the sting of legislative defeat, relished in legislative victory. He has watched good men, full of hope, come to the Congress and build long successful careers in public service. He has seen many ambitious men leave public life, sometimes bitter and frustrated, sometimes drawn to the big paychecks of the private sector. Through it all, his love of the U.S. Senate and his faith in our constitutional form of government has never wavered.

In both his public and private lives, he has been guided by the old values he learned growing up in the West Virginia hills, reading the Bible, and listening to his ''old Mom's'' prayers, offered up in dim lantern light.

And he has been the most devoted of husbands. In fact, he remains so. Even after his dear Erma left this Earth to become an angel in Heaven, his love for her—true love—has endured and bolstered him in times of trial.

So much has been written, so many speeches delivered, about the senior Senator from West Virginia, that it may be a fool's errand to even try to say anything about him that has not been repeated many times over. However, in anticipation of this special occasion, I choose to mention one particular thing for which the people of our State are most grateful to him—ROBERT C. BYRD has given us the gift of hope.

From his youthful days of coal camp life in an era of depression, through his climb to the pinnacle of governmental power, ROBERT C. BYRD's life has been and remains an inspiration to me and to every man, woman, and child who has ever doubted themselves, or been afraid to try to overcome life's considerable challenges. He is our hero.

Madam Speaker, I thank the Creator for Senator BYRD and all that he has done for this Nation. May he have the happiest of birthdays, and may he some day look back on his 90th year as just one notch on his way to scoring yet another amazing record.

RECOGNIZING DEBRA BROWN STEINBERG

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. WEINER. Madam Speaker, I wish to recognize the incredible work of Debra Brown Steinberg.

Ms. Steinberg has been an uncompromising advocate for the families of the victims of the September 11, 2001, attacks on the World Trade Center. She was quick to action taking an integral role in creating the New York Lawyers for the Public Interest 9/11 Project in early October 2001. She also drafted the New York City Bar Association's comments for the 9/11 Victims Compensation Fund which was vital in creating the fund. This fund delivered a total of $7 billion to family members of the victims of the 9/11 attacks.

But her work did not end there. For the last 6 years she has continued to care for the families of those who were lost. She has worked tirelessly for the family members of the victims who could not mourn freely—the widows and orphans of the victims who were immigrants on 9/11. Today in New York City there are 9/11 widows and orphans who fear going to the World Trade Center site because they may be identified for deportation.

Ms. Steinberg speaks often with these families offering them her legal expertise. She used this expertise to help draft the September 11 Family Humanitarian Relief and Patriotism Act, H.R. 1071. This bill gives Congress the tools to provide legal immigration status to the 9/11 victim's family members. It grants permanent resident status to the spouses and children of undocumented immigrants who died on 9/11. To qualify these families must have been beneficiaries of the September 11th Victim Compensation Fund of 2001. Ms. Steinberg continues to push for its passage by consistently offering her talent and passion to our offices.

Her selfless and persistent efforts have given these families, victims of 9/11, comfort and hope that they will be able to soon grieve and live without fear. As I recognize her work today I hope we can honor it by passing the September 11 Family Humanitarian Relief and Patriotism Act.

THE BOTTLE RECYCLING CLIMATE PROTECTION ACT OF 2007

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. MARKEY. Madam Speaker, today I am introducing the Bottle Recycling Climate Protection Act of 2007, which would establish a national program to promote the recycling of beverage containers, including bottled water, iced teas, sports drinks and carbonated beverages, by offering a national 5 cent deposit. This bill would help move the Nation towards a future of less global warming pollution by reducing the energy and related heat-trapping emissions needed to create the materials used in new beverage containers.

Twenty-five years ago, my state of Massachusetts became one of the first states to pass a state bottle bill in order to encourage the recycling of cans and bottles. Since its inception, Massachusetts' bottle law has been a tremendous success. In 2006, over 2 billion beverage containers were sold in Massachusetts and nearly 70 percent of them were recycled rather than littered or incinerated.

Supreme Court Justice Louis Brandeis famously called the States ''laboratories of democracy''—the places where innovative solutions to the Nation's challenges are developed. Nowhere is the States' pioneering role in our system more vital today than in the area of energy independence and global warming. On these critical issues, the States are in the vanguard of a green energy revolution. In the case of the bottle bill, 11 states have acted as laboratories for more than two decades, very successfully. Now is the time to move this important program onto the national stage.

Recycling and reusing these bottles not only reduces the amount of litter that ends up in

our streets and the amount of trash that ends up in our landfills, it also dramatically reduces the amount of global warming pollution that ends up in our atmosphere. If all of the 58 billion aluminum cans that are thrown away every year in the United States were recycled, it would cut the emissions of heat-trapping carbon pollution by nearly 6 million tons—the equivalent of the pollution from more than one million cars. Cans made from recycled aluminum use 95 percent less energy than cans manufactured with new materials.

In addition, plastic water and juice bottles have become increasingly prevalent since many state bottle bills were initially adopted. While less than half of the aluminum cans sold every year are recycled, an astounding 80 percent of the 60 billion plastic bottles sold each year are not recycled. Including plastic bottles in a national bottle bill would lead to significant savings in energy and oil consumption. One ton of recycled plastic saves 5,774 kWh (kilowatt hours) of electricity and 685 gallons of oil.

I am proud to introduce this important bill today on America Recycles Day. Passing this bill would allow Congress to send the nation a global warming message in a bottle. We can still quench our thirst while reducing our thirst for energy. And we can have carbon dioxide in our fizzy drinks, while cutting down on heat-trapping carbon dioxide in the atmosphere.

PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mrs. LOWEY. Madam Speaker, I regrettably missed rollcall vote No. 1093 on November 14, 2007. Had I been present, I would have voted in the following manner: rollcall No. 1093: "yes."

PROTECT OUR CHILDREN ACT OF 2007

SPEECH OF

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. SHULER. Madam Speaker, I rise today to express my strong support for H.R. 3845, the PROTECT (Providing Resources Officers and Technology to Eradicate Cyber Threats) Act. This legislation takes a strong stand against the exploitation of our children on the Internet.

H.R. 3845 will authorize the largest increase ever in funding for state and local law enforcement agencies to investigate child exploitation, through the Internet Crimes Against Children (ICAC) task force program.

Expanding the ICAC program will build state and local capacity and also modernize the way U.S. law enforcement at every level investigate crimes against children.

Current technologies have assisted local law enforcement to identify over 500,000 individuals trafficking child pornography. Without the necessary resources, however, local law enforcement officials have only been able to investigate 2 percent of these cases.

The PROTECT Act would provide our law enforcement officials the tools and resources to investigate and prosecute these offenders.

I urge my colleagues to join me in supporting the PROTECT Act to ensure the safety of our Nation's children.

ON THE PRIVILEGED RESOLUTION TO IMPEACH VICE PRESIDENT RICHARD B. CHENEY

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LANGEVIN. Madam Speaker, last week, the House considered a privileged resolution, offered by the gentleman from Ohio, Mr. Kucinich, to impeach the Vice President. I supported an effort to refer that measure to committee where it can get the attention it deserves.

Having served on the House Armed Services Committee and the House Permanent Select Committee on Intelligence, I have repeatedly condemned how the administration presented evidence to Congress and the American public to justify military action against Iraq. In October 2002, I voted against the resolution authorizing the use of force against Iraq in part because of concerns about the intelligence we were given. It is Congress's responsibility to investigate the administration's claims and actions, not only to understand to what extent the White House cherry-picked evidence to support a course of action, but also to prevent intelligence from being manipulated by policymakers in the future. Congress has held numerous hearings into these complex questions, and we will continue to be aggressive in fulfilling our oversight duties.

Frustration with the administration among the American public has become palpable, with some calling for the impeachment of senior elected officials. While I share the deep dissatisfaction that people have with the way our Nation is being led, we must be extremely cautious about how best to chart a new course. Impeachment is one of the strongest constitutional powers granted to Congress, and its exercise must be governed by the laws of this Nation and the rules of this House. While I respect the intentions of the gentleman from Ohio in offering his resolution, I believe that it would be premature for the Members of the House to vote on a matter of such gravity without the benefit of hearings and with imperfect information. For that reason, I supported its referral to committee.

When the American people elected a Democratic majority last November, we promised to lead the country in a new direction. We saw how the Nation's priorities had been ignored for 12 years under Republican rule in Congress, and we vowed to promote change. In the last 11 months, we have made tremendous progress—increasing the minimum wage, implementing the recommendations of the 9/11 Commission, restoring fiscal accountability to the federal budget, expanding access to higher education, investing in clean and renewable energy, and much, much more. We built on those successes just last week, when we passed a middle-class tax relief package that would prevent 23 million Americans from being harmed by the alternative minimum tax, as well as an appropriations bill that would make long overdue investments in health care, medical research, education programs and veterans health care. Also, for the first time, the Bush administration is not getting a free pass from a rubber stamp Congress. We have aggressively investigated the activities of the executive branch, and through our oversight efforts, we have held the administration accountable for a number of its failures.

The will of the American people had been ignored for far too long, but this Congress has promised to address our Nation's most urgent needs. I will keep working to ensure that we pursue policies that reflect the priorities of all Americans so that we can put our country on the right path once again.

RECOGNIZING STEVE SCHAINKER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize Steve Schainker for reaching an important milestone as a public servant to the people of Ames, Iowa.

For the past 25 years, Steve has served as Ames City Manager. After receiving his master's degree in public administration at the University of Indiana's School of Public and Environmental Affairs, he became the assistant to the Ames City Manager in 1979, taking over the city manager position in 1982.

Steve values citizens' opinions, thriving on direct contact and open accessibility with residents to aid in making decisions for the betterment of the community. He also works to foster a positive relationship with city employees, the city council, the Chamber of Commerce, and Iowa State University to bring the Ames community together. While serving as city manager, Steve has facilitated many successful projects to improve the lives of citizens including City Hall, CyRide transportation, and the new aquatic center.

I know that my colleagues in the United States Congress will join me in commending Steve Schainker for his leadership and service to Ames. I consider it an honor to represent him in the United States Congress and I wish him the best in his future endeavors.

TRIBUTE TO RECIPIENTS OF THE OMEGA PSI PHI FRATERNITY, INC. MU NU CHAPTER'S ACADEMIC LEADERSHIP AWARD AND R.W. SNOWDEN SCHOLARSHIP AWARD

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2007

Mr. CLYBURN. Madam Speaker, I rise today to honor and pay tribute to the recipients of the Omega Psi Phi Fraternity, Inc. Mu Nu Chapter's Academic Leadership Award and R.W. Snowden Scholarship Award. On Wednesday, November 14, 2007, the recipients of these awards were acknowledged for their outstanding achievements at an Omega Psi Phi Fraternity awards reception in Silver Spring, Maryland.

The awards reception was held in recognition of Omega Psi Phi's 2007 Annual Achievement Week Observance. The concept for Omega Psi Phi's observance of Annual Achievement Week dates back to 1920. Omega Psi Phi's Annual Achievement Week Observance provides this storied association with the opportunity to recognize the notable achievements of African-Americans.

