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House of Representatives

The House met at 10 a.m.

The Reverend Saul Santos, Jr., Fountain of Truth Church, Fontana, California, offered the following prayer:

Heavenly Father, thank You for being the God of all people, believers and non-believers. You are the God of all thrones, dominions and rulers. All authority in heaven and Earth are in Your hands. You are the founder of the Earth and established the heavens. You formed us from the dust of the ground and gave us the breath of life.

Today, I ask that You establish this House full of Your knowledge, Your wisdom, understanding and love.

As we pray, I ask that You extend Your hand of protection over each Representative and their families. Give them strength as they lead. Lord God, I know that You are never absent from them when they need You.

I thank You for freedom and America.

As we pray, this House is stronger; as we commit our work unto You, in Christ Jesus our Lord. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY of New York 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.

WELCOMING THE REVEREND SAUL SANTOS, JR.

The SPEAKER. Without objection, the gentleman from California (Mr. BACA) is recognized for 1 minute.

There was no objection.

Mr. BACA. Madam Speaker, I stand here today to recognize a charitable, compassionate young man from my Congressional district in California, Minister Saul Santos, Jr. Minister Santos blessed us with the wonderful prayer we just heard this morning. And while only 27 years of age, he is already a licensed minister at the Christian Life Center Apostolic Church in Ontario, California.

In a world where too many of us have turned a blind eye to the problems of our neighbors, Minister Santos has led a life filled with service to others. And I say service to others. He is the founder and president of Affirming Community Initiatives, a nonprofit organization that provides food, clothing and youth programs to the underserved in our Inland communities.

Let us thank Minister Santos for serving as our guest House Chaplain today, and recognize him for the example he has set for many others to follow. He is truly a role model for us. We should all strive to live our lives in such a selfless and truly Christian manner, as he has done.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. TAUSCHER). The Chair will entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

OVERRIDE PRESIDENT'S VETO OF CHILDREN'S HEALTH INSURANCE

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

Mrs. MALONEY of New York. Madam Speaker, a new report by the Joint Economic Committee shows 1 million more children a year may need public health insurance due to the worsening economic conditions, even apart from the growing trend in coverage in our Nation. But State budgets are already strained by the weak national economy and the growing housing crisis.

This is a perfect storm that can be avoided, if Congress votes today to override the President's veto of legislation that would bring health care to 10 million children in need.

Over the next 5 years, our bill would preserve coverage for more than 6 million children currently covered by the Children's Health Insurance Program and extend coverage to nearly 4 million children who are currently uninsured.

I urge my colleagues today to vote to override the President's veto of children's health insurance.

IN MEMORY OF PRIME MINISTER BENAZIR BHUTTO

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

Mr. WILSON of South Carolina. Madam Speaker, last week the House of Representatives passed unanimously a resolution condemning the assassination of former Pakistani Prime Minister Benazir Bhutto. Included in the resolution was a reaffirmation of our commitment to assist Pakistan in the global war on terrorism and to help promote democratic principles there, a cause for which Ms. Bhutto ultimately gave her life.

I had the honor with Congressman DAVID DREIER and Congressman DARRELL ISSA to have breakfast with Ms. Bhutto at her home in Islamabad just 4 weeks prior to her murder. I was tremendously impressed with her passion for the principles of democracy and

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dedication to seeing democracy spread throughout Pakistan and the region. No doubt, these are principles which her assassins were determined to stop.

It is incumbent on us to continue to stand up for the principles Ms. Bhutto championed, to help our partner work toward a more open and democratic Pakistan, and, above all, not to tire in our stopping of the terrorists who wish to stand in the way of free and democratic societies. Stopping terrorists overseas is the best way to protect American families at home.

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

GIVE CHILDREN A CHANCE AT A HEALTHY FUTURE: OVERRIDE THE PRESIDENT'S SCHIP VETO

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Madam Speaker, today I will proudly vote to override the President's veto of a bill to expand the Children's Health Insurance Program, for the second time. This bill provides coverage to children whose families cannot afford private insurance and would expand access to health insurance to 10 million children nationally, 200,000 of whom live in Massachusetts.

I was thinking of our children when I first voted to override the President's veto of this bill on October 18th, the same day I was sworn into office. Tens of thousands of people from my district and millions more across the country, both Republicans and Democrats, have made their support for this program abundantly clear. However, the Bush administration refuses to hear their message.

This program is especially important to my State of Massachusetts, where the program was first developed, and remains critical to sustaining the universal Massachusetts Health Care Program.

I stand with a strong bipartisan majority ready to give our children a chance at a healthy future, and I urge my colleagues to again override the President's veto.

HELPING THE ECONOMY BY BRINGING DOWN THE COST OF ENERGY

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

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, while Congress and the President are talking about an economic stimulus package, remember that the high costs of energy are costing us our economy.

Oil and gas prices continue to climb. Our President asked Saudi leaders to produce more oil to bring prices down. Well, something is wrong here. OPEC controls the price, OPEC funds the process, and we end up funding both sides of the war on terror.

The trade imbalance grew in November to record levels, primarily from the high cost of imported oil. But Congress votes to block drilling for U.S. oil on the Atlantic Coast, the Gulf Coast, the Pacific Coast, the Western States and Alaska. Something is wrong here. We have hundreds of years of American coal to make electricity. We should fund research to clean up the coal, not ignore it.

In the meantime, energy costs go up, food costs go up, manufacturing jobs go down, the economy goes down. Something is wrong here. If we are serious about helping the economy, let's bring down the cost of energy. The best economic stimulus package is a job.

URGING SUPPORT IN OVERRIDING PRESIDENT'S SCHIP VETO

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

Mr. SESTAK. Madam Speaker, I rise in support of the Children's Health Insurance Program, and hope that we would override the President's veto today. This will cover 3.4 million uninsured children. The number is almost too large to comprehend.

I had the opportunity to live in an oncology ward several years ago with my young daughter. There was a young boy, 2½ years old, with acute leukemia, who had to listen, or, rather, his parents were listening, as social workers came and went to see if he could potentially be covered, because they did not have health insurance, covered to receive the care my daughter was receiving.

As we enter what is possibly a recession, I see that number growing. This is something not morally right for these children. It is also a necessity for our economic betterment, to have healthy, productive individuals. I urge my colleagues all to vote to override the President's veto, for this Nation and for our children.

A PANACEA TO THE ECONOMIC GROWTH CHALLENGE: THE FAIR AND SIMPLE TAX ACT

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

Mr. DREIER. Madam Speaker, as virtually everyone is talking about the need for us to have an economic stimulus package, I am very proud today to be introducing what I think is the closest thing to a panacea to the economic growth challenge that we are facing.

This plan that I have introduced is the brainchild of my friends Bill Simon, Jennifer Pollom and Mike Boskin. It is a plan that is designed to allow people at the lower end of the spectrum on their first $40,000 in income to pay 10 percent, on income between $40,000 and $150,000, 15 percent, and on income above $150,000, 30 percent.

It also, Madam Speaker, goes to the notion of encouraging economic growth by cutting the capital gains rate from 15 percent to 10 percent and cutting the top corporate rate from 35 percent to 25 percent. Remember, we have the second highest rate in the entire world when it comes to corporate tax. We need to focus on the issue of economic growth. It will actually apply the death penalty to the death tax, and it will take the alternative minimum tax and index it and ultimately eliminate it.

Madam Speaker, this is what we need to do to stimulate our economy. This is what we need to do to empower the people who will move and propel our economy forward. I urge my colleagues, Democrats and Republicans alike, to join as cosponsors of this very important legislation.

□ 1015

SUPPORT CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT

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

Mr. CUELLAR. Madam Speaker, I rise today in full support of H.R. 3963, the Children's Health Insurance Program Reauthorization Act. The SCHIP program in the State of Texas has been extremely successful in providing crucial access to health care for children. SCHIP coverage provides children with coverage for a full range of health services.

Uninsured children are five times more likely than insured children to use the emergency room in hospitals as their main source for medical care. The cost of an emergency room visit is more than $144 compared to only $36 for a primary doctor's visit. A number of these emergency visits should be made to primary doctors with SCHIP coverage.

The current SCHIP enrollment for the children in the State of Texas is about 353,000, and there are over 1.4 million uninsured children in the State of Texas, which is the highest rate of uninsured children in the Nation.

Madam Speaker, I am glad to support the SCHIP reauthorization act and ask my colleagues to support this bill.

IRAQ

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

Mr. PITTS. Madam Speaker, over the break I had the opportunity to travel to Iraq to meet with our troops and military commanders on the ground there.

Two observations: the morale of our troops is high, and the surge is working. General Petraeus has crafted a highly sophisticated counterinsurgency strategy that has put the terrorists on

the defensive and brought some level of security to many Iraqi communities where there had been none before.

Now I know it's hard to admit when you are wrong, but there are many in this Chamber who came to this floor and opposed the surge saying it would be a failure. Well, it hasn't been. It has been a success. In fact, even the United Nations is recognizing the success of the Petraeus strategy. The U.N.'s top envoy in Iraq acknowledged the improvements in security and even tentative steps towards national reconciliation this week.

Even for the war's opponents, it is now time to admit the success of the surge strategy in Iraq. But, instead of honoring the great work of our troops, all I hear is silence.

THE WAR IN IRAQ

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

Mr. KUCINICH. The Center for Public Integrity, in a report released today, has found the Bush administration led the Nation to war on the basis of erroneous information that it methodically propagated and it culminated in military action against Iraq on March 19, 2003. * * *

The SPEAKER pro tempore. The gentleman will suspend.

Mr. STEARNS. Madam Speaker, I demand that the words of the gentleman from Ohio (Mr. KUCINICH) be taken down.

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

□ 1030

Mr. KUCINICH. Madam Speaker, I ask unanimous consent to withdraw the offending words, to the end that they be stricken from the RECORD, and that I be permitted to revise and extend my remarks for the RECORD.

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

Mr. STEARNS. Reserving the right to object, Madam Speaker, I will accept this time the gentleman's request to withdraw his words, but his clear and egregious violation of House rules needs to be fully understood by himself. Both sides wish to restore civility here with legitimate debate and not utter personal accusations.

With that, Madam Speaker, I withdraw my objection.

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

There was no objection.

INTELLIGENCE GATHERING CRIPPLED

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

Mr. AKIN. Madam Speaker, February 1 is an extremely important date for us in terms of American security. You might wonder why that is, and that is because a law that we passed last summer is expiring and our intelligence agencies are going to be greatly crippled in their ability to make intelligence intercepts because of the change in the law.

What has happened is the Democrats are trying to get us to go through a very complicated procedure with the FISA court to check on surveillance before we can actually make the wiretap. What the result is going to be is that it is going to make it very, very difficult to do these intercepts.

Now we debated this at the end of last year, and we found that with the law that was being proposed, we wouldn't be able to arrest bin Laden even if we knew where he was going to be and what time he was going to be there. Since World War II, we have done these intercepts. We have intercepted Japanese and German wire transmissions.

The bottom line is quite simply we are going to lose 60 percent of our intelligence gathering if this law is not fixed.

COMMENDING IOWA FIREFIGHTERS AND MAQUOKETA RESIDENTS

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

Mr. BRALEY of Iowa. Madam Speaker, I rise today to salute the people of Maquoketa, Iowa, for their extraordinary sense of civic duty during the course of a severe fire that destroyed a sizable part of the city's historic downtown early Saturday morning. I also want to recognize the efforts of firefighters from Maquoketa and 27 surrounding communities to extinguish the blaze and keep it from consuming other downtown buildings.

The fire was a blow to Maquoketa's historic downtown, completely destroying five buildings and causing severe damage to several businesses and homes.

While the fire left behind physical and emotional scars, it also demonstrated what makes Iowa such a great place. Firefighters battled tirelessly through subzero temperatures and wind chills of 20 below zero to get the blaze under control. Meanwhile, hundreds of Maquoketa residents open their homes and businesses to provide warm shelter, hot food, and emotional support for the firefighters and residents impacted by the fire.

Perhaps young Maquoketa resident Kalli Muhlhausen said it best: ''They have our hearts, and we have their backs.''

Iowans dismiss such an outpouring of generosity as simply ''the right thing to do,'' but the people of Maquoketa deserve a special thank you.

DISPROPORTIONATE MEDIA COVERAGE

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

Mr. SMITH of Texas. Madam Speaker, the national media continue to devote a disproportionate amount of news coverage to the Democratic Presidential campaign.

For example, on the day before the Republican primary in Michigan, NBC's Today Show gave almost 7 minutes to the race between Democrat Senator BARACK OBAMA and Senator HILLARY CLINTON, compared to about 30 seconds to the close Republican race.

NBC isn't the only network giving more coverage to the Democratic campaign. The January 7 edition of ABC's Good Morning America devoted almost 15 minutes of coverage to analyzing the race between BARACK OBAMA and HILLARY CLINTON. Just 30 seconds were given to the Republican side.

We must continue to encourage the media to report with fairness rather than partiality. Only then can the American people get the balanced coverage of this important Presidential campaign that they need and deserve.

ECONOMIC STIMULUS PACKAGE

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

Mr. COHEN. Madam Speaker, this week and in the coming weeks the American people need this House and Senate and the President to work in a bipartisan fashion to come up with a monetary policy and a fiscal policy here that will help our economy. It needs to be temporary, timely and targeted. And I would hope that we can work with our Republican colleagues in a bipartisan fashion to direct that to people in the middle income and lower income levels who need the help and will spend the money immediately.

To give rebates to people who are making a lot of money, people earning salaries such as we are in Congress, and others, is not the right thing to do. We need to give money to people who are suffering the most from the high gas prices, from the loss of employment, and from the other economic effects that are hurting the people at the bottom.

I ask my Republican colleagues and the President, and hopefully he will in the State of the Union, address those who need help the most and help this American and world economy.

RELIGIOUS INTOLERANCE IN MALAYSIA

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

Mr. POE. Madam Speaker, the Malaysian Government recently seized

Christian children's books written in English because they contained illustrations of Bible prophets Moses and Abraham, an alleged violation of Islamic Shariah law.

The Malaysian Government's publications and ''Religious Enforcement Police'' found that the images of Bible characters in the Christian books offended the sensitivities of Muslims and must be banished.

Malaysian Prime Minister Badawi indicated other religions must understand that Islam is the true religion for Malaysia.

The government's ''midnight raid'' on these books infringes on the basic human right of religious freedom, a right which ironically is protected in the Malaysian constitution, but nonexistent under Islamic Shariah law. This is yet another example of the problems with a State religion.

Ghandi once said, ''If we are to respect others' religions as we would have them respect ours, a study of the world's religions is a sacred duty.'' The Malaysian government expects all religions to be tolerant of the Islamic religion, but hypocritically is intolerant of the Christian faith.

And that's just the way it is.

OVERRIDE SCHIP VETO

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

Ms. WATSON. Today, I join my colleagues, Madam Speaker, to override the President's veto of H.R. 3963, which the President vetoed on December 12. Since then, we received more discouraging news regarding the growing domestic and global economic crisis. It is imperative that we look at the impact of the downturn on our Nation's children. A slowing economy will definitely lead to an increased demand nationwide for SCHIP services.

Overriding the President's veto of SCHIP is more critical than ever during this period of economic downturn. I urge my colleagues to join me to override the President's veto and to guarantee that sufficient funding levels to address the need of our Nation's uninsured children become a reality.

ECONOMIC STIMULUS PACKAGE

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

Mr. STEARNS. As Congress contemplates an economic stimulus package to aid our slowing economy, we also must commit ourselves to reduce Federal spending.

As American families tighten their budgets to weather this impending economic storm, Congress should match their sacrifice. While reducing taxes is important, another aspect is to control the Federal deficits, the Federal spending. A decrease in wasteful spending would directly increase the value of the dollar and ultimately lower deficits.

The American people and businesses are better at deciding what to do with their money than the Federal Government. With more money in their hands, an increase in investment in our economy and in increase in personal savings would take hold and ultimately lead to a stronger and growing economy.

As we in Congress consider this one-time stimulus package over the next few weeks, I contend that a long-term solution to this problem is to lower spending, which will in turn lead to lower taxes and a permanent economic bounce and revitalization.

FIGHTING POVERTY

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

Mr. JEFFERSON. Madam Speaker, I rise to thank Representative BARBARA LEE for passing her resolution yesterday committing our Nation to fight poverty.

Nowhere is this commitment and action needed more than in the City of New Orleans. Ironically, on the day that the levees broke in New Orleans, 2½ years ago, the Census Bureau was releasing its report on poverty, showing that Orleans Parish had a poverty rate of 23.2 percent, seventh highest in the 290 large counties in America. Thirty-five percent of the city's African American population is classified as poor. Seventy-seven percent of the students in New Orleans participate in free or reduced-cost lunch programs. Pre-Katrina African Americans made up 67 percent of New Orleans, but 84 percent of its population is below the poverty line. And it is mostly in its 47 neighborhoods of extreme poverty where our citizens are still out of town, unable to return and share in the rebuilding of New Orleans.

So the commitment of our Nation must not be just to recover the City of New Orleans, but also to focus on the peculiar needs of its impoverished citizens, needs existing before Katrina made much more desperate since.

ECONOMIC STIMULUS

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

Mr. HERGER. Madam Speaker, today's economic debate should focus on big picture tax policies that emphasize sustained prosperity for American workers and their families.

A one-time, consumption-driven stimulus may be popular, but what we really need is tax relief that will energize economic growth. We need certainty for our industry which is currently making tomorrow's business plans today based on the assumption that taxes are going to increase dramatically.

We should also reduce tax rates on our companies from the highest tax rates in the world to instead placing American employers on an even tax footing globally.

Madam Speaker, today's economy didn't happen overnight, and tomorrow's growth and prosperity will depend on our commitment to bold, forward-looking tax policies now.

ECONOMIC STIMULUS PACKAGE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I have risen several times on the floor of the House to encourage my colleagues to consider the mortgage crisis when we talk about an economic stimulus package.

It is well known that an economic stimulus package should stimulate and it should be driven by existing law. But there is no reason why we cannot find a connector for a 90-day moratorium, a moratorium on those who are about to go over the brink and provide a freeze on those adjustable rates. An economic stimulus package is to stimulate. What more stimulation than for people to keep their homes and pay their mortgages.

Might I also say that as the mortgage collapse goes, then families are subject to not having their children covered by the SCHIP program. The debate today will be enormously important because it will cost less than $3.50 a day to provide for these children. And as well, it will help States all over the Nation, including the 1 million children in Texas that no longer have health insurance because of this horrific veto.

We need a stimulus package that provides people with housing and a stimulus package that takes care of our children.

□ 1045

THE BEST ECONOMIC STIMULUS IS A JOB

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

Mrs. BLACKBURN. Madam Speaker, I think we all know that the best economic stimulus is a job. It is a job that you can sink your teeth into, that you can go to work every day and you can use this job to provide for your family. So, as the debate ensues, let's keep our focus on how policies affect the environment in which job growth takes place. Of course we all want to see lower marginal rates on our income tax rate. We want to lower cap gains. We want to lower the corporate tax rate. We want to see full and immediate section 179 expensing for our small businesses. And for those of us that live in States that do not have a State income

tax, we want to see deductibility of State sales tax extended. All of these are good things and, Madam Speaker, we are working for all of these. I hope that we also will keep in mind that actions speak louder than words. So this body should use this conversation about economic stimulus as an opportunity to prioritize and reduce what the Federal Government spends. Reduce the budget. Let's spend less. And remember, the best economic stimulus is a job.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

The 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?

(For veto message, see proceedings of the House of December 12, 2007, at page H15382)

The SPEAKER pro tempore. The gentleman from Michigan (Mr. DINGELL) is recognized for 1 hour.

Mr. DINGELL. Madam Speaker, for purposes of debate only, I yield 30 minutes to my good friend, the gentleman from Texas (Mr. BARTON).

Madam Speaker, I yield, also, 15 minutes of my time to the distinguished gentleman from New York, my good friend, Mr. RANGEL, and ask unanimous consent that he be allowed to control that time.

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

There was no objection.

GENERAL LEAVE

Mr. DINGELL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the matter under consideration.

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

There was no objection.

Mr. DINGELL. Madam Speaker, at this time, I yield myself 3 minutes.

Madam Speaker, stock markets around the world are plummeting. Home foreclosures are ballooning. States, without exception, are facing budget crises. Employers are cutting jobs. Gas and heating oil prices are draining household budgets. The vote of my colleagues today can stop tomorrow's headline from saying American children are losing health care. This vote to override the President's veto of the Children's Health Insurance Program Reauthorization Act of 2007 will not only bring health care to 10 million children, it will protect children and families who may lose their jobs and no longer have health insurance. This is not lip service. This is health coverage.

The bill includes mental health services on a par with medical services. It requires dental services be afforded our children. It protects school-based health services and rehabilitation and case management services for those with disabilities. It provides outreach and enrollment grants and new funding for obesity program.

We know from a recent 2005 study that investing $1 million in State funds in Medicaid will generate 33 new jobs and $1.23 million in new wages in a year. This bill strengthens that safety net by allocating the funds that States need to protect and cover more low-income children.

It should be noted that every complaint that the administration has set forth about this legislation has been met. The bill passed with the support of 265 Members, including 43 of our good Republican colleagues. It passed the Senate with 64 Members, including 17 of our Republican colleagues.

I urge my colleagues to vote to override the President's veto. Vote to secure health care for our children. It is right, it is decent, and it is necessary.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I would ask unanimous consent that the gentleman from Michigan (Mr. CAMP) have 15 minutes of the time I control to control as he sees fit.

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

There was no objection.

Mr. BARTON of Texas. Madam Speaker, I recognize myself for such time as I may consume.

Well, here we go again. Depending on how you count it, this is somewhere between the ninth and the 13th time that we have been on the floor of the House in this session of Congress debating the SCHIP program. That seems a little ironic since it's a program that both sides of the aisle support, and I would support enthusiastically.

I listened intently to what my good friend from Michigan, the dean of the House, Mr. DINGELL just said about the program, and I feel compelled to point out a few things that he failed to mention. Number 1, every American in this country, if they're below 100 percent of poverty, receives health care if they wish it through a program called Medicaid. If you are above 100 percent of poverty and are a child, right now a child is defined as an individual between the ages of birth and 19 years old, between 100 and 200 percent of poverty, you can receive health care through the SCHIP program, which is a State-Federal partnership.

The numbers are somewhat in dispute, but we believe that under the current program, in the neighborhood, I believe, of 6 million children and 600 to 700,000 adults are receiving health care through SCHIP. If you're above 200 percent of poverty, hopefully you have insurance through your own health insurance program or through a program provided by your employer.

There are some States that cover children up to 250 percent of poverty, and there are some States that cover them up to 300 percent of poverty. And there are a few States that have petitioned to cover them up to 350 percent of poverty.

So on the Republican side of the aisle, here are the principles that we adhere to in this debate. If you're a child between the ages, up to the age of 19 and your family income is over 100 percent of poverty or less than 200 percent of poverty, we believe you should have health care through SCHIP and we want to fund it, and we want to work with the States to get as many children in that category covered.

If you're an adult, we don't believe you should be covered under SCHIP, so we think that the 6 to 700,000 adults should be transitioned off of SCHIP and put back on Medicaid.

If you're above 200 percent of poverty, we want to work with the States. We want to work with the private sector to come up with innovative plans to cover those children that perhaps aren't covered and their family income is above 200 percent of poverty.

If you're not a citizen of the United States, we don't believe you should receive health care coverage under SCHIP.

So that's what the debate is about. The Democrats want to expand the coverage. There are some of them that want to use it as a surrogate for universal health care for every American in this country. I don't say that all of my friends on the Democratic side do, but some do.

So the Republicans' position is, continue the existing program, perhaps increase coverage somewhat above 200 percent of poverty; cover every child in America between 100 and 200 percent; don't cover illegal aliens; and transition adults off of SCHIP.

The law of the land, the Barton-Deal bill that we passed in December, extends the basic program that I just outlined, I believe, through March of 2009.

So, once again, we're going to have a vote on the President's veto. I predict we're going to sustain that veto. And then I'm still hopeful that Mr. DINGELL and Mr. RANGEL and Mr. STARK and Mr. PALLONE, who are the leaders on this issue in the House, will convene their various committees, and we'll do legislative hearings and then put together a bipartisan bill and mark it up in committee and then bring it to the floor, and we can have a permanent authorization of SCHIP sometime in this Congress.

Madam Speaker, I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I'd like to ask unanimous consent that I yield to myself 3 minutes and then be allowed to yield the balance of that time to Chairman STARK to control.

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

There was no objection.

Mr. RANGEL. Madam Speaker, I stand in support of overriding the President's veto, not for the reasons given by Chairman DINGELL, because it's the right and moral position, because that has existed all of the time, and yet we've been unsuccessful.

But I would say to the gentleman from Texas (Mr. BARTON) that since the last time this has come up, the President has admitted that we are going toward a recession and that the economy may be jeopardized unless the Congress supported a stimulus package.

It would just seem to me that if it's recognized that our States are going to go into deficit, our Governors are going to have serious problems, and that it is very possible, if not likely, that services for our kids would be further cut under Medicaid. It would seem to me that a legitimate argument could be made that, by providing care for these 11 million children, it allows their parents to know that they'll be able to be more productive knowing that their kids are covered by health insurance.

It's sad that the poor now have to be used merely as a vehicle to stimulate our economy. But had we taken care of these people during the robust great economic times, perhaps we would not be going through this struggle.

So it appears to me that this is another opportunity that the minority would have, not just to do the moral thing, but to do the economic thing, and to be of some assistance to the Governors who are screaming out for the continuation of this program, indeed, the expansion of it.

And we're not talking about just adults being restricted, but we talk about adults being in a better chance to be productive knowing that their kids are being taken care of. So we do have this new opportunity for the minority to rethink their position and to do it, again, because it's the economic thing to do and to know that being able to detect serious illnesses, sight problems, hearing problems for our children at an early age, that we really are strengthening the economy so we don't have to pay for these health setbacks and sometimes detection of chronic diseases at a later stage.

□ 1100

So instead of talking compassion, which obviously is not a compelling argument on the other side, let's talk economically and ask the question of economists, whether or not expanding preventative care for our children in health care is really strengthening the economy and saving money in the future with all the restrictions, you know, kicking illegal aliens out and making certain that adults don't participate, all of those things that make you feel good, we would go along with as we have in the past.

But let's make certain that every child that can be treated would be treated, and so I support the override.

Mr. CAMP of Michigan. Madam Speaker, I yield myself such time as I may consume.

As Yogi Berra once said, this is like déjà vu all over again. I think it is important to highlight that this is simply a political exercise, that the Congress has already acted to extend the children's health program through 2009. So instead of debating real reform on this program, we have a political statement being made on the floor today.

I lost track at seven times we have debated this issue. As the gentleman from Texas said, it's somewhere between nine and 13. But it doesn't change the fact that expanding SCHIP beyond its original mission of covering low-income children is a nonstarter with the Congress. Yet the bill the President vetoed would do just that, and it would allow illegal immigrants to receive SCHIP, maintains coverage of adults in this children's health care program and continues to erode private coverage.

How is it that in my home State of Michigan 87,000 eligible children don't have health care while 39,000 adults are in the program. How is it that in Minnesota, 87 percent of the enrollees in this children's program are adults?

How is it that this low-income program is covering families in New York and families in New Jersey making more than $70,000 a year? No wonder New York wanted to go to over $80,000.

The answer to all of these questions is clear: The majority does not want a low-income children's plan. They want what HILLARY CLINTON called for in 1994, the first step toward nationalized, government-run, government-controlled health care.

We should not be diluting this children's program, and we should not be diverting money away from these low-income kids.

I am proud to have introduced the Kids First Act, a bill that would return this program to its root in insuring low-income children. It covers an additional 1.3 million American children, does not raise taxes and is fully funded. That is the kind of legislation we should be debating instead of continuing this stalemate time and time again that uses children's health as a political pawn.

I urge my colleagues to vote against this veto override. Now that we have extended the children's health program, I hope that we can truly reach a compromise on this important issue and ensure that low-income American children have health care coverage.

Madam Speaker, I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, at this time I yield to the gentleman from Maryland (Mr. WYNN), who has been a great leader of health care on this, my distinguished friend, 2 minutes.

Mr. WYNN. Madam Speaker, I would like to take a moment to thank the chairman for his leadership on this issue.

I rise to urge in the strongest possible terms that this House of Representatives override the President's veto.

You know, it's really sad that in the greatest country in the world we don't provide health insurance for the children of working parents. We have 4 million additional children that this bill would cover, children whose parents work every day, who work very hard; the children of single moms who work every day; some, like my stepdaughter with a 3-year-old son, who go to work every day. But if there is an asthma attack or if there is a major accident, she has to either go to the emergency room and drive the cost up for all of the rest of us or decide not to pay the rent on time so she can pay for the care she needs or go without necessary care.

That shouldn't happen in America, and that is what we are trying to do with this very important bill.

There is another thing that shouldn't happen in America. In America, a young child shouldn't die because he can't get dental care. That happened in my district. A simple dental infection expanded, grew into the brain and resulted in the death of a young man.

We worked on language in this bill to make sure that children in America of working parents could have access to dental care. That is a very important improvement, one that seems lost on the President.

Every day we spend millions of dollars. We are up to $600 billion on this war, this black hole of a war. Meanwhile, we tell Americans who go to work every day we can't provide you with health insurance. That doesn't make any sense, not in the country that we regard as the greatest country in the world.

So today, Madam Speaker, I urge all of my colleagues to really think about what this means. Don't think about the politics. Think about the parents, but more importantly, think about the children who need health insurance now.

Mr. BARTON of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Denton, Texas (Mr. BURGESS), a member of the committee.

Mr. BURGESS. Madam Speaker, I thank the gentleman from Texas for yielding.

You've got to wonder why we're here today. It almost seems like another episode of that Bill Murray movie ''Groundhog Day'' where people went through the same thing over and over again.

When this last session of Congress ended in the middle of the night the

end of December, I think we all had seasonal affective disorders. We went home, but there was a new year and a new day was dawning and a genuine sense of bipartisanship that we were going to work together to have things done.

So what's the first thing we consider? A consideration of the veto override of the SCHIP bill which we voted on again and again and again. Is this the spirit of bipartisanship that we can expect out of the Democratic leadership, as we try to craft legislation to help stave off what seems to be a serious downturn in the economy?

Once again, here we are on the floor of the House being forced by the Democratic leadership to cast a vote that will serve the sole purpose of helping one side of the aisle score political points against the President. Do we need to reauthorize this program? No. We already did that. The CBO said we did it, and we funded it through March of 2009.

Then why are we here? The only reason I can think of is the fact that next week we are going to hear from the President on the State of the Union Address, and after that, the Democrats have decided that maybe a little more political theater is in order to influence the press coverage of the President's address.

So that's why we're here, not to do the people's work, to influence the press after the President's State of the Union Address.

This bill was a flawed bill when it came to our committee. My chairman referenced the 43 Republicans, but no Republican helped craft this legislation. We were not allowed to work on this bill in subcommittee. Our committee process was a sham. This bill was written in the dark of night in the Speaker's office, and no Republican participated. I dare say that no one on your side really understood what was in that bill, and we get it back again and again and again, and at the same time the American people are wondering when we are going to do the work that they sent us here to do.

Madam Speaker, one of my favorite movies is a delightful comedy called Groundhog Day. In this movie, Bill Murray plays a local television weatherman who gets trapped in a strange little town while covering a news story about a locally famous groundhog. But instead of being able to return to his home and get to the other business that he needs to attend to, Bill Murray's character is forced to repeat the same day over and over and over again. No matter what he says or what he does, every day he wakes up just to relive the same day over again.

And, Madam Speaker, after being involved in the SCHIP debate this Congress, I know that most of my colleagues on this side of the aisle are now able to relate to this movie in a very personal way. It doesn't matter what we seem to say or what seems to happen with this issue—for some reason the Democratic leadership will bring us down here to the floor of the House to have the same debate and to vote on the same bill time after time after time.

Once again, we are being forced by the Democratic leadership of the House to cast a vote that will serve the sole purpose of helping Democrats score political points against the President.

Do we need to reauthorize the SCHIP program? No, we already reauthorized through March of 2009.

Do we need to increase funding for the SCHIP program? No, the non-partisan Congressional Budget Office has already said that S. 2499 that was signed into law on December 29, 2007, has already fully funded the SCHIP program through March of 2009.

Then why are we here, Madam Speaker? Well, the only reason I can think of for this vote is the fact that the President is going to be delivering the State of the Union Address next Monday, and the Democrats have decided that they need a little more political theater in order to influence the press coverage of the President's address.

Well, Madam Speaker, we're going to sustain the President's veto today, and we're going to do it because the President did the right thing by vetoing this poorly written expansion of Washington-controlled, bureaucrat run healthcare that leaves the poorest kids behind. And anybody who cares about needy children can vote against this bad bill proudly.

I'm both proud and concerned that Republicans had no part in writing this legislation. Proud because this bill is an embarrassment. Concerned because we're all supposed to be legislating on behalf of children, and as everybody knows, no Republican member of this House was even asked for an opinion, much less invited to participate in writing the Democratic SCHIP bill.

I don't even think the Democrats who wrote it understand what they've done. I challenge the supporters of this bill to look people in the eye and say that they understand all of the provisions that are actually in this bill. Because I have some questions for you about some very troubling provisions in this bill.

Madam Speaker, it would be a compliment to say that the so-called process which produced this bill is an abuse of our democratic system of government. Yet, I'm sure that some will show up here with a handful of talking points from your Democratic staffers who actually constructed this legislation, and you will explain to us that it is not an abomination at all, but a wondrous triumph of bipartisanship.

Give me the name of one Republican in the entire House of Representatives who directly participated in these discussions. Name just one.

I know that the authors of this bill certainly did not consult with either Mr. BARTON or myself; I know that they have not included any members of the Republican leadership in the House; and I'm not aware of a single Republican member of the Energy and Commerce Committee or the Ways and Means Committee being invited to participate in this process.

And although we were excluded from the negotiations and the Democratic leadership has repeatedly refused to hold a legislative hearing on this bill, we have learned a few facts from the official projections produced by the Congressional Budget Office, and from what I've read, this bill isn't something that I could ever support.

For example, we know that the vast majority of the people added to the SCHIP program under the Democrats' bill will either already have private health insurance or they live in families with incomes too high to be eligible for SCHIP coverage today.

In fact, the Congressional Budget Office projects that H.R. 3963 will lead to over 1.2 million new enrollees being added to SCHIP as a result of an "expansion of SCHIP and Medicaid eligibility to new populations." This means that these 1.2 million children live in families whose incomes are too high to qualify for the current SCHIP program. On the other hand, CBO projects that only 800,000 currently SCHIP eligible kids will be enrolled as a result of H.R. 3963. This means that 50 percent more higher-income kids will be enrolled than currently SCHIP eligible kids.

And who will be paying for this expansion of SCHIP eligibility to higher-income families? Well, according to the Congressional Research Service, the vast majority of the $70 billion in additional tobacco tax revenues will come from low-income families. In fact, the Congressional Research Service said that tobacco taxes are "the most regressive of the federal taxes."

So, with H.R. 3963, the Democrats really are taxing the poor in order to give to the rich.

In their defense, I guess it is difficult for the Democratic leadership to know exactly what is in their own bill since it has neither been subject to a single legislative hearing nor conferenced by the House and the Senate.

Unfortunately, we don't know when the Democrats are going to stop playing politics with the health of low-income children and begin the process of working with Republicans in a bipartisan manner to produce a long-term reauthorization of the SCHIP program. I hope that time comes soon, and when it does, I stand ready to work with them. As it stands now, I urge all Members to reject this cynical ploy and vote no.

Mr. STARK. Madam Speaker, I yield myself 2 minutes.

I'd like to take this time just to urge my colleagues to vote to override President Bush's veto on what is, in my way of looking at it, bipartisan SCHIP legislation.

We had 43 Republicans in the House who voted with us, and 17 Republicans in the other body voting with us, many of whom participated in the crafting of this compromise. It is not exactly what the distinguished ranking member from Texas asked. It takes people below 300 percent of poverty, below 50-odd thousand bucks for a family of three. The adults will be out in a year, not tomorrow. It makes an effort to reduce crowding out, and only citizens and legal residents are eligible, and there are some means by which States can enforce that.

Children don't choose to be born into families, unlike those of us in Congress, who lack health insurance, and we should be able to give the children the health care they need to become healthy, productive members of society.

It becomes more urgent now that we're in a recession, perhaps in freefall, and we should provide this safety net for families. It probably is the most urgent concern of a parent.

We're going to soon address a bipartisan economic stimulus package, and

it seems to me that if we could come together on that and deal with tax credits or tax relief and additional food stamps or additional unemployment insurance that somehow I don't follow the logic that would say that we shouldn't deal with young children.

Furthermore, I'm advised today by my 6-year-old son, who I must admit started out at about a hundred, so I kept him out of school, this was not planned otherwise, and he said, Dad, if we don't pass this health insurance they may fire all the Republicans, and I'd hate to see that.

With that, I reserve the balance of my time.

Mr. CAMP of Michigan. Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Madam Speaker, I thank the gentleman from Michigan for yielding, and I appreciate the privilege to address this House.

This is a cynical attempt here to bring up a veto override attempt on an issue that's been decided, an issue that's been decided and a bill that's been signed by the President, is now enacted into law, to get us past the silly season of Presidential politics and on beyond November of 2008 so we can then have a legitimate discussion about what, if any, better options might be available to the American people. This is a big deal. This is already a victory for the taxpayers, and it's a victory for the kids that we're trying to take care of.

I say it this way. I said I would come back and report to the American people on how much money was saved because some of us held the line, and that dollar figure is $35.6 billion. That's billion with a B. How much money is that? The ranking member of Energy and Commerce might want to know. We could build 178 ethanol plants at 100 million gallons each and quadruple our ethanol production with that kind of capital investment money. You could put a new car in every driveway in my State for that kind of money, but no kid was even threatened to lose their health insurance premium, and we took care of the kids. We're taking care of the taxpayers.

$35.6 billion is what's on the line here. And who's paying the bill? Not us, not those of us in my generation, not those of us who are serving here in the United States Congress. Maybe our kids, more certainly our grandchildren will have to pay this price if we don't step up and draw a bright line. $35.6 billion, $6.5 billion going to illegals getting access to Medicaid because of the language that's in this legislation that erodes the standards that are required.

This is a responsible thing to uphold the President's veto and turn down this veto override attempt.

Mr. DINGELL. Madam Speaker, at this time, I yield to the distinguished gentleman from New Jersey (Mr. PALLONE), the chairman of the Health Subcommittee, 2 minutes.

Mr. PALLONE. Madam Speaker, I thank the chairman.

I am just amazed at what's going on here on the Republican side of the aisle because I know how difficult it's going to be to get the votes to override the President's veto.

Last year at this time, we had all the State health officers coming here, many of them from Republican States, you know, where the Governor was Republican, demanding the fact that we needed to provide more money for SCHIP in order to expand coverage because they did haven't the funds. They were taking kids off the rolls, and so we responded.

We put together this bill to try to increase the number of kids to 10 million at a cost and paid for it with what I consider a very reasonable way to go about funding the program.

Now, a year later, we're still hearing Republicans on the other side saying, well, we don't need this; it's not necessary. And the situation is only getting worse. The economy's on a downturn. I'm hearing more and more every day from my Governors, my Governor and Governors on both sides of the aisle, about what the economic downturn is going to mean that more people are unemployed. They need Medicaid, they need SCHIP, because they're not going to have health insurance for their kids. So the demand is even greater.

Whatever problem existed last year that we were trying to address with this legislation, and it was dire, is going to be aggravated even more over the next few months and the next year.

□ 1115

So, I do not understand those who object to this legislation.

In addition to that, the administration issued this directive in August, August 17, that makes it even more difficult to enroll kids and for States to have flexibility. In that directive, the President actually says you have to be off health insurance for a year before you can apply and get on the SCHIP program. So, here we have the Republican administration making it more difficult for States to cover children as at the same time that the need becomes greater every day.

It is an absolute disgrace, in my opinion, that this bill was vetoed. It should pass today because of the need. And I call upon the administration to stop this negative effort to continue to make it more difficult for kids to get coverage.

Mr. BARTON of Texas. Madam Speaker, may I inquire as to the amount of time that remains on all sides, please.

The SPEAKER pro tempore. The gentleman from Texas has 9 minutes remaining. The gentleman from Michigan has 9 minutes remaining. The gentleman from California has 10 minutes remaining. And the gentleman from Michigan has 10½ minutes remaining.

Mr. BARTON of Texas. Madam Speaker, I want to yield 2 minutes to the distinguished member of the Energy and Commerce Committee, Congresswoman BLACKBURN of Nashville, Tennessee.

Mrs. BLACKBURN. Madam Speaker, I am rising today to urge a ''no'' vote on the SCHIP veto override.

You know, it seems like we have done this over and over and over again. But to my colleagues across the aisle, the time to have started this discussion was this time last year. And if they were so concerned about children's access to health care, the timely manner would have been last year to start this debate, not the end of the year.

Now, as we have heard in the discussion here today, this issue is decided. This body passed S. 2499, that's Senate bill 2499, which very closely mirrors the Barton-Deal bill that the ranking member mentioned earlier today, and it came very close to extending the program with its original intent.

Now, how many times in this body do we hear programs have strayed from their original intent, they're not what they started out? And that is how we went about making certain that this program was put in place through March 2009, getting through the Presidential debate so we didn't have to come back to the floor and talk about this. But instead, the majority wants to keep their focus on H.R. 3963.

Now, in that bill what you would find is it will increase the number of adults on SCHIP, which is the State Children's Health Insurance Plan. Why do we need to be putting adults on SCHIP? It would also allow illegal immigrants to fraudulently enroll in SCHIP. Why should illegal immigrants be getting taxpayer-funded health care? And it would create a flawed tobacco tax scheme to the tune of $70 billion.

Madam Speaker, let's vote to sustain the veto. Let's vote ''no'' on this veto override. It is disheartening that the Democrats cannot put aside their partisan agenda for children.

Mr. STARK. Madam Speaker, at this time, I would like to yield 2 minutes to the distinguished gentleman from Maryland (Mr. VAN HOLLEN), who understands that this bill would allow 65,000 Maryland children to gain coverage under SCHIP.

Mr. VAN HOLLEN. I thank my colleague.

Madam Speaker, it wasn't that long ago, in fact, it was September 2004, that President Bush told the Nation, and I quote, ''We will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the government's health insurance programs. We will not allow a lack of attention or information to stand between these children and the health care they need.'' That's what the President said just a little over 3 years ago. He has, with his veto, changed his mind. He has turned his back on what he said to America just 3 years ago.

But what hasn't changed since he's changed his mind are the needs of a

million American children; in fact, the needs have only grown greater over the last 3 years. We see rising gas prices; we see rising grocery prices; we see rising prices of going to college; and, yes, we see rising prices for health care. In fact, many more people are not going to be able to afford health care for their kids today than before as people fight a tightening economic squeeze in the months ahead.

We are trying to work together on an economic stimulus package. We worked together on a bipartisan basis when this legislation passed the House and the Senate. It is time for us to work together for the children of this country and make sure they get the health care they need at this very important time.

You know, the American people are hungry for a change in direction. They're hungry for politicians who follow through and do what they said they were going to do, and this is something the President told the Nation he wanted to do. Now that we need it more than ever and more families and more children are struggling than ever before, we need to come together and fulfill the commitment that was made.

Madam Speaker, it's time to say ''no'' to the President's veto. This bill is paid for by increase in tobacco taxes. Let's make sure we don't spend our time looking out for the tobacco companies. Let's look out for the children of America. Let's say ''no'' to the President's veto and ''yes'' to this bill.

Mr. CAMP of Michigan. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Madam Speaker, this is starting to feel like Ground Hog Day, the same debate over and over. By my count, this is the eighth time that we have debated SCHIP legislation on the House floor in the 110th Congress. Considering that the most recent debate was on the legislation to extend the program through March of 2009, it is hard for me to understand why the majority finds it necessary to hold this vote. This is time and, more importantly, goodwill that could be better spent discussing legislation that both Republicans and Democrats could support.

House Republicans have stated repeatedly the principles that we believe necessary to secure our votes on the legislation to reauthorize SCHIP. Those basic principles include covering low-income children first, SCHIP for kids only, SCHIP should not force children out of private health insurance, SCHIP for U.S. citizens only, and the funding should be stable and equitable.

As many of my colleagues know, I have been part of a group of Members from both sides of the aisle and from both Chambers who met for months late last year to find common ground on SCHIP legislation. For my colleagues who took part in these meetings, you know very well that the discussions were productive at times and less productive at other times. But despite our disagreements and the bumps in the road, we persisted and continued to meet because we believe that this is one of the most important issues that this Congress will address. While I believe we were making progress, we ran out of time. However, the extension provided by Congress in December gives us another opportunity to do the right thing.

It's the majority prerogative to determine when bills come to the floor, but if Democrats are serious about reauthorizing SCHIP, let's sit down and finish what we started last fall and write a bill that both sides can agree to. Partisan posturing is not going to provide relief to the working families and health coverage for kids.

Mr. DINGELL. Madam Speaker, at this time, I yield 1 minute to the distinguished gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Madam Speaker, I listened to a colleague on the opposite side of the aisle say, ''Why are we here?'' and I realized they don't really know why we're here. We're here for the children.

And then they said, ''You've been back eight or nine times.'' That's right. And we will be back always and forever until we provide health care for working families in America.

We want to protect 10 million children and provide health care insurance. They want to protect 6 million. It's as simple as that. What happens to the other 4 million? And in New Hampshire, we would have enrolled 8,000 more children. What happens to the children in New Hampshire and the children of America? Parents will not lie awake at night wondering do they now raid the rent budget or the food budget. Is the child sick enough now to go to the hospital because they don't have health care insurance?

Who wanted families in America to make this choice? Not the majority of the House, not the majority of the Senate, not the majority of the Governors, not even the health care industry. But the President vetoed this essential bill, and I'm asking my colleagues on both sides of the aisle to join us in an override so that the children of America get health care.

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the distinguished ranking member of the Health Subcommittee of the Energy and Commerce Committee, Congressman DEAL of Georgia.

Mr. DEAL of Georgia. I thank the gentleman for yielding.

I'm beginning to think the writers' strike in Hollywood has migrated to Washington, DC. It sounds like we're having reruns, and, in fact, we are; same speeches. But the truth of the matter is the facts themselves have not changed.

The bill that is being considered for an override of the President's veto, the fact remains that if we are talking about 10 million children being covered by SCHIP, 2 million of those will be in a crowd-out, currently having private insurance but being then forced or given the enticement, because it is a government program, to move to a government-run health care program rather than the private insurance that they currently have.

The fact does not change that the bill does not have stable funding. While it dramatically increases the funding for the first 5 years, it then falls off a cliff, and the funding is cut by two-thirds.

The fact remains that this bill fails to prioritize poor children. It would repeal the current requirement from CMS that 95 percent of children below 200 percent of poverty be covered before you move up the poverty scale. It repeals that and gives no priority to poor children.

It does not cap the income eligibility. While some proponents say that it caps it at 300 percent of poverty, States could still enroll children and families above that, using what is known as ''income disregards.'' And instead of focusing on children, which it is a children's program, childless adults could continue to remain in the SCHIP program under this bill through September 30 of 2009. And parents who are adults could also stay on until September 30 of 2012 in what is supposed to be a children's insurance program.

It provides excess, unnecessary funding. It does not give States the incentive to do as they currently are required to do to continue to maintain their participation.

You know, Democrats contend that we should put more money into SCHIP because of leaner times. It would seem to me that in leaner times we should give the priority to the children in the poor families, and this bill does not do that.

Ronald Reagan is quoted as saying, in talking about welfare, ''We should measure welfare success by how many people leave welfare, not by how many are added.'' I would suggest the same criteria could be used in SCHIP legislation.

With that, I would urge a ''no'' vote on the veto override.

Mr. STARK. Madam Speaker, I am happy to recognize the distinguished gentleman from Wisconsin, Dr. KAGEN, for 1 minute, who recognizes that 37,800 children in Wisconsin could gain health insurance and not have 161,000 prohibited, as they would in Georgia, if we don't override this veto.

Mr. KAGEN. Madam Speaker, this is not a political exercise nor is it a Hollywood movie, but we can give this a happy ending with a ''yes'' vote today to override the President's veto of an essential bill to guarantee health care to those children who need it most in America.

Forty-seven million citizens have no health care coverage at all, zero. And the costs for care are simply out of reach for everyone. People cannot afford to pay their doctor bills, their prescription drugs. They can't afford their

hospital tests, and they can't even afford to pay for life-saving cancer therapies. And why? It's simple. They just don't have the money. And what kind of Nation are we when children who are most in need are not being seen in a doctor's office and instead have to go to the more expensive emergency room?

We need a uniquely American solution to this crisis, and we need it now because patients cannot hold their breath any longer. Everywhere in the country people are asking, ''Whose side are you on, and why can't Congress work together?'' Well, let's work together today, this day, and reverse President Bush's veto.

I urge my colleagues to vote ''yes'' on the override. Let's bring an end to this national disgrace. This is for our children on whose future we all depend.

Mr. CAMP of Michigan. I yield 2 minutes to the distinguished gentleman from Georgia, Dr. GINGREY.

□ 1130

Mr. GINGREY. I thank the gentleman for yielding.

Madam Speaker, we hear from the other side that we are here eight, 10, 12 times for the children. And certainly we are. On both sides of the aisle, we are here for the children. But we are here for the needy children. And that's what we did a month ago when enacting in almost unanimous fashion Senate bill 2499, which expands this SCHIP program for 18 months and not only expands it but increases the spending almost 20 percent, some 800 million additional dollars to cover, yes, these children that President Bush said he was determined to cover.

But what the Democratic majority wants to do is increase this program by 140 percent, cover an additional 4 million children on top of the 6 million that are already covered. And as my colleague Representative DEAL of Georgia pointed out, of those 4 million, 2 million would be children who are already covered by private health insurance.

One of my other colleagues on the other side of the aisle stood up and said shouldn't we provide health insurance for the children of hardworking Americans? Well, no, not if they're making $75,000 a year.

We are going to come back to this floor in the next week or two with a $150 billion economic stimulus package to get us out of a recession. We need the money for that. So we don't want to be squandering money to provide health insurance for those who could afford to do it for themselves. I think the program that we have enacted in a bipartisan way said it all, and if we wanted to have this override of the President's veto of this bloated program that the Democrats proffered, increasing the spending by $35 billion just so you can cover 4 million additional children, half of whom do not need that government help, then we should have had that override vote a month ago.

The reason we are doing it today is for political reasons in anticipation of embarrassing the President prior to the State of the Union Address next week. It's pure and simple politics. Reject this vote.

Mr. DINGELL. Madam Speaker, at this time I have the privilege to yield 2 minutes to the distinguished majority whip, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. I thank the gentleman for yielding me this time.

Madam Speaker, I rise today in support of H.R. 3963, the State Children's Health Insurance Program.

Madam Speaker, hardworking American families are struggling and in dire need of assistance. I can think of no better way to help them than by providing health insurance coverage for their precious young ones. I find it shameful and downright neglectful for President Bush and congressional Republicans to turn their backs on hardworking American families by refusing to support this reauthorization bill.

As we speak, the Governor of South Carolina is proposing to cut the Children's Health Insurance Program in spite of the fact that last year the legislature overrode his veto of similar legislation. He wants to deny health care coverage to an additional 70,000 low- and middle-income children in order to cut the State's income tax on a few of South Carolina's wealthiest families.

We all know, Madam Speaker, that when children are uninsured minor health problems can become serious and chronic health problems. Those children often end up in emergency rooms, and that means that State residents with insurance ultimately will pay in higher medical costs, higher deductibles, and higher co-pays for their own care. This contributes to a less efficient, more expensive health care system for all.

I implore my colleagues to do as my State's legislators have done in a bipartisan way and override this veto. In doing so, you are taking a stand for our children and the preservation of our public health systems.

Mr. BARTON of Texas. Madam Speaker, I want to yield 1 minute to the gentlewoman from Florida, Congresswoman GINNY BROWN-WAITE.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding.

Madam Speaker, I rise today to speak as one of the original members of the group of Republican House Members who tried very hard to come up with a bipartisan compromise to extend health care insurance to more low- and moderate-income children. Our group met many times with Democrat leaders in both the House and the Senate with the basic goal to give health insurance to more low- and moderate-income children, without breaking the bank and also without giving coverage to illegal immigrants or childless adults.

I agree with many of the speakers today here that SCHIP should be extended for more low-income children who don't have health insurance. But the measure before us today does not target taxpayer funds to those low-income children. Instead, it sends billions to illegal immigrants, childless adults, and spends too much on middle- and upper-income families, not the low-income children originally intended.

When we stand here and we try to override the President's veto of bill when we all know that the SCHIP program has been continued, it's no wonder that the American public has such disregard for Congress.

Mr. STARK. Madam Speaker, I am delighted to yield 1 minute to the distinguished Speaker of the House.

Ms. PELOSI. I thank the gentleman for yielding and thank him for his leadership on behalf of insuring America's children and also commend the distinguished chairman of the Energy and Commerce Committee, Mr. DINGELL, for his leadership on this important subject.

Madam Speaker, I want to acknowledge your exceptional presiding over this debate. You have presided over most of the debate for SCHIP, if not all. I think you are approaching, depending on what happens in the course of this debate, 100 hours of presiding in a very dignified fashion, and I want to acknowledge that because of the importance of this issue. Thank you, Madam Speaker.

All year we have been talking about the subject of how we make America healthier, how we bring many more children who are eligible to be enrolled in the State Children's Health Insurance Program. We've had the debates. We've had the outside advocacy of the March of Dimes, of Easter Seals, of the AMA, of the AARP, of Families USA, the YWCA, of the Catholic Hospital Association. Almost any organization that you can name that has anything to do with the health of the American people has endorsed the legislation that we have before us. That is important to the children, to their families, to their communities, to the economic stability of their States which have to provide health insurance for these children.

In the last few days, we have all been working together in a bipartisan way to come up with a stimulus package. The recognition that we need a stimulus package points to the need further for this SCHIP legislation to become law. Let's make our working in a bipartisan way on the stimulus package a model for how we approach other issues as well.

This SCHIP package has had strong bipartisan support from the start, in the House and in the Senate. In fact, the Senate has a veto-proof majority. Senator HATCH and Senator GRASSLEY have been major architects of this legislation, two very distinguished Republican leaders in the United States Senate.

The issue comes down to what is happening in America's households today. Unemployment is up; housing starts are down. The price of gasoline and food and health care is up; the stock market is down. So the indicators, some that are felt very closely and intimately by America's families and some that are felt by our economy, all point to the need for us to take a new direction. And that new direction says what can we do that is fiscally sound, that meets the needs of the children, that has bipartisan support, and, again, strengthens our country by improving the health of our people?

One of the things that we can do is, again, take the lead, and many children who have come here to advocate on behalf of all children in our country, whether it was through the March of Dimes or Easter Seals or any other organizations, and that is to vote to override the President's veto. Let's remove all doubt in anyone's mind that this Congress of the United States understands our responsibility to children, understands our responsibility to the future. We've had the debate. We know the facts. We know the figures. It's just a decision that people have to make about what is inside of them about what their priorities are. And I hope the message that would lead this Congress is the message that we care about children and we care enough about them that we will vote to override this veto.

I thank the gentlemen again for their leadership.

Mr. CAMP of Michigan. Madam Speaker, I yield myself such time as I may consume.

I think it's important to note that this bill allows States to document citizenship, and the Social Security Administrator has said that changing the law will make it easier for illegal immigrants to get SCHIP funds as well as other taxpayer-funded benefits.

And despite this being a program for low-income children, under this bill three-quarters of a million adults will still be on the program in 2012. Under this bill more than 1.6 million children will lose their private coverage.

And let's talk about the funding. The majority has created a funding cliff that dramatically increases Federal funding to enroll new children for the next 5 years; then cuts funding for the bill by 80 percent. This will force future Congresses to make a very difficult choice: to dramatically increase funding or let American children lose their health coverage.

The other problem with this bill is that it is estimated that the bill, because it relies on tobacco taxes for funding, would require more than 22 million new smokers. Now, if there is any consistent policy the government has had administration to administration it's the discouragement of smoking. Yet this bill relies on a false funding mechanism that would require 22 million new smokers.

Madam Speaker, at this time I yield 2 minutes to the gentleman from Georgia, Dr. PRICE.

(Mr. PRICE of Georgia asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Georgia. I appreciate the gentleman's leadership and his yielding time.

Regrettably, Madam Speaker, the New Year didn't bring any new ideas or new strategy on the part of our majority here. Less than 1 week into this new session, it remains all politics all the time. And you don't have to believe me. Just listen to their chairman, who was quoted in the New York Times on September 17 of last year: ''If the President vetoes this bill, it's a political victory for us.'' So all politics all the time.

As has been stated by others, we solved this issue for the time being, the next 18 months, in a bipartisan manner last year, 411–3. And don't believe me if you don't want to. Believe the Atlanta Journal-Constitution, no great friend of our side of the aisle, which says, ''Thanks to the infusion of Federal dollars, Georgia's embattled health insurance program for working class children is safe for another year and even has room to grow if the economy declines. The program called PeachCare, which was disrupted and debated last year by State officials, Congress, and the President, will have enough funding to cover the 254,820 children now enrolled and to grow by up to 40,000 children. 'I'm just relieved,' said the State Health Department Commissioner Dr. Rhonda Medows. 'This will ensure these children are taken care of.'

''Relief echoed Monday through the Georgia health care advocacy community, which fought throughout the last year to save the program known as SCHIP. 'The advocacy community can do nothing but rejoice.' '' And these comments have been voiced all around the Nation.

Last Thursday the Congressional Research Service issued a statement to Georgia officials that said that the State will receive $325 million for the 2008 Federal budget, which runs through October of this year, and that funding level is expected to continue through March of 2009.

So this isn't about policy. This isn't about policy. It's all about politics, self-admitted on the other side.

Vote ''no.''

Mr. DINGELL. Madam Speaker, at this time I yield for the purpose of making a unanimous consent request to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise vigorously to oppose the President's veto because of the 1 million children in Texas and the City of Houston that will be left out in the cold without health care.

Madam Speaker, as the chair of the Congressional Children's Caucus, I rise to announce that I will proudly cast my vote in support of overriding the Presidential veto of H.R. 3963, the ''Children's Health Insurance Program (CHIP) Reauthorization Act of 2007.'' I rise in strong support of this legislation because I am listening, and responding to the will of the American people. Last November 2006, Americans went to polls by the millions united in their resolve to vote for change. They voted for a new direction and a change in the Bush administration's disastrous neglect of the real needs of the American people, particularly children who lack health insurance through no fault of their own. The new Democratic majority heard them and responded by passing H.R. 976, ''State Children's Health Insurance Program (SCHIP) Reauthorization Act of 2007.'' The President vetoed the bill, basing his decision on the absurd and laughable claim that the program was thinly disguised ''socialized medicine'' and that it was too costly to provide health insurance for America's needy children.

The President's senseless veto of the SCHIP bill suggests that this administration is operating under the misimpression that it is entitled to a continuation of the ancien régime under which the Republican-led Congress look askance and gave the President a blank check to mismanage the affairs of our Nation. Following the President's first veto, the bill was revised to meet a number of concerns raised by the President including ensuring lower-income children are enrolled first and ensuring benefits are denied to illegal immigrants. While the bill again passed the House by a bipartisan vote of 265 to 142, moving to the Senate where it passed by a veto-proof 64 to 30, the President again vetoed the bill and, in so doing, denied health care to millions of deserving American children.

No matter how many veto threats the President issues, this Congress is not going to give him a blank check to escalate and continue the war in Iraq or to ignore the pressing domestic needs of the American people. It is long past time for change in Iraq and in the direction of the United States. Just as the people and Government of Iraq must accept responsibility for their own country, the people's representatives in Congress must take the lead in addressing the real problems of real Americans living in the real world.

H.R. 3963 is a necessary step in the right direction because it provides dependable and stable funding for children's health insurance under Titles XXI and XIX of the Social Security Act in order to enroll all 6 million uninsured children who are eligible for coverage today, but not enrolled. That is why I strongly support this legislation.

Madam Speaker, next to the Iraq war, there is no more important issue facing the Congress, the President, and the American people than the availability of affordable health care for all Americans, especially children. This bipartisan SCHIP bill is supported by an astounding 81 percent of the American people and the majority of Congress.

By vetoing the bipartisan SCHIP Authorization Act, the President vetoed the will of the American people. By vetoing that legislation, the President turned a deaf ear and a blind eye to the loud message sent by the American people last November.

I voted to override the President's veto because I can think of few goals more important

than ensuring that our children have access to health coverage. I voted to override the President's veto because I put the needs of America's children first.

TEXAS CHILDREN

I am extremely pleased to know that the children in the State of Texas stand to benefit tremendously from the SCHIP Reauthorization Act. Texas has the highest rate of uninsured children in the Nation, and Harris County the highest in the State. The bill goes a long way to provide coverage for the 585,500 children enrolled in Texas's CHIP program; and to reach the 998,000 children in families with incomes under the 200 percent Federal Poverty Level, FPL, who remain uninsured.

Madam Speaker, this important legislation commits $50 billion to reauthorize and improve the Children's Health Insurance Program, CHIP, and cover the 6 million children who meet its eligibility criteria.

Madam Speaker, SCHIP was created in 1997, with broad bipartisan support, to address the critical issue of the large numbers of children in our country without access to healthcare. It serves the children of working families who earn too much money to qualify for Medicaid, but who either are not able to afford health insurance or whose parents hold jobs without healthcare benefits.

Children without health insurance often forgo crucial preventative treatment. They cannot go to the doctor for annual checkups or to receive treatment for relatively minor illnesses, allowing easily treatable ailments to become serious medical emergencies. They must instead rely on costly emergency care. This has serious health implications for these children, and it creates additional financial burdens on their families, communities, and the entire Nation.

This year alone, 6 million children are receiving healthcare as a result of CHIP. However, stopgap funding for this visionary program expires November 16. Congress must act now to ensure that these millions of children can continue to receive quality, affordable health insurance.

As chair of the Congressional Children's Caucus, I can think of few goals more important than ensuring that our children have access to health coverage. It costs us less than $3.50 a day to cover a child through CHIP. For this small sum, we can ensure that a child from a working family can receive crucial preventative care, allowing them to be more successful in school and in life. Without this program, millions of children will lose health coverage, further straining our already tenuous healthcare safety net.

Additionally, through this legislation, we have an opportunity to make health care even more available to America's children. The majority of uninsured children are currently eligible for coverage, either through CHIP or through Medicaid. We must demonstrate our commitment to identifying and enrolling these children, through both increased funding and a campaign of concerted outreach. This legislation provides States with the tools and incentives they need to reach these unenrolled children without expanding the program to make more children eligible.

In my home State of Texas, as of June 2006, SCHIP was benefiting 293,000 children. This is a decline of over 33,000 children from the previous year. We must continue to work to ensure that all eligible children can participate in this important program. To this end, Texas Governor Rick Perry signed legislation in June which, among other things, creates a community outreach campaign for SCHIP.

In addition to reauthorizing and improving the SCHIP program, this legislation also protects and improves Medicare. Due to a broken payment formula, access to medical services for senior citizens and people with disabilities is currently in jeopardy. Physicians who provide healthcare to Medicare beneficiaries face a 10 percent cut in their reimbursement rates next year, with the prospect of further reductions in years to come looming on the horizon. The budget proposed by the Bush administration does not help these doctors, or the patients that they serve.

This revised bipartisan legislation addresses the concerns raised by President Bush's first veto. These revisions include ensuring that only children in families with gross incomes below $51,500 for a family of three will receive SCHIP coverage, consequently addressing the President's concern that upper-income children do not receive coverage. Furthermore, this revised legislation will require that lowest income children are served first by requiring States to enroll the lowest income first in order to receive bonus payments. This bill will also phase out the coverage of childless adults in SCHIP over 1 year, as opposed to the 2-year coverage phase out in the original bill. And finally, this bill ensures that only citizens and legal immigrants receive coverage by providing that if the Social Security Administration is unable to confirm the citizenship of the applicant, the applicant will be required to provide the State with additional documentation to confirm eligibility. If passing the Senate with a veto-proof margin was not enough to stop President Bush from once again vetoing SCHIP, then the alleviation of all his problems and issues with the previous version should ensure that this bipartisan revision of the legislation stands.

This is extremely important legislation providing for the health coverage of 6 million low-income children, as well as protecting the health services available to senior citizens and persons with disabilities. President Bush was wrong to veto this legislation. I stand strong with the children of America in voting to reauthorize this program. I urge all members to join so that we pass the bill with a veto-proof majority.

Mr. DINGELL. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GENE GREEN), a member of the committee.

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Mr. GENE GREEN of Texas. Madam Speaker, I thank our Chair of the committee for allowing me to speak. Sitting here, waiting in line and listening, I am amazed at the rhetoric I hear. We had Members from our minority side talk about we have to worry about saving for the stimulus next week, and we want to vote for that. But it is amazing they want to save money from the SCHIP program to pay for a stimulus, and at the same time they don't worry about paying for the billions of dollars a month that we are spending in Iraq. It is amazing how frugal they are when they want to be.

Madam Speaker, the President's veto of the children's health care bill once again shows it is playing politics rather than embracing an opportunity to fix a system that is in need of repair. The reason we are here is over 10 years ago this House and Senate and the President at that time signed the bill. The issue was we need to cover the children first. Instead of signing this piece of legislation into law, President Bush twice vetoed a bill to provide insurance coverage to 10 million low-income American children of working parents.

The administration's reason for this veto just doesn't stand up. No Federal funding will be spent on undocumented immigrants in this bill. If they are, they are on the State's, the State of Texas or whoever else, to pay for it if they allow illegal immigrants on the CHIP plan. In 1 year, childless adults are taken off the SCHIP program, even though this administration issued waivers to allow them to be on it. Only lowest income children are covered, with a prohibition on coverage for over 300 percent of poverty, and still the President vetoed it.

We continue to spend billions of dollars a month in Iraq, and we can't even cover the lowest income children. Energy costs are up. Everything is up. Our economy is weakening, and the number of unemployed and uninsured in this country are rising. Let's at least cover the children with health care. Let's vote to override this misguided veto.

Mr. BARTON of Texas. Madam Speaker, I have no other speakers other than myself, so I am going to reserve the time until we are prepared to close.

The SPEAKER pro tempore. The Chair will recognize for closing speeches in reverse order of opening speeches, beginning with Mr. CAMP from Michigan, Mr. STARK from California, Mr. BARTON from Texas and Mr. DINGELL from Michigan.

Mr. STARK. Madam Speaker, at this time, I am delighted to yield 1 minute to the distinguished leader of the House, Mr. HOYER from Maryland.

Mr. HOYER. I thank the distinguished chairman of the subcommittee for yielding. I thank Mr. DINGELL for his indefatigable advocacy on behalf of children and on behalf of the health of all Americans. I thank my Republican colleagues, as well, for a large number of them supported this legislation when it passed the House.

In fact, over 60 percent of this House voted for this legislation. Over 66 percent of the Senate voted for this legislation. We are just a percentage point short of overriding the President's veto. We are not going to override that veto today. That is unfortunate. It is not unfortunate for me. It is not unfortunate for the 434 of us who have a health insurance program, and we have the most accessible health care perhaps of any American. But it is very unfortunate for those parents who woke up this morning and prayed that their children didn't get sick and prayed

that they didn't get sick because they don't have health insurance, and they are not sure that without health insurance they will have access. They will have access perhaps if their child gets very sick, gets very badly injured, because then they will take them to the emergency room and the emergency room will see them.

There is not one of us, not a person in this Chamber, who would want their children, their grandchildren, or in my case, my great-granddaughter, in that predicament. Not one of us. The gentleman from Georgia who previously spoke talked about politics, and Mr. BARTON I think has mentioned, I haven't heard all of the debate, but mentioned this was about politics. Well, I would agree; it is about politics. Everything we do on this floor is about politics, not necessarily partisan politics, but about public policy and the politics to achieve public policy and the philosophy underlying the achievement of that policy.