The recipients of Omega Psi Phi Fraternity, Inc. Mu Nu Chapter's Academic Leadership Award and R.W. Snowden Scholarship Award are: Tyler Jackson, Andrew Clarke, Stefon D. Thompson, Dorian Calhoun, Ian Francis, Biruk Kifle, Alex D. Weaver, Zachary Graves, Joseph Belachew, Zachary Etheridge, Hizkias Neway, Ryan Spriggs, Ayodeji Obayomi, Deonte Williams, Chigozie Mbanaso, Benjamin Warner, Matteo Bellistri, Asante Hatcher, Natneal Gugsa, Roberto Marwanga, Samuel Berhe, Bradley C. Smith, Phillip Jenkins, Stephan Mulrain, Emiola Oriola, Jr., Robel Berhe, Patrick Owusu, Jonmarc Winfield, Adrian Stoute, Chase Barnes, Theo Josephs, Brandon Griffin, and Stewart Cornelius.

Today, I ask my colleagues to join me in honoring these recipients for their selfless community service and tremendous academic achievements.

CORRECTION

Daily Digest

HIGHLIGHTS

Senate agreed to H. Con. Res. 259, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S14425–S14576

Measures Introduced: Nineteen bills and two resolutions were introduced, as follows: S. 2357–2375, and S. Res. 383–384. **Page S14488**

Measures Reported:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2008". (S. Rept. No. 110–230)

Report to accompany S. 1642, to extend the authorization of programs under the Higher Education Act of 1965. (S. Rept. No. 110–231)

S. Res. 366, designating November 2007 as "National Methamphetamine Awareness Month", to increase awareness of methamphetamine abuse.

S. Res. 367, commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall.

S. 1970, to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, with an amendment in the nature of a substitute.

S. 2272, to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John "Marty" Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007. **Page S14487**

Measures Passed:

Adjournment Resolution: Senate agreed to H. Con. Res 259, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

Pages S14464–65

Higher Education Act Technical Corrections: Senate passed S. 2371, to amend the Higher Education Act of 1965 to make technical corrections.

Pages S14567–68

Emancipation Hall: Committee on Rules and Administration was discharged from further consideration of S. 1679, to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall, and the bill was then passed.

Page S14568

Identity Theft Enforcement and Restitution Act: Senate passed 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, after agreeing to the committee amendments. **Pages S14568–72**

National Adoption Day and Month: Senate agreed to S. Res. 384, expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

Pages S14572–73

Measures Considered:

Farm Bill Extension Act: Senate continued consideration of H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, taking action on the following amendments proposed thereto: **Pages S14435–45**

Pending:

Harkin Amendment No. 3500, in the nature of a substitute. **Page S14435**

Reid (for Dorgan/Grassley) Amendment No. 3508 (to Amendment No. 3500), to strengthen payment limitations and direct the savings to increased funding for certain programs. **Page S14435**

Reid Amendment No. 3509 (to Amendment No. 3508), to change the enactment date. **Page S14435**

Reid Amendment No. 3510 (to the language proposed to be stricken by Amendment No. 3500), to change the enactment date. **Page S14435**

Reid Amendment No. 3511 (to Amendment No. 3510), to change the enactment date. **Page S14435**

Motion to commit the bill to the Committee on Agriculture, Nutrition, and Forestry, with instructions to report back forthwith, with Reid Amendment No. 3512. **Page S14435**

Reid Amendment No. 3512 (to the instructions of the motion to commit to the Committee on Agriculture, Nutrition, and Forestry, with instructions), to change the enactment date. **Page S14435**

Reid Amendment No. 3513 (to the instructions of the motion to recommit), to change the enactment date. **Page S14435**

Reid Amendment No. 3514 (to Amendment No. 3513), to change the enactment date. **Page S14435**

A unanimous-consent agreement was reached providing that on Friday, November 16, 2007, that if cloture is not invoked on the motion to proceed to the consideration of H.R. 4156 (see below), Senate vote on the motion to invoke cloture on Harkin Amendment No. 3500 (listed above); provided further, that the vote on the motion to invoke cloture on the bill, be delayed to occur, if needed, upon the adoption of the Harkin Amendment No. 3500; that there be one hour for debate prior to the first vote be equally divided between the two Leaders, or their designees; that Senator Harkin be recognized for up to 10 minutes of the time of the majority; provided further, that the last 10 minutes be reserved for the two Leaders with the Majority Leader controlling the last 5 minutes; and that there be 2 minutes for debate before the 2nd and 3rd votes. **Page S14465**

A unanimous-consent agreement was reached providing that Members have until 9 a.m., on November 16, 2007, to file any germane second-degree amendments. **Page S14574**

Emergency Supplemental Appropriations—Cloture: Senate began consideration of the motion to proceed to consideration of S. 2340, making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008. **Pages S14445–74**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of November 15, 2007, a vote on cloture will occur at 9:30 a.m. on Friday, November, 16, 2007. **Pages S14445, S14465–74**

Subsequently, the motion to proceed was withdrawn. **Page S14474**

Emergency Supplemental Appropriations—Cloture: Senate began consideration of the motion to proceed to consideration of H.R. 4156, making emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008. **Pages S14474–76**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, November 15, 2007, a vote on cloture will occur on Friday, November 16, 2007, if cloture is not invoked on the motion to proceed to consideration of S. 2340, Emergency Supplemental Appropriations (listed above). **Pages S14474–76, S14574**

Subsequently, the motion to proceed was withdrawn. **Page S14474**

Nominations Confirmed: Senate confirmed the following nominations:

A routine list in the National Oceanic and Atmospheric Administration. **Pages S14568, S14576**

Nominations Received: Senate received the following nominations:

Craig W. Duehring, of Minnesota, to be an Assistant Secretary of the Air Force.