You've heard me quote it before. You are probably tired of hearing me quote it. But I am going to quote it again. The President of the United States was seeking reelection in 2004. In the summer, late summer of 2004, he stood on the floor of the Republican Convention and said to all America, ''If I am reelected in a new term, we will lead an aggressive effort to enroll millions of children who are eligible but not signed up for government health insurance programs. We will not allow a lack of attention or information to stand between these children and the health care they need.''

He was reelected. And in 2005, there was no aggressive effort to enroll millions of children who are eligible but not signed up for government health insurance. And the Republicans were in charge of this House and of this Senate. There was no aggressive effort here, either. And in 2006, when the same leadership maintained, there was no aggressive effort to add millions of children consistent with the President's promise of 2004.

But when we were elected and when we took over the leadership of this House and when Mr. DINGELL took over leadership of the Energy and Commerce Committee, Mr. RANGEL took over as chairman of the Ways and Means Committee, and Mr. STARK took over the chairmanship of the Health Subcommittee, lo and behold, we pursued the President's objective. Now, that may be political. But it was certainly the politics promoted by the President. It was the objective that the President said was an important one. It was a promise he made to America's children and America's families. And so we passed a bill through this House with 45 Republicans, 43 on this particular bill, and in the Senate, two-thirds of the Senate, 18 Republican United States Senators, almost half of the Senate delegation on the Republican side of the aisle voted for this bill.

And indeed, two of the senior Members, including the former chairman, Republican chairman of the Finance Committee, now the ranking member of the Finance Committee, and Senator HATCH, one of the senior Members of the United States Senate, both conservative Republicans, urged this President to sign this bill. Why? Because the facts that you are hearing on this side of the aisle are wrong, Mr. President. That's what Senator HATCH and Senator GRASSLEY said. Actually, they didn't say the facts on this side of the aisle that are being cited, but the facts that the President was saying was the reason for his veto, said they were wrong.

So, yes, we have another opportunity. And I want to tell my friends on the other side of the aisle, as the majority leader who schedules business for this floor, this won't be your last opportunity this year to address this issue. Is that politics? Maybe. And if it is bad politics, the people will not support it. But you and I both know that nigh onto 70 percent of the American public believes this bill ought to be passed, notwithstanding the veto of the President of the United States. Why did they think that? Because they know that their neighbors, maybe themselves, are challenged by their children not being covered. They are working. They are trying to make it. But as the economy tanks, hopefully we can stem that fall. They're worried.

Yes, this is about politics with a small ''p,'' about making public policy that helps our Americans who are working hard to make America a great country and expect their government to hear their cries for help.

We spent some 24 meetings trying to address some of the questions that Ms. GINNY BROWN-WAITE raised. Mr. BARTON was in a couple of those meetings. We didn't get there. We regret that we didn't get there. Frankly, I want to tell you that I have talked to some of the people in that room who wanted to get there and were disappointed that we didn't get there. You've talked to them, too, Mr. BARTON, on your side of the aisle.

We have an opportunity to stand up for the 4 million additional children who will be helped by this legislation if we override the President's veto. Let's give those children the health care they need, they want, and a great Nation ought to ensure.

Mr. CAMP of Michigan. At this time, I reserve my time. I have no further speakers and will reserve my time for closing statements.

Mr. DINGELL. Madam Speaker, at this time, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Madam Speaker, we are increasingly concerned about the downturn in our economy. The declining stock market, weak dollar, high gas prices and home heating costs, and stagnant wages have caused financial insecurity for families across America. Unemployment is now at a 2-year high, and personal debts are at an all-time high.

More and more families are being squeezed financially, making it harder for them to afford basic health coverage. The SCHIP bill we are considering today affects 10 million children living in families that work hard and play by the rules but can't afford health care for their kids.

We in Congress continue to work in a bipartisan manner to stimulate the economy and help American families threatened by this recession. I can think of no better way than to vote today to override the President's SCHIP veto. Failure to do this will lead to an increase in the number of children living in America without health care.

Mr. BARTON of Texas. Madam Speaker, I continue to reserve. I am the closing speaker.

Mr. STARK. Madam Speaker, I am delighted to yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Madam Speaker, I thank my colleague from California. Two weeks ago, President Bush came to my district to highlight Horace Greeley School. It is a Blue Ribbon School and is recognized for Leave No Child Behind for its accomplishment in teaching children and raising their standards.

I went to that event with the President, because as he said, making sure you had qualified teachers in that school was important. I would also like to say that you need qualified nurse technicians. While you want to test kids for math, we believe you also must test them for measles. While you must worry about the principal, we also want to worry about the pediatrician. And you must have a comprehensive approach to those children, from their pediatrician to the principal, from testing for measles to testing for math and from a teacher to a technician.

One-third of the children at Horace Greeley, slightly more, are children enrolled in SCHIP. Now, those children do well because we raised their standards. They also do well because they have good health care, and we did right by them. Their parents work. Predominately, 50 percent of the school are Hispanics. The rest is mixed. About a quarter are Caucasian.

The President of the United States picked a school in the inner city of Chicago, because of the about 200 schools across the country that are Blue Ribbon Schools, those kids met the standards. Their teachers met the standards. But we did it in a comprehensive fashion. We made sure that they had qualified teachers. We are making sure that they have qualified technicians. We made sure they have a qualified principal. They also must have a qualified pediatrician. And that is what made those kids and our future brighter.

I was proud that the President came to my district and recognized a school

in a tough area doing right by kids. And the question is, will this floor do right by those children? And I am not sure. No, we won't have the votes to override the President's veto. And I told him then, ''You want to reauthorize No Child Left Behind because it raised the standard. We want to also reauthorize the SCHIP program.''

Last November, the American people said they want a change in Washington to set the right priorities, and one of those things was to work together across party lines. We did that here. Unfortunately, one thing didn't change, and that is enough Republicans that want to rubber-stamp policies that I believe are misdirected. Investing in 10 million children for the cost of 41 days in the war in Iraq will give those children more than just a blue ribbon; it will give them a chance at the future.

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Mr. CAMP of Michigan. Madam Speaker, I reserve the balance of my time.

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

Mr. BARTON of Texas. Madam Speaker, I continue to be the last speaker, and will reserve until we are prepared to close.

Mr. STARK. Madam Speaker, I am delighted to yield 2 minutes to the distinguished gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Madam Speaker, today we will again attempt an override of the President's veto of the CHIP reauthorization bill.

Over the last 6 months, while President Bush and his Republican allies on the other side of the aisle have doggedly refused to take action to extend the Children's Health Insurance Program, a public-private venture that helps middle and low-income families be able to buy private health insurance, to an additional eligible 4 million children in this country, during that time the demand by America's working families for accessible health coverage has only increased.

Amid this economic downturn, with skyrocketing energy costs, a record number of mortgage foreclosures, fewer new jobs, the rate of unemployment has jumped dramatically in the last year, adding an additional 900,000 Americans who are jobless. Two-thirds of unemployed individuals lose their health care coverage for their families when they lose their jobs. So it is times like these when CHIP is needed most for their children. According to the Joint Economic Committee, as many as 1 million additional children will likely become eligible for subsidized health coverage like CHIP as a direct result of this economic downturn and increased unemployment.

Now is not the time to turn our back on America's children. It is time for my colleagues on the other side of the aisle to join us in supporting America's working families when times get tough, like they are now. So they should join us, and I hope they do, because together we could and should override this misguided veto by the President, and help America's working families and their children weather this economic downturn and get health care to the children of America.

Health care should not be optional. It should be something we are sure that every American child has access to. Now is the moment when Republicans on the other side of the aisle can stand up for working families, for children in this country, and make sure that 10 million, an additional 4 million children, get health care coverage under CHIP.

The SPEAKER pro tempore. The gentleman from Michigan has 3 minutes remaining.

Mr. CAMP of Michigan. I reserve my time and am prepared to close.

The SPEAKER pro tempore. The gentleman from Michigan has 3 minutes remaining.

Mr. DINGELL. Madam Speaker, at this time I have no further requests for time and I am prepared to close if my good friends and colleagues here on the other side have that wish.

The SPEAKER pro tempore. The gentleman from California has 30 seconds remaining.

Mr. STARK. Madam Speaker, I would be glad to yield the balance of my time to the gentleman from Michigan.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. DINGELL) will be recognized for an additional 30 seconds.

There was no objection.

Mr. CAMP of Michigan. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 3 minutes.

Mr. CAMP of Michigan. Thank you, Madam Speaker.

This Congress has already passed an 18-month extension of the Children's Health Insurance Program to March of 2009, and in that bipartisan extension an additional $800 million was provided to States to make sure that they could continue to provide health insurance to those already enrolled.

We have debated this many, many times on the floor, this flawed proposal. This so-called compromise bill did not have one hearing. I have great respect for this House as an institution, and part of that respect is the regular order of bringing bills to subcommittee, having hearings and giving people an opportunity to be heard on them so the public is aware of what is happening. This bill didn't have one hearing. It was given to the minority the night before the vote.

I think that kind of partisanship and politics, combined with the overreaching included in this compromise, it doesn't address the problem of illegals receiving SCHIP funds, it doesn't address the issue of adults in the program and focusing the program on children, it causes almost 2 million children to lose private coverage, and, not only that, has unstable funding by assuming that 22 million new smokers are going to be found over the next few years.

I would urge my colleagues to vote against this veto override, and let's get to work on going through the regular process of having a hearing, bringing forward witnesses and fashioning a compromise that not just has House and Senate support, but under our system of government, before a bill becomes law, it has House, Senate and presidential support. So let's work together in the coming year and start off this year differently than last year, which, unfortunately, this was supposed to be the easy issue we were all going to be able to come together on. But I think a lack of process and really a bill that is flawed in many ways, as the debate here has shown today, makes it impossible to support.

So I urge my colleagues to vote against the veto override.

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

Mr. BARTON of Texas. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 3 minutes.

Mr. BARTON of Texas. Madam Speaker, I want to thank you for the very dignified way in which you have overseen this debate, not just today but in all the previous SCHIP debates. You are truly a credit to the institution, and I appreciate your courtesy.

Madam Speaker, constitutionally, when the President vetoes a piece of legislation, to override that veto either the House or the Senate has to muster more than two-thirds of its Members that are present and voting.

Now, I am not sure that it is a requirement that you bring a veto vote up or whether it is just a courtesy, but in any event, the majority postponed the veto override vote from back before Christmas until today. If one wants to be cynical, you could say that veto postponement was done for political reasons, since the President is giving the State of the Union next week. In any event, here we are again, and I will predict, and the majority leader when he spoke acknowledged this, that the votes won't be there to override the President's veto.

So we will continue to operate under the extension, the Barton-Deal bill that two-thirds of the Republican Conference are cosponsors of, that this House and the Senate passed right back before Christmas, and that the President signed. That bill, as Mr. CAMP has pointed out, increases funding by almost $1 billion, or approximately 20 percent, and extends the program through March of next year. So there is no child currently on SCHIP that is going to lose coverage, regardless of the vote today.

Now, I do want to compliment my good friend Mr. PALLONE, if he is on the floor, I don't see him, but have just

been told that, lo and behold, we are going to have a legislative hearing next week on SCHIP. In his subcommittee, the Health Subcommittee, there is going to be for the first time in this Congress a hearing on SCHIP. So that tells me that there is an outside chance, and maybe better than an outside chance, that sometime in the next 2 to 3 months, if Mr. DINGELL agrees and Mr. STARK agrees and Mr. RANGEL agrees, we may actually do what we should have done 13 months ago, which is begin to craft a bipartisan compromise on how to permanently reauthorize, or at least reauthorize SCHIP for more than 15 months, and perhaps modify the program, and then expand it to cover some children that are currently not covered. So there is always hope.

But while that is yet to materialize, the vote before us today is to sustain the President's veto. I hope we do that, and then we can begin to work next week, hopefully on a bipartisan basis, to craft a compromise that the President will sign, and then we will have a signing ceremony either in the Oval Office or the Rose Garden sometime this year. But, today, vote to sustain the President's veto.

Mr. DINGELL. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 3½ minutes.

Mr. DINGELL. Madam Speaker, I have great affection and respect for my good friend the ranking member of the committee, but some of the things he has just said would tend to indicate the lack of understanding that there is in this place about this legislation.

The committee has had three hearings on SCHIP. We have another hearing coming up next week. The subject will at that time be oversight, to find out how the matters are being conducted.

There have been a lot of misrepresentation, mostly by the administration. For example, the administration says in its veto message the bill covers illegal immigrants. Not so.

It says that children whose parents can afford private health insurance are included in the legislation. Not so. The ceiling on these kinds of children is $51,510 a year.

It also says that families with incomes of $75,000 a year are eligible. Not true.

It says that childless adults are covered. All of these will be removed by the end of this year under the legislation, and it should be noted that those who are now eligible under this provision are done so under waivers which have been granted by this administration.

Regrettably, we have here then either misunderstanding or just plain hard-heartedness and dishonesty on the part of the administration with regard to what this legislation does.

What we have taken care of in this legislation is children who are identical in terms of all of the conditions of eligibility of the 6 million who were covered under the original law and who have been covered up to this time. We have added to them 4 million children who are identical in every particular to those 6 million.

What is wrong with that? How is anyone here going to be able to justify to his or her conscience denying 4 million kids who are fully eligible but do not confront a situation where the Federal Government puts the money and the eligibility in place so that they can be covered? I ask my colleagues, how can you then accept this veto? How can you deny these kids, whose need is as great as the 6 million now covered, and deny that 4 million? It is impossible for me to understand that.

There are a plethora of other misrepresentations about this bill coming out of the administration, and they appear, unfortunately, in a veto message from the President of the United States. The bill prohibits States from receiving Federal funding if they exempt portions of income that go to families with incomes over $51,510. That is the ceiling, and those are families who have real need.

Let us meet that need. The number of kids who are going to be eligible and have need for health care is growing as this recession which threatens gets nearer and becomes a worse and more threatening reality.

I urge my colleagues, vote to override the veto. Vote for the kids. Vote to override the veto.

Mr. LEVIN. Madam Speaker, the question of whether the Federal Government is finally going to do more to provide health coverage to children who need it is not going to go away. This is not an issue of partisan politics. It's not a complicated issue either. It's simply a matter of doing what's right.

I believe that no American child should be without access to decent health care. This is especially true given the worsening economic conditions that are battering Michigan and every other State. Rising unemployment results in more American families losing their health insurance. Not only do workers find that health coverage is increasingly beyond their reach, the problem extends to children.

A new study by the Joint Economic Committee underscores the fact that between 700,000 and 1.1 million additional children will enroll in Medicaid and State Children's Health Insurance Programs each year due to slowing employment growth. The projections show that more than 35,000 additional children in Michigan alone will need help. But State budgets have been hard hit by the economic downturn. They don't have the resources to provide health care coverage to millions of kids that already need it, let alone all the new children who will need help due to the economic downturn.

That's why it's vital that Congress vote to override the President's veto of the Children's Health Insurance Program bill. By doing so, we can extend health care coverage to nearly 4 million children who are currently uninsured. Let's not let America's children become casualties of the economic downturn. Vote to override the President's veto.

Ms. ESHOO. Madam Speaker, today is the second time we are voting to override the President's veto of legislation which provides health care to more low-income, uninsured children under the State Children's Health Insurance Program (SCHIP).

Last year, 64 percent of the House voted for this legislation—just a handful of votes short of the two-thirds majority needed to override. In the Senate, there is a sufficient "super majority" to pass this bill.

With the economy either in recession or on the threshold of one, the arguments for this bill are even greater than they were when we voted for it last year.

Unemployment is edging up. With more Americans out of work there will be an increase in the number of uninsured. For every point that unemployment rises, 1.2 million to 1.5 million Americans lose their health insurance.

This legislation increases to 10 million the number of children covered under SCHIP and it addresses almost every major concern that has been raised about the bill.

The bill covers only American citizens (not undocumented individuals).

The bill will cover only children, not adults.

The bill focuses on covering low-income kids and it caps eligibility to families earning less than $51,500.

The bill makes certain that coverage under SCHIP will not substitute for coverage by employer-provided and private health insurance.

The bill is fully paid for with an increase in the tobacco tax. This step not only balances the books, it saves lives and improves the health of young people. Public health experts (including a panel of the Institute of Medicine) agree that raising tobacco taxes is an effective way to reduce smoking, especially among children, and it's unfortunate that this provision is strongly opposed by the tobacco industry and the President.

With economic uncertainty facing millions of Americans at this time, I hope we will finally provide families with more security by overriding the President's veto and enacting this bill.

Mr. BACA. Madam Speaker, I rise in support of overriding the President's veto of the SCHIP bill, H.R. 3963.

In the face of job loss and a foreclosure crisis I rise again to fight for SCHIP. There are more families going hungry in my district each day, and the number of uninsured children is skyrocketing out of control.

As a parent and grandparent, I understand the despair we all feel when a child falls asleep crying in your arms and all you can do is reassure them.

I ask President Bush, how will you answer the pleas of help from these parents?

Parents are struggling. Local newspapers in my District report a 6.2 percent unemployment rate, which is much higher than the national average of 5.0 percent.

This loss of jobs translates to fewer parents covered by employment-based health insurance, which means more uninsured children.

This week we celebrated the legacy of Martin Luther King, Jr. Let us remember him as we fight today to protect our nation's most vulnerable citizens, our children!

I urge my colleagues to join me in rescuing health care for our children, and support this veto override.

Mr. BARTON. Madam Speaker, here we are again. For the ninth time, we are here on the

floor of the House to vote on some form of consideration of the latest version of the Democratic leadership's SCHIP and Medicaid expansion bill. And if you count the votes on the Rules Committee resolutions for consideration of these bills, we will be debating this issue for the 13th time this morning.

And while the Democratic leadership has tried a dozen times to stuff their ideology down our throats on the floor of the House, the same Democratic leadership still hasn't held one single legislative hearing or completed one single legislative markup in the Energy and Commerce Committee, the committee with jurisdiction over the SCHIP program.

In December, the Democrats held their second debate on a motion to postpone consideration of the President's veto. Since that vote, Congress and the President have passed legislation that fully funds the SCHIP program through March of 2009.

It was my hope that once we passed the SCHIP extension legislation that we could come together and begin a true legislative process that could yield results. We've heard all this talk lately from the Democratic leaders about bipartisanship, but all we actually get is empty words and authoritarian process.

Then why are we here again today, Madam Speaker? Well, the only reason I can think of for this vote is the fact that the President is going to be delivering the State of the Union Address next Monday, and the Democrats have decided that they need more political theater in order to influence the press coverage of the President's address.

I thought that the reason we passed the extension legislation was to give us another 15 months to have a thoughtful bipartisan discussion on how to best craft a long-term reauthorization of the SCHIP program. I thought we were going to have legislative hearings where we could bring in policy experts to help us craft the best possible bill for the needy, low-income children in this country.

I listened to the debate on the floor. If we could write a bill based on what Members think the bill does, we may not be far off from compromise. One member said during the previous debate that this bill does not provide benefits for those above 200 percent of poverty, which is $42,000 a year. If that is what Members support, then a compromise can be had. I have heard Members say that this bill takes adults off this Children's health insurance program. If that is what Member's believe the bill should do, then there is room for compromise.

I've heard Members say that they do not want people in the country illegally getting benefits. If there is agreement on that, there is room for compromise. I have also heard emphatic pleas that this bill is needed to ensure that poor children receive health care. I agree with that sentiment also, and we have proposals to ensure that States cover poor children first.

Unfortunately, the legislation does not match the rhetoric. It is my sincere hope that Democrats will eventually stop playing politics with the health of low-income children and begin to actually work in a bipartisan manner to help them. I hope that time comes soon, and when it does, I stand ready to work with the Democrats in a bipartisan manner. As it stands now, I urge all Members to reject this cynical ploy and vote to sustain a veto that is both wise and brave, and which will force Democrats to value the health of poor children instead of using them as props.

Mr. CONYERS. Madam Speaker, I rise to voice my strong support for overriding the President's veto of the revised bipartisan SCHIP, State Children's Health Insurance Program, bill—H.R. 3963.

Overriding this veto will provide healthcare coverage for 10 million children of working families. This bill will preserve coverage for all 6.6 million children currently covered by SCHIP and extend coverage to 3.8 million children who are currently uninsured, including 80,900 in my home State of Michigan, according to the nonpartisan Congressional Budget Office.

In this weakening economy, more and more American parents are having difficulty finding affordable health insurance for their children. It is estimated that in Michigan, 35,600 additional children will need SCHIP or Medicaid in each year of this economic downturn. Funding the enrollment of children eligible for the SCHIP program is more critical than ever.

The bipartisan SCHIP bill is supported by 81 percent of the American people; 64 Senators, including 17 Republicans; 43 Governors, including 16 Republicans; and more than 270 organizations, including the AARP, AMA, Catholic Health Association, and Families USA.

House Democrats continue to stand strong to ensure health coverage for all of America's children, while those on the other side of the aisle persist in standing between millions of children and the health care they need. House Republicans should put our children first and override the President's misguided veto.

Mr. WILSON of Ohio. Madam Speaker, I fully support the reauthorization of the State Children's Health Insurance Program, SCHIP. This legislation will ensure that 10 million children receive the vital healthcare coverage they need and deserve.

Currently, more than 218,000 children in Ohio receive care through SCHIP, and the bipartisan plan vetoed by the President would have extended care to an additional 122,000 uninsured children throughout the State.

The President's veto on December 12th denied health care to children of hardworking families across Ohio just as the state's unemployment rate reached 6 percent. With our economy experiencing a downturn, families are struggling to put food on the table, heat their homes and pay for ever increasing healthcare costs, making reauthorization of SCHIP more important than ever.

I am saddened by this failed veto override, but will continue to fight for children's health care. I look forward to working with my colleagues in Congress to strengthen SCHIP and improve health care for children in Ohio and across the Nation.

Mr. DINGELL. Madam Speaker, I yield back the balance of my time, and I move the previous question.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 195, not voting 18, as follows:

[Roll No. 21]

YEAS—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
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
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
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)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
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
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
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
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
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
Cubin
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)
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
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
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
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)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Baird
Baker
Berman
Costello
Davis (IL)
Hinojosa
LaHood
Lantos
Lucas
Miller, Gary
Moran (KS)
Napolitano
Rahall
Rush
Sanchez, Loretta
Sherman
Solis
Wilson (OH)

□ 1235

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mrs. NAPOLITANO. Madam Speaker, on Wednesday, January 23, 2008, I was absent during rollcall vote No. 21. Had I been present, I would have voted "yea" on ordering the previous question to H.R. 3963—to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program.

Ms. SOLIS. Madam Speaker, during rollcall vote No. 21 on ordering the previous question on the veto override of the Children's Health Insurance bill, I was unavoidably detained. Had I been present, I would have voted "yea".

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 260, nays 152, not voting 19, as follows:

[Roll No. 22]

YEAS—260

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
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
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
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
King (NY)
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
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
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—152

Aderholt
Akin
Alexander
Bachmann
Bachus
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
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)

NOT VOTING—19

Baird
Baker
Berman
Costello
Davis (IL)
Everett
Hinojosa
LaHood
Lantos
Lucas
Miller, Gary
Moran (KS)
Napolitano
Rahall
Rush
Sanchez, Loretta
Sherman
Solis
Wilson (OH)

□ 1252

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.

Stated for:

Mrs. NAPOLITANO. Madam Speaker, on Wednesday, January 23, 2008, I was absent during rollcall vote No. 22. Had I been present, I would have voted "yea" on passage, the objections of the President to the contrary notwithstanding, of H.R. 3963—to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program.

Ms. SOLIS. Madam Speaker, during rollcall vote No. 22 on overriding the President's veto of H.R. 3963, Children's Health Insurance Program Reauthorization Act, I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The veto message and the bill will be referred to the Committees on Energy and Commerce and Ways and Means.

The Clerk will notify the Senate of the action of the House.

PERSONAL EXPLANATION

Mr. WILSON of Ohio. Madam Speaker, on Wednesday, January 23, 2008, I was unable to vote on rollcall 21 and 22 due to unavoidable circumstances. Had I been present, I would have voted "yea" for both votes.

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 FEBRUARY 6, 2008

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

WASHINGTON, DC,
January 23, 2008.

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 February 6, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland, the majority leader, for the purpose of inquiring about next week's schedule.

Mr. HOYER. I thank the distinguished Republican whip.

On Monday the House will meet at 2 p.m. for legislative business. Votes will be postponed until 5 p.m., and that evening we will receive the State of the Union address from the President.

On Tuesday the House will meet at 10:30 a.m. for morning-hour debate and 12 noon for legislative business. We will consider several bills under suspension of the rules. A list of those bills will be announced by the close of business this week.

In addition, we will consider H.R. 1528, a bill to designate the New England National Scenic Trail.

The House will not be in session for the balance of the week in order to accommodate the Democratic Caucus Issues Conference.

I yield back.

Mr. BLUNT. I thank the gentleman for that information. As he and I discussed last week, the FISA legislation that passed with, obviously, a bipartisan majority in early August expires on February 1. I think the Senate intends to bring that up on Thursday, and Senator REID has suggested a commitment from the Speaker to bring a bill up next week. I wonder if we have any information on that.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

I have not talked to Senator REID nor the Speaker about any commitment about bringing that bill up on Thursday. First of all, of course, next Thursday we won't be here, if they bring it up Thursday.

Mr. BLUNT. I think he's going to bring it up this Thursday on the Senate side is what I meant.

Mr. HOYER. Well, as you know, he may do that. As you know, Leader REID asked for unanimous consent yesterday for a 30-day extension of the present act which expires on the 1st of the month. Mr. MCCONNELL, the minority leader, objected to that extension.

Furthermore, obviously, the Senate has not completed its work so that we are unable to go to conference at this point in time on the bill that we passed now some months ago, or over a month ago.

When the present Protect America Act, which we passed in August, time frame comes to an end the 1st of the month, of course the intelligence community will not go dark. The authorizations issued under the Protect America Act are in effect for up to, as you well know, a full year, so that those matters that have been approved for interception will not terminate. Those authorizations do not terminate on the 1st of February; so that hopefully the administration has requested authorization for any and all targets that it believes are important for us to be intercepting at this point in time. And certainly, if they know of any, they ought to be requesting such authorization in contemplation of the possibility. If the Senate doesn't act, we won't have a bill to pass.

I want to tell my friend that, according to a New York Times story today, Kenneth Wainstein, who's the Assistant Attorney General for National Security, he said that if PAA, the Protect America Act, were allowed to expire, intelligence officials would still be able to continue intercepting, he said eavesdropping, on already approved targets for another 12 months. That is what I was asserting, and that's the basis on which I make that assertion.

The Protect America Act only requires that the AG adopt guidelines for surveillance, as you know, rather than the individualized warrants to get 1-year authorization. These authorizations do not require the NSA to specify the name, number or location of the people they want to listen to, so that the situation we will find ourselves in, should the Senate not act or be able to act on Thursday either passing legislation or sending it to us, would be simply that the NSA and the administration would be relying on the authorizations they already have.

I would hope that if the Senate cannot act and that we could not go to conference, that we could agree on this side to a 30-day extension and send that over to the Senate. They failed to do that on unanimous consent, so it would give us time to go to conference, because, as my friend knows, there is obviously substantial controversy in the other body with reference to how the immunity issue is addressed. There is substantial controversy in this House about how that question should be addressed. And very frankly, I was hopeful that the Senate would act long before this, I know you've been in a similar situation, and that we would be in conference and try to resolve those differences. We haven't been able to do that.

Under no circumstances do we think, however, that the fact that February 1 comes and goes without the passing of either an extension or new legislation will undermine the ability of the NSA and the administration to continue to eavesdrop on those targets that it believes are important to focus on for the protection of our people and our country.

□ 1300

Mr. BLUNT. I thank the gentleman for his views on that, and I would hope that the Protect America Act is not allowed to lapse. I'm not as comfortable as the article that my good friend referred to or this article may have created comfort for him and other information, particularly about any new targets that might fit some past definition that arose. We've debated this before; we will debate it again.

I would think that allowing this act to expire on the basis that somehow we have a 12-month window would not be something that either I would be comfortable with or the intelligence community would be comfortable with. And we would have another day to debate that.

I do hope we continue to work both to resolve this issue permanently. The issue of immunity is an issue that's been out there long enough now that we should be able to bring it to some resolution, and I hope we can find a way to do that; and I would hope we could find a way to do that before February 1, which would almost require action next week. I understand that if the Senate doesn't bring their debate that would be initiated this week to some conclusion, it's hard for us to get that permanent solution at that time frame.

But I do think a permanent solution is important here, and I don't have the confidence that my good friend does that we would have a lot of time beyond February 1 where there is no harm by not having the ability to look quickly in those areas involving foreign individuals in foreign countries who come to our attention that are not to our attention today, but I would yield.

Mr. HOYER. I thank the gentleman for yielding. I understand his concern.

Obviously what concerns me is the proposition, as the gentleman puts forward, that we make sure we have the authorization to intercept those communications which may pose a danger to the United States and to our people.

I would hope and urge this administration if they know of any such targets, that they immediately request authorization under that, and they have another week essentially to do so. We believe those could be approved within, as some previous Justice Department official said, hours of application.

So in the first instance, I would hope that they would make efforts to preclude the possibility that we would have targets that aren't authorized.

Secondly, my concern is that the other body likes to put us in a position where it's take it or leave it; in other words, without discussion in terms of the very substantive important discussion on how we protect ourselves against terrorists and protect the Constitution. We think those are very important questions on both sides, not that they're either side, but we believe they can be consistent with one another, but we think we need the time to do so.

That is why I pressed so hard, as the gentleman knows, to pass a FISA bill through this House. We passed a FISA bill through this House over a month ago. It was in November, so with clearly enough time to give the other body which had also considered a bill. And when we passed our bill, we already had bills out of the Intelligence Committee; and the Judiciary Committee bill, I'm not sure whether it was out of committee or not, but it had been considered in committee.

So I think it's unfortunate that we've been put in this time frame, but I frankly, without deciding the question today on the floor, am very interested in pursuing this in the regular order to discuss between the two Houses whether or not we can reach a resolution on this immunity issue which I think is an important one, as well as reaching a resolution on what I think is a much improved process that the House passed and, very frankly, which I think the Senate bill also has made some improvements on in the Judiciary Committee.

There are differences on that, whether the Senate Intelligence Committee is a preferable item, Senate Judiciary or some blend of those two, but they have not reached a resolution on that.

So I hope I have conveyed to the gentleman that while I understand the concern, which I share, of getting this done, I was not happy in August. I voted against the bill in August as the gentleman knows. An overwhelming majority of this caucus voted against that legislation. However, many people voted for it, justifiably in the sense that we needed to get something done for the interim and set a time limit on it so that we would not be vulnerable if, in fact, we were. But we think the FISA court needs to be involved in these issues.

So, again, what I'm trying to convey to you is these are very serious questions, and they need to be thoughtfully addressed, and I, for one, am very unenthusiastic about addressing these issues on the horn of hours to go before a bill expires.

I urge the Senate not to do that to us, and we are about to find ourselves in that position. I'm not happy about it.

Mr. BLUNT. Well, I hear my friend's displeasure. In August, I think 41 Members of the majority joined with almost everyone on my side of the aisle to put the Protect America Act in place for this period of time that's about to expire.

The very fact that the Senate majority leader and others are calling for an extension leads me to believe that there is a reason to have something beyond the normal bill, the regular bill, that may or may not allow some listening to information we need to hear in the future because of what's been decided today.

Clearly, in my view at least, the Senate believes that an extension of the current law would be necessary to provide the current level of protection or they wouldn't be worried about the deadline. They'd take the gentleman's suggestion that maybe we have a year to listen to the things that we now know we need to listen to, and we shouldn't be rushed. I would not like to see the current law expire without an adequate replacement.

The goal the gentleman mentioned for the legislation, hearing those things we need to hear, and I'd paraphrase here, in the quickest possible time frame, is an appropriate goal. We'll continue to debate how we get there. I would hope that neither body allows this law to lapse with nothing to provide the level of protection the American people now have and in the future, and I yield.

Mr. HOYER. Mr. Speaker, I thank my friend for yielding.

In that context, can I ask the distinguished Republican whip whether or not, if we find ourselves in that position, whether you believe your side of the aisle would be prepared to support a 30-day extension so that we would not get into that position that you're concerned about, that if something came to light that the administration and/or NSA and the intelligence community felt ought to warrant action, that they would then be able to request such action during that additional 30 days while we see if both bodies can act?

Mr. BLUNT. I appreciate the question. I would think that if we find ourselves in that situation, at least I personally would want to look for the shortest period of time when we could reasonably reach a permanent solution to this. I don't think the country benefits from a constant debate on how we move forward on this issue. I think we need to find a permanent solution or at least a longer term solution than we've found to date, and I wouldn't want to see the law lapse.

I think we want to look at the circumstances at the time, what we were dealing with with legislation, and hopefully a conference of some kind and look at it at the time.

Mr. HOYER. If the gentleman would yield?

Mr. BLUNT. I'd yield.

Mr. HOYER. I think you raise an important concern. I think we all agree on the concern. I think also there are concerns about what the Congress did in creating the FISA court, the purpose of the FISA court. The concern with respect to executive action on intercepting communications, certainly domestically, should be overseen by the court, and to the extent that there may be spillover from foreign interceptions to domestic interceptions, that ought to be of concern to us as well.

You are correct, these are very serious matters, and I would hope that they would be addressed as such from all perspectives.

What the 30-day extension does is, if the Senate, and I would suggest the Senate has not acted in a timely manner. You're going on your retreat. I'd like to get a better word than ''retreat,'' but in any event, you're going on your retreat this week. We're doing the same next week. So essentially we have two legislative days left, and one of those, of course, is a 6:30 day, and the Senate says they're going to take this bill up Thursday. Let's assume they pass it on Thursday, which I don't assume. That gives us 1 day. The Senate knows our schedule. That is not fair to the Members of this House. It's not fair to the country. It's not fair to the Constitution.

And so I would hope that if we find ourselves in that position, as I think we do, that we could agree to preclude the fear that you have and give another 30 days for the process to work, for us to go to conference if the Senate has passed a bill, to go to conference, and hopefully the Senate will go to conference. The Senate hasn't been very inclined to go to conference. We're not pleased with that. I don't think you're pleased with that.

Mr. BLUNT. We're not pleased either.

Mr. HOYER. We share that in common, and I think we're in that position, that a 30-day extension is a reasonable time in which to give the Congress of the United States, Senate and the House, to try to come together, resolve some very serious issues on which there are differences of opinion, and I thank the gentleman for the time.

Mr. BLUNT. I thank the gentleman for that, and I don't intend to spend any time defending the time of the working schedule of the Senate.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. HOYER. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 282

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, January 28, 2008, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HILL). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SECTION 515 RURAL HOUSING PROPERTY TRANSFER IMPROVEMENT ACT OF 2007

Mr. HODES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3873) to expedite the transfer of ownership of rural multifamily housing projects with loans made or insured under section 515 of the Housing Act of 1949 so that such projects are rehabilitated and preserved for use for affordable housing.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3873

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 ''Section 515 Rural Housing Property Transfer Improvement Act of 2007''.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) providing rural housing for poor families in the United States has been an important goal, and the primary reason for enactment, of the Housing Act of 1949;

(2) rural multifamily housing financed under the section 515 of the Housing Act of 1949 has been an essential resource for providing affordable housing for some of the Nation's poorest families;

(3) the majority of the approximately 16,000 projects financed under section 515 that currently have loans outstanding were constructed more than 25 years ago and need new financing in order to continue to provide decent, affordable housing for families eligible to reside in such housing;

(4) many owners of such projects are working to transfer the properties, which often involves leveraging Federal resources with private and commercial resources; and

(5) the Secretary of Agriculture should protect the portfolio of section 515 projects by making administrative and procedural changes to process ownership transfers in a commercially reasonable time and manner when such transfers will further the preservation of such projects for use as affordable housing for families eligible to reside in such housing.

SEC. 3. TRANSFERS OF SECTION 515 RURAL MULTIFAMILY HOUSING PROJECTS.

Section 515(h) of the Housing Act of 1949 (42 U.S.C. 1485) is amended—

(1) by inserting ''(1) CONDITION.—'' after ''(h)''; and

(2) by adding at the end the following new paragraphs:

''(2) TRANSFERS FOR PRESERVATION AND REHABILITATION OF PROJECTS.—

''(A) IN GENERAL.—The Secretary shall make such administrative and procedural changes as may be necessary to expedite the approval of applications to transfer ownership of projects for which a loan is made or insured under this section for the preservation, continued use restriction, and rehabilitation of such projects. Such changes may include changing approval procedures, increasing staff and resources, improving outreach to project sponsors regarding information that is required to be submitted for such approvals, changing approval authority between national offices and the State and local offices, simplifying approval requirements, establishing uniformity of transfer requirements among State offices, and any other actions which would expedite approvals.

''(B) CONSULTATION.—The Secretary of Agriculture shall consult with the Commissioner of the Internal Revenue Service and the Secretary of Housing and Urban Development, and take such actions as are appropriate in conjunction with such consultation, to simplify the coordination of rules, regulations, forms (including applications for transfers of project ownership), and approval requirements for housing projects for which assistance is provided by the Secretary of Agriculture and under any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds. The Secretary of Agriculture shall involve the State Rural Development offices of Department of Agriculture and the Administrator of the Rural Housing Service in the consultations under this subparagraph as the Secretary considers appropriate.

''(C) PRESERVATION AND REHABILITATION.—The Secretary shall actively facilitate transfers of the ownership of projects that will result in the preservation, continued use restriction, and rehabilitation of such projects.

''(D) FINAL AUTHORITY OVER TRANSFERS.—The Office of Rental Housing Preservation of the Rural Housing Service, established under section 537 (42 U.S.C. 1490p–1), shall have final regulatory authority over all transfers of properties for which a loan is made or insured under this section, and such Office may, with respect to such transfers, work with and seek recommendations from the State Rural Development offices of the Department of Agriculture.

''(E) DEADLINES FOR PROCESSING OF TRANSFER APPLICATIONS.—

''(i) PROCEDURE.—If a complete application, as determined by the Secretary, for a transfer of ownership of a project or projects is not processed, and approved or denied, by the State Rural Development office to which it is submitted before the applicable deadline under clause (ii)—

''(I) such State or local office shall not have any further authority to approve or deny the application;

''(II) such State or local office shall transfer the application in accordance with subclause (III); and

''(III) such application shall be processed, and approved or denied, in accordance with clause (iii) and only by the Office of Rental Housing Preservation, which may make the final determination with the assistance of other Rural Development employees.

''(ii) DEADLINE FOR STATE AND LOCAL OFFICES.—The applicable deadline under this clause for processing, and approval or denial, of a complete application for transfer of ownership of a project, or projects, shall be the period that begins upon receipt of the complete application by the State Rural Development office to which it is submitted and consists of—

''(I) in the case of an application for transfer of ownership of a single project, 45 days;

''(II) in the case of an application for transfer of ownership of multiple projects, but not exceeding 10 projects, 90 days; and

''(III) in the case of an application for transfer of ownership of 11 or more projects, 120 days.

''(iii) DEADLINE FOR OFFICE OF RENTAL HOUSING PRESERVATION.—In the case of any complete application for a transfer of ownership of a project, or projects, that is transferred pursuant to clause (i), shall be processed, and approved or denied, before the expiration of the period that begins upon receipt of the complete application and consists of—

''(I) in the case of an application for transfer of ownership of a single project, 30 days;

''(II) in the case of an application for transfer of ownership of multiple projects, but not exceeding 10 projects, 60 days; and

''(III) in the case of an application for transfer of ownership of 11 or more projects, 120 days.

''(iv) APPEALS.—Only decisions regarding complete applications shall be appealable to the National Appeals Division of the Department of Agriculture.''.

SEC. 4. REPORT.

Not later than July 1, 2008, the Secretary of Agriculture shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that—

(1) identifies the actions that the Secretary has taken to coordinate with other Federal agencies, including the Department of Housing and Urban Development and the Internal Revenue Service, and, in particular, with the program for rental assistance under section 8 of the United States Housing Act of 1937, the multifamily mortgage insurance programs under title II of the National Housing Act, the program under section 42 of the Internal Revenue Code of 1986 for low-income housing tax credits, and the program for tax-exempt bonds under section 142 of such Code;

(2) identifies and describes any resulting improvements within Rural Housing Service of the Department of Agriculture in expediting the transfer of ownership of projects with loans made or insured under section 515 of the Housing Act of 1949; and

(3) makes recommendations for any legislative changes that are needed for the prompt processing of applications for such ownership transfers and for the transfer of such projects.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. HODES) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

GENERAL LEAVE

Mr. HODES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. HODES. Mr. Speaker, I yield myself so much time as I may consume. I rise today in support of H.R. 3873.

Mr. Speaker, rural poverty is a particularly harsh brand of indigence. It tends to be more extreme than urban poverty, and because it develops in areas far from television cameras and

daily newspapers, to most Americans it is faceless. But its presence and its consequences are real, and they present formidable challenges to both our country and our conscience.

The poverty rate in rural areas is 14.6 percent, topping that of most urban centers. Rural families are farther from population centers and, thus, less likely or able to take advantage of basic housing services. There is desperate need in parts of our country. As Members of the people's House we have a moral imperative to help children and parents trapped in destitute circumstances.

The shortage of affordable housing is a problem nationwide and a crisis in rural communities. To reduce the barriers rural families face when trying to find affordable housing, together with my colleague from West Virginia (Mrs. CAPITO), we have introduced H.R. 3873, the Section 515 Rural Housing Property Transfer Improvement Act of 2007, which would take important steps to help alleviate this rural housing crisis.

□ 1315

The section 515 rural housing program provides loans for the Rural Housing Service. These loans are made to nonprofit, for-profit, cooperative, and public entities for the construction of rental or cooperative housing in rural areas. The loans are made to make units affordable for low and very low-income areas in rural areas. This important program serves roughly 450,000 families.

Section 515 loans have financed approximately 16,000 projects. Of those, more than 50 percent of the projects were constructed more than 25 years ago. These aging properties are often in desperate need of renovation, which most often happens when a property is sold.

When a section 515 property is sold, the transfer of ownership must be approved by the State's rural development office. The process by which States approve the transfer of ownership of section 515 properties is too slow and steeped in bureaucracy. Families sometimes wait years for housing while loans are held back by red tape. Our bill will make several key changes to cut through the red tape so rural families can move into affordable houses.

Now, while some State rural development offices transfer section 515 applications in a timely way, others do not. Nonaction on these applications often results in deals going bad. Because of the reduced turnaround and red tape, the appraisals become outdated and invalid, so the deal cannot be underwritten.

Under our bill, if applications are not processed in a timely way by the State rural development office, the applications will be transferred for processing to the national Rural Housing Service. The State offices that process applications on time won't have to worry about provisions in the bill.

The bill will also improve the way rural housing program money is used with low-income housing tax credits. When the tax credits and rural housing programs are used together, there are often different rules and procedures required of the participants in the deals from each of the agencies involved. More red tape. Our bill requires the USDA to work with the IRS to resolve the differences. Better coordination will make tax credit deals move smoother through the USDA and leverage more money for much-needed rural housing.

H.R. 3873 will help both the owners of the property as well as residents in rural communities both in my home State of New Hampshire and across the country.

I'm pleased that 13 housing organizations support H.R. 3873, including the Council for Affordable and Rural Housing as well as the Housing Assistance Council.

The Financial Services Committee reported the bill by voice vote. I ask my colleagues on both sides of the aisle to support H.R. 3873.

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

Mrs. CAPITO. Mr. Speaker, today I rise in support of H.R. 3873, the 515 Rural Housing Property Transfer Improvement Act of 2007, which would expedite the transfer of ownership of rural multifamily housing projects with loans made and ensured under section 515 of the Housing Act.

First, I would like to commend my colleague from New Hampshire (Mr. HODES) for his dedication to rural housing issues and for the bipartisan way that this bill has come to the floor. I would also like to thank the chairman of the full committee. Since he's sitting there, I want to thank him.

The result of these bipartisan efforts is a bill that represents a sound approach to improving the administration of the Department of Agriculture's section 515 program.

Section 515 is a direct loan program administered by the USDA that provides low-interest loans to construct and renovate affordable multifamily housing. While this program has provided numerous benefits, as my colleague has enumerated, to low-income rural families, the process by which the USDA's State rural development offices considers requests to transfer ownership must be improved.

Section 515 owners may wish to transfer the project to other entities during the terms of their loan for a variety of reasons, including changes in owner circumstances or changes in local market conditions. Transfers of ownership in section 515 can be beneficial for all parties, as it presents an opportunity to recapitalize a project for better maintenance, rehabilitation and improved management.

Unfortunately, the transfer application process is time-consuming, and many of the rural development offices do not process these applications in a timely fashion simply because they are probably overwhelmed with the process. Certain RD offices have been slow in approving transfer requests, leading to a number of problems, including inaccurate appraisals and expiration of outside financing rate guarantees and bond and tax credit deadlines. This nonaction has been a major source of irritation for owners of 515s and groups representing section 515 tenants.

H.R. 3873 would fix these impediments by directing the USDA Secretary to streamline the application process, require applications to be processed within a timely deadline, and to transfer any applications not processed within that deadline to the Office of Rental Housing Preservation that would then have sole review authority.

Mr. Speaker, this bill was approved, as my colleague mentioned, by a voice vote in the Financial Services Committee and makes commonsense changes to section 515 that would improve the ownership transfer process.

I urge my colleagues to support this worthwhile measure.

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

Mr. HODES. Mr. Speaker, I yield to the distinguished gentleman from Massachusetts (Mr. FRANK), the chairman of the Financial Services Committee, so much time as he may consume.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the leadership that my colleague and neighbor from New Hampshire has shown on this bill, and I appreciate, also, the work on the other side.

Let me begin with a very important point: People in this country, I think, and our friends in the media misunderstand the true and legitimate meaning of partisanship. Partisanship has a very essential role to play in democracy. The Founding Fathers simultaneously launched this Nation, denounced parties, and formed them, because it does seem inevitable when large numbers of people are going to govern themselves that some forms of organization come forward.

Partisanship is not only not a bad thing, it's a necessary thing in a self-governing polity. Partisanship becomes a problem if the legitimate differences that define the parties spill over angrily and make it impossible to work on issues where those differences should not exist.

I think the Committee on Financial Services, under my predecessor as chairman, Mr. Oxley of Ohio, and I hope under my own chairmanship, have shown that that is not necessary to be the case, that it is possible from time to time to have legitimate strong differences on an ideological or partisan basis without that in any way interfering with our ability to come together on areas where we should agree. This bill, obviously, today is an example of the latter.

We have a bill that has been brought forward in a totally bipartisan manner to improve the efficiency with which

assistance goes for rural housing. That's the second point I wanted to make. Much of what we do is, in fact, to improve the efficiency with which programs work, and the committee has had a chance to bring several bills to the floor that do that. We will be doing more.

The gentleman from New Hampshire mentioned one of the conflicts we are trying to resolve here is between the rules that apply when you were trying to use tax credits for low-income housing and those that apply when you were talking about the programmatic legislation. We do something about that here.

Under the leadership of the chairman of the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL), and the Financial Services Committee, we are working out legislation that will do that kind of reconciliation for all housing programs. And we will shortly have on the floor of this House a bill that will greatly increase the efficiency with which all housing programs can be merged, tax-based ones and appropriations-based ones, increasing the amount of housing we can build at no further increase to the taxpayer.

And the third point I would note is that this is rural housing. Too often when people think about Federal housing programs they think only about the urban areas. Urban areas are important, but so are rural areas. And I am very proud that this committee has given equal attention, or let me say appropriate attention, to both. Obviously, the need is often greater in the more heavily populated areas, but we have given fully proportionate attention to the rural areas.

So, I am very proud we have a bill today that shows how you can be bipartisan, even while there are legitimate partisan differences, that aims at increasing the efficiency with which Federal funds are spent and which recognizes that people in the rural areas have a need for housing assistance, to some extent, just as do people in the urban areas.

I thank the gentleman from New Hampshire for the leadership he has shown. I appreciate the gentlewoman from West Virginia, who has become the ranking member of the Housing Subcommittee and with whom we have very good relationships. And I hope the bill is passed.

Mr. HODES. Mr. Speaker, I thank the gentleman for his comments and reserve the balance of my time.

Mrs. CAPITO. I have no further speakers. I urge passage of this bill. We have the best of intentions here. We've worked out any kind of differences we may have had, and the end product is going to be better and more affordable and more accessible rural housing across America.

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

Mr. HODES. I thank the gentlewoman for her work in a bipartisan way on this bill. And I thank the chairman for his great leadership for rural housing over many years.

Mrs. MILLER of Michigan. Mr. Speaker, I rise in strong support of this legislation.

This measure corrects a problem which has been culminating since 1974 when the National Flood Insurance Program began subsidizing flood insurance rates. These rates were designed to encourage participation in the program and to generate sufficient income to pay anticipated claims on these properties. Originally, Congress had expected that over time the percentage of these structures would decline and that most of them would be subject to actuarial rates. However that has not occurred.

This bill corrects this problem by removing subsidies for properties that are purchased in excess of a half of a million dollars.

Sadly, this is just one of the many problems the National Flood Insurance Program faces. Currently, FEMA is engaged in efforts to modernize flood maps throughout the country, which in many places, are horribly outdated. Utilizing antiquated data impacts millions of property owners, property owners that live on, near or around the Upper Great Lakes, which is essentially everything in the Great Lakes Basin upstream from Niagara Falls. So Lake Superior, Lake Michigan, Lake Huron and Lake Erie, Lake St. Clair and the St. Mary's River, St. Clair River, the Detroit River and the Niagara River.

Unfortunately, FEMA's efforts in the upper Great Lakes are being conducted with flawed and outdated data. The data currently being used is from when Great Lakes water levels were at an all time high, and in the 20 years since this study was completed, lake levels have fallen for 11 years.

Let me use St. Clair County in my district as an example. In St. Clair County, FEMA is abusing the authority Congress granted them through management of the National Flood Insurance Program. As the agency continues to modernize the maps in the county, the effects will double the number of county residents who will be forced to purchase flood insurance even though they are at virtually no risk of flooding. More specifically, Lake St. Clair is currently more than 55 inches below the current flood level, and over 6 feet below FEMA's proposed flood level. This means that St. Clair County alone has subsidized the flood insurance program to the tune of $8.2 million. Using such flawed data is nothing more than a waste of FEMA's time and money not to mention the waste of taxpayer dollars.

How can the FEMA justify doing this? The agency claims these residents are at a higher risk of a flood and wants to raise the base flood elevation which determines the boundaries of the 100-year flood zone. As a result, states like Michigan become ATMs for FEMA to withdraw money and spend it in regions of the country that experience high levels of repeated flooding. In Michigan, we look down at the water, not up.

Certainly we can all agree that using sound science in this instance—when hundreds of millions of dollars are about to be assessed against American property owners—is the most prudent course of action. It is time that FEMA stop using antiquated data and forcing the American people into purchasing a product that some don't need.

Mr. HODES. Mr. Speaker, at this time, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. HODES) that the House suspend the rules and pass the bill, H.R. 3873.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIONAL FLOOD INSURANCE ACT OF 1968 AMENDMENTS

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3959) to amend the National Flood Insurance Act of 1968 to provide for the phase-in of actuarial rates for certain pre-FIRM properties, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PHASE-IN OF ACTUARIAL RATES FOR CERTAIN PRE-FIRM PROPERTIES.

(a) IN GENERAL.—Section 1308(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(c)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) RECENTLY PURCHASED PRE-FIRM SINGLE FAMILY PROPERTIES USED AS PRINCIPAL RESIDENCES.—Any single family property that is used as a principal residence that—

''(A) has been constructed or substantially improved and for which such construction or improvement was started, as determined by the Director, before December 31, 1974, or before the effective date of the initial rate map published by the Director under paragraph (2) of section 1360 for the area in which such property is located, whichever is later; and

''(B) is purchased—

''(i) after the date of enactment of this paragraph; and

''(ii) for not less than $600,000.''.

(b) TECHNICAL AMENDMENTS.—Section 1308(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(c)) is amended—

(1) in the matter preceding paragraph (1), by striking ''the limitations provided under paragraphs (1) and (2)'' and inserting ''subsection (e)''; and

(2) in paragraph (1), by striking '', except'' and all that follows through ''subsection (e)''.

(c) EFFECTIVE DATE AND TRANSITION.—

(1) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply beginning on January 1, 2011, except as provided in paragraph (2) of this subsection.

(2) TRANSITION FOR PROPERTIES COVERED BY FLOOD INSURANCE UPON EFFECTIVE DATE.—

(A) INCREASE OF RATES OVER TIME.—In the case of any property described in paragraph (2) of section 1308(c) of the National Flood Insurance Act of 1968, as amended by subsection (a) of this section, that, as of the effective date under paragraph (1) of this subsection, is covered under a policy for flood insurance made available under the national flood insurance program for which the chargeable premium rates are less than the applicable estimated risk premium rate under section 1307(a)(1) for the area in which the property is located, the Director of the Federal Emergency Management Agency

shall increase the chargeable premium rates for such property over time to such applicable estimated risk premium rate under section 1307(a)(1).

(B) ANNUAL INCREASE.—Such increase shall be made by increasing the chargeable premium rates for the property (after application of any increase in the premium rates otherwise applicable to such property), once during the 12-month period that begins upon the effective date under paragraph (1) of this subsection, and once every 12 months thereafter until such increase is accomplished, by 15 percent (or such lesser amount as may be necessary so that the chargeable rate does not exceed such applicable estimated risk premium rate or to comply with subparagraph (C)). Any increase in chargeable premium rates for a property pursuant to this paragraph shall not be considered for purposes of the limitation under section 1308(e) of such Act.

(C) FULL ACTUARIAL RATES.—The provisions of paragraph (2) of such section 1308(c) shall apply to such a property upon the accomplishment of the increase under this paragraph and thereafter.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from New Jersey (Mr. GARRETT) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, from time to time in this House we are asked to choose, to some extent, between the strong views of people concerned with excessive spending by the Federal Government and those interested in environmental protection. Let me say to the Members, today is a happier day because we bring forward a bill today out of the Financial Services Committee which is authored by the gentleman from New Jersey (Mr. GARRETT), who will soon be speaking, which advances the legitimate concerns of both those interested in saving taxpayer money and those interested in environmental protection.

We have a Federal flood insurance program that exists because of market failure. That is, we do not believe that if you abolish it altogether the private market could entirely handle this. In fact, there are some areas where this committee is moving, and this House has voted, to expand the role of Federal flood insurance, particularly in the area of disasters. But as we do that, it is important that we do it in a responsible way.

There has been legitimate criticism of the flood insurance program as it was existing before. Frankly, this committee, both, again, under Mr. Oxley's chairmanship and recently, addressed it, and it encouraged people to build where they should not have built from an environmental standpoint and incurred too much taxpayer money. Essentially, there was too much subsidy in the program, from both the environmental and fiscal standpoints, to builders.

In the bill that we adopted last year in the previous session, we began to address that. We began to charge people a more appropriate amount, but we did not do it fully. The gentleman from New Jersey had an amendment that he wanted to offer that we considered in committee, and we had talked about it being offered on the floor. I regret that he wasn't given the chance to offer it on the floor, and I gave him my word that we would, as soon as possible, bring it forward. And it is my intention, if this bill passes today, as I expect that it will, if and when we get to work with the United States Senate on comprehensive legislation, this will be a part of this. In effect, this is a delayed amendment to the flood insurance bill we've already passed, and it will be treated in any deliberations in which I am a part as if it had been included back then.

So, I think the gentleman from New Jersey has done us a service by giving us something that is both environmentally and fiscally responsible.

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

Mr. GARRETT of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

First of all, I begin by saying thanks to the chairman of the committee for his help in working through this piece of legislation, and also for the ranking member for her working alongside the Chair as to facilitate the moving along of this legislation to the floor today. As the chairman indicates, we had the opportunity to discuss it in committee, which is, I think, and I think he will concur with me, is always the best way to deal with all legislation as opposed to bringing them up later on. It's best to get out there so we can have full and adequate disclosure and discussion on the issues. We were able to do that; we just weren't able to get it through the next hoop. But now we're able to jump through that hoop today, and, again, I appreciate the chairman's work on that.

What this is all about, very simply, is this. Back in 1968, that is when NFIP was created, the National Flood Insurance Program, and that was done, as the chairman indicated, way back then three or four decades ago, as I guess more and more people were building homes in places maybe they shouldn't be, along coastal lines and what have you, it was just next to impossible to buy flood insurance.

□ 1330

So Congress stepped in and created NFIP, and that allowed folks the opportunity to buy flood insurance for the first time. When they did that, however, they realized that here again we're talking about two sets of houses, those that were already in existence at the time and those that would come afterwards, called pre-FIRM and post-FIRM homes. They thought Congress back then, probably in its wisdom, realized that it wouldn't be right to tell those folks who were already in the floodplains that this new program was going to come along, that they were going to impose upon them a mandate of buying flood insurance when they bought and sold their houses; so what they did was instead to provide a subsidy for those pre-FIRM homes, and that subsidy has existed up until today. Unfortunately, we know that the flood program has had some problems in the last couple of years, most notably because of Hurricane Katrina and Hurricane Rita. All the money that they have had to borrow to pay out for those huge flood losses, they are now $18 billion in debt. And that's the reason why the committee is now coming back to relook at the flood program, and that's why we have done that.

The legislation that the chairman talks about that we have already done I appreciate that we've moved through the House. I am a little bit disappointed, though, in that legislation in one regard, in that it increased the exposure to wind damage in the flood program. But despite that what I call an error in direction on that legislation, the underlying bill did make some substantial improvements to the overlying program. It updated the flood maps, increased the phase-in of actuarial rates on vacation homes and also second homes and on nonresidential properties that have been subsidized by the program since its inception.

The one area, though, that was not addressed was these pre-FIRM homes and the fact that the subsidies continue to exist. So to that effort, we have tried to get a compromise between those who said let's not do anything and those who said let's have those pre-FIRM homes immediately put in on the higher rates that would occur without the subsidization. Through the committee efforts, through the work with the ranking member and the chairman, we were able to come through with a compromise. In essence it says this: If you're a pre-FIRM home, your rates will still be subsidized until that home is basically phased in, sold and phased in on the same rate schedule as the underlying bill, and only for those homes that are sold for over $600,000. A movement in the right direction with regard to the subsidization, the problems of the underlying program, and for that reason I think we are moving appropriately, and I look forward to those deliberations that we may have sometime with the Senate on this legislation.

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

Mr. FRANK of Massachusetts. I thank the gentleman for his kind words.

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

The SPEAKER pro tempore (Mr. HODES). The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 3959, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

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. 3959 and to insert extraneous material thereon.

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

There was no objection.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 916) honoring the contributions of Catholic schools.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 916

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 2006–2007 academic year was more than 2,300,000 and the student-teacher ratio was 15 to 1;

Whereas Catholic schools teach a diverse group of students;

Whereas more than 25 percent of school children enrolled in Catholic schools are from minority backgrounds, and nearly 14 percent are non-Catholics;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development;

Whereas the Catholic high school graduation rate is 99 percent, with 80 percent of graduates attending four-year colleges and 17 percent attending two-year colleges or technical schools;

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated: ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.''; and

Whereas January 27 to February 2, 2008, has been designated as Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I am pleased at this time to yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI), the author of this bill.

Mr. LIPINSKI. I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in support of H. Res. 916, honoring the tremendous contributions that Catholic schools have made to our Nation.

Since 1974, Catholic Schools Week has celebrated the important role that these institutions play in America and their excellent reputation for providing a strong academic and moral education, as well as teaching community responsibility and outreach.

I am proud to sponsor this resolution again. And I would like to thank the gentleman from New York (Mr. FOSSELLA) for once again working with me on this resolution.

This year's theme of Catholic Schools Week is ''Catholic Schools Light the Way.'' This theme focuses on the leadership that Catholic schools provide to our Nation, producing graduates who light the way for a brighter future for all Americans and for humankind. The theme also highlights the spiritual foundation of Catholic schools by reminding students that they are called to ''light the way'' for others.

Nationally, about 2.3 million young people are enrolled in nearly 8,000 Catholic schools. These schools have more than 160,000 full-time professional staff, boasting a student/teacher ratio of 15:1. On average Catholic school students surpass other students in math, science, and reading in the three grade levels tested by the NAEP test. The graduation rate for Catholic high school students is 99 percent, and 97 percent of Catholic high school graduates go on to college or technical schools. These are amazing statistics in America today.

Catholic schools are also highly effective in educating minority students and disadvantaged youth. The percentage of minority students in Catholic schools has more than doubled in the past 30 years, today representing more than one-quarter of all those enrolled. And almost one in seven students in Catholic schools is not Catholic. The success of Catholic schools does not depend on selectivity. On average Catholic schools accept nine out of every 10 students who apply.

In addition to learning reading, writing, and arithmetic, students also learn responsibility and how to become persons of character and integrity. Community service is a priority in Catholic schools; 94 percent of schools have a service program, with the average student completing 79 hours of service.

I was born, raised, and I live in Chicago Archdiocese, which has one of the most successful school systems in the country. Today more than 106,000 students attend 276 schools. In my district alone, there are five Catholic high schools and 34 grammar schools, including one of the best in my home parish of St. John of the Cross in Western Springs.

My wife and I are each products of 12 years of Catholic education. My wife in Johnstown, Pennsylvania, at St. Patrick's Grade School and Bishop McCourt High School; and myself at St. Symphorosa Grammar School and St. Ignatius College Prep. Like so many others, I understand how important Catholic schools are in providing a spiritual, moral, and intellectual foundation. My 12 years of Catholic education provided me with the knowledge, discipline, desire to serve, and a love of learning that enabled me to go on to earn my Ph.D. and become a teacher before I was elected to Congress.

As we recognize Catholic Schools Week, we must pay special tribute to the dedicated teachers and administrators who sacrifice so much, usually getting paid much less than they could to dedicate their lives to teaching at Catholic schools. I have fond memories of my teachers, who taught me not only the value of a good education but also the values of faith and service. Although I began in Catholic schools 35 years ago, I still can fondly remember my teachers at St. Sym's, from Sister Mildred in the first grade to Sister Xavier in the eighth grade. And I still fondly remember Sister Diane, my coach on the Student Congress Team in high school. Millions of Americans have similar memories of sisters, priests, and lay teachers who gave their hearts and souls and made such a big difference in the lives of their students.

Mr. Speaker, Catholic schools have made a big difference in my life and in the lives of countless others. As an important complement to public schools and other private institutions, Catholic schools contribute a great deal to America. And let us not forget that every student who is taught in a Catholic school saves taxpayers money because they are not part of the local public school system.

America's Catholic schools deserve our praise and our support. And to share our praise and support, I urge my colleagues to pass this resolution.

Mr. KELLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 916, offered by the gentleman from Illinois (Mr. LIPINSKI). This resolution increases the awareness of Catholic education while honoring the contributions of America's Catholic schools.

January 27 through February 2, 2008 has been designated Catholic Schools Week, an annual tradition in its 34th year and jointly sponsored by the National Catholic Education Association as well as the United States Conference of Catholic Bishops. With this resolution we recognize the vital role Catholic elementary and secondary schools play in providing an education with high standards of quality and excellence to the nearly 2.4 million students enrolled in Catholic schools across the country.

According to the U.S. Conference of Catholic Bishops, Catholic schools have a graduation rate of over 98 percent, and about 97 percent of Catholic high school graduates go on to post-secondary training at 4-year colleges, community colleges, or technical schools. This success can be attributed to the importance Catholic educators place on character and morals. By making the development of moral and social values an integral part of the curriculum, Catholic schools are ensuring that their students are not only good academicians but also good citizens.

The theme for Catholic Schools Week 2008 is ''Catholic Schools Light the Way.'' This theme highlights the mission of Catholic schools to provide a faith-based education that supports the whole child academically and spiritually and prepares students for future success.

Catholic schools demonstrated an enormous amount of character and compassion in their response to the devastating hurricanes that hit the gulf coast 3 years ago. In the wake of this national disaster, more than 300,000 students were displaced from their homes, schools, and communities. Catholic schools opened their doors and hearts and welcomed these students into their classrooms. They provided these children with the opportunity to continue their studies without stopping to consider the cost of that education. Instead, the Catholic schools knew their first priority was to educate these children. In addition, the Catholic schools in New Orleans have proved to be most resilient by becoming some of the first schools in the hurricane-damaged area to reopen their doors to students.

I appreciate the great work done by Catholic schools, their administrators and teachers, as well as the parents and volunteers. Catholic schools carry out their servant mission by building the academic achievement, character, and values of their students.

I again commend the gentleman from Illinois for introducing this resolution and urge my colleagues to support it.

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, at this time I yield 4 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I thank the gentleman from Florida for yielding and I thank Ms. SÁNCHEZ and Mr. LIPINSKI as well, and I rise today in strong support of H. Res. 916 honoring the contributions of Catholic schools across the country, for the upcoming commemoration of National Catholic Schools Week from January 27 to February 2.

Mr. Speaker, as a graduate of Catholic elementary and high schools, Sacred Heart Academy and Aquinas High School in Augusta, Georgia, I am keenly aware of the contributions that they provide to the 2.3 million students across this country they teach every year. These include 1,176 students at three Catholic schools in my district, the 11th of Georgia: St. Catherine of Siena in Kennesaw, Georgia; St. Joseph's in my hometown of Marietta, Georgia; and St. Mary's in Floyd County, Rome, Georgia.

Not only do Catholic schools, like Sacred Heart and Aquinas, provide a strong and competitive academic environment, they also teach moral and ethical standards, skills for living and self esteem, and a Christian integration of spirit, mind, and body in each of their students.

□ 1345

Upon graduating from Aquinas, I thought that the Catholic school curriculum would be what best prepared me for my future. But, Mr. Speaker, I must admit that I was wrong. While the strenuous academics at Sacred Heart and Aquinas did lay the foundation for success at Georgia Tech and the Medical College of Georgia, it was the faith and ethical standards taught at these schools that truly prepared me for life's struggles.

Mr. Speaker, while opening and running my medical practice, the respect for life at Sacred Heart and Aquinas led me to value and care for life at all stages from conception on. And now that I have left my medical career to serve as Member of this great body, I find my lessons from these Catholic schools more valuable than ever on a daily basis.

We are all confronted with difficult questions that affect millions of lives. If it were not for the moral standards and the faith in God taught at Sacred Heart and Aquinas, I do not believe that I could properly represent the people of northwest Georgia.

So, Mr. Speaker, Catholic schools in northwest Georgia and all across our great country provide an incredible valuable service to our education system and truly prepare their students for a bright future.

I urge all of my colleagues, support H. Res. 916.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, if I could inquire from my colleague how many more speakers he has remaining.

Mr. KELLER of Florida. I have two more speakers.

Ms. LINDA T. SÁNCHEZ of California. We will continue to reserve the balance of our time.

Mr. KELLER of Florida. Mr. Speaker, at this time, I yield 1 minute to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, it is my pleasure to stand before you today in support of House Resolution 916 honoring the contribution of Catholic schools to the education system of this country.

In Ohio, approximately 12 percent of school children are educated by private institutions with the vast majority going to Catholic schools. These schools provide the structure and value system that are important to their families as their children receive not only a quality education but a strong moral and social foundation.

Most importantly, the choice of a Catholic education allows children to have a religious bearing in their education. Many parents make great sacrifices for their children's education by sending them to Catholic school, because at the same time they are not only paying for that Catholic education, but they also have to pay taxes to the public schools.

I applaud the hard work and dedication of the staff at the Catholic schools, as well as the parents who seek this education for their child's betterment. I am pleased to support House Resolution 916 today and to support our Catholic schools in Ohio and across this great country.

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

Mr. KELLER of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I rise in strong support of H. Res. 916, a resolution recognizing Catholic Schools Week and honoring the contributions that Catholic schools make to our Nation's country and to the youth of this Nation in particular. Having been a product of the Catholic school system in Cincinnati, Ohio, myself, having attended Holy Family School and then St. Catherine School and then LaSalle High School, and having had both of our children attend Our Lady of Lourdes School, my wife attended Mother of Mercy, as did our daughter in high school, my son is a senior at St. Xavier High School, and coincidentally they happened to win the State football championship in Ohio this year for the second time in the last 3 years, I

can say firsthand that Catholic school systems in our community and all over the country are providing significant leadership in the great education for our youth.