Neel T. Kashkari, of California, to be an Assistant Secretary of the Treasury.

Thomas C. Carper, of Illinois, to be a Member of the Reform Board (Amtrak) for a term of five years.

Nancy A. Naples, of New York, to be a Member of the Reform Board (Amtrak) for a term of five years.

Denver Stutler, Jr., of Florida, to be a Member of the Reform Board (Amtrak) for a term of five years.

Eric M. Thorson, of Virginia, to be Inspector General, Department of the Treasury.

Ana M. Guevara, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

Goli Ameri, of Oregon, to be an Assistant Secretary of State (Educational and Cultural Affairs).

Tracy Ralph Justesen, of Utah, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

Nathan J. Hochman, of California, to be an Assistant Attorney General.

Grace C. Becker, of New York, to be an Assistant Attorney General.

James B. Peake, of the District of Columbia, to be Secretary of Veterans Affairs.

Rod J. Rosenstein, of Maryland, to be United States Circuit Judge for the Fourth Circuit.

Gene E.K. Pratter, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Lincoln D. Almond, of Rhode Island, to be United States District Judge for the District of Rhode Island.

Mark S. Davis, of Virginia, to be United States District Judge for the Eastern District of Virginia.

David Gregory Kays, of Missouri, to be United States District Judge for the Western District of Missouri.

David J. Novak, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Carolyn P. Short, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Richard T. Morrison, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years.

Joseph P. Russoniello, of California, to be United States Attorney for the Northern District of California for the term of four years.

Diane J. Humetewa, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Rebecca A. Gregory, of Texas, to be United States Attorney for the Eastern District of Texas for the term of four years.

Gregory A. Brower, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

Edmund A. Booth, Jr., of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years.

Michael G. McGinn, of Minnesota, to be United States Marshal for the District of Minnesota for the term of four years.

Reed Verne Hillman, of Massachusetts, to be United States Marshal for the District of Massachusetts for the term of four years.

William Joseph Hawe, of Washington, to be United States Marshal for the Western District of Washington for the term of four years.

3 Air Force nominations in the rank of general.

Routine lists in the Army, Coast Guard, Navy.

Page S14576

Nomination Discharged: The following nomination were discharged from further committee consideration and placed on the Executive Calendar:

Todd J. Zinser, of Virginia, to be Inspector General, Department of Commerce, which was sent to the Senate on September 7, 2007, from the Senate Committee on Homeland Security and Governmental Affairs. **Pages S14568. S14576**

Messages from the House: **Page S14485**

Measures Referred: **Page S14487**

Measures Placed on the Calendar: **Page S14487**

Measures Read the First Time: **Pages S14487, S14573–74**

Petitions and Memorials: **Pages S14485–87**

Executive Reports of Committees: **Pages S14487–88**

Additional Cosponsors: **Pages S14488–90**

Statements on Introduced Bills/Resolutions: **Pages S14490–S14500**

Additional Statements: **Pages S14480–85**

Amendments Submitted: **Pages S14500–66**

Authorities for Committees to Meet: **Page S14567**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:58 p.m., until 8:30 a.m. on Friday, November 16, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S14574.)

Committee Meetings

(Committees not listed did not meet)

SUBCOMMITTEE ASSIGNMENTS

Committee on Appropriations: On November 2, 2007, Committee announced the following subcommittee assignments:

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies: Senators Kohl (Chairman), Harkin, Dorgan, Feinstein, Durbin, Johnson, Nelson (NE), Reed, Bennett, Cochran, Specter, Bond, McConnell, Craig, and Brownback.

Subcommittee on Commerce, Justice, Science, and Related Agencies: Senators Mikulski (Chairman), Inouye, Leahy, Kohl, Harkin, Dorgan, Feinstein, Reed, Lautenberg, Shelby, Gregg, Stevens, Domenici, McConnell, Hutchison, Brownback, and Alexander.

Subcommittee on Defense: Senators Inouye (Chairman), Byrd, Leahy, Harkin, Dorgan, Durbin, Feinstein, Mikulski, Kohl, Murray, Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, and Hutchison.

Subcommittee on Energy and Water Development: Senators Dorgan (Chairman), Byrd, Murray, Feinstein, Johnson, Landrieu, Inouye, Reed, Lautenberg, Domenici, Cochran, McConnell, Bennett, Craig, Bond, Hutchison, and Allard.

Subcommittee on Financial Services and General Government: Senators Durbin (Chairman), Murray, Landrieu, Lautenberg, Nelson (NE), Brownback, Bond, Shelby, and Allard.

Subcommittee on Homeland Security: Senators Byrd (Chairman), Inouye, Leahy, Mikulski, Kohl, Murray, Landrieu, Lautenberg, Nelson (NE), Cochran, Gregg,

Stevens, Specter, Domenici, Shelby, Craig, and Alexander.

Subcommittee on the Interior, Environment, and Related Agencies: Senators Feinstein (Chairman), Byrd, Leahy, Dorgan, Mikulski, Kohl, Johnson, Reed, Nelson (NE), Allard, Craig, Stevens, Cochran, Domenici, Bennett, Gregg, and Alexander.

Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies: Senators Harkin (Chairman), Inouye, Kohl, Murray, Landrieu, Durbin, Reed, Lautenberg, Specter, Cochran, Gregg, Craig, Hutchison, Stevens, and Shelby.

Subcommittee on Legislative Branch: Senators Landrieu (Chairman), Durbin, Nelson (NE), Alexander, and Allard.