I also happened to be a school teacher at St. Joseph School in the west end in Cincinnati after I graduated from college. And Catholic schools provide a comprehensive and wide-ranging education to all of the students. Not only do Catholic schools promote the intellectual and physical cultivation of our most important asset, our country's youth, but they also lay the groundwork for a strong, moral upbringing resulting in well-rounded contributing members of our society.

The Cincinnati Archdiocese consists of 117 schools totaling over 47,000 students. I am proud to say that several of these schools are located in Ohio's First District, including two schools, Our Lady of the Visitation and St. James School in White Oak who recently received the 2007 Blue Ribbon School of Excellence Award from the Department of Education.

I want to urge my colleagues to support this legislation. I want to thank those here today for their leadership in bringing this forward.

And I might note, Mr. GINGREY of Georgia mentioned the issue of life and the moral issues that are instilled in many of us from our Catholic upbringing. I happen to be the principal sponsor of the ban on partial birth abortion, and we had many, tens of thousands of people who came here yesterday to advocate on behalf of innocent, unborn children. And we had many come by our office yesterday, older high school students, St. Xavier High School students, St. Ursula, Mother of Mercy, Our Lady of Lourdes, many schools came by. And I want to thank them for doing that and their showing that the morals, the values that they are being taught in those schools really are sinking in. And I just want to thank those in the leadership position here for bringing forth this issue. And I think it is appropriate that we honor the Catholic school systems all across the country for the invaluable work that they do for our country.

Mr. KELLER of Florida. Mr. Speaker, I have no further speakers. I would urge my colleagues to vote ''yes'' on H. Res. 916.

I yield back the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker. I too rise in support of H. Res. 916 to honor the contributions of Catholic schools throughout the country and to support the goals of Catholic Schools Week. I believe we should continue to support all schools that graduate our youth in high percentages and prepare them for a productive future.

I urge my colleagues to support this resolution.

Mr. Speaker, Catholic schools enrolled over two million of our Nation's children during the 2006–2007 school year. With minority enrollment at 25 percent and non-Catholic enrollment at 14 percent this past year, Catholic schools continue to teach students of all backgrounds.

The high-school graduation rate of Catholic schools is an impressive 99 percent, with 80 percent going on to a 4-year college and 17 percent going to a 2-year or technical college. These rates are extraordinary and are to be commended.

Next week, January 27th through February 2nd is designated as Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops.

The purpose of Catholic Schools Week is to show support for the Catholic schools, including St. Emydius in Lynwood and St. Helen's in South Gate, and to their students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

I believe we should continue to support all schools that graduate our youth in high percentages and prepare them for a productive future.

I urge my colleagues to support H. Res. 916.

Mr. FOSSELLA. Mr. Speaker, I want to extend my sincere gratitude to the Catholic Schools not only in my home Congressional District of Staten Island and Brooklyn, but also the entire Nation as we honor Catholic Schools Week from January 27–February 2, 2008, which is sponsored by the National Catholic Education Association and the United States Conference of Catholic Bishops.

America's Catholic schools educate nearly 2.5 million students a year, providing the Nation's young men and women with a broad academic background emphasizing the lifelong development of moral, intellectual physical and social values.

Catholic school initiatives that reach out to disadvantaged young people have touched a diverse group of students who sometimes find themselves trapped in underachieving schools. It is not surprising to me that more than 25 percent of Catholic school students are from minority groups and nearly 14 percent are non-Catholics. Parents recognize the importance of a quality education and are willing to sacrifice to ensure their children have every opportunity to succeed in the world.

Catholic Schools Week pays tribute to the dedication, character, compassion, and values that embody Catholic education in this country. I believe it is important to recognize the outstanding contributions Catholic Schools make in our country today. Their commitment to the educational standards and values ensure our children will have the right moral framework to help lead our great Nation in the future.

As a product of Catholic education, I urge all my colleagues to support this resolution.

I would like to recognize all Catholic Schools in the 13th Congressional District of New York: Academy of St. Dorothy, Blessed Sacrament, Holy Rosary, Immaculate Conception, Notre Dame Academy, Monsignor Farrell High School, Moore Catholic School, Mother Francciska, Notre Dame Academy Elementary, Our Lady of Good Counsel, Our Lady Help of Christians, Our Lady of Mount Carmel, St. Benedicta, Our Lady Queen of Peace, Our Lady Star of the Sea, Sacred Heart, St. Adalbert, St. Ann, St. Charles, St. Christopher, St. Clare, St. John Villa Academy, St. Joseph, St. Joseph by the Sea High School, St. Joseph Hill Academy, St. Joseph-St. Thomas, St. Margaret Mary, St. Mary, St. Patrick, St. Paul, St. Peter's Boys, St. Peter's Girls, St. Peter's Elementary, St. Rita, St. Roch, St. Sylvester, Seton Foundation For Learning, St. Teresa, Most Precious Blood, Fontbonne Hall Academy, Our Lady of Angels, Our Lady of Grace, Our Lady of Guadalupe, St. Anselm, St. Bernadette, St. Ephrem, St. Finbar, St. Frances Cabrini, St. Patrick School, Sts. Simon & Jude, Visitation Academy, Xavarian High School, Xavarian Genesis Program.

Ms. BORDALLO. Mr. Speaker, I rise in support of House Resolution 916, recognizing the goals of Catholic Schools Week and the success of Catholic education to the personal advancement and academic achievements of students across the United States.

I thank our colleague from Illinois (Mr. LIPINSKI) and our colleague from New York (Mr. FOSSELLA) for their work in sponsoring this worthy resolution and for their leadership on behalf of Catholic education.

The Catholic Church, and its religious orders and congregations across the United States, serve an important and invaluable role in elementary and secondary education for our youth. Many Catholic schools are model schools in the communities they serve and in which they are located. Character education and a well-rounded, balanced and challenging curriculum complemented by a variety of extracurricular activities, a dedicated teaching staff and administration, and a caring community of parents and friends, are the hallmarks of Catholic schools.

Catholic education is centered on families and communities, and it is, like the church, universal in its approach and teachings. Today, Catholic schools are diverse learning communities where a growing number of students and faculty from various faiths, backgrounds, socioeconomic status, and cultures are enrolled. This diversity adds to the richness of the learning opportunities Catholics schools provide for our young people and our families.

Students enrolled today in Catholic schools excel in math and science as well as in grammar and the arts. Students learn with and from support provided by the greater Catholic community and they are taught in an environment where Christian values and strong moral guidance are present.

I join my colleagues on this occasion in acknowledging the value of Catholic education for our communities and for our young people. The work of the United States Conference of Catholic Bishops, the National Catholic Educational Association, and the Dioceses of the Catholic Church across the country, and the Religious Orders supporting instruction and development at Catholic Schools, is important to the continued success of Catholic education.

The theme of Catholic Schools Week this year appropriately emphasizes and reflects a strong attribute of Catholic education: leadership. ''Catholic Schools Light the Way,'' focuses on the leaders that Catholic Schools educate for the benefit of our communities, our country, and our world. Today, graduates

from Catholic schools enter college and embark upon careers as leaders prepared to contribute to their communities and to make a difference for all humankind.

On this occasion I recognize the Catholic community in my district, on my home island of Guam, for all of the collective efforts undertaken in support of Catholic schools. Today, the Roman Catholic Archdiocese of Agaña remains committed to serving the people of Guam and most especially our youth. Under the direction of the Most Reverend Anthony Sablan Apuron, OFM Cap, DD, Metropolitan Archbishop of Agaña, Catholic educational institutions on Guam continue to provide quality academic instruction to our students. The contributions of the Catholic school system to the people of Guam are reflected in the success of our local leaders in the clergy, government, and private sector who are alumni of our Catholic schools. The dedication shown by the Archdiocese of Agaña to academic excellence and to Catholic education on our island strongly reflects the theme of leadership for Catholic Schools Week, which we will join others across the country in celebrating next week.

Ms. LINDA T. SÁNCHEZ of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and agree to the resolution, H. Res. 916.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL MENTORING MONTH

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 908) supporting the goals and ideals of National Mentoring Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 908

Whereas youth mentoring establishes a structured and trusting relationship between young people and caring individuals who offer guidance, support, and encouragement;

Whereas a growing body of mentoring research provides strong evidence that mentoring programs are successful in reducing delinquency, substance use and abuse, and academic failure;

Whereas research also shows that formal mentoring that is focused on developing the competence and character of the young person promotes positive outcomes such as improved academic achievement, self-esteem, social skills, and career development;

Whereas mentoring provides a supportive environment in which young people can grow, expand their vision of the future, and achieve goals that they never thought possible;

Whereas more than 4,000 mentoring programs in communities of all sizes across the United States focus on building strong, effective relationships between mentors and mentees;

Whereas public-private mentoring partnerships bring State and local leaders together to support mentoring programs by preventing duplication of efforts, offering training in best practices, and helping mentoring programs make the most of the limited resources available to benefit the Nation's youth;

Whereas the Corporation for National and Community Service has convened—

(1) the Federal Mentoring Council, which brings together several Federal agencies to coordinate approaches to mentoring within the Federal Government; and

(2) the National Mentoring Working Group, consisting of experts in mentoring from nonprofit organizations and foundations, to share information and ideas about mentoring programs;

Whereas more than 15,000,000 young people in the United States fall into a mentoring gap and still need mentors;

Whereas coordinated national, State, regional, and local efforts need Federal support to connect more youth with the powerful benefits that result from mentoring;

Whereas designation of January 2008 as National Mentoring Month will help call attention to the critical role mentors play in helping young people realize their potential;

Whereas the month-long celebration of mentoring will encourage more organizations across the United States, including schools, businesses, nonprofit organizations, faith institutions, foundations, and individuals to become engaged in mentoring;

Whereas National Mentoring Month will—

(1) build awareness of mentoring;

(2) encourage more people to become mentors; and

(3) help close the Nation's mentoring gap; and

Whereas the President issued a proclamation declaring January 2008 to be National Mentoring Month and calling on the people of the United States to—

(1) recognize the importance of mentoring;

(2) look for opportunities to serve as mentors in their communities; and

(3) observe the month with appropriate activities and programs: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Mentoring Month;

(2) acknowledges the diligent efforts of individuals and groups who promote mentoring and who are observing the month with appropriate ceremonies and activities that promote awareness of and volunteer involvement with youth mentoring;

(3) recognizes with gratitude the contributions of the millions of caring adults and students who are already volunteering as mentors; and

(4) encourages more adults and students to volunteer as mentors.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, at this time, I would like to yield as much time as she may consume to the author of this bill, the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Speaker, as a cochair of the Congressional Mentoring Caucus, I rise today in strong support of H.R. 908, supporting the goals and ideals of National Mentoring Month.

Thank you, Chairman KILDEE and Chairman MILLER, for bringing this legislation so quickly to the floor. I would also like to thank the other Chairs of the mentoring caucus, Ms. Davis of California, Mr. KELLER of Florida and Mr. ROGERS of Michigan, who are the original cosponsors of this legislation.

The term ''mentor'' is from a Greek story in mythology. Odysseus asked his friend, Mentor, to teach and watch his young son, Telemachus, as he was off to fight in the Trojan War. This special relationship between Telemachus and his mentor was centered on education, friendship and advice, something we all need from time to time. Mentoring was then, and continues to be, a special caring and supportive relationship between two people based on mutual trust and respect.

Mentoring relationships are between a mentor, an adult, and a mentee, a young adult or child, that focuses on the need of that young person. Caring adults, parents, teachers, counselors, religious leaders, they are all mentors, and they are able to influence a child's life, and they are able to do that because they provide a foundation of love, support and guidance.

Millions of individuals across this country serve as mentors to young men and women, encouraging them to develop strong characters and have healthy identities of themselves, so that as an adult they will be able to contribute back to our society.

In a review of 10 mentoring programs, there are indicators that one-on-one mentoring significantly enhances positive youth development in ways that we can measure: better school performance, better social skills, but most importantly, the ability for them to want to continue on with higher education and college. And that is according to a recent national youth conference that was held at the University of Minnesota.

In Minnesota alone, there are 335 mentoring organizations. One of them, the Mentoring Partnership of Minnesota, was formed in 1994 as a community initiative to promote mentoring for Minnesota's youth, particularly for those who are at risk and may not have an opportunity to have many positive role models in their life. This program has made a significant positive improvement in the lives of those children.

Another wonderful mentoring program is Big Brothers and Big Sisters.

In the St. Paul-Minneapolis region alone, there are more than 307,000 children that benefit from this mentoring program with the time, energy and commitment from more than 3,200 volunteers.

The new Youth Initiative Mentoring Academy is another successful program in Minnesota. This energetic program works with children at risk. These young children receive hands-on learning experiences about career opportunities, building confidence and self-esteem, and develop valuable leadership skills.

Mentoring is also an important part of our global competitiveness. For example, in my district, Century College offers a preengineering program that includes the Century College Robot Show. Engineering students enter their projects, the college invites practicing engineers to judge the show, and Century College also extends an invitation to high school students to come so that they are able to see the opportunities available to them if they choose to study engineering. But it also gives them a chance to hook up with students and professionals who can help them steer interests in the right direction towards a successful career.

I would also like to take time to thank all the congressional staff members, including many from my staff, who take time to mentor youth in programs such as Everyone Wins, Horton's Kids, and the Calvary Homeless Shelter.

We all have an important role to play in the lives of children around us. We all need to be part of the process in shaping young lives so that they can achieve their fullest potential. Our youth need caring adults to make the connection in order to provide guidance and emotional support, to make a positive impact on their lives so that young children can become responsible, productive citizens.

I encourage all of my colleagues to support this resolution, and I look forward for opportunities to be a mentor myself again in the future as I had been in the past. But I also encourage my colleagues to look for opportunities to be mentors as well.

Ms. LINDA T. SÁNCHEZ of California. I reserve the balance of my time.

Mr. KELLER of Florida. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 908 which recognizes National Mentoring Month. National Mentoring Month celebrates mentors who are positively impacting the lives of young people and highlights the need for additional mentors to make themselves available to America's youth. I applaud Representative MCCOLLUM for sponsoring this resolution, and as a cosponsor I look forward to further bipartisan efforts to draw attention to support this very important issue.

Mentors give their time and energy to improve the lives of American young people who are increasingly spending less time with concerned adult role models. Young people with mentors are less likely to drop out of school, use illegal drugs, or engage in criminal behavior. The positive effects of mentoring include higher self-esteem, higher graduation rates, and higher academic achievement. I have personally seen the positive impacts of mentoring firsthand. As a young boy, I benefited from having a mentor from the Big Brother Big Sisters program. As I became an adult, I then became a mentor to two high school students at my alma mater, Boone High School, who were at risk of dropping out of high school, but fortunately stayed in school and graduated.

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I then became chairman of the board of the COMPACT mentoring program, which is the largest mentoring program in central Florida and it is targeted at at-risk students in high schools and middle schools who possibly may drop out of school. I am pleased to report that we were able to recruit 700 new mentors and the COMPACT program has a 95 percent success rate of kids staying in school and going on to graduate. In fact, one of the mentors for the COMPACT program itself is none other than Supreme Court Justice Clarence Thomas, who has spent a great deal of time with the leaders of the COMPACT program and the children themselves every year.

When I was elected to Congress in 2000, one of the first things I did was join together with then-Congressman Tom Osborne, the famous coach of the Nebraska Cornhuskers, to author the Mentoring for Success Act which Coach Osborne and I were able to successfully include in No Child Left Behind to provide substantial funding for mentoring programs. As we move forward with the No Child Left Behind reauthorization, we will work again to make sure that this language is included and stays in existing law.

One of the big benefits of a mentoring program is in the area of crime prevention. Roughly eight out of 10 inmates in Florida's jails and prisons are high school dropouts. We see mentoring programs like the COMPACT program in Orlando having a 95 percent success rate of keeping kids in school. That's making a difference in these children's lives and also helping us as taxpayers because we pay $20,000 a year for people in State prisons and $25,000 a year for folks in Federal prison.

President Bush himself has praised the importance of mentoring programs. On December 19, 2007, President Bush proclaimed January 2008 as National Mentoring Month, giving public recognition to mentors who serve as role models. Specifically the President stated, ''By sharing their knowledge and experiences, mentors serve as examples for young people and help teach them the skills they need to succeed in life.''

By honoring mentors and mentoring programs, we recognize the importance of mentoring programs implemented in our local schools and communities. We also draw attention to the components of a quality program, including appropriate screening of potential mentors and careful matching of youth with adults who have a genuine interest in providing guidance and being exemplary role models.

Mentoring programs are varied and unique. They can be school-based or faith-based. They may be established through community organizations or corporate initiatives. I encourage people across the country to take time to discover what mentoring programs exist in their communities and see what they can do to help. Many volunteers are needed to meet the growing demand for mentors.

Again, I am pleased to cosponsor House Resolution 908, recognizing the important work of mentors and quality mentoring programs, and I urge Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, at this time I am pleased to yield such time as she may consume to my distinguished colleague from California (Mrs. DAVIS).

Mrs. DAVIS of California. Madam Speaker, I rise today in strong support of House Resolution 908. I want to thank my colleague from Minnesota for sponsoring this important resolution.

I want to share with you an inspirational story about a young man from my district in San Diego. Eduardo Corona was only in the ninth grade when he got into trouble with the law. Because of this mistake, he faced up to 6 years in a juvenile correctional facility. Instead of going to that facility, the judge met with him and spoke with him and allowed Eduardo to participate in a mentoring program called Reality Changers. I have had an opportunity to meet with the young people in that program and I can tell you, they are inspirational and very engaged in their lives and hoping to change the community someday.

Reality Changers brings at-risk youth in San Diego together with their mentors, half of which are college students from the University of California at San Diego, and for about 3 hours a week over a 4-year time, these mentees study with their peer mentors, they take weekly practice SAT tests, do homework together, listen to guest speakers and take part in leadership development seminars.

In addition to that, Reality Changers also sends its participants, all of which come from low-income families, to a summer program at UCSD where they take college level courses and prepare for higher education. With the help of his mentors in Reality Changers, Eduardo was able to turn his life around. In just 30 days, and this is kind of remarkable to me as I had a chance to work with some of the issues that he had to deal with, Eduardo doubled his

GPA to 3.8. He attended UCSD's summer program and won two awards in mechanical engineering. And although he is just a sophomore in high school, he has already earned college credit and is well on his way to becoming the first member of his family to attend college.

In fact, I need to tell you that all of Reality Changers' participants who have completed this 4-year program have gone on to a 4-year university. Not bad, considering all of these young people are the first in their families to attend college. I think Eduardo's story really tells us and proves that with the right role models and people who truly care about them, our society's most challenged youth, challenged in many different ways, can turn their lives around and become leaders in our community.

But we know that Eduardo fortunately and even programs like Reality Changers are not unique to San Diego. At this very moment, there are countless mentors across the Nation who, through their hard work and dedication, are making miracles happen every single day. And so that's why I rise today to encourage my colleagues to support this resolution that Congresswoman McCOLLUM has brought forward and join all my colleagues here, and I am pleased to see them, to support House Resolution 908.

In addition to this resolution, I ask all my colleagues to join me in support of increased funding for our Nation's mentoring programs, because we know that with that help, we can replicate Eduardo's success all around the country.

Mr. KELLER of Florida. Madam Speaker, we have no further speakers. If I can inquire if the other side has any further speakers.

Ms. LINDA T. SÁNCHEZ of California. Just one remaining and that would be me.

Mr. KELLER of Florida. Madam Speaker, I would urge all my colleagues, then, to vote ''yes'' on H. Res. 908 and will yield back the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I just want to mention in support of this bill that mentors are so important in helping today's children grow up to live productive and fulfilling lives. Unfortunately, there is still an acute need for more people to become involved in this rewarding venture and I hope that today's resolution convinces others to get involved as mentors.

Again, I want to express my support for the National Mentoring Month resolution and recognize all the hard work that mentors put in on a daily basis. I urge my colleagues to support this resolution.

Madam Speaker, I rise today to support the designation of January 2008 as ''National Mentoring Month'' and to applaud the efforts of mentors who work tirelessly to support America's children.

I am pleased today to honor mentoring organizations across the country, including those who serve the young people of my own community, such as: Catholic Big Brothers/Big Sisters; The Watts-Willowbrook Boys and Girls Club; Girlfriends, Inc. of Long Beach; Helpline Youth Counseling, Inc.; and ELLAS, which stands for Embracing Latina Leadership Alliances.

Mentors serve as advocates for children. They make sure that children know that they matter.

Mentors actively support children's academic achievement, personal and social growth, and career development.

Helping students achieve academically is a critical part of a mentor's role. Through tutoring and encouragement, mentors can help mentees appreciate the importance of staying in school and working hard to achieve success.

Not only are young people who have been mentored less likely to fail in school and get in trouble for delinquency, they are also more likely to graduate and attend college. So mentoring doesn't just defend against unwanted outcomes, it promotes good ones.

Mentoring isn't just for one kind of kid. It can benefit boys and girls, urban and rural, white and Latino. If a young person is coping with a divorce, being pressured to join a gang, or has just moved to a new school, mentors can help. They can offer guidance while building self-esteem and a sense of purpose.

Mentoring isn't just for one kind of mentor, either. Mentors can come in all shapes and sizes. A mentor can be a lawyer, a mechanic, a religious leader, or an older brother. Anyone with a little extra time and a desire to help the next generation can become a mentor.

By exposing youth to positive life experiences, mentors help children develop new skills and interests and get used to interacting with adults.

By setting ambitious goals with their mentees, mentors can help today's children become the leaders of the future. Truly, a mentor can help a young person make her dreams a reality. Knowing all this, who wouldn't want to be a mentor?

I hope I have succeeded in encouraging my colleagues to become mentors or to help promote mentoring in their communities. Our children can't raise themselves. I salute those who have served as mentors, and those who will do so in the future.

Madam Speaker, once again I express my support for ''National Mentoring Month'' and recognize all the hard work mentors put in on a daily basis.

I urge my colleagues to support H. Res. 908.

Mr. REICHERT. Madam Speaker, I am pleased to recognize January 2008 as Mentoring Month and I am proud to offer my support to H. Res. 908, Supporting the goals and ideals of National Mentoring Month.

The history of mentorship nationwide and in my district is a rich one. In Washington State alone, there are approximately 190 organizations specifically dedicated to placing young people into formal mentoring relationships. These organizations spent approximately $30 million in 2006 to forge and maintain those relationships—much of that money coming from private citizens. Most important, all that work has amounted to approximately 29,000 young people in Washington State taking part in a positive mentoring relationship.

One organization in particular that has had a tremendous and lasting impact on many disadvantaged youth in my district is Big Brothers Big Sisters. In 2007, Big Brothers Big Sisters of Puget Sound provided more than 2,500 children with mentoring matches and has a vision to provide successful mentoring relationships for all children who need and want them, contributing to better schools, brighter futures, and stronger communities for all.

Many of us know personally or have heard first-hand the heartbreaking accounts of young people who veered off the path of success or, because of a variety of circumstances, never even knew where to find that path. Mentoring can be a promising approach to enriching the lives of disadvantaged children and youth by discouraging juvenile delinquency, improving school attendance and performance, and by providing positive adult role models.

A young man from my district, Lorenzo, is a shining example of the unique way in which mentoring enriches the lives of our youth. Lorenzo moved to Washington State from West Samoa in 2006, and immediately received mentoring help from Ken—an individual who has consistently given of his time to mentor and nurture young people in my home community. Ken helped this young man through the discomfort of transitioning into a new environment, through the academic process, and into positive relationships with his new peers. Upon graduating from Kent-Meridian High School—my alma mater—Lorenzo gained admission to Central Washington University and is a wonderful example of the power of responsible and caring adult guidance.

Today, as Congress recognizes January 2008 as National Mentoring Month, I encourage all citizens, businesses, public and private agencies, religious and educational institutions to support mentoring and give young people in our community the gift of time and friendship through Big Brothers Big Sisters of Puget Sound or other mentoring programs throughout Washington State and our Nation.

Mr. LANGEVIN. Madam Speaker, I rise today in support of H. Res. 908, which supports the goals and ideals of National Mentoring Month. I am proud to be a cosponsor of this resolution that recognizes mentors across the country who dedicate their time to support and guide the next generation.

It is unfortunate that there are children in our country who do not know their worth, and because of this, many end up failing in school or falling into troubled lives. Mentors help these children get back on a path to success by imparting the most important message—that they too can succeed. Mentors have helped youth build up their self-esteem and work on their academics and social skills. Many mentors also help students reach their potential by helping them prepare for college and career development.

Madam Speaker, I hope that by recognizing January as National Mentoring Month, we can honor the positive effect that mentoring has had on the youngest members of our society. I also hope that highlighting the importance of these relationships encourages others to seek out mentoring opportunities in their communities. This not only helps our children, but our society as a whole.

Ms. McCOLLUM of Minnesota. Madam Speaker, as co-chair of the Congressional Mentoring Caucus I rise today in strong support of H. Res. 908 supporting the goals and ideals of National Mentoring Month.

Thank you Chairman KILDEE and Chairman MILLER for bringing this legislation to the floor so quickly.

I would also like to thank the other chairs of the Congressional Mentoring Caucus, Ms. DAVIS of California, Mr. KELLER of Florida, and Mr. ROGERS of Michigan, who were original cosponsors of this legislation.

The term ''mentor'' derives from a Greek mythology where Odysseus asked his friend, Mentor, to teach and watch his son, Telemachus, as he took off to fight the Trojan War.

This relationship was centered on advice, education and friendship.

Mentoring was a special, caring, and supportive relationship between two people based on mutual trust and respect.

In modern context, mentoring relationships are between the mentor (an adult) and a mentee (youth) that focuses on the needs of youth.

Caring adults—parents, teachers, counselors, mentors and religious leaders are the most important influence in every child's life because they provide the foundation of love, support, and guidance.

Millions of individuals across the country serve as mentors to young men and women—encouraging and promoting the development of strong characters and identities for youth who may not have a strong adult presence in their lives.

A review of 10 mentoring programs indicates that one-on-one mentoring significantly enhances positive youth development like better school performance—youth develop better social skills, and more likely they will go on to college or higher education—that's according to data from a recent National Youth Conference held at the University of Minnesota.

Minnesota is home to the Mentoring Partnership of Minnesota, which formed in 1994 as a community initiative to promote mentoring for Minnesota youth, particularly those who are at risk and may lack positive role models in their lives.

There are over 350 mentoring programs in Minnesota that connect youth with positive role models.

One valuable mentoring program is Big Brothers Big Sisters. In the St. Paul/Minneapolis region alone, more than 3,700 children benefit from this mentoring program with the time and energy of more than 3,200 volunteers.

The Youth Initiative Mentoring Academies (YIMA) is another successful program in Minnesota. YIMA utilizes a mentoring model through aviation education. Through this program, at risk youth receive hands-on learning experiences about career opportunities, build confidence and self-esteem, and develop valuable leadership skills.

Mentoring is also important to our global competitiveness. In my district, Century College offers a pre-engineering program that includes the Century College Robot Show. The college invites practicing engineers to judge the show, providing the opportunity for mentorship of the pre-engineering students. Century College also invites high schools students to attend the show so they are able to see the opportunities available through the study of engineering but also to introduce them to student and professionals who can help steer interested students in the right direction.

I would like to take this time to thank Congressional staff members, including my staff, who take time to mentor youth in programs such as Everybody Wins, Horton's Kids, and Calvary homeless shelter.

We all need to be part of the process in shaping young people's lives so that they can achieve their fullest potential.

Young people need caring adults to make the connection, to provide guidance, caring and emotional support—all these are contributing to making positive impact on their lives—so that young can become responsible and productive citizens.

I encourage all of my colleagues to support this resolution and to look for opportunities to be a mentor themselves.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. HIRONO). The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and agree to the resolution, H. Res. 908.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL SCHOOL COUNSELING WEEK

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 932) expressing support for designation of the week of February 4 through February 8, 2008 as ''National School Counseling Week''.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 932

Whereas the American School Counselor Association has declared the week of February 4 through February 8, 2008 as ''National School Counseling Week'';

Whereas the House of Representatives has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the last reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for all students;

Whereas school counselors have long emphasized the importance of personal and social development in academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors play a vital role in ensuring that students are aware of financial aid and college opportunities;

Whereas school counselors may encourage students to pursue challenging academic courses to prepare them for college majors and careers in the science, technology, engineering, and mathematics fields;

Whereas school counselors help students cope with the serious and common challenges of growing up, including peer pressure, mental health issues, school violence, disciplinary problems, the deployment of family members to conflicts overseas, and problems in the home;

Whereas school counselors are also instrumental in helping students, teachers, and parents deal with personal trauma and community and national tragedies;

Whereas school counselors are among the few professionals in a school building that are trained in both education and mental health;

Whereas, despite the important contributions of school counselors to student success, counseling positions are not always protected when budgets are cut;

Whereas the average student-to-counselor ratio in America's public schools, 476-to-1, is almost double the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations;

Whereas the celebration of ''National School Counseling Week'' would increase awareness of the important and necessary role school counselors play in the lives of students in the United States; and

Whereas the week of February 4 through February 8, 2008 would be an appropriate week to designate as ''National School Counseling Week'': Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) honors and recognizes the contributions of school counselors to the success of students in our Nation's elementary and secondary schools; and

(2) encourages the people of the United States to observe ''National School Counseling Week'' with appropriate ceremonies and activities that promote awareness of the crucial role school counselors play in preparing students for fulfilling lives as contributing members of society.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Resolution 932, expressing support for designation of February 4 through February 8, 2008 as ''National School Counseling Week.''

I thank Chairman GEORGE MILLER and Ranking Member BUCK MCKEON, as well as VERN EHLERS, the lead cosponsor, for their support of this important resolution and the majority and minority committee staff for doing the hard work behind the scenes to get this resolution to the floor.

This resolution is about recognizing and honoring school counselors.

I want to begin, however, with full disclosure: I was not always the biggest fan of school counselors. Unfortunately, one of my own high school counselors suggested to me that I give up on my plans to go to college because I was likely to get pregnant and drop out anyway.

Well, I've learned a few things since then. First, I learned that that particular counselor's fortune telling skills weren't so great, and, second, I've learned a lot more about the counseling profession and come to understand that one bad apple doesn't represent what counseling is all about.

In fact, good counselors do exactly what this person didn't do. They inspire us to dream big, help us get on the road to accomplish those dreams, and, when necessary, they enlist the support of our parents, teachers, mentors, and others to keep moving us down the road.

Counselors can be vital to a student's success, especially in high school. High school is a transition period into adulthood and the world of work. As students make this transition, some need additional help to keep up in class, others get distracted by family issues or bad behavior, and still others might get involved with gangs and crime.

But a good school counselor can intervene, working with parents and teachers to get students back on track. Individual attention and follow-up from a counselor can help a student accomplish amazing things. I want to recognize just two of the counselors from my district who accomplish amazing things every day they go to work.

Cheryl Redgate of Santa Fe High School and Shanna Moore-Garcia of La Serna High School are just two of the many exceptional counselors in my district who have devoted their lives to serving young people. They treat each of their students as if they were their own children by holding them to high standards and providing encouragement, guidance, and support. I understand that local parents have expressed deep appreciation for the work of these two stellar counselors and are glad to know that Cheryl and Shanna are looking out for their children's academic achievement as well as their emotional well-being.

I regret that I don't have time to name every outstanding counselor in my district or across the country. There are just so many who every day go above and beyond the job description to help students achieve academic success and plan for a bright future.

One other thing prevents me from naming more counselors who have made a difference in the lives of their students, and that's the fact that there aren't nearly enough of them. Nationwide, the average student-to-counselor ratio is 476–1, almost double the 250–1 recommended ratio. In California, unfortunately this ratio is a dismal 920–1.

While today's resolution is a great start, to truly honor the work of counselors we must do more to put school counselors where they're needed so that students have access to these professionals who have so much to offer.

I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of House Resolution 932 offered by the Representative from California (Ms. LINDA T. SÁNCHEZ). National School Counseling Week, which is celebrated annually the first full week of February, helps focus public attention on the unique contribution of professional school counselors. School counselors are employed in school districts and public and private schools of all levels across America to help students reach their full potential. They are actively committed to helping students explore their abilities, strengths, interests and talents as these traits relate to academic success and career awareness and development. School counselors serve as a vital resource for parents by helping them focus on ways to further the educational, personal and social growth of their children. They work with teachers and other educators to help students explore their potential and set realistic goals for themselves. They often seek to identify and utilize community resources that can enhance and complement comprehensive school counseling programs that help students become productive members of society.

□ 1415

These comprehensive developmental school counseling programs are considered an integral part of the educational process which enables all students to achieve.

National school counseling week highlights the tremendous impact that counselors have in helping students achieve academic success and plan for their career. This year's theme, ''School Counselors: Creating Pathways to Success,'' truly sums up the effort they put forth daily to ensure that no child is left behind.

I wish to express my sincere gratitude to all school counselors, not only from my home State of Florida but also all across this great Nation. I also wish to thank the Representative from California (Ms. LINDA T. SÁNCHEZ) and the Representative from Michigan (Mr. EHLERS) for bringing forth this resolution today.

I urge all my colleagues to support it.

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

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I appreciate my colleague for his support of this resolution. I would urge all my colleagues to support House Resolution 932.

Mr. TOWNS. Madam Speaker, I rise today in support of H Res. 932, Honoring National School Counseling Week. First, I'd like to thank my colleague, Representative LINDA SÁNCHEZ, for introducing this important resolution.

As a social worker, I recognize the invaluable role that guidance counselors and other social services personnel play in our schools.

These dedicated men and women devote their lives to ensuring the bright futures of our Nation's children, supporting them both academically and socially, and assisting them on the great journey towards higher education and a successful career.

Guidance counselors also play a vital role in our efforts to increase high school graduation and college enrollment rates.

However, despite our reliance on these important individuals for doing the crucial work of preparing our Nation's youth for entry into college and the real world, we often fail to give school counselors the support they need to do their jobs effectively.

Many of our schools are under-staffed with guidance counselors, and these hardworking individuals are tasked with serving an overwhelming number of students with a limited amount of resources. The average counselor-to-student ratio in our Nation's public schools is 1 to 436. We must acknowledge this reality, and direct our efforts in Congress toward increasing both our support and recognition of these hardworking men and women in our schools.

For these reasons, I am a proud co-sponsor of House Resolution 932, to recognize the important work of school guidance counselors, inspiring the youth of America, and providing them with much-needed support in their journey toward high school graduation and a prosperous future.

My fellow colleagues in Congress, I urge you to support House Resolution 932, so that we may celebrate the accomplishments and diligent efforts of guidance counselors in our Nation's schools.

Mr. LANGEVIN. Madam Speaker, I rise in support of the resolution expressing support for designation of the week of February 4 through February 8, 2008, as ''National School Counseling Week.'' I am proud to be a co-sponsor of this resolution, and I would like to take this opportunity to thank our school counselors for their hard work.

I am committed to ensuring that all school districts, particularly those with the greatest economic needs, have access to the necessary resources to retain talented teachers and school counselors. I have enjoyed a wonderful working relationship with school counselors in my home State of Rhode Island. I have seen firsthand the difference that the quality school counselors in our State are making in our children's lives and understand the tremendous need for the training and placement of more of these professionals in our schools.

We must make sure that our school counselors have the resources necessary to help our children, and that is why I am a strong proponent of increasing funding for the Elementary and Secondary School Counseling Program—one of the programs that No Child Left Behind promised to expand. Funding from this program helps to ensure that all school districts have the ability to retain talented teachers and school counselors. However, despite this promise, school counselors and other advocates have had to fight hard to

maintain this program at the elementary level, and this year marks the first time it has enough funding to reach high school students. It has been and will continue to be a priority of mine to ensure that the federal commitment to education matches what we ask of school districts.

While we designate one week to honor our school counselors, let us pledge to help them the rest of the year with the resources they need—and deserve.

Mr. HONDA. Madam Speaker, I rise today in support of H. Res. 932.

This resolution signifies Congress's appreciation for the critical work school counselors do to provide students and their families with guidance and support, both academic and emotional, toward obtaining a higher education and entrance into the workforce.

In his 2008 budget, President Bush proposed eliminating federal support for elementary and secondary school counselors. Under Democratic leadership, the President's proposal was wisely rejected and this Congress provided nearly $14 million of additional support to school counseling programs, for a total of over $48 million. I am proud of this accomplishment, but feel there is still more to be done to meet the needs of our children.

In California, eight in nine high school students attend a school with fewer counselors than the national average. This makes California the State with the highest counselor to student ratio in the Nation; over two times the School Counseling Association's suggested ratio. Students attending intensely segregated minority schools are most likely to attend schools with fewer counselors than the national average. Addressing the school counselor deficit is a critical component of closing the achievement gap that plagues our Nation.

As we reflect on the vital role counselors play in the lives of our children, we should remember that investing in our schools is an investment in our future; it is the best investment our country can make.

School counselors create pathways to success and H. Res. 932 will ensure our Nation comes together this February to recognize their vital contributions.

Mr. EHLERS. Madam Speaker, I rise in support of House Resolution 932 to express support for school counselors and the designation of the week of February 4 through 8, 2008, as "National School Counseling Week."

I thank Representative LINDA SÁNCHEZ for introducing this timely resolution and for allowing me to collaborate with her on it. I also thank the many Members of Congress that decided to cosponsor this resolution, especially Chairman MILLER and Ranking Republican MCKEON.

School counselors are instrumental in helping our students face daily challenges. They help develop well-rounded students by guiding them through their academic, personal, social, and career development.

School counselors also play a vital role in ensuring that students are prepared for their future. They may encourage students to pursue challenging academic courses to prepare them for college majors and careers in science, technology, engineering, and mathematics fields.

I certainly recognize that school counselors contribute to the success of students in our schools, and I encourage all Members to join me in supporting this resolution.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and agree to the resolution, H. Res. 932.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL STALKING AWARENESS MONTH

Mr. SCOTT of Virginia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 852) raising awareness and encouraging prevention of stalking by establishing January 2008 as ''National Stalking Awareness Month,'' as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 852

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women, who are stalked by an intimate partner, are also physically assaulted by that partner, and 76 percent of women, who are killed by an intimate partner, were also stalked by that intimate partner;

Whereas 74.2 percent of stalking victims reported that the stalking partner interfered with their employment, 26 percent of stalking victims lose time from work as a result of their victimization, and 7 percent never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cyber-surveillance the new frontier in stalking;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking;

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including aggressive investigation and prosecution; and

Whereas the House of Representatives urges the establishment of January 2008 as National Stalking Awareness Month: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) all Americans should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofits, and others should recognize the need to increase awareness of stalking and the availability of services for stalking victims; and

(2) the House of Representatives urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through National Stalking Awareness Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today I rise in support of H. Res. 852, joining the strong bipartisan effort to raise awareness in the toll that stalking takes on our society. Every year, stalking affects approximately 1.4 million Americans of both genders, all races, ages, sexual orientation, disabilities, and economic status.

The consequences of stalking are serious. Stalking can paralyze the victim with fear, which is well founded, because stalking often leads to physical attacks from the victim. Indeed, the overwhelming majority of States, the District of Columbia, and the Federal Government not only recognize stalking as a crime, but categorize it as a felony.

Stalkers cause their victims severe emotional distress, including anxiety, insomnia, social dysfunction and depression, all of which can affect all aspects on a person's life, including family, social activities and work. In fact, the emotional distress is so disabling that 11 percent of stalking victims have been forced to relocate their homes, 30 percent report seeking psychological counseling, and 74 percent report being stalked in a way that interferes with their employment.

Of course, the ultimate threat of stalking is to the victim's very life.

Over 75 percent of women murdered by an intimate partner had been stalked by that partner, and 54 percent of female murder victims had reported being stalked to police before being killed by their stalkers. With the rapid advancements in technology, stalkers

have ever-increasing access to personal information of their victims, raising their victims' vulnerability to an all-time high.

For these reasons, I urge my colleagues to join me in supporting H. Res. 852 and recognizing January 2008 as National Stalking Awareness Month.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I support House Resolution 852 and commend the sponsor of this legislation, my friend and Texas colleague, Representative TED POE, for his dedication and commitment to this issue.

The goal of this resolution is to raise awareness and encourage prevention of stalking by establishing January 2008 as National Stalking Awareness Month.

Stalking, conduct intended to instill fear in a victim, is a crime that occurs in every State in our Nation. Stalkers pursue and harass victims and, in some cases, use the Internet to cyberstalk victims. Cyberstalkers can systematically flood their target's e-mail inbox with obscene, hateful, or threatening messages.

Cyberstalkers may also assume the identity of their victim and post information, fictitious or not, to solicit unwanted responses from others. Although cyberstalking does not involve physical contact with the victim, it is still a serious crime. The widespread use of the Internet and the ease with which hackers can find personal information has made this form of stalking more accessible.

According to the National Center for Victims of Crime, over 1 million women and almost 400,000 men are stalked each year in the United States. In fact, most victims, 77 percent of women and 64 percent of men, know their stalkers. These statistics are a jarring reminder of the scope and seriousness of this crime.

By establishing January 2008 as National Stalking Awareness Month, Congress educates Americans about stalking, recognizes and applauds law enforcement officials and victim service providers for their efforts to combat stalking, and increases awareness of services available to stalking victims.

Madam Speaker, I urge colleagues to support this bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I recognize my colleague and friend from Texas, the author of this resolution, Mr. POE.

Mr. POE. I want to thank the gentleman from Texas for yielding.

Madam Speaker, as the sponsor of the 2008 National Stalking Awareness Month resolution, I hope this resolution serves as a unifying force for community leaders, policymakers, victim service providers, and able to educate Americans on the serious dangers of stalking. It is a crime that annually affects more than 1 million women and over 400,000 men in our country.

As the cochairman and founder of the Congressional Victims Rights Caucus, and my experience as a prosecutor and a judge, I had met with countless victims and victim service providers about the dangers of stalking.

Unfortunately, stalking is not an isolated occurrence. Two-thirds of the stalkers pursue their victims at least once a week, sometimes daily. Victims often feel that there is no safe place for them to go, no safe place to hide, not even in their homes. Stalking forces victims to relocate, lose their jobs, and cycle into severe depression and anxiety. Some victims live in quiet, desperate lives of fear.

With today's advanced technology, protecting Americans from stalking is even more challenging. Stalkers have a wide range of technologies to pursue on their victims. They use cell phones. They use fax machines, computer spyware, and GPS systems all to track the victim. The Internet now serves cyberstalkers looking for a place to threaten and harass. Even pedophiles on the prowl use cyberstalking for their next victim.

Stalking rates are on the rise because of the new technologies in the Internet. Stalking has only been criminalized in our country for 28 years. California was the first State to make stalking a crime. Like domestic violence, stalking is about power, intimidation, and control over the victim.

While stalking is now a crime in every State and the District of Columbia and the Federal Government, stalking often leads to other crimes, including physical assault, sexual assault, and murder. Stalking laws are basic to the individual right to be left alone and the right of privacy.

The best way to attack the threat of stalking is through law enforcement and education.

I encourage victim service providers, law enforcement, prosecutors, and community leaders to promote awareness of stalking, and I thank them for their efforts in making life better for victims.

Mr. SMITH of Texas. Madam Speaker, I yield 4 minutes to my friend from California (Mr. ROYCE) who is the original author of the Interstate Stalking Punishment and Prevention Act.

Mr. ROYCE. Madam Speaker, I rise in support of this resolution. I was the author of both the California law that first criminalized the act of stalking, first made it a felony, and then the Federal law some years later in 1996, which proceeded to do the same thing.

I thought I would share with the Members here some of the experiences of some of the victims that have gone through this particularly hellish nightmare of stalking. The case that I think carried the day in California in the State legislature was that of Kathleen Gallagher Baty, who was our witness, and she came back here and testified as well on behalf of this legislation.

Kathleen had been on the track team, I think it was UCLA at the time. She did not even know her stalker, but he became obsessed with this young woman. Throughout college, throughout her career, he managed to stalk and attempt to apprehend her. Time after time, there was nothing law enforcement could do except to really say, well, until he catches you, our hands are tied.

We had one period of time in 6 weeks when four different young women, all known to law enforcement, all believed to be in danger in Orange County, California, were all killed. In law enforcement, one of the officers told me, The worst thing for me personally that I have ever had to do with this job was to convey to her that our hands were tied until she was attacked.

He said, As a matter of fact, I was waiting to try to apprehend her stalker in the act of the attack, but, unfortunately, he killed her first, and then he killed himself when I tried to apprehend him.

Well, with Kathleen Gallagher's case, this finally ended. I had gotten a note from her father about what she had been through in her life. This finally ended on a porch in which he held her at knifepoint until she finally managed to get away. But because he hadn't drug her more than 800 feet, it was not an act of him trying to kidnap her under the law.

So looking at what had to be done, clearly, we had to take the action of stalking, define it as a crime in and of itself so that law enforcement could then intervene in these cases and tell a young man, Listen, these acts of threatening to kill your victim, telling her, if you can't have her, nobody can, threatening her in this way is now a felony.

That's what we did in California. Many other States picked this up. In 1996, I introduced the Interstate Stalking Punishment and Prevention Act here in Congress. We were able to get it through the House and the Senate, and it was signed by the President.

But what I wanted to share with the Members is that we have talked a little bit today about the 1.4 million victims every year. But this act is now law in countries, in Europe; it's now law in Japan. My office has been contacted over the years by many, many governments overseas, many legislators, parliamentarians who have said, We have this same phenomenon in our own country. If we gave law enforcement this ability to intercede in advance, we could protect the lives of many, many victims.

So I just wanted to share with the Members here a little bit of the history of the act. I would like to take this opportunity also to recognize Colleen Campbell, along with some of the other

Orange County victims' rights groups that worked over the years to get victims the rights they deserve. They worked on this particular act and also on proposition 115 out in California, the Crime Victims/Speedy Trial Initiative, which I cochaired and which was passed overwhelmingly by the voters in our State.

One of my hopes is that we can follow this up with Federal law at some point in time that does more than just put it in statute but that puts into the Constitution some of these basic rights.

But, in the meantime, the fact that we are establishing January as National Stalking Awareness Month gives us the opportunity to get the word out to young people, to those who are victims of obsessed stalkers, that there is a place they can turn to for help, and to remind law enforcement, and I wish we did more to train law enforcement in this particular area because I think there is a lot they can do to intercede, but to remind them of the ability to step in and remind those young, obsessed people who are threatening the life of someone, threatening someone with bodily harm, this is now a felony in the United States of America and you can serve 5 years in a Federal penitentiary.

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Mr. SCOTT of Virginia. Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT) who is a senior distinguished member of the Judiciary Committee.

Mr. CHABOT. Madam Speaker, I rise in support of H. Res. 852, a resolution which establishes January 2008 as National Stalking Awareness Month. And I thank the gentleman from Texas (Mr. POE) for his leadership on this issue. I also thank the ranking member, the gentleman from Texas (Mr. SMITH) for his leadership, as well as the gentleman from Virginia (Mr. SCOTT).

Last year, 2007 represented the first national effort to recognize January as National Stalking Awareness Month. I would encourage all of my colleagues to continue their support for this resolution since stalking is much more dangerous than many people believe it is.

Unlike the glamorized stalking scenes depicted in some Hollywood movies, in reality stalking is dangerous and considered a criminal act in all 50 States and in the District of Columbia and by the Federal Government. More than 1.4 million Americans are victims of stalkers in this country every year. Stalking victims are both men and women from all socioeconomic backgrounds, and they are often stalked by intimate partners.

Additional statistics released by the National Center for Victims of Crime are even more disturbing. These statistics reveal that 81 percent of female stalking victims are also physically assaulted. One out of every five stalking cases involves the use of a weapon, and one-third of stalkers are repeat offenders. They have done it before.

These statistics indicate that stalking is not as harmless as some would lead us to believe in the movies or on television shows. We must continue to bring attention to the dangers stalkers pose in our communities and the services and the resources available to respond and address this criminal activity. Passage of H. Res. 852 is an important step in accomplishing this goal.

I thank the gentleman from Texas (Mr. POE) and the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) for their leadership on this issue. I encourage my colleagues to support this resolution.

Mr. SMITH of Texas. Madam Speaker, I have no other speakers, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I thank my colleagues for their leadership on this issue and I urge the House to support this important legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 852, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION REAUTHORIZATION AND IMPROVEMENT ACT OF 2008

Mr. SCOTT of Virginia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3992) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3992

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 ''Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Reauthorization of the Adult and Juvenile Collaboration Program Grants.
Sec. 4. Law enforcement response to mentally ill offenders improvement grants.
Sec. 5. Effective treatment of female offenders with mental illnesses.
Sec. 6. Grants to expand capabilities and effectiveness of correctional agency identification and treatment plans for mentally ill offenders.
Sec. 7. Statewide planning grants to improve treatment of mentally ill offenders.
Sec. 8. Improving the mental health courts grant program.
Sec. 9. Study and report on prevalence of mentally ill offenders.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Communities nationwide are struggling to respond to the high numbers of people with mental illnesses involved at all points in the criminal justice system.

(2) A 1999 study by the Department of Justice estimated that 16 percent of people incarcerated in prisons and jails in the United States, which is more than 300,000 people, suffer from mental illnesses.

(3) Rates of mental illness among women in jail are almost twice that of men.

(4) Los Angeles County Jail and New York's Rikers Island jail complex hold more people with mental illnesses than the largest psychiatric inpatient facilities in the United States.

(5) State prisoners with a mental health problem are twice as likely as those without a mental health problem to have been homeless in the year before their arrest.

(6) Reentry planning for inmates with mental illnesses is the least frequently endorsed mental health service by jail administrators.

SEC. 3. REAUTHORIZATION OF THE ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS THROUGH 2014.—Section 2991(h) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in paragraph (1), by striking ''and'';

(2) in paragraph (2), by striking ''for fiscal years 2006 through 2009.'' and inserting ''for each of the fiscal years 2006 through 2007; and''; and

(3) by adding at the end the following new paragraph:

''(3) $75,000,000 for each of the fiscal years 2008 through 2014.''.

(b) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—Section 2991(h) of such title is further amended—

(1) by redesignating paragraphs (1), (2), and (3) (as added by subsection (a)(3)) as subparagraphs (A), (B), and (C), respectively;

(2) by striking ''There are authorized'' and inserting ''(1) IN GENERAL.—There are authorized''; and

(3) by adding at the end the following new paragraph:

''(2) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—For fiscal year 2008 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 percent for the administrative expenses of the Attorney General in carrying out this section for such fiscal year.''.

(c) NO MINIMUM ALLOCATION.—Section 2991 of such title is further amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(d) ADDITIONAL APPLICATIONS RECEIVING PRIORITY.—Subsection (c) of such section is amended to read as follows:

''(c) PRIORITY.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

''(1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;

''(2) promote effective strategies for identification and treatment of female mentally ill offenders; or

''(3)(A) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

''(B) demonstrate the active participation of each co-applicant in the administration of the collaboration program;

''(C) document, in the case of an application for a grant to be used in whole or in part to fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and re-entry services for such individuals; and

''(D) have the support of both the Attorney General and the Secretary.''.

SEC. 4. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

(a) IN GENERAL.—Part HH of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is further amended by adding at the end the following new section:

''SEC. 2992. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

''(a) AUTHORIZATION.—The Attorney General is authorized to make grants to States, units of local government, Indian tribes, and tribal organizations for the following purposes:

''(1) TRAINING PROGRAMS.—To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

''(2) RECEIVING CENTERS.—To provide for the development of specialized receiving centers to assess individuals in the custody of law enforcement personnel for mental health and substance abuse treatment needs.

''(3) IMPROVED TECHNOLOGY.—To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice system personnel to improve the response of such respective personnel to mentally ill offenders.

''(4) COOPERATIVE PROGRAMS.—To provide for the establishment and expansion of cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety through the use of effective interventions with respect to mentally ill offenders.

''(5) CAMPUS SECURITY PERSONNEL TRAINING.—To provide for programs that offer campus security personnel training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

''(b) BJA TRAINING MODELS.—For purposes of subsection (a)(1), the Director of the Bureau of Justice Assistance shall develop training models for training law enforcement personnel in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

''(c) MATCHING FUNDS.—The Federal share of funds for a program funded by a grant received under this section may not exceed 75 percent of the costs of the program unless the Attorney General waives, wholly or in part, such funding limitation. The non-Federal share of payments made for such a program may be made in cash or in-kind, fairly evaluated, including planned equipment or services.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $10,000,000 for each of the fiscal years 2008 through 2014.''.

(b) CONFORMING AMENDMENT.—Such part is further amended by amending the part heading to read as follows: ''**PART HH—GRANTS TO IMPROVE TREATMENT OF OFFENDERS WITH MENTAL ILLNESSES**''.

SEC. 5. EFFECTIVE TREATMENT OF FEMALE OFFENDERS WITH MENTAL ILLNESSES.

Part HH of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 4, is further amended by adding at the end the following new section:

''SEC. 2993. GRANTS FOR THE EFFECTIVE TREATMENT OF FEMALE OFFENDERS WITH MENTAL ILLNESSES.

''(a) AUTHORIZATION.—The Attorney General is authorized to make grants to States, units of local government, Indian tribes, and tribal organizations to provide any of the following services, with respect to a female offender with a mental illness:

''(1) Mental health treatment.

''(2) Intensive case management services that are coordinated and designed to provide the range of services needed to address treatment or assistance needs of the offender, with respect to any criminal behavior, substance abuse, psychological abuse, physical abuse, housing, employment, and medical needs.

''(3) In the case that the offender has a child, family support services needed to ensure the maintenance of a relationship between the offender and such child.

''(4) Related mental health services for any children of the offender, as needed.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $5,000,000 for each of the fiscal years 2008 through 2014.''.

SEC. 6. GRANTS TO EXPAND CAPABILITIES AND EFFECTIVENESS OF CORRECTIONAL AGENCY IDENTIFICATION AND TREATMENT PLANS FOR MENTALLY ILL OFFENDERS.

Part HH of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by sections 4 and 5, is further amended by adding at the end the following new section:

''SEC. 2994. GRANTS TO EXPAND CAPABILITIES AND EFFECTIVENESS OF CORRECTIONAL FACILITY IDENTIFICATION AND TREATMENT PLANS FOR MENTALLY ILL OFFENDERS.

''(a) AUTHORIZATION.—The Attorney General is authorized to make grants to States, units of local government, Indian tribes, and tribal organizations in accordance with this section for any of the following purposes:

''(1) To provide correctional facilities within the respective jurisdiction with the capacity (or improved capacity), with respect to inmates of such facilities who have mental illnesses, to—

''(A) assess the clinical and social needs of such inmates and the extent to which such inmates pose any public safety risks to the community;

''(B) plan for and provide treatment and services to address the unique needs of such inmates;

''(C) identify and coordinate with community and correctional programs responsible for post-release services; and

''(D) coordinate the transition plans for such inmates to ensure the implementation of such plans and to avoid gaps in care with community-based services.

''(2) To provide for the standardization of screening and assessment practices to identify inmates with mental illnesses.

''(3) To provide for local task forces to identify essential community services for inmates with mental illnesses upon the reentry of such inmates into the community.

''(4) To coordinate planning for the transition of inmates with mental illnesses who are released from correctional facilities and reenter the community.

''(5) To provide for housing options for individuals with mental illnesses who reenter the community that provide support for the unique needs of such individuals.

''(6) To continue and improve—

''(A) mental health programs provided at correctional facilities within the respective jurisdiction; or

''(B) alternative programs to incarceration for individuals with mental illnesses.

''(7) To support the development of community crisis services that are for individuals who are at risk of arrest or incarceration and which are designed to prevent or mitigate a crisis by assessing the individual and crisis involved, providing supportive counseling to the individual, and referring the individual to appropriate community services to stabilize the individual's condition and prevent arrest or incarceration, respectively.

''(8) To support forensic assertive community treatment teams for individuals with serious mental illnesses (as defined for purposes of title V of the Public Health Service Act) who reenter prison.

''(9) To provide for integrated mental health treatment and substance abuse treatment.

''(10)(A) To designate staff to assist inmates of correctional facilities within the respective jurisdiction, in—

''(i) identifying benefits for which they may be eligible; and

''(ii) collecting necessary supporting materials (including medical records) and making applications for income support, health care, food stamps, veterans' benefits, TANF, or other benefit programs.

''(B) To contract with local community mental health entities to perform the activities described in clauses (i) and (ii) of subparagraph (A).

''(11) To work with the necessary agencies and entities for transition planning for such inmates reentering the community, including any needed applications and paperwork.

''(12) To assist such inmates to obtain, or if necessary create and prepare, photo identification documents for use upon release.

''(13) To create links with local community mental health providers for case management services for inmates prior to their release from a correctional facility in order to link them with housing, employment, and other key services and benefits.

''(b) REQUIREMENTS FOR APPLICATION.—To be eligible to receive a grant under subsection (a) for a given fiscal year, an entity described in such subsection shall submit to the Attorney General an application in such form and manner and at such time as specified by the Attorney General. In addition to any other information specified by the Attorney General, such application shall contain the following information:

''(1) The number and percentage of offenders in prisons, jails, and juvenile facilities during the previous year—

''(A) who were in the custody of the jurisdiction involved;

''(B) who required mental health treatment; and

''(C) for whom the prison, jail, or juvenile facility involved provided such treatment.

''(2) A good faith estimate of the number and percentage of offenders in prisons, jails, and juvenile facilities who are predicted to meet the criteria described in each of subparagraphs (A), (B), and (C) of paragraph (1) during such year, if the entity receives such grant for such year.

''(c) ALLOCATION OF GRANT AMOUNTS BASED ON MENTAL HEALTH TREATMENT PERCENT DEMONSTRATED.—In allocating grant amounts under this section, the Attorney

General shall base the amount allocated to an entity for a fiscal year on the percent of offenders described in subsection (b) to whom the entity provided mental health treatment in the previous fiscal year, as demonstrated by the entity in its application under such subsection.

''(d) TECHNICAL ASSISTANCE.—The Attorney General may provide technical assistance to any entity awarded a grant under this section to establish or expand mental health treatment services under this section if such entity does not have any (or has only a few) prisons, jails, or juvenile facilities that offer such services.

''(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of such grant.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $10,000,000 for each of the fiscal years 2008 through 2014.''.

SEC. 7. STATEWIDE PLANNING GRANTS TO IMPROVE TREATMENT OF MENTALLY ILL OFFENDERS.

Part HH of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by sections 4, 5, and 6, is further amended by adding at the end the following new section:

''SEC. 2995. PLANNING GRANTS TO IMPROVE TREATMENT OF MENTALLY ILL OFFENDERS.

''(a) AUTHORIZATION.—The Attorney General is authorized to carry out a grant program under which the Attorney General makes grants to States, units of local government, territories, and Indian tribes for the following purposes, with respect to the treatment of offenders with mental illnesses:

''(1) To facilitate the coordination of treatment and services provided for such offenders by the State and other units of government located within the State (including local, territorial, and tribal).

''(2) To provide for a State administrator (or other appropriate jurisdictional administrator) to coordinate such treatment and services provided within the State (or other jurisdiction).

''(3) To develop a comprehensive plan for the provision of such treatment and services to such offenders within such State.

''(4) To establish a coordinating center, with respect to a State, to—

''(A) facilitate the sharing of information related to such treatment and services for such offenders among the jurisdictions located in such State; and

''(B) promote evidence-based practices for purposes of providing such treatment and services.

''(b) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application, in such form and manner and at such time as specified by the Attorney General, which shall include a proposal that describes how—

''(A) the grant will be used to fund mental health treatment and services for jail and prison populations that are identified as savings populations for such entity; and

''(B) any savings accruing to the State or other applicable jurisdiction from providing such population with such treatment and services would be used to increase the availability and accessibility of community-based mental health services.

''(2) SAVINGS POPULATION.—For purposes of paragraph (1), the term 'savings population' means a population that, if in receipt of mental health treatment and services for jail and prison populations, would potentially generate savings to the State or other applicable jurisdiction.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this section for each of the fiscal years 2008 through 2013.''.

SEC. 8. IMPROVING THE MENTAL HEALTH COURTS GRANT PROGRAM.

(a) REAUTHORIZATION OF THE MENTAL HEALTH COURTS GRANT PROGRAM.—Section 1001(a)(20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(20)) is amended by striking ''fiscal years 2001 through 2004'' and inserting ''fiscal years 2008 through 2014''.

(b) ADDITIONAL GRANT USES AUTHORIZED.—Section 2201 of such title (42 U.S.C. 3796ii) is amended—

(1) in paragraph (1) at the end, by striking ''and'';

(2) in paragraph (2) at the end, by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(3) pretrial services and related treatment programs for offenders with mental illnesses; and

''(4) developing, implementing, or expanding programs that are alternatives to incarceration for offenders with mental illnesses.''.

SEC. 9. STUDY AND REPORT ON PREVALENCE OF MENTALLY ILL OFFENDERS.

(a) STUDY.—The Attorney General shall provide for a study of the following:

(1) The rate of occurrence of serious mental illnesses in each of the following populations:

(A) Individuals, including juveniles, on probation.

(B) Individuals, including juveniles, incarcerated in a jail.

(C) Individuals, including juveniles, incarcerated in a prison.

(D) Individuals, including juveniles, on parole.

(2) For each population described in paragraph (1), the percentage of individuals with serious mental illnesses who, at the time of the arrest, are eligible to receive supplemental security income benefits, social security disability insurance benefits, or medical assistance under a State plan for medical assistance under title XIX of the Social Security Act.

(3) For each such population, with respect to a year, the percentage of individuals with serious mental illnesses who—

(A) were homeless (as defined in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)) at the time of arrest; and

(B) were homeless (as so defined) during any period in the previous year.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the results of the study under subsection (a).

(c) DEFINITION OF SERIOUS MENTAL ILLNESS.—For purposes of this section, the term ''serious mental illness'' has the meaning given such term for purposes of title V of the Public Health Service Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for fiscal year 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3992, the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007. Since the 1960s, State mental health hospitals have increasingly reduced their populations of mentally ill individuals in response to a nationwide call for deinstitutionalization.

The move toward deinstitutionalization was based on the fact that mentally ill individuals are constitutionally entitled to refuse treatment, or at least to have it provided in the least restrictive environment. Unfortunately, neither the local governments for the States nor the Federal Government have invested the necessary resources to meet the needs for community-based mental health treatment and services created and needed by deinstitutionalization.

A 2006 report by the United States Department of Justice Bureau of Justice Statistics entitled ''Mental Health Problems of Prison and Jail Inmates'' suggests that the criminal justice system has become, by default, the primary caregiver of the most seriously mentally ill individuals. The bureau reports that over one-half of the prison and jail population of this country is mentally ill. More specifically, 56 percent of State prisoners, 45 percent of Federal prisoners, and 64 percent of jail inmates have some degree of mental illness.

The National Alliance for the Mentally Ill reports that, on any given day, there are at least 284,000 seriously mentally ill people in hospitals and jails in this country, such as people suffering from schizophrenia, bipolar disorder, or serious depression. However, only 187,000 of them are in mental health facilities. This issue is of particular concern in Virginia, my home State.

In August of 2007, the Virginia General Assembly's Joint Legislative Audit and Review Commission released a 200-page report on the state of mental health services in Virginia. The report revealed a number of disturbing facts, among them that there are more people with mental illness behind bars in Virginia than there are in mental health facilities, with hospital care accounting for only a fraction of the needs of our State's estimated 400,000 mentally ill individuals in Virginia.

Since deinstitutionalization in Virginia, the daily number of mentally ill adults in State hospitals has dropped

from 11,532 to 1,452, a drop of 87 percent. Of the 6,350 mentally ill individuals in hospitals and jails on a given day, 60 percent were actually in jails because regional mental health facilities are not providing inpatient mental health services.

Since 1991, the number of psychiatric beds available has dropped by 800, or 31 percent, and the beds that are available are concentrated in one area of the State. In fact, there are no free-standing, profitable psychiatric hospitals west of Richmond.

These findings in Virginia are similar to those across the Nation that were discussed at a hearing that we held this spring in our subcommittee which revealed that our criminal justice system is serving as the primary caregiver for our mentally ill individuals.

One piece of good news in all of this focus on mental health in the criminal justice system is that mental health courts have proven to be a helpful tool for helping mentally ill individuals in several communities that have such programs. H.R. 3992 will assist further in this regard.

First, it will reauthorize the Mentally Ill Offender Treatment and Crime Reduction grant program, increasing the current authorization from $50 million to $75 million. It will also reauthorize the mental health courts program, and will expand the permissible use of funds to include pretrial services and funding for alternatives to incarceration.

Additionally, H.R. 3992 creates four new grant programs. One will provide grants to States and other law enforcement agencies to help officers learn how to access individuals with mental health illnesses and to work with the local agencies to provide the most effective placement for a person in custody.

Another program will provide grants to help correctional agencies learn how to identify and screen mentally ill prisoners so they can get help while incarcerated, or even be placed in alternatives to incarceration. These grants will also help correctional services plan for reentry into the community.

Another program provides grants to States to coordinate and improve the treatment of mentally ill offenders, including facilitating information sharing between agencies. The grant will also encourage States to promote evidence-based practices to improve treatment and services.

Lastly, a new program will provide States and units of local government to improve the treatment of female offenders with mental illnesses and create family support services and intensive case management.

The total cost for the new programs will be $35 million for fiscal years 2008 through 2013. That amount is much less than we are currently spending on incarcerating mentally ill offenders who often have to be placed not only in isolated cells, but also in isolated areas to avoid disturbance of other inmates.

Despite common misconceptions, the majority of mentally ill people who are arrested and incarcerated are low-level, nonviolent offenders. These programs will help jurisdictions to assist mentally ill persons and help keep them from unnecessarily going to jails and prisons.

I urge my colleagues to support the bill, and I include for the RECORD a letter from the Council of State Governments Justice Center in support of this legislation.

JUSTICE CENTER,
THE COUNCIL OF STATE GOVERNMENTS,
Bethesda, MD, October 24, 2007.

Hon. ROBERT C. SCOTT,
Longworth House Office Building, Washington, DC.

Hon. RANDY FORBES,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN SCOTT AND FORBES: On behalf of the Council of State Governments (CSG) Justice Center, we want to thank you for introducing the ''Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007''. We are grateful to you for your leadership and continued support of the program.

The CSG Justice Center serves all states to promote effective data-driven practices—particularly in areas in which the criminal justice system intersects with other systems, such as mental health—to increase public safety and strengthen communities. Consistent with this mission, we have committed for some time to convening and supporting leaders in the criminal justice and mental health systems to improve the criminal justice system's response to people with mental illness.

Since the authorization of the Mentally Ill Offender Act, the program has helped states and counties design and implement collaborative efforts between the criminal justice and mental health systems. The grants can be used for a broad range of activities, including mental health courts, mental health and substance abuse treatment for incarcerated mentally ill offenders, community reentry services, and cross-training of criminal justice, law enforcement, and mental health personnel.

As you know, approximately 16 percent of the adult jail and prison population (350,000 individuals) has a serious mental illness, according to a study by the Justice Department's Bureau of Justice Statistics. The DOJ also estimates that the prevalence of emotional disturbances among youth in our juvenile justice facilities is even higher. Many of these individuals have not been charged with violent crimes, but rather low level misdemeanors. Treating offenders with mental illnesses in the community can save money by avoiding the high cost-per-day of jail and prison stays and expensive psychiatric services during incarceration. The Mentally Ill Offender program provides assistance to states and communities to develop new—or expand existing—programs that can both increase public safety and help these individuals return to productive lives.

We are very grateful for your continued leadership on this important issue. We look forward to working with you in support of the Mentally Ill Offender Treatment and Crime Reduction Reauthorization Act. Its enactment is one of our top federal priorities.

Sincerely,

MICHAEL FESTA,
Executive Secretary of Elder Affairs, Commonwealth of Massachusetts.

THOMAS STICKRATH,
Director. Ohio Department of Youth Service.

SHARON KELLER,
Presiding Judge, Court of Criminal Appeals, Texas.

PAT COLLOTON,
Kansas House of Representatives.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I support H.R. 3992, the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act.

This legislation addresses the unique challenges that mentally ill offenders create for our criminal justice system.

I commend Chairman CONYERS, subcommittee Chairman SCOTT, subcommittee ranking member GOHMERT, and the many advocacy groups for their dedication and hard work to address this problem.