Subcommittee on Military Construction and Veteran Affairs, and Related Agencies: Senators Johnson (Chairman), Inouye, Landrieu, Byrd, Murray, Reed, Nelson (NE), Hutchison, Craig, Brownback, Allard, McConnell, and Bennett.

Subcommittee on State, Foreign Operations, and Related Programs: Senators Leahy (Chairman), Inouye, Harkin, Mikulski, Durbin, Johnson, Landrieu, Reed, Gregg, McConnell, Specter, Bennett, Bond, Brownback, and Alexander.

Subcommittee on Transportation and Housing and Urban Development, and Related Agencies: Senators Murray (Chairman), Byrd, Mikulski, Kohl, Durbin, Dorgan, Leahy, Harkin, Feinstein, Johnson, Lautenberg, Bond, Shelby, Specter, Bennett, Hutchison, Brownback, Stevens, Domenici, Alexander, and Allard.

Senators Byrd and Cochran are ex officio members of each subcommittee.

STATE OF THE U.S. ARMY

Committee on Armed Services: Committee concluded a hearing to examine the state of the United States Army, focusing on the Army's strategic imperatives, after receiving testimony from Pete Geren, Secretary, and General George W. Casey Jr., Chief of Staff, both of the United States Army, Department of Defense.

NOMINATIONS

Committee on Armed Services: Committee order favorably reported the nominations of John J. Young, Jr. of Virginia, to be Under Secretary for Acquisition, Technology, and Logistics, and Douglas A. Brook, of California, to be an Assistant Secretary of the Navy for Financial Management and Comptroller, both of the Department of Defense, Robert L. Smolen, of Pennsylvania, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration, Department of Energy, and 135 nominations in the Army, Navy, Air Force, and Marine Corps.

ISSUES FACING THE U.S. SPACE PROGRAM

Committee on Commerce, Science, and Transportation: Subcommittee on Space, Aeronautics, and Related Agencies concluded a hearing to examine issues facing the United States space program after retirement of the space shuttles, after receiving testimony from Michael D. Griffin, Administrator, William H. Gerstenmaier, Associate Administrator for Space Operations, and Richard Gilbrech, Associate Administrator, Exploration Systems Mission Directorate, all of the National Aeronautics and Space Administration.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND REAUTHORIZATION

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 2203, to reauthorize the Uranium Enrichment Decontamination and Decommissioning Fund, after receiving testimony from James A. Rispoli, Assistant Secretary of Energy for Environmental Management; Robin M. Nazzaro, Director, Natural Resources and Environment, Government Accountability Office; Marvin S. Fertel, Nuclear Energy Institute, and Wesley P. Warren, Natural Resources Defense Council, both of Washington, DC; and John R. Longenecker, Longenecker and Associates, Inc., Las Vegas, Nevada.

AMERICA'S CLIMATE SECURITY ACT

Committee on Environment and Public Works: Committee concluded hearings to examine S. 2191, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, after receiving testimony from Ron Sims, King County, Seattle, Washington; Fred Krupp, Environmental Defense, New York, New York; Eileen Claussen, Pew Center on Global Climate Change, and Kevin Book, FBR Capital Markets Corporation, both of Arlington, Virginia; and Christopher Berendt, Pace, Fairfax, Virginia.

MERIDA INITIATIVE

Committee on Foreign Relations: Committee concluded a hearing to examine the anti-drug package for Mexico and Central America, known as the Merida Initiative, after receiving testimony from Thomas A. Shannon, Assistant Secretary, Bureau of Western Hemisphere Affairs, and David T. Johnson, Assistant Secretary, Bureau for International Narcotics and Law Enforcement Affairs, both of the Department of State.

RADIOLOGICAL DISPERSION DEVICE RESPONSE

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a joint hearing with the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration to examine the national level of preparedness of the United States to respond following an radiological dispersion device (RDD) or ''dirty bomb'' attack, focusing on the coordination with and capabilities of federal, state, and local governments to work together, after receiving testimony from Gene Aloise, Director, Natural Resources and Environment, Government Accountability Office; Steven Aoki, Deputy Under Secretary of Energy for Counterterrorism; Thomas P. Dunne, Associate Administrator of Homeland Security, Environmental Protection Agency; Glenn M. Cannon, Assistant Administrator, Disaster Operations Directorate, Federal Emergency Management Agency, Department of Homeland Security; Kevin Yeskey, Deputy Assistant Secretary, Director, Office of Preparedness and Emergency Operations, Office of the Assistant Secretary for Preparedness and Response, Department of Health and Human Services; Kenneth D. Murphy, Oregon Emergency Management, Salem; Thomas S. Tenforde, National Council on Radiation Protection and Measurements, Bethesda, Maryland; and Wayne J. Tripp, General Physics Corporation, Pine Bluff, Arkansas.

AMERICANS WITH DISABILITIES ACT

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine the Americans with Disabilities Act (Public Law 101-336), focusing on S. 1881, to amend the Americans with Disabilities Act of 1990 to restore the intent and protections of that Act, after receiving testimony from John D. Kemp, Powers, Pyles, Sutter, and Verville, P.C., Dick Thornburgh, Kirkpatrick and Lockhart Preston Gates Ellis, LLP, and Chai R. Feldblum, Georgetown University Law Center Federal Legislation Clinic, all of Washington, DC; Camille A. Olson, Seyfarth Shaw, LLP, Chicago, Illinois; and Stephen C. Orr, Rapid City, South Dakota.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following:

S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, with an amendment in the nature of a substitute;

S. Res. 366, designating November 2007 as ''National Methamphetamine Awareness Month'', to increase awareness of methamphetamine abuse;

S. Res. 367, commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall; and

The nominations of Joseph N. Laplante, to be United States District Judge for the District of New Hampshire, Reed Charles O'Connor, to be United States District Judge for the Northern District of Texas, Thomas D. Schroeder, to be United States District Judge for the Middle District of North Carolina, and Amul R. Thapar, to be United States District Judge for the Eastern District of Kentucky.