Madam Speaker, 16 percent of the prison or jail population, or over 1 million prisoners, have a serious mental illness. The Los Angeles County Jail and New York City's Rikers Island Jail house more people with mental illnesses than the largest psychiatric inpatient facilities in the United States. The problem is more than one-fifth of jails have no access to any mental health services at all.

Many criminal justice agencies are unprepared to address the treatment and needs of individuals with mental illness. Jails and prisons require extra staff and treatment resources for inmates with mental illness. In addition, mentally ill offenders can be affected psychologically by incarceration.

H.R. 3992 represents an innovative and new approach to the challenge of mentally ill criminal offenders. This legislation is an important step toward treating mentally ill offenders in a humane and appropriate way.

H.R. 3992 reauthorizes the Mentally Ill Offender Treatment and Crime Reduction Act, which encourages early intervention for individuals with mental illness, reauthorizes the mental health courts program, and maximizes alternatives to incarceration for nonviolent offenders with mental illness.

The legislation also encourages training on mental health and substance abuse issues, establishes new State and local planning grants to address the needs of mentally ill offenders, and facilitates communication, collaboration, and the delivery of support services among justice professionals, related service providers, and governmental partners.

I urge my colleagues to support this legislation.

Mr. CONYERS. Madam Speaker, I rise to voice my strong support for the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007. This legislation would provide grants for improved

mental health treatment and services provided to offenders with mental illness.

Over the course of the past three decades, as our country's mental health infrastructure has deteriorated, many mentally ill individuals have been forced to fend for themselves on the street. Oftentimes, these individuals end up in jail or prison for offenses related to their illness.

Unfortunately, our jails and prisons have become the sanatoriums of the 21st century. As mental institutions have closed down, jails and prisons have filled up. In fact, prisons currently hold three times more mentally ill people than do psychiatric hospitals, and prisoners have rates of mental illness that can be as high as four times the rate of the general population.

Not surprisingly, the prison system is ill-equipped to deal with the growing number of prisoners requiring psychiatric care. Jails and prisons do not have adequate resources to properly evaluate incarcerated individuals for mental health and substance abuse problems. Police and other law enforcement officials are generally not trained to handle mentally ill offenders. Mental health services may be provided, but they are often underfunded and inadequate.

H.R. 3992, the "Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007," addresses this problem by establishing grants for programs training law enforcement officials to better identify prisoners with mental illness and respond to their needs. In addition, H.R. 3992 would authorize funding for developing receiving centers to assess individuals in law enforcement custody for mental health and substance abuse treatment. Such funding would also be used to improve technology to facilitate information sharing among law enforcement and criminal justice personnel, as well as to promote evidence-based mental health care practices in correctional facilities.

Madam Speaker, it is our moral responsibility to provide timely, appropriate and adequate health care to those in the custody of our correctional system. The treatment of mental illness should be no exception.

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

Mr. SCOTT of Virginia. Madam Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3992, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEATH IN CUSTODY REPORTING ACT OF 2008

Mr. SCOTT of Virginia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3971) to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3971

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 "Death in Custody Reporting Act of 2008".

SEC. 2. INFORMATION REGARDING INDIVIDUALS WHO DIE IN THE CUSTODY OF LAW ENFORCEMENT.

(a) IN GENERAL.—For each fiscal year after the expiration of the period specified in subsection (b)(1) in which a State receives funds for a program referred to in subsection (b)(2), the State shall report to the Attorney General, on a quarterly basis and pursuant to guidelines established by the Attorney General, information regarding the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, State-run boot camp prison, boot camp prison that is contracted out by the State, any State or local contract facility, or other local or State correctional facility (including any juvenile facility) that, at a minimum, includes—

(1) the name, gender, race, ethnicity, and age of the deceased;

(2) the date, time, and location of death;

(3) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and

(4) a brief description of the circumstances surrounding the death.

(b) COMPLIANCE AND INELIGIBILITY.—

(1) COMPLIANCE DATE.—Each State shall have not more than 30 days from the date of enactment of this Act to comply with subsection (a), except that—

(A) the Attorney General may grant an additional 30 days to a State that is making good faith efforts to comply with such subsection; and

(B) the Attorney General shall waive the requirements of subsection (a) if compliance with such subsection by a State would be unconstitutional under the constitution of such State.

(2) INELIGIBILITY FOR FUNDS.—For any fiscal year after the expiration of the period specified in paragraph (1), a State that fails to comply with subsection (a) shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the State under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Local Government Law Enforcement Block Grants Program, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(c) REALLOCATION.—Amounts not allocated under a program referred to in subsection (b)(2) to a State for failure to fully comply with subsection (a) shall be reallocated under that program to States that have not failed to comply with such subsection.

(d) DEFINITIONS.—In this section the terms "boot camp prison" and "State" have the meaning given those terms, respectively, in section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)).

SEC. 3. STUDY OF INFORMATION RELATING TO DEATHS IN CUSTODY.

(a) STUDY REQUIRED.—The Attorney General shall, subject to the availability of appropriations under subsection (d), through grant or contract, provide for a study of the information reported under section 2 (regarding the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, State-run boot camp prison, boot camp prison that is contracted out by the State, any State or local contract facility, or other local or State correctional facility (including any juvenile facility)) to—

(1) determine means by which such information can be used to reduce the number of such deaths; and

(2) examine the relationship, if any, between the number of such deaths and the actions of management of such jails, prisons, and other correctional facilities relating to such deaths.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Attorney General shall prepare and submit to Congress a report that contains the findings of the study required by subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for fiscal year 2009. Funds appropriated under this subsection shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3971 is entitled the Death in Custody Reporting Act of 2008. It will reauthorize the Death in Custody Reporting Act of 2000 which actually expired on December 31, 2006.

□ 1445

This is a bipartisan effort which I introduced with my colleague from Virginia, Representative RANDY FORBES, and who was, at that time, the ranking member of the Subcommittee on Crime. Its purpose is to provide continued and improved oversight over the conduct of law enforcement officials during arrest and imprisonment of fellow citizens.

Before the enactment of the Death in Custody Act of 2000, States and localities had no uniform requirements for reporting the circumstances surrounding the deaths of persons in their custody, and some had no system for requiring such reports. The lack of uniform reporting requirements made it impossible to ascertain how many people were dying in custody and from what causes, although estimates by those concerned suggested that there were more than 1,000 deaths in custody each year, some under very suspicious circumstances.

Consequently, an environment of suspicion and concern arose surrounding

many of those deaths. Some that were ruled suicides or deaths from natural causes were suspected of being homicides committed by officers, fellow prisoners or others. Indifference to prisoner rights and the safety of those in custody made scrutiny of suspected deaths a low priority, so such questionable causes were rarely investigated.

In the mid-1980s, researchers, reporters, prison and jail accreditation organizations, prison reformers, activists, and others began to give more scrutiny to the death rate in our Nation's jails and prisons and to the fact that such deaths were not being routinely reported to anybody.

In fact, by 1986, only 25 States and the District of Columbia even had jail inspection units. Moreover, even the States that did report deaths did it on the basis of different reporting standards. The insufficient data and the lack of uniformity of the data collected made oversight of prisoner safety woefully inadequate.

However, the interest in oversight that emerged shed light on the conditions in State and local jails, which began a rising tide of wrongful death litigation. The increasing litigation forced some measure of accountability, and conditions somewhat improved. Moreover, activism and news of the litigation spurned by media interests, and that shed further light on the conditions in our present jails and prisons.

The watershed moment for bringing the death in custody rate to national attention occurred in 1995. After a 1-year investigation by journalist Mike Masterson into prison conditions and the death rate of persons in custody, the Asbury Park Press of New Jersey ran a series of award-winning editorials that brought the seriousness of the lack of reporting to the Nation's attention. The editorials went on to detail abuses, including racially motivated violence, overzealous police investigations, cover-ups and general law enforcement incompetence, which prompted Congress to take action.

Following successive introduction of bills in several Congresses by my colleagues from Arkansas, first Representative Tim Hutchinson, then later Representative Asa Hutchinson, the Death in Custody Reporting Act of 2000 was passed. The law required States receiving certain Federal grants to comply with reporting requirements established by the Attorney General.

Since the enactment in 2000, the Bureau of Justice Statistics has compiled a number of statistics detailing the circumstances of prisoner deaths, the rate of deaths in prison and jails, and the rate of deaths based on the size of various facilities and so forth. But the most astounding statistic reported since the enactment of the bill before is the latest Bureau of Justice statistics report dated August 2005, which shows a 64 percent decline in suicides and a 93 percent decline in homicides in custody since 1980. Those statistics showing a significant decline in the death rate in our Nation's prisons and jails since stricter oversight has been in place suggest that the oversight measures, such as the Death in Custody Reporting Act, play an important role in ensuring the safety and security of prisoners who are in the custody of State facilities.

In considering the reauthorization of the bill, the Subcommittee on Crime, Terrorism and Homeland Security examined the statistics and heard testimony from witnesses whose testimony also supported the suggestion that oversight has actually improved conditions. Convinced of the effectiveness of the Death in Custody Act, we resolved to not only reauthorize it but also improve it.

To ascertain the most effective use of the statistical data, H.R. 3971 differs from the original bill in that it authorizes $500,000 for a study to determine which policies and procedures have, in fact, led to or at least assisted the decreasing death rate among prisoners.

Madam Speaker, I would like to thank my good friend, Mr. FORBES, for his support of the bill. I encourage my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I support H.R. 3971, the Death in Custody Reporting Act of 2007, and commend Chairman CONYERS, Crime Subcommittee Chairman SCOTT, and Crime Subcommittee Ranking Member GOHMERT for their commitment to this bipartisan legislation.

The Death in Custody Reporting Act of 2000 directed the Justice Department's Bureau of Justice Statistics to collect data on deaths that occur in the process of arrest or during transfer after arrest, as well as deaths that occur in jails and prisons.

H.R. 3971 reauthorizes this data collection program and directs the Attorney General to commission a study to determine how to reduce deaths in custody and to examine the relationship between deaths in custody and the management of jail and prison facilities.

The Bureau of Justice Statistics reports that between 2001 and 2005 there were 15,308 State prisoner deaths. The bureau also reports that there were 5,935 local prisoner deaths and 43 juvenile deaths between 2000 and 2005.

Half of all State prisoner deaths are the result of heart disease and cancer. Two-thirds involved inmates age 45 or older, and another two-thirds are the result of medical problems that were present at the time of admission.

Although illness-related deaths have slightly increased in recent years, the homicide and suicide rates in State prisons have dramatically decreased over the last 25 years. That is positive news, but we still need to collect data to monitor these trends.

I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield such time as she may consume to the gentlelady from Texas, a member of the Judiciary Committee, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman, the chairman of the subcommittee that I have the privilege of serving on, the Subcommittee on Crime and Terrorism on the House Judiciary Committee.

I thank the full committee chairman, Mr. CONYERS, the ranking member on the full committee and the ranking member on the subcommittee for having two important initiatives, and I speak to the underlying bill which addresses the question of death in custody, H.R. 3971.

I, too, want to applaud the fact that the existence of this legislation is a strong statement that, in spite of individuals being incarcerated in the criminal justice system, in the penal system, in the prison system, that there is a responsibility; one for the safety and security of those who are incarcerated, particularly, as well, that younger and younger individuals are going into our criminal justice system of which we hope to address as we look to these issues in the coming year, work that has already been done in this committee. We hope to see some of that legislation come to fruition.

I do want to speak specifically, Madam Speaker, to the concerns that I see in the State of Texas. And it may be symbolic of many States, particularly large States that have a very large penal system and a criminal justice system, if you will, or incarceration rate, and say that this legislation, in addition to reporting or requiring reporting of the deaths and suggesting the ineligibility for funds, which I think is an important statement, some instances of holding the particular jurisdictional head responsible for some of, in this instance, the deaths of individuals held in their particular facilities.

For example, about 3 weeks ago, in Houston, an individual was seen being neck-choked by a custodian in the Harris County jail in Harris County in Houston, Texas, and subsequently that inmate lost their life. This has been an increasing occurrence in the Harris County jail. And certainly there have been occurrences in the whole State system, but we have a county jail system which people are either held for trial or either they are actually serving their time there, and in the last decade we've had 106 deaths, plus, in the Harris County jail. Many of them have come about through the inability to secure medicine, to secure medical care. One instance is an individual in his own pool of blood, and the, if you will, caretaker, the guard, was asked to get relief and he said, What do you expect for me to do, get a Band-Aid?

So in some instances the deaths are caused because of such horrific occurrences, such egregious occurrences that

there seems to be a necessity for additional penalties. So I would rise to support this initiative, H.R. 3971, for the good work that it has already done, look forward to working with the chairperson of the subcommittee and the full committee Chair as we move toward the Senate to ensure that this bill, in and of itself, becomes law, because I think it's an important statement, but also it's a statement that saves lives.

It is so tragic to hear from wives and mothers, fathers of those incarcerated. These individuals have families. And I know that the existence or the presence that they have in the jail system means that there have been charges. Some of them in the local jails are being held for trial, so, therefore, they have not been convicted. We owe, as a civilized Nation, the kind of incarcerated presence that allows people to live, to be tried by the judicial system, but to allow them to live unless rendered another judgment by that system. So I think it is key that we look at whether or not the actions are egregious as we proceed to report on or receive reports made by our State Attorney General and others.

Madam Speaker, I rise today in strong support of H.R. 3971, the Death in Custody Reporting Act of 2007, introduced by my distinguished colleague from Virginia, Representative BOBBY SCOTT. This important legislation will require that any State that receives certain criminal justice assistance grants will be accountable to report the treatment of inmates to both the Attorney General and to Congress.

How a government treats its detainees is a critical test for a nation's civility and maturity. How we treat detainees, especially the most vulnerable among them—detainees with medical conditions, be it pre-existing or one developed after they have been taken into custody—is an important measure of how humane our entire justice system is.

In the mid-1980s researcher and activist scrutiny of the death rate in the Nation's jails and prisons began to emerge. The research focused on criticism of jail and prison conditions from the 1960s to the 1980s. Studies such as the "National Study of Jail Suicides: Seven Years Later," by Lindsay M. Hayes and Joseph R. Rowan in 1988, that examined the death rate in jails and prisons found very little reporting of the circumstances surrounding the deaths of prisoners. In fact by 1986, only 25 States and the District of Columbia even had jail inspection units. Moreover, even the States that did report deaths differed on basic reporting standards. For example, jurisdictions differed on the definition of "custody," which made it difficult to determine whether a prisoner had died during arrest, in a jail before trial, or post conviction.

The insufficient data and the lack of uniformity of the data collected made oversight of prisoner safety woefully inadequate. However, the study brought to light the potential that oversight had for improving conditions. The authors found that in the 1970s when there was little or no focus on deaths in custody, it had been unusual for a jail to be sued for negligence when a prisoner died in custody. But by the 1980s it was unusual for a jail not to be sued. The interest in oversight that emerged in the 1980s had shed light on conditions in state and local jails and began a rising tide of wrongful death litigation. The increasing litigation forced some measure of accountability and conditions somewhat improved. Moreover, activism and news of the litigation spurred media interest, which shed further light on conditions.

In 1995, after conducting a 1-year investigation, the Asbury Park Press of New Jersey ran a series of award-winning editorials that brought the seriousness of the lack of reporting to the Nation's attention. Among the examples the Asbury Park Press highlighted was the story of Elmer Johnson of Charleston, MO. Mr. Johnson died in a jail cell after he was arrested for "failing to obey a police officer." The coroner ruled Mr. Johnson's death a suicide but evidence to the contrary raised doubts. The editorials went on to detail abuses including racism, overzealous police interrogations, coverups and general police incompetence, which prompted congressional action.

Congress has a responsibility to investigate this issue and call for reforms in order to ensure that dignity and respect for all human beings in our immigration detention system is preserved.

Following successive bills being introduced by Representative SCOTT of Virginia and Representative Hutchinson of Arkansas in several Congresses, the Death in Custody Reporting Act of 2000 was passed. The law required States receiving grants to comply with reporting requirements established by the Attorney General. Since the enactment of the act, the Bureau of Justice Statistics, BJS, has compiled a number of statistics detailing not only the circumstances of prisoner deaths but the rates of deaths in prisons vs. jails and the rates of deaths based on the sizes of the various facilities.

With the detailed statistical data, policy makers, both State and Federal, can make informed policy judgments about the treatment of prisoners, leading to great success in lowering the prisoner death rate. In fact, since the focus on deaths in custody emerged in the mid-1980s, the latest BJS report, dated August 2005, shows a 64 percent decline in suicides and a 93 percent decline in the homicide rate, which suggests that oversight measures such as the Deaths in Custody Reporting Act play an important role in ensuring the safety and security of prisoners who are in the custody of State facilities.

However, no actual study has been conducted to ascertain whether there is indeed a cause and effect between the oversight and decreasing death rate, and H.R. 2908 contained no provision to fund such a study. Therefore, to ascertain whether the cause and effect exists and how to make the most effective use of the statistical data, my good friend and colleague, Chairman SCOTT and Ranking Member FORBES have introduced H.R. 3971, the Death in Custody Act of 2007, of which I am a proud cosponsor.

This revised legislation is imperative to ensuring that there is justice within our justice system. H.R. 3971 includes all aspects of H.R. 2908 but also authorizes $500,000 for a study to determine whether the strengthened oversight has in fact led to or at least assisted the decreasing death rate among prisoners. H.R. 3971 is thus an improvement over H.R. 2908 in that with analysis accompanying the statistical data, we can make yet further informed decisions about policy and oversight.

Congress has a responsibility to investigate this issue and call for reforms in order to ensure that dignity and respect for all human beings in our immigration detention system is preserved. This legislation will hold States responsible to report to the Attorney General on a quarterly basis regarding the death of any person who is under arrest or is in the process of being arrested, en route to incarceration, or incarcerated in State or local facilities. It furthermore imposes penalties on States that fail to comply with such reporting requirements and consequently will ensure that both the Attorney General and the Congress stay informed on the deaths of any and all persons in custody.

I hope that all of my colleagues will join me in supporting the Death in Custody Act of 2007. Passage of H.R. 3971 would be the start of a long overdue process to eliminate unnecessary mistreatment of prisoners.

Might I just quickly acknowledge H.R. 3992, with the indulgence of the Speaker, to applaud the, hoping, passage of this legislation that deals with mental health. And let me just say one small point about the mental health circumstance, and that is that the crisis of mental health is seen across America. There are so many circumstances where individuals suffering from severe schizophrenia and others are caught in the criminal justice system, or unfortunately are called to the home and confront the law enforcement system as opposed to the mental health system, and that is before, of course, these individuals are incarcerated. This has to do with offenders who are suffering from mental illness, but I wanted to at least speak to the point that those who don't get to the system because they are confronted through the police system and unfortunately will lose their lives. What do elderly persons do when a son or daughter is suffering from mental illness and, unfortunately, has a breakdown in the house and reacts violently? It is to call the police.

And so in addition to this very fine bill that deals with improving mental health services for offenders so that when they come out they are ready to adjust to the society in which they return, we also want to look forward to the idea of providing resources for training of law enforcement that we've discussed extensively in our subcommittee on crime to help these people be advisedly trained to deal with this.

I cite as an example the desire by our local jurisdiction to, or the request being made by our local jurisdiction, to pay an extra incentive fee for those police officers that would take mental health training so that they could be on a team, a task force to be called out when that would occur. Unfortunately, the overall response by the city government was not enough money. I think we should have enough money to save lives and, hopefully, innovative legislation like H.R. 3992 sets the pace for those new and innovative ideas on addressing the question of mental illness among offenders who are incarcerated, but also that we address many of

the other questions that hopefully we'll have the opportunity to address.

So it is my distinct pleasure to be able to rise to support the underlying bill, H.R. 3971, and as well the previous bill, H.R. 3992. And I thank the chairman for his leadership. And I think the criminal justice system will be better for the passage of these two initiatives.

Madam Speaker, I rise today in strong support of H.R. 3992, the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007, introduced by my distinguished colleague from Virginia, Representative ROBERT SCOTT. This bipartisan legislation is designed to increase public safety by enabling coordination between the criminal justice and mental health care systems to increase treatment among this segment of the population.

The enormous growth in the national prison population has intensified the problems presented by the needs of mentally ill inmates. Frequently, mentally ill defendants are inappropriately placed into criminal or juvenile corrections facilities, and the harmful impact that this has on the individual and society is reflected in increased recidivism rates, wasted administrative costs, and superfluous overcrowding of corrections facilities, among other things. Among the utmost dilemmas involved in managing the mentally ill prisoners is that correctional staffing is seldom at an adequate level to supervise and care for these prisoners, and correctional officers in many state prisons have never received training in working with the mentally ill.

The Bureau of Justice reported that in 1998 over 280,000 individuals in jail or prison and approximately 550,000 of those on probation had a mental impairment. The mentally ill are disproportionately represented in jails and prisons. Five percent of all Americans have a serious mental illness, but 16 to 20 percent of incarcerated individuals have a mental impairment. Any individual who is enrolled in a juris doctorate program is familiar with two key terms in criminal law, Actus Reas and Mens Rea. Actus Reas is associated with the guilty act, while Mens Rea is associated with the guilty mind. Both elements are required to achieve a successful conviction in our criminal law system. Mental health offenders may have committed the physical, guilty act, but they are incapable of having the mind capacity to commit the crime. The act does not make a person guilty unless the mind is also guilty.

The prevalence of the mentally ill in the criminal justice system has been the subject of many recent studies. The U.S. Department of Justice, Bureau of Justice Statistics reported last July that at least 16 percent of the U.S. prison population is seriously mentally ill. The highest rate of reported serious mental illness is among white female inmates, at 29 percent. For white females age 24 or younger, this level rises to almost 40 percent. The American Jail Association estimates that 600,000 to 700,000 people suffering from serious mental illness are being booked into jail each year.

The National Alliance for the Mentally Ill reports that on any given day, at least 284,000 schizophrenic and manic depressive individuals and manic depressive individuals are incarcerated, while only 187,000 seriously mentally ill individuals are in mental health facilities. Additionally, there are approximately 547,800 seriously mentally ill people who are currently on probation. These statistics seem to indicate that the mentally ill are unjustifiably burdening the criminal justice system.

There is a dire need for resources that will provide vital resolutions to the crisis, expand diversion programs, community-based treatment, re-entry services, and improved treatment during incarceration. The reauthorization of the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 recognizes that true partnerships between the mental health and criminal and juvenile corrections systems and between the Federal and State Governments are needed to meet these challenges. Indeed, this bill requires that Federal funds authorized under this program be supplemented with contributions from the States, local governments, and tribal organizations.

Madam Speaker, Congress has an obligation to legislate to protect the community from those who become aggressive or violent because of mental illness. We also have a responsibility to see that the offender receives the proper treatment for his or her illness. Far too often, mental illness goes undiagnosed, and many in our prison system would do better in alternative settings designed to handle their particular needs.

In Texas, past treatment of mentally ill offenders illustrates the need for legislation such as H.R. 3992. Senior U.S. District Judge William Wayne Justice, who is experienced in dealing with mentally ill prisoners in Texas, ruled in 1980 that the Texas prison system is unconstitutional and placed it under Federal control for 30 years. In Judge Justice's estimation, the Texas laws that apply to the mentally ill "lack compassion and emphasize vengeance." KPFT news reported him as having said,

> We have allowed the spirit of vengeance such unrivaled sway in our dealings with those who commit crime that we have ceased to consider properly whether we have taken adequate account of the role that mental impairment may play in the determination of moral responsibility. As a result, we punish those who we cannot justly blame. Such result is not, I believe worthy of a civil society.

This legislation in an important first step towards restructuring a system that has operated in a disjointed and unsympathetic manner for far too long. We must continue to make this legislation adequately effective to preserve the lives of defendants who are actually victims.

I am proud to support this legislation and I strongly urge my colleagues to join me in supporting this legislation and calling for the appropriate treatment and recognition of mentally ill offenders.

□ 1500

Mr. SMITH of Texas. Madam Speaker, I have no other speakers on this side, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I have no other speakers, and I urge my colleagues to support the legislation. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3971, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.".

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING THE SERVICE OF MARY LOUISE PLUNKETT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Madam Speaker, it is indeed an honor for me to rise here today on the floor of the House of Representatives to pay tribute and to say thank you to a very close personal friend of mine, Ms. Mary Lu Plunkett, one of the most influential people in my life for the past 25 years and one of the most valued members of the community of Queens County in New York State and New York City for more than the last 50 years.

I was blessed to meet Mary Lu Plunkett in my early 20s, when I stepped into the Queens County Democratic headquarters while running errands at the time for my then-Uncle Walter Crowley. That day was the start of one of the most important friendships in my personal and political life, Madam Speaker. But long before Mary Lu became a valued part of my life, she was already a valued and well-established force in Queens County and in Queens County Democratic politics.

Mary Lu was born in Brooklyn, and she moved to Jackson Heights, Queens, in 1949 with her husband Jack. Mary Lu was quick to engage in her community and in her local church, and we were just as quick to forgive Mary Lu for her Brooklyn past.

Mary Lu's foray into politics started when she joined the Amerind Democratic Club. She went on to volunteer at Queens County Democratic Headquarters, where she became a full-time member of the staff in 1956. While working at county headquarters, Mary Lu served some of Queens County's finest political leaders, including Moses Weinstein, Jim Roe, and my predecessor Tom Manton, and her influence on them and our community was felt and has been felt by all of us since.

No political event or dinner has been held without Mary Lu and her charm. She helped to welcome such dignitaries and luminaries as John Kennedy, TED

KENNEDY, Jimmy Carter, Governor Hugh Carey, Mario Cuomo, Mayor Ed Koch, David Dinkins and President Bill and Senator HILLARY CLINTON and welcomed them into our Queens County home.

Her intelligence, her warmth and kindness have made everyone who has come into contact with her feel welcome and comfortable.

However, Mary Lu's reach went well beyond local politics. You have to keep in mind, Madam Speaker, that Queens County has 2.3 million people who live in just that county alone. When she was not at county headquarters, she was working to create a better Queens, and in particular, a better Rockaway, her hometown in Queens County. For example, every year she hosted an annual fundraiser that was a must-attend event to help the children of St. Gertrude's Parish in Far Rockaway.

On top of all she has done for others, most important to her, I think, is her role as a mother and as a grandmother. There is nothing that Mary Lu won't do or hasn't done for her two children, Steve and Jamie; and her three grandchildren, Matthew, Christopher, and Caroline; and their mom, Nancy.

I have tremendous respect for Mary Lu and all she has accomplished throughout her years, but as her friend, I'm most proud of how she has led her family life, and I have always considered myself an extended member of that family, often enjoying many personal moments in the Rockaways, getting sand in my shoes with the Plunkett family.

In the coming weeks, my fellow friends and colleagues in Queens County will gather to honor Mary Lu for her lifetime of service to our great borough and to our great city and to our great country. We will applaud her for her charity, her wit and political skill, and I want to thank her for being a mentor and a friend.

Mary Lu, we love you and we congratulate you on your lifetime of achievement.

ECONOMIC STIMULUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH of Pennsylvania. Madam Speaker, the current subprime housing crisis, coupled with volatile energy prices, rising costs in health care and looming tax increases, among others, have put our country on the dark path of economic slowdown. And although not yet a technical recession, it certainly feels like a recession in the communities that I represent in western Pennsylvania.

Clearly, America's hardworking families and employers are feeling the crunch from the slowing economy.

While there's a growing consensus in Washington that Congress needs to take action on a stimulus package to stave off further economic challenges, an agreement on how to proceed remains very elusive.

In addition to recently participating in a Joint Economic Committee hearing on the state of the economy, I've met with half a dozen respected economists, and I strongly believe that unless Congress acts swiftly on a stimulus package that will inject money into the American economy and incentivize job creation, middle class America will be forced to bear the brunt of our country's economic instability.

To be clear, now is not the time for politics as usual. We need to unite to enact sound stimulus legislation that, among other things, will benefit both wage earners and job creators, will encourage investment in good paying jobs, and will put more money back into the pockets of working families.

Now, how can Congress achieve these goals on a bipartisan basis? In my view, Madam Speaker, the single best way to help struggling employers in this climate, while providing a jumpstart to the economy, is to allow companies to quickly recapture the money they invest in capital.

Congress should step up to the plate today to create incentives for American employers to invest in new equipment, to revive bonus depreciation to boost employer's capital, and to work to enact common-sense policies that will curb the reach of the corporate alternative minimum tax at exactly the time when its reach is most devastating, during economic downturns.

At the same time, Congress must explore ways in which we can mitigate the impact of a sluggish economy on low and moderate income families that are now facing new and severe economic uncertainty.

By extending unemployment benefits, rolling the income tax on unemployment benefits back, and increasing the child tax credit and providing a significant tax rebate for middle-class families, Congress can ensure that every American has access to the financial resources they need to weather this pending economic storm.

While I've outlined a stimulus plan that will create an environment for job growth, reform how we tax American employers and improve UC benefits for the long-term unemployed, Congress must be vigilant in crafting a pro-growth plan that will not disturb the government's fiscal balance.

I believe frankly we need to avoid absurd PAYGO rhetoric which, coupled with a liberal budget requiring tax increases, now seems to be hobbling action on the other side of the aisle.

Over the past year, some of my friends on the other side of the aisle have insisted on a budget that would impose substantial tax increases on a struggling American economy.

These Herbert Hoover Democrats have used the labels of tax reform and revenue neutrality as a carnival mask to conceal a policy of higher taxes and higher spending, essentially placing a higher percentage of the American economy under government control, and this at a time when the economy is vulnerable, facing slower economic growth.

Instead of setting new priorities, the new majority has chosen to throw priority setting to the wind and have undermined the benefits of the very tax policies that have grown the economy and helped America's middle class.

At the time of economic hardship, when Americans are struggling to make ends meet, it would be inconceivable to place additional, unnecessary tax burdens on the backs of middle class America.

Madam Speaker, time is of the essence. Putting the economy back on a growth path must be a top priority for Washington. Congress must move on a bipartisan basis to enact a stimulus package that is swift, significant and effective.

We need to set aside sterile politics of class warfare and embrace strong pro-growth tax policies that will help benefit everyone by reinvigorating the American economy.

HONORING PRIVATE BOOKER TOWNSELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, Senator BILL NELSON and I introduced legislation today to amend the dark chapter of American history by providing a fair and just settlement for our African American soldiers who were wrongly convicted after an incident at Fort Lawton during World War II.

Last Saturday, I stood with the family of Booker Townsell at his gravesite in Milwaukee, Wisconsin. At long last, Private Booker Townsell received a burial with full honors, in a ceremony filled with emotion and symbolism. At long last, Booker Townsell received the military honors he deserved.

I want to read into the RECORD the remarks I read last Saturday because Booker and his family deserve to have his long overdue military honors permanently etched into the CONGRESSIONAL RECORD.

In the House, I represent Seattle in King County, Washington, home to Fort Lawton and home to author Jack Hamann. He exposed what Booker Townsell, his family and others have often lived and known for a long time, that the color of their skin determined their fate and denied them due process.

And on behalf of the people in my Seventh District, who live in a county proudly named in honor of Dr. Martin Luther King, let me sum up our feelings by quoting Dr. King: Injustice anywhere is a threat to justice everywhere.

That's why I got into this fight. America cannot and must not permit

racial injustice to breathe the same air that we breathe, or to live among us as a plague upon our Nation, or to poison the sweet light of day with its grim darkness of evil.

We come here today in the name of justice, to fully and finally honor Private Booker Townsell, a soldier, a hero, an African American who served his country in a time of war, only to be deserted by his country in his time of need.

Racial injustice struck down this innocent man, and others, who were denied the opportunity to live their lives with a full measure of honor for their military service and who were denied all their rightful benefits for their military service, including the right of their family to receive an American flag when they passed.

The American flag is a powerful symbol of our Nation's strength, unity and commitment to core values like equal justice under the law and equal rights. Today our flag also represents the courage of an Army private and the dignity of his family to accept justice delayed after being denied so long, and it represents the ability of a great Nation to look inward and admit a grave injustice.

This is a proud day for Private Booker Townsell and his family. He has been promoted from Army private to American role model, and his life, service and this day teaches us a lot about ourselves and our Nation.

Dr. King said: The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.

Booker Townsell, and his family and others like Sam Snow who lives in Florida, stood up to the challenge and, in so doing, stood up for us all. Today, on their behalf, America renews its vow to fight racial injustice, to acknowledge the deep and tragic mistakes of the past and to restore hope in the future.

Here in Washington the work is not finished. The legislation Senator NELSON and I introduced today will, along with others, including Congresswoman MOORE from Milwaukee, direct the Army to provide the Fort Lawton survivors like Sam Snow in Florida and families like Booker Townsell with the economic benefits to which they're entitled. It's the least we can do. I also hope that we can put a memorial on the Fort Lawton site to teach future generations about the sacrifices made by Booker Townsell, Sam Snow, and others, and to remind us that we must never forget that injustice anywhere is a threat to justice everywhere.

Today, we salute Private Booker Townsell and his loved ones on behalf of this grateful Nation. We are grateful for his military service, his courage, and his dignity, and grateful that America is strong enough to admit its mistakes and provide justice and honor at long last.

I would like to enter into the RECORD an article from the Milwaukee Sentinel dated 19 January 2008, entitled, ''Injustice Undone.''

[From the Milwaukee Sentinel, Jan. 19, 2008]

INJUSTICE UNDONE: SOLDIER HONORED MORE THAN 20 YEARS AFTER DEATH

(By Meg Kissinger)

Carol Blalock closed her eyes and smiled as the sound of gunshots rang through the bitter cold morning air on Saturday.

At long last, justice had been served.

Her father, Booker Townsell, who died in 1984, had finally been granted full military honors, a proper military burial at Graceland Cemetery on Milwaukee's northwest side. An Army contingent, including Ronald James, Assistant Secretary of the Army, traveled to Milwaukee to correct an injustice begun more than 63 years ago.

In August 1944, Townsell and 42 other African-American soldiers were blamed for the lynching death of an Italian prisoner of war at Fort Lawton, an Army base outside Seattle. Many of them, including Townsell, were convicted of rioting. Two others were convicted of manslaughter.