NURSING HOME TRANSPARENCY

Special Committee on Aging: Committee concluded a hearing to examine nursing home transparency and improvement, focusing on federal, state, and industry initiatives to improve nursing home transparency, enforcement, and the quality of services in the country's 16,000 nursing homes, after receiving testimony from Senator Grassley; Kerry Weems, Acting Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Sarah Slocum, Michigan State Long Term Care, Lansing; David R. Zimmerman, University of Wisconsin Department of Industrial and Systems Engineering, Madison; Arvid Muller, Service Employees International Union, Steve Biondi, Extendicare Health Services, Milwaukee, Wisconsin, on behalf of the American Health Care Association; and Bonnie Zabel, Marquardt Memorial Manor, Inc., Watertown, Wisconsin, on behalf of the American Association of Homes and Services for the Aging.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 61 public bills, H.R. 4190–4250; and 13 resolutions, H. Con. Res. 259–263; and H. Res. 828–836 were introduced. **Pages H14080–83**

Additional Cosponsors: **Page H14083**

Reports Filed: Reports were filed today as follows:

H.R. 2406, to authorize the National Institute of Standards and Technology to increase its efforts in support of the integration of the healthcare information enterprise in the United States, with an amendment (H. Rept. 110–451);

H. Res. 661, honoring the accomplishments of Barrington Antonio Irving, the youngest pilot and first person of African descent ever to fly solo around the world, with amendments (H. Rept. 110–452);

H. Res. 772, recognizing the American Highway Users Alliance on the occasion of its 75th anniversary (H. Rept. 110–453);

H.R. 409, to amend title 23, United States Code, to inspect highway tunnels (H. Rept. 110–454);

H.R. 3712, to designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. & Thomas W.L. Ashley Customs Building and United States Courthouse", with amendments (H. Rept. 110–455);

H.R. 3985, to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements (H. Rept. 110–456); and H.R. 2768, to establish improved mandatory standards to protect miners during emergencies, with an amendment (H. Rept. 110–457). **Page H14080**

Speaker: Read a letter from the Speaker wherein she appointed Representative Altmire to act as Speaker Pro Tempore for today. **Page H13961**

Mortgage Reform and Anti-Predatory Lending Act of 2007: The House passed H.R. 3915, to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, and to provide certain minimum standards for consumer mortgage loans, by a yea-and-nay vote of 291 yeas to 127 nays, Roll No. 1118.

Pages H13978–H14037

Rejected the Blackburn motion to recommit the bill to the Committee on Financial Services with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 188 ayes to 231 noes, Roll No. 1117.

Pages H14035–37

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H13789**

Agreed by unanimous consent that amendment No. 16 printed in H. Rept. 110–450 may be offered out of sequence. **Pages H14011, H14018**

Agreed by unanimous consent that amendment No. 10 printed in H. Rept. 110–450 may be offered out of sequence. **Page H14018**

Accepted:

Frank (MA) manager's amendment (No. 1 printed in H. Rept. 110–450) that makes a number of technical and conforming changes as well as enhancements to the bill including the following: (1) clarifies the definition of loan originator; (2) narrows the scope of the preemption provision to make it clear that states cannot use or adopt state laws against securitizers/assignees for violations of the national standards or to impose remedies outside of the unique Federal remedy established in the bill, and to make it clear that actions for fraud, misrepresentation, deception, false advertising or civil rights laws are not preempted; (3) clarifies the registration requirements for the Nationwide Mortgage Licensing System and Registry; (4) allows consumers to obtain a cure from assignee or securitizer if creditor or other assignees cease to exist or go bankrupt; (5) clarifies the incentive compensation provision; and (6) adds a monthly disclosure requirement for mortgages;

Pages H14005–06

Kanjorski amendment (No. 2 printed in H. Rept. 110–450) that, reflecting provisions from H.R. 3837, betters consumer protection by improving mortgage servicing, protecting appraiser independence, ensuring better appraisal quality and regulatory oversight, requiring escrows for mortgages for borrowers who might experience difficulty with repayment, and establishing disclosure for consumers who waive escrow accounts; **Pages H14006–11**

Maloney (NY) amendment (No. 3 printed in H. Rept. 110–450) that requires a borrower to receive the option of a mortgage without a prepayment penalty, if they are offered an amendment with a prepayment penalty. The amendment sets the maximum time for a prepayment penalty of 3 years and a maximum prepayment amount of 3% of the loan

for the first year, 2% for the second year and 1% for the third year; **Pages H14012–13**

Putnam amendment (No. 10 printed in H. Rept. 110–450) that directs the GAO to conduct a study to determine the effects the enactment of H.R. 3915 will have on the availability and affordability of credit for homebuyers and mortgage lending, and to submit a report to Congress containing the findings and conclusions within one year of the enactment of the legislation; **Pages H14020–21**

Watt amendment (No. 8 printed in H. Rept. 110–450) to the Hensarling amendment (No. 7 printed in H. Rept. 110–450) that adds that the obligor must have had actual knowledge of the false material information for the exemption from liability to take effect; **Pages H14022–23**

Hensarling amended amendment (No. 7 printed in H. Rept. 110–450) that removes the civil liability of a lender and cancels the right of rescission for a borrower in instances when a borrower knowingly lied on their mortgage loan application; **Pages H14022–23**

Meeks (NY) amendment (No. 9 printed in H. Rept. 110–450) that provides that the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer educational courses for pre-licensure or continuing education for mortgage originators. In approving courses under this Act, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses; **Pages H14023–24**

Brown-Waite amendment (No. 11 printed in H. Rept. 110–450) that excludes loans insured by the Federal Housing Administration from the provisions of the bill; **Pages H14024–25**

Al Green (TX) amendment (No. 14 printed in H. Rept. 110–450) that states that educational requirements include instruction on fraud, consumer protection, and fair lending issues; and **Pages H14028–29**

Sutton amendment (No. 18 printed in H. Rept. 110–450) that requires loan creditors or servicers to provide a written notice to consumers with hybrid adjustable rate mortgages six months before their interest rates are due to reset. This notice would state the new interest rate, an explanation of how the new interest rate would be determined, the creditor's or servicer's good faith estimate of the monthly payment that will apply after the reset, a list of alternatives consumers may pursue before the date of adjustment or reset, and contact information for local HUD-approved housing counseling agencies and the state housing finance authority. **Pages H14031–33**

Rejected:

Watt amendment (No. 4 printed in H. Rept. 110–450) that sought to allow for actual damages in the liability section (by a recorded vote of 169 ayes to 250 noes, Roll No. 1112); **Pages H14013–14, H14014–15**

Watt amendment (No. 5 printed in H. Rept. 110–450) that sought to require the assignee to have policies/procedures and to cure the loan to avoid being liable for rescission; **Pages H14019–20**

Price (GA) amendment (No. 16 printed in H. Rept. 110–450) that sought to exempt prime loans from the bill (by a recorded vote of 172 ayes to 249 noes, Roll No. 1114); **Pages H14014–15, H14033**

Garrett (NJ) amendment (No. 12 printed in H. Rept. 110–450) that sought to strike the rebuttable presumption under section 203, stating that all qualified safe harbor loans that meet the requirements listed in section 203(c)(3)(C) fall under the safe harbor (by a recorded vote of 188 ayes to 229 noes, Roll No. 1115); and **Pages H14025–26, H14033–34**

McHenry amendment (No. 15 printed in H. Rept. 110–450) that sought to strike Title III—High-Cost Mortgages from the bill (by a recorded vote of 168 ayes to 244 noes, Roll No. 1116). **Pages H14029–31, H14034–35**

Withdrawn:

Watt amendment (No. 6 printed in H. Rept. 110–450) that was offered and subsequently withdrawn that would have changed the irrebuttable presumption under section 203 to a rebuttable presumption for all mortgages that allow a borrower to defer payment of principal or interest; **Pages H14021–22**

Frank (MA) amendment (No. 13 printed in H. Rept. 110–450) that was offered and subsequently withdrawn that would have allowed regulators to fine mortgage originators, assignees and securitizers who more than occasionally (''pattern or practice'') violate the minimum standards for loans established in the bill at least $1 million, $25,000 per loan. Proceeds would be held in trust by the US Treasury for the benefit of borrowers who have no other avenue for obtaining a remedy; and **Pages H14026–28**

Van Hollen amendment (No. 17 printed in H. Rept. 110–450) that was offered and subsequently withdrawn that would have required that in the case of a residential mortgage loan, closing costs may not exceed by more than 10% any estimate of closing costs disclosed to the consumer in advance of closing. **Page H14031**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H14037**

H. Res. 825, the rule providing for consideration of the bill, was agreed to by voice vote after agreeing to order the previous question by a yea-and-nay vote of 224 yeas to 195 nays, Roll No. 1109. **Pages H13764–69, H13977**

Adjournment Resolution: The House agreed to H. Con. Res. 259, providing for an adjournment or recess of the two Houses, by a yea-and-nay vote of 214 yeas to 196 nays, Roll No. 1113. **Page H14018**

Discharge Petition: Representative Aderholt moved to discharge the Committee on Rules from the consideration of H. Res. 748, providing for the consideration of the bill (H.R. 3584) to amend title XXI of the Social Security Act to extend funding for 18 months for the State Children's Health Insurance Program (SCHIP), and for other purposes (Discharge Petition No. 4). **Page H14086**

RESTORE Act of 2007: The House passed H.R. 3773, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, by a recorded vote of 227 yeas to 189 nays, Roll No. 1120. Consideration of the measure began on October 17th. **Pages H14037–62**

Rejected the Smith (TX) motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House promptly with amendments, by a yea-and-nay vote of 194 yeas to 222 nays, Roll No. 1119. **Pages H14059–61**

Pursuant to the rule, the further amendment to H.R. 3773, as amended, printed in H. Rept. 110–449 shall be considered as adopted. **Page H14059**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H14063**

H. Res. 824, the rule providing for further consideration of the bill, was agreed to by a yea-and-nay vote of 224 yeas to 192 nays, Roll No. 1111, after agreeing to order the previous question by a yea-and-nay vote of 221 yeas to 195 nays, Roll No. 1110. **Pages H13969–76, H13977–78**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, November 13th:

Amending title 18 of the United States Code to clarify the scope of the child pornography laws: H.R. 4136, amended, to amend title 18 of the United States Code to clarify the scope of the child pornography laws, by a 2/3 yea-and-nay vote of 416 yeas with none voting ''nay'', Roll No. 1121. **Pages H14062–63**

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008—Presidential Veto: The House voted to sustain the President's veto 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, by a yea-and-nay vote of 277 yeas to 141 nays, Roll No. 1122 (two-thirds of those present not voting to override). **Pages H14063–66**

Subsequently, the message (H. Doc. 110–76) and the bill were referred to the Committee on Appropriations. **Page H14066**

Speaker Pro Tempore: Read a letter from the Speaker wherein she appointed Representative Hoyer and Representative Van Hollen to act as Speaker pro tempore to sign enrolled bills and joint resolutions through December 4, 2007. **Page H14066**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, December 5th. **Page H14085**

Senate Messages: Messages received from the Senate today appear on pages H13969 and H14062 .

Senate Referrals: S. 597 and S. 2371 were held at the desk.

Quorum Calls Votes: Eight yea-and-nay votes and six recorded votes developed during the proceedings of today and appear on pages H13976, H13977, H13977–78, H14015–16, H14018, H14033, H14033–34, H14034–35, H14036–37, H14037, H14061, H14061–62, H14062–63, and H14065–66. There were no quorum calls.

Adjournment: The House met at 9:00 a.m. and at 11:40 p.m., pursuant to the provisions of H. Con. Res. 259, the House stands adjourned until 2 p.m. on Tuesday, December 4, 2007.

Committee Meetings

COUNTERING TERRORISM'S IDEOLOGICAL SUPPORT

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on strategic communications and countering ideological support for terrorism. Testimony was heard from Duncan MacInnes, Principal Deputy Coordinator, Bureau of International Information Programs, Department of State; and the following officials of the Department of Defense, CAPT Hall Pittman, USN, Acting Deputy Assistant Secretary, (Joint Communication); and Michael Doran, Deputy Assistant Secretary, (Support for Public Diplomacy).

COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2007

Committee on Education and Labor: Ordered reported, as amended, H.R. 4137, College Opportunity and Affordability Act of 2007.

CONSUMER PRODUCT SAFETY MODERNIZATION ACT OF 2007

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection approved for full Committee action, as amended, H.R. 4040, Consumer Product Safety Modernization Act.

DIPLOMATIC ASSURANCES ON TERRORISM

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights, and Oversight held a hearing on Diplomatic Assurances on Torture: A Case Study of Why Some Are Accepted and Others Rejected. Testimony was heard from public witnesses.

EMERGENCY RESPONSE MUTUAL AID

Committee on Homeland Security: Subcommittee Emergency Communications, Preparedness, and Response held a hearing entitled ''Leveraging Mutual Aid for Effective Emergency Response.'' Testimony was heard from Marko Bourne, Director of Policy and Program Analysis, Federal Emergency Management Agency, Department of Homeland Security; Kenneth Murphy, Director, Office of Emergency Management, State of Oregon; and public witnesses.

DEFECTIVE TOY MANUFACTURER ACCOUNTABILITY

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on Protecting the Playroom: Holding Foreign Manufacturers Accountable for Defective Products. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Ordered reported the following bills: H.R. 4074, San Joaquin River Restoration Settlement Act; H.R. 123, amended, To authorize appropriations for the San Gabriel Basin Restoration Fund; H.R. 236, amended, North Bay Water Reuse Program Act of 2007; H. R. 2085, McGee Creek Project Pipeline and Associated Facilities Conveyance Act; and H.R. 3739, To amend the Arizona Water Settlements Act to modify the requirement for the statement of findings.

TSA AIRPORT SECURITY CHECKPOINTS

Committee on Oversight and Government Reform: Held a hearing on One Year Later: Have TSA Airport Security Checkpoints Improved? Testimony was heard from the following officials of the GAO: Gregory D. Kutz, Managing Director, Forensic Audits and Special Investigations, and John Cooney, Assistant Director, Forensic Audits and Special Investigations; and Edmund S. Hawley, Administrator, Transportation Security Administration, Department of Homeland Security.

BORDER/MARITIME SECURITY TECHNOLOGIES

Committee on Science and Technology: Subcommittee on Technology and Innovation held a hearing on the Next Generation Border and Maritime Security Technologies: H.R. 3916, To provide for the next generation of border and maritime security technologies. Testimony was heard from the following officials Department of Homeland Security: Robert Hooks, Director of Transition, and Ervin Kapos, Director, Operations Analysis, both with the Science and Technology Directorate; and Jeff Self, Division Chief, U.S. Border Patrol; and a public witness.

SMALL BUSINESS REGULATORY FLEXIBILITY

Committee on Small Business: Held a hearing on Reducing the Regulatory Burden on Small Business: Improving the Regulatory Flexibility Act. Testimony was heard from public witnesses.

AVIATION—AIRPORT HOLIDAY TRAVEL PREPARATIONS

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Aviation and Airport Holiday Travel Preparations. Testimony was heard from public witnesses.

NURSING HOME OWNERSHIP/QUALITY

Committee on Ways and Means: Subcommittee on Health held a hearing on Trends in Nursing Home Ownership and Quality. Testimony was heard from Scott A. Johnson, Special Assistant Attorney General, State of Mississippi; and public witnesses.

BRIEFING—IC CLEARANCE AND SECURITY CONCERNS

Permanent Select Committee on Intelligence: Met in executive session to hold a briefing on IC Clearance and Security Concerns. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 16, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Veterans' Affairs: business meeting to consider the nomination of Michael W. Hager, of Virginia, to be an Assistant Secretary of Veterans Affairs (Human Resources and Management), Time to be announced, Room to be announced.

House

Committee on House Administration, to continue hearings on Voter Registration and List Maintenance, 10 a.m., 1310 Longworth.

Next Meeting of the SENATE

8:30 a.m., Friday, November 16

Senate Chamber

Program for Friday: After a period of debate, Senate will vote on the motion to invoke cloture on the motion to proceed to consideration of S. 2340, Emergency Supplemental Appropriations, at approximately 9:30 a.m.; following which, Senate may vote on certain motions to invoke cloture on certain measures.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, December 4

House Chamber

Program for Tuesday, December 4, 2007: To be announced.

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