The story might have ended there, had it not been for curiosity of a television reporter named Jack Hamann, who, along with his wife, Leslie, spent 20 years uncovering the facts of the case. Their account, in the book ''On American Soil: How Justice Became a Casualty of World War II,'' prompted a bipartisan call for the convictions to be overturned and full military honors to be restored. In October, the Army reversed the conviction of Townsell and the others.

Hamann stood at the front of the chapel at Graceland on Saturday, fighting back tears as the Army color guard played taps.

''Reporters are trained to check out emotionally,'' he said. ''But this one is tough.''

Also standing in the crowd was Ronald Hayes, a retired master sergeant and Townsell family friend, who likewise swallowed hard when Wisconsin Army National Guard Brig. Gen. Roger Lalich presented the U.S. flag to Townsell's oldest daughter, Marion Williamson.

''This is good,'' Hayes said.

Later in the day, nearly 200 people gathered at the Milwaukee County War Memorial Center to pay tribute to Townsell and to celebrate his ultimate exoneration.

''He wouldn't have wanted this attention,'' Williamson told the crowd. ''But he deserves it. I hope my father's soul can finally rest in peace.''

Speakers included Jim McDermott, Democratic congressman from the state of Washington who pushed to have the Army reverse the convictions.

''Too often the color of skin defined fate and denied due process,'' McDermott said.

Quoting the Rev. Martin Luther King Jr., McDermott talked of why this decision is so important and the need to celebrate it so urgent.

''Injustice anywhere is a threat to justice everywhere,'' he said. McDermott complimented the Army for admitting a grave mistake. He recalled the images of Townsell as a dedicated family man and factory worker, who danced with his children and cheered his granddaughter at her track meet.

It would have been easy for Townsell to wallow in the bitterness of this dark chapter of his life, McDermott said. Instead, he chose to persevere. Again invoking King's words, McDermott said, ''The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.''

As far as Blalock and the other members of Townsell's family were concerned, Saturday's ceremony was no less precious because of the time it took to make things right.

''I loved my father's laugh,'' Blalock said. ''When they had that 21-gun salute and played taps, it was like I could hear him laugh again.''

□ 1515

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.)

RIC WILLIAMSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Madam Speaker, I come to the floor of the House this afternoon to remember one of the most dedicated public servants from the State of Texas we lost on December 30 of this year.

Ric Williamson was a member of the Texas Transportation Commission and served as that body's Chair that oversees statewide activities for the Texas Department of Transportation. He was appointed to that position in March of 2001 by Governor Rick Perry and in January of 2004 became the chairman of the Texas Transportation Commission.

Prior to his appointment, he served in the Texas State Legislature from 1985 to 1988. Numerous professional and legislative accomplishments are attributed to Ric Williamson, and many awards from the Texas media, including twice being recognized as one of the 10 best legislators in the Texas State Legislature in 1989 and 1991.

Ric was born in Abilene, Texas, and graduated with a B.A. degree from the University of Texas in 1974. He later founded his own natural gas production company. He made his home in Weatherford, Texas, with his wife, Mary Ann. He has three beautiful daughters, Melissa, Katherine and Sara, who spoke so eloquently on behalf of their father in the memorial service that we held this past January 3. Ric has two grandchildren. Most recently, his grandson was born at the beginning of December of this past year.

Chairman Williamson brought a sense of purpose, a sense of vision, and a sense of urgency that had not previously been present in the State of Texas when it came to issues regarding transportation. He established a strategic plan, he set real goals, and then he did everything within his power to meet those goals.

He wanted to reduce congestion. He wanted to improve safety. He wanted to expand economic opportunity, increase the value of the assets in the Texas highway system, and clean the air.

One of his greatest legacies was to empower local leaders to make local

transportation decisions. The best example of this empowerment is the State Highway 121 Project in my district of the Dallas/Fort Worth area. This brought over $3 billion in highway construction funds to north Texas. At a time when the rest of Texas and, indeed, many other areas of the Nation have money only to put towards maintenance, we have money available for new construction because of Ric's vision.

He wasn't always easy to live with, he wasn't always easy to work with, but you always knew where you stood with Ric Williamson; you were never left guessing.

He was more than just a leader for Texas; he helped make Texas a leader for the Nation. The United States Department of Transportation now looks toward Texas as a model for other States to use to employ some of those innovative solutions to their challenging problems. And that was, in whole part, due to Ric's unique vision for the State of Texas.

Shortly after Ric Williamson's death, the Federal Highway Administrator Richard Capka said, ''He helped pave the way for some of the Nation's most innovative transportation projects, and he is largely responsible for bringing highway financing for Texas and the rest of the Nation into the 21st century.'' He got Texans thinking. He got other Americans thinking on a broad and deep level about issues regarding transportation in a way that probably had never been done before.

During the memorial service for Ric Williamson, and many people got up and spoke on his behalf, it was frequently brought out how Ric Williamson regarded politics as a full contact sport. He would go at it with everything he had. And again, you always knew where you stood with Ric Williamson and he wasn't always easy to live with. But Ric Williamson believed that these discussions should take place within the light of day, not behind closed doors, not in some smoke-filled room. So, it's to his credit that he pushed these ideas in the State of Texas, but it was never done in secret; it was never done behind some veil. Everyone always knew where Ric Williamson was and what he was doing.

He will always be remembered by his friends and associates as a true champion for all things Texan. He was unafraid to challenge the status quo. He was highly regarded for bringing innovative ideas to provide safe, economic, and reliable transportation to improve the quality of daily lives of all Texans.

On a strictly personal level, Ric remained a patient mentor to me, a steadfast friend, and I will greatly miss him.

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.)

SCHIP VETO OVERRIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Arizona (Ms. GIFFORDS) is recognized for 5 minutes.

Ms. GIFFORDS. Madam Speaker, I am speaking out today in strong opposition of the President's veto of the KidsCare bill, also known as SCHIP here in Washington. I am profoundly disappointed that we were not able today to override the President's veto.

In the State of Arizona, there are over 264,000 children that currently do not have health insurance. That's about one out of every five kids. Across the country, it's estimated that over 1 million children do not have health insurance.

I am deeply concerned, in addition, because of the slowing of the economy, about the fact that we're going to see unemployment rates increase. And just last week, the Joint Economic Committee came out and stated that ''worsening economic conditions will likely create substantial increases in demands in States' Medicaid and Children's Health Insurance Programs.''

The JEC specifically linked employment woes to demands for programs like KidsCare. Nationwide, they projected that between 700,000 and 1.1 million children per year will be added to the enrollment numbers for Medicaid and SCHIP due to the slowdown in the economy. That makes acting to ensure a strong SCHIP or KidsCare program in Arizona and across the country absolutely critical, but it also reveals how out of touch the President is and how willing he is not just to disregard our children, but to disregard the future of our Nation.

As the universal health care debate continues, there should be no debate about health care for kids. Kids can't work; kids can't afford to pay health insurance premiums, and that's why I'd like to thank the 259 colleagues on both sides of the aisle for voting today to reauthorize KidsCare.

Democrats and Republicans alike must stay united for the children of our country. We are their representatives; we are their voices, and we must speak out for them. That is precisely why I am speaking here today. It is why I will continue to speak out here in Washington and back home in Arizona and why I am not alone. I am joined by thousands and thousands of voices across southern Arizona in calling for Congress and the President to fully reauthorize KidsCare.

In this economic climate, we must not fail to recognize health care as one of the most costly economic challenges confronting businesses, confronting families, and confronting the children of our country.

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.)

PAYING TRIBUTE TO PRIVATE FIRST CLASS JASON LEMKE AND PRIVATE FIRST CLASS KEITH LLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wisconsin (Ms. MOORE) is recognized for 5 minutes.

Ms. MOORE of Wisconsin. Madam Speaker, as of Monday, January 21, 2008, 3,929 members of the United States military have died since the beginning of the Iraq war in March 2003, according to an Associated Press account. Today, I want to take this opportunity to talk about just two of these soldiers, residents of the Fourth Congressional District of Wisconsin.

After these gentlemen have given so much for their country and their communities, our community, I just must pause, we must pause. We can't just allow business to go on as usual until we pay tribute here on the floor of the House to these young men and to offer my sincerest condolences to their families.

On January 5, Army Private First Class Jason Lemke, age 30, was killed in Iraq as a result of wounds suffered when his vehicle struck a roadside bomb. PFC Lemke was not just a soldier, Madam Speaker, but also a father of three young daughters, Amber, Liz and Casey.

When he was interred just a few weeks ago on January 16, a family lost a loving father, a beloved son, his mom and dad, Colleen and Greg, and brother to Jerrie and Jill Lemke.

A 1996 graduate of Wisconsin Lutheran High School in Milwaukee, Jason wanted to enlist in the Army right after graduation from high school, but his parents talked him out of it. Instead, he worked and raised his baby girls. In December of 2004, PFC Lemke answered the call of his heart and enlisted in the Army in Milwaukee and reported to Fort Benning, Georgia, in January of 2005 for initial entry training.

In May of 2005, he reported to Fort Lewis in Washington where he was assigned to A Company, 2nd Battalion, 23rd Infantry Regiment, 2nd Infantry Division, and his brigade was then deployed to Iraq in April of 2007.

One talent that sticks out in my mind was his exceptional linguistic skill. He possessed this extraordinary skill, and he spoke both Spanish and Arabic, and I'm sure that that was an incredible asset to his fellow soldiers in Iraq. His language training came about because the military saw something special in this young man and selected him for intensive training in Arabic. His proficiency in it speaks well of Private First Class Lemke's own capacity and ability to pick up a difficult language in such a short time. I wish I had

had the opportunity to meet this outstanding young man. I can so relate to him, and I'm sure the rest of us can, in that he had his fair challenges in life.

Here are some of the words that have been used to describe this young man, just briefly, from his mom, Colleen.

''He's my son, my little boy, and my friend. He always made me proud and never disappointed me. His wit he shared with everyone. He always looked out for the underdog and did what he had to do. When he was with his kids and his sister's kids, the room was full of love. I'll miss his head in my lap when talking and watching TV. He was not afraid to show his love. But he's home in my heart and soul today.''

From his father, Greg: ''His grandpa was in the Marines. His uncle was a Marine. His father was in the Army, and my older brother was in the Army,'' Greg said. ''So there's a family service thing here. He wanted to make a mark.''

In a last but fitting honor, Private First Class Lemke was posthumously promoted to the rank of corporal. So today, Madam Speaker, as Corporal Lemke's family, friends, and his fellow soldiers come together at Fort Lewis to remember him in a memorial ceremony, I rise to honor this valiant soldier, loving son, and father, and to express my gratitude, condolences and that of the House to those who knew him and loved him best.

The SPEAKER pro tempore. The gentlewoman's time has expired.

□ 1530

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY 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 gentleman from California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER 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 Florida (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE 30-SOMETHING WORKING GROUP: THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Madam Speaker, it is an honor to come before the House once again. As you know, the 30-something Working Group comes to the floor to share issues that are before the Congress not only with many of our colleagues but also with the American people.

But at this time, Madam Speaker, I am going to yield to Congresswoman MOORE.

Ms. MOORE of Wisconsin. Thank you so much, Representative.

I rise, Madam Speaker, to memorialize another of my constituents, Private First Class Keith Lloyd, who died of wounds suffered when the vehicle he was in struck a roadside bomb in Iraq at the tender age of 26 on January 12.

He was born in Milwaukee. He went to elementary school in Milwaukee prior to his family moving to Oak Creek and then to South Milwaukee. Lloyd graduated from South Milwaukee High School in my district in 2000 and worked in a number of retail stores. He also took courses at Milwaukee Area Technical College in Oak Creek and ITT Technical Institute in Milwaukee.

According to media reports, as a teen, Private First Class Lloyd was not crazy about high school, but he never shirked the responsibility that came with it. After graduation he wasn't quite sure what career path to take, like many high school graduates, including myself.

Finally, as a young man, he decided to follow the path of his younger brother, who had just completed a tour of duty in Iraq with the United States Army. According to his sister Christine, he was looking for direction. He wanted to make something of himself and thought the Army was a good place to do that. He enlisted in March 2007, and, indeed, he made much of his life and paid the ultimate price for us, his fellow Americans.

This was a young man who did not want to sit on the bench and let life pass him by.

His sister also noted that he had a big heart and would do anything for anybody.

Private First Class Lloyd deployed to Iraq in November as a member of the 1st Squadron, 3rd Armored Cavalry Regiment based in Fort Hood, Texas.

Yesterday Private First Class Lloyd was laid to rest at Good Hope Cemetery in Milwaukee.

Madam Speaker, I wish to express my deepest sympathy and condolences to the family of Private First Class Lloyd today: his sister, Christine; brother Thomas; his mom, Cynthia Allam; his dad and stepmother, Gary and Joanne Lloyd; sister Cora Lloyd; and brothers Kraig, Gary, and Joshua Lloyd.

These men certainly made the lives of those around them better day by day and exemplified the character and qualities that enrich our communities and our Nation. This is indeed a sad day for the Nation. While as the Bible says, ''each heart knows its own grief'' and I cannot possibly understand the grief their families are going through today, I offer this timely tribute today to express the gratitude of a Nation and my condolences on their loss.

Mr. MEEK of Florida. Thank you so very much, Ms. MOORE. And I can tell you anytime we get a chance to come to the floor and honor our patriots is always a day that the Congress should yield and pay respect to not only that individual but also the family.

Madam Speaker, I think it's important we start to look at what the Congress is facing right now and the American people are facing right now as it relates to the economy. The news has been for the last 5 to 10 days the economy, stimulating the economy, and it is very important that we do so. And as you know, many news accounts have shown the President, also the Speaker of the House, and the Democratic leader in the Senate meeting. You have also seen meetings with the Republican leadership and Democratic leadership here in the Congress. The American people are counting on us working in a bipartisan way, and I just want to make sure that all Members know that this is nothing new for the Democratic House of Representatives, especially the majority of Democrats that are here, because we came in saying we wanted to work in a bipartisan way. As a matter of fact, Madam Speaker, I went back and pulled out a chart because so many times here in the 30-something Working Group it's important that we share with the Members what we have already done and what we can do. And I will use this chart all the way up to today.

Many of these acts took place in the first session of the 110th Congress, and it was the first time, with your help,

Madam Speaker, we were able to take the majority of the House:

Implementation of the 9/11 Commission recommendations, H.R. 1, passed with 299 Democratic votes with 68 Republican votes. Raising the minimum wage, H.R. 2, passed 315 with 82 Republican votes. The funding for enhanced stem cell research passed 253 with 37 Republican votes. Making prescription drugs more affordable, H.R. 4, passed 255 with 24 Republican votes. And cutting student loan interest rates in half, H.R. 5, passed this House of course with Democratic votes, all the Democratic votes, 356 with 124 Republicans voting with Democrats on that bill in a bipartisan way. And also creating long-term energy initiatives, H.R. 6, which passed 264 votes with 36 of those votes being Republican votes.

That's bipartisanship. Those are major pieces of legislation, Madam Speaker. This is nothing new to the Democratic majority.

I think it's also important to point to just today here on this floor maybe about 2 hours ago, Democrats and Republicans voted to override the President's veto, and that vote was a bipartisan vote, not enough to stop the President from stopping us from doing what the American people wanted us to do. A bipartisan vote, 265, and that vote was a very important vote. We had 43 Republicans voting with us on that.

I think it's important, Madam Speaker, as we start to move forth on this whole economic stimulus discussion that we continue to work in a bipartisan way, but we're going to need more bipartisanship. Democrats are there at the line ready to do it. And I have a document here that's very easy for any Member to get a copy of that was prepared by the office of the majority leader on June 5 of 2007: ''House Democrats' bipartisanship leads to progress.'' And I also would ask all of my Republican colleagues to grab a copy of it. But I think that it's important that we reflect back on this document to really pay attention to what we have already done and what we can do. But we don't want to end up getting ourselves in a situation where we start deal breaking. When I say ''deal breaking,'' we know that the President and we know that the majority leader has met and we know that the Speaker has met at the White House just recently, just yesterday, and they have been meeting and talking on the telephone. As you know, we try to break this down as much as we can. We also know that in the House, we have had a Democratic economic forum, which was December 7, closing out last year. This whole economic stimulus discussion and effort did not start when it started hitting headlines. We were already out there on these issues. Ongoing discussion between House leaders and Secretary Paulson, who is the Secretary of the Department of Treasury, that has been going on. So many dates, too many to note here on this chart. A Democratic leadership letter to the President dated the 11th of this month. Also the Speaker has met with the Federal Reserve Chairman on January 14 and also the Democratic leadership meeting with Republican leaders on January 16. And those discussions continue to go on, some that are documented, some that are undocumented. A Democratic leadership meeting with Republican leaders again the following day. We also had a Democratic and Republican leadership meeting with the Treasury Secretary that took place on January 22, just a day ago. Also a Democratic and Republican leadership meeting with the President that I mentioned a little earlier.

We're going to continue to pay attention to this bipartisanship, and when I say ''we,'' I mean those of us in the 30-something Working Group, because I think it should be encouraged. We have always talk about it. I, being a creature of two previous Congresses, always said that bipartisanship can only be achieved when the majority allows it to happen. We have a Democratic majority now that is allowing it to happen. If we start talking and going back and forth on retail politics, the only people that are going to lose are the American people, and I'm not in the business of seeing that happen.

I think it's important also to know that there will be statements made and we have to make sure that we clear those statements up so that we don't have misunderstandings and we start going off into another direction on this whole effort of bipartisanship. I'm saying that and I came to the floor with that theme here today because it's important. If folks want to prove the differences between the two parties, find another way to do it, not necessarily on this economic stimulus package because so many Americans, Democrat, Republican, independent, those that can't even vote yet, those individuals that are dealing with the muddiness of life, that don't have what they need to make ends meet, and our economy is not in the posture for us to play games for several months to come going back and forth. So as much as we can as Members of the House, we need to meet. We need to understand one another. When we misunderstand one another, we need to meet again to make sure that we can work together, something that everyone talks about during the election season that they want to go to Washington, D.C. and work in a bipartisan way. I don't care where you are, if your district is 89 percent Republican or 89 percent Democrat or what have you, independent, Green Party, you name it. You don't want to run on the platform that I'm going to Washington, D.C. to be a partisan. You don't run on that platform. You run on the platform that you're going to bring people together, that you're going to work across the aisle to get the job done for your constituents.

□ 1545

So I think it is very, very important, Madam Speaker, to put those words into action.

And what I am seeing here and what I have seen, Madam Speaker, of the last 4 to 5 days have been what one may see in a piece of campaign literature or what one may see when someone speaks on television about how they are going to do things better if they get an opportunity to do it. You have that opportunity. Don't let that opportunity slip through your fingers when others try to derail the process.

Today, I can say that what took place was an effort, and we tried to override the President on the children's health insurance bill, we may say the State Children's Health Insurance program. I think it is important with the 42 Republicans that voted along with Democrats, 218 Democrats voted in affirmative, it wasn't enough to override the President, but it was a part of trying to take some of the burden off American families, because those families that are hurting right now, we know that health care cost is a huge issue when you start looking at how we are going to move this ball forward and how we are going to help American families.

There are a number of organizations that are in support of the State insurance plan, what we call SCHIP, that are in support of this great piece of legislation. You have the AARP. You have the American Medical Association. You have Catholic Health Association, and Families U.S.A., along with a host of other organizations that I could spend 30 minutes on the floor reading every last one of them off. But that is not going to make a difference right now for this debate or the action that we were going to take, that hopefully we wanted to take place a couple of hours ago, to be able to allow children that are in need of health care insurance. We were denied that opportunity, and I can't say that the Republicans stopped us. I can say that 42 Republicans did what they had to do to be able to stimulate this, not only this economy, putting more dollars into the pockets, very few dollars into the pockets of Americans so that they don't have to spend those dollars in providing health care to kids that happen to be born into financially challenged families, and that would have been a way to assist them. But there were a number of Republicans that voted against the legislation that denied us from having that opportunity.

But I have hope, Madam Speaker, that before this 110th Congress is out we will be able to provide that level of health care. We talked about universal health care. Starting with our children first is very, very imperative for us to be able to head in that direction.

As we start dealing with the issues, when we move to the Senate, we have rule 22, that you have to have 60 Senators to be able to bring anything to the floor in an appropriate way or to be

able to procedurally get it there. I think it is important because I am trying to look down the road because I have been down this road before. We get that warm and fuzzy feeling in our heart and start believing what we are reading and start saying, Wow, this is unbelievable. People are working together and we are actually going to move something through the process. Republicans are happy. Democrats are happy. And then we run into a handful of Senators, and the Senate may very well say, Well, we are not happy. And the reason why we are not happy is that I want to make sure that I can make some of the tax cuts that have been put out there now that are not right put into the moment, because that is what this is about.

This stimulus package is not about stimulating the economy 8 months from now. It is about stimulating the economy right now. And it's important that we get it to the target audience that is going to help us do that. And so I think that any other great ideas that may come out of, independently of the bipartisan discussion that has been going on for almost double-digit days now will be counterproductive to us moving this piece of legislation forward. We know that when we come to final rest on this legislation, we know a lot of things are on the table that are going to create right-now jobs, that are going to create right-now investment, and it is going to be able to get into the hands of Americans that are going to spend those dollars to be able to jump-start our economy, to be able to bring it out of the, quote, unquote, I don't want to use the ''R'' word, but the recession that folks are talking about and that economic indicators some feel we are in, some feel we are not. We have some individuals saying technically we may be in one.

The bottom line is the economy is not what it needs to be to be able to continue the United States of being in the position that we are in right now, well, in a better position, a position we have been in the past, of being not only the largest economy in the world as it relates to a nation but also being very strong and very vibrant.

We know that we can get in these very high altitude conversations of saying that it is important for us to be able to have trade, it is important for us to see small business start-ups, it is important for American people to be able to buy things at an affordable cost. But it is also important for us to pass this economic stimulus package within days, not weeks, not months. So I want to make sure, speaking to all of my colleagues here in the House, that we move with the spirit of saying that we are going to deal with the target audience that we are trying to reach right now, and that we are going to do it in a way that is bipartisan and that we won't have any last-minute legislative Hail Marys or amendments or procedural maneuvers that will stop us from achieving the goal of carrying out at least one major act at a time of urgency on behalf of the American people. We have done it before with other major pieces of legislation, but this economic stimulus legislation is very, very, very important.

Now, Madam Speaker, I think that as we start to look at this, because I want to make sure the Members are able to communicate not only with the 30-Something Working Group but also with me independently, or any staff or what have you that wish to do so, can be reached at 30somethingdems@mail.house.gov. The reason why I give that Web site out, Madam Speaker, we have to call it out when we see it. It is almost like we are in the football season right now, and there is a lot of replays, and some of the replays are called within the last 2 minutes from the officials' box in what you may call the sweet area in a football stadium. And I think it is important that if you see this kind of activity that will derail this bipartisan spirit that we have right now, we need to call it out. We need to be able to say that that is going to be counterproductive. We already know that the agenda in trying to continue the tax cuts that were brought about under President Bush, and I believe the President is in the position of saying we don't need that part of tax legislation to be a part of this stimulus package, that is for another date, that is for us to deal with, that is for us to hash through in the Ways and Means Committee, which I am proud to be a member of, that is another day's debate. It is not a debate on this economic stimulus package that we are going to hopefully bring to the floor within days. I want to be able to head that off so that we don't have to waste the American people's time to really get into this issue of another debate as it relates to the tax issue. So I think it is important as we continue to move through this process that Members communicate with Members because a lot of folks say, well, it is just a lack of communication of the reason why we are not able to be successful in pushing some of these issues forward.

I can also shed light on another issue, Madam Speaker, and that issue is the fact that we have a number of different tracks that are taking place here in the House and also in this Congress. The campaign spirit that is out there right now amongst the Presidential candidates, Democrat and Republican, and what we do here, that spirit, the spirit that we have here in the House may very well be broken based on what someone may say, and many of those individuals are Members of Congress, may say as it relates to their plans. Making those political statements here on the floor through legislation or trying to push into an economic stimulus package because someone said it on the campaign trail and for them to be able to say, well, that was just introduced, you know, in the, in this discussion, may be counterproductive if it is not within the spirit of what we are trying to do here.

I also would like to share a statement that was made a little earlier today as we start talking about that spirit, and the Republican leader said, I hope that Democrats are not looking to give nontaxpayers rebates or what have you or incentives. I want to just clear it up. I am assuming that he is not speaking of those individuals that are paying payroll taxes, because they are. So many individuals, they don't have to pay because they pay so much in payroll tax, and we do have that. And also when we talk about a targeted audience, that targeted audience is the audience that will put the money into the economy versus saying, Well, I have received this rebate check, or, I have received some sort of incentive that will change my economic attitude towards spending, so I am going to go put it over here and invest it to deal with it at another time and another day. That won't be the kind of investment that will help us move this economy forward. I think it is important for us to pay attention to that, and just because someone is what I define as financially challenged, means that they cannot participate in what we are trying to do in stimulating this economy because we need them and we need them to keep this economy moving.

I am glad to see that the spirit of the majority, of Chairman RANGEL, who put out a statement today, the economic stimulus package, must help lower and middle-income families, I don't think there is anything wrong with that statement, and I think that it is within the spirit of what we are talking about here. Mr. RANGEL goes on to say that the intent of the economic stimulus package has not yet been written, but everything remains on the table; however, I would like to respond to suggestions that various Republican leaders have made to prevent the stimulus package from reaching hardworking families. I think that it is also important that as we look at that, as we look at that statement there, again, we are looking at responding, and we are looking at working within the spirit of this legislation that we are communicating.

Many times things are said, like I mentioned here earlier, like the Republican leader mentioned that he was concerned about that it is important to put it in black and white so that everyone can understand. I know, I know my Republican colleagues want to make sure these tax cuts meet lower and middle-class families. I hope that I am not proven wrong as it relates to any vote that may happen in committee or any vote that may happen here on this floor. But it is important that we put these statements out there and for it to be able to reach these hardworking families who work from paycheck to paycheck and make contributions to Social Security and Medicare, as Mr. RANGEL goes on to say, or who may have recently lost their jobs, any argument on this issue that will be equally

met with vigorous discussion as it relates to tax incentives to businesses.

Now, here is another piece as we start to look at this very issue, dealing with businesses and dealing with individuals. The backbone of our economy are small businesses, and I guarantee you that small businesses will be a part of this economic stimulus package. But at the same time, let's not leave back in the dust those Americans that we know that will pump dollars into the economy and we know that have been paying payroll taxes and we know that have been paying into Social Security. So when we look at that, let's make sure that we work in a bipartisan way and that we understand each other.

Madam Speaker, I encourage rapid response. I encourage Members to say, Well, if this is the way I feel, I am going to say the way I feel, but at the same time, be able to receive that answer or, at the same time, continue to meet.

This chart I pulled out earlier, Madam Speaker, twice on this chart, and we will have it every time we come to the floor in the 30–Something Working Group, Democratic leadership meeting with Republican leaders, 1/16 of this month, Democratic leaders meeting with Republican leaders, 1/17. If they met in the a.m. and p.m., I would like to even put that down because I think it is important that we have that. Goodness gracious, if we were able to pull together this package in a way that American people will see that folks are actually talking daily in a meaningful talk, not just shooting shots over the bow of the ship, meaningful talk, hopefully we will be able to resolve issues like the impasse that we have had on the issue of health care, the impasse that we have had on the issue of Iraq and other various important issues that have come before this Congress.

□ 1600

This should be encouraged. I'm a Democrat. I enjoy being in the majority. And I hope that we are in the majority for as long as the sun rises in the East and sets in the West. I hope that happens.

But as long as we are in the majority, it doesn't mean that we can't also have that same spirit towards bipartisanship, and that's important. Because I have been in the minority before, and I know how it feels. I know how it feels when you can't get a bill agendaed in a certainty; you can't get a bill agendaed in the committee or you can't get your amendment heard on the floor. I know how that feels.

But I think it's very, very important that as we look at these very important issues that are facing our Nation, that we use that bipartisanship in a way that we haven't used it in the past. And we have passed bills in a bipartisan way, as I said a little earlier in the hour, but do it in a way that it will be a jaw drop for the American people. They'll say, wow, this is interesting how they came together and made this happen without trying to make a political stand.

I think that from what I'm reading and what I'm seeing, it seems like the President is on board. It seems like the Speaker is on board, seems like the majority leader is on board. It even seems like the minority leaders in both chambers are on board.

So as we look at rule XXII over in the Senate and we look at the 60 vote, the procedural piece that has to happen before you get to bring in any bill before the Senate, that that spirit lives within those Republican Members that will help us get to that 60.

When I say ''us,'' it's only 51 Democrats in the Senate, but let's continue to pay very close attention to it.

Mr. RYAN, I'm so glad to see you all the way from Niles, Ohio. We know the Republicans will be going to a retreat this week. So we have an opportunity to work off line and do some work and get back to the district and do some great things. But this whole issue about economic stimulus, I tell my friends, when I come to the floor, even when you're not here, I make reference to what I have seen in your district, what is happening in your district and how important this bill is for Ohio just as important as it is for Florida.

I yield.

Mr. RYAN of Ohio. Madam Speaker, I think what is happening now highlights a lot of what has already been going on in a lot of areas around the country. I think when you start to look and see people are talking about the downturn in the economy and jobs and what is happening now: Unemployment rate going up, people not having the disposable income. When you look at a lot of areas, and it is not just Niles, Ohio. It is not just Youngstown, Ohio. It is not just Akron, Ohio. It is in Des Moines, Iowa. It is in Waterloo, Iowa. It is in Detroit, Michigan. It is in all of the industrial Midwest where, quite frankly, globalization has had a negative impact on a lot of the communities there.

So this stimulus package, I think, as you have been talking about over the past 30, 35 minutes or so, it needs to be targeted to those families that are going to spend the money to stimulate the economy, those small businesses, I think, that are going to reinvest back whether it's in a machine shop in Streetsborough, Ohio, or wherever the case may be. But make that money available.

But I think it's also important for us to talk about what we've been doing since we've been in the majority to affect the long-term growth of the economy. And I think, you know, one of the past Federal chairman's said that they're just too many bubbles, you know. That was the problem that we have had here.

We had the tech bubble in the 1990s and the low interest rates and the housing bubble, and now we are looking at that bubble bursting.

Just to give you an example on how this ripples throughout the economy, we have an aluminum extrusion manufacturer in Gerard, Ohio, 300 pretty high-paying jobs that's going to close down because they supply the aluminum for the housing market, not commercial but the housing side.

So this downturn, this bubble busting has this ripple effect throughout the economy, and that's why I think you see us in the position that we are in today.

But if you look at what we are doing long term, for long-term stimulus, what we've tried to do with stem cell research here in the Congress, that opens up whole new vistas of opportunity in the health care field. That opens up opportunity for research and development in a growing field.

If you look at what we are trying to do with alternative energy, you will see that these investments that we are making into the research and development of a lot of these alternative energy technologies, those are investments that are going to yield great benefits for us, because long term, you know, someone has got to make the windmill. Someone's got to make the hydraulics for the windmill. Someone's got to make the blades. These things need to be trucked around. These components need to be assembled.

That is a direct investment once this technology is purchased or at least improved and able to produce some sufficient amount of energy, that's going to be American manufacturing. If you look at solar panels, that could be a potential opportunity for American manufacturing.

So before I kick it back to you, it's important that we recognize some of these long-term investments that we are making here. And one of the ones that we saw, if you were looking at some of the economic indicators from the summertime when the wage was passed and implemented, there was actually an increase in consumer spending. It shouldn't be much of a surprise because if you put more money in the pockets of these folks, that's what happens.

Finally, before I give it back to you, it's important to recognize for the American people that this stimulus package, what we are seeing here is going to stimulate the economy, is what we have been arguing about here since President Bush came in with his lopsided tax cuts for the top 1 percent.

Now, if you give somebody who makes millions and millions of dollars a year—and God bless you if you do. We want you to make money. We are not against you. We understand the importance of people investing in business in our country. But that person is not going to take a couple hundred thousand dollars that they get in a tax cut and go out and spend it. What are they going to spend it on? When you have that money, you have everything that you need. You are not going to go out and say, ''Well, I got a couple hundred

thousand dollar tax cut. I'm going to go out and buy a new pair of shoes now.''

You have everything that you need. So that cut does not have the economic stimulus, and if it is getting invested, let's be honest. That is getting invested in Asia. If you are looking to make money and put it in the market or you are looking to buy a particular stock, you are going into a certain area, and it would behoove you to put that money somewhere in Asia.

So, having said that, the tax philosophy that we have here that you should give middle class tax cuts to folks, if it stimulates the economy now, if it is good for the economy now, it should be a good fiscal policy.

Mr. MEEK of Florida. It's still good seeing an appropriator speak in tax language, talking about tax issues. So it's good to see it. I just wanted to let you know how much I appreciate it.

Mr. RYAN of Ohio. I appreciate you, just in general.

Mr. MEEK of Florida. I thank you, even though I talk about appropriations all the time.

Mr. RYAN of Ohio. I know you talk about appropriations all the time, especially when you are trying to get money from appropriations for very important projects and investments in your district. In Hollywood and Miami, there are a lot of needs there.

Mr. MEEK of Florida. And my constituents surely appreciate the help and assistance because they pay enough taxes, and we're up here making sure that if they pay their fair share, they get their fair share back.

Mr. RYAN of Ohio. They should get some back. You are exactly right.

Mr. MEEK of Florida. That's correct.

Mr. RYAN of Ohio. And I know you have water projects there and education projects there. You have energy projects there.

If we are going to have the kind of development that we have, the economic development that lifts up all congressional districts, we have to make all of those investments.

Mr. MEEK of Florida. You're right. You're right.

I was talking earlier before you walked in on cloture. I believe it's called cloture in the Senate, and it's an old French word for closure. You hear it all the time, but you don't necessarily know the meaning of it. It sounds like it was something as it relates to clothes, but that's what it means in English pretty much.

And I think that when we look at this issue and the fact that we always get to the point where even when we get our act together here in the House, it's either one or two Chambers. It's either the House or the Senate.

Let's look at the SCHIP override. The Senate has a veto-proof vote in the Senate: 68 Senators voting in the affirmative for SCHIP.

In the House, we fall short. I think here in the House that we may very well have the kind of bipartisanship we need to get this economic stimulus package passed. But in the Senate, I'm concerned. I'm very concerned because you have 51 Democrats and you are going to need 9 Republican Senators, and I'm hoping, just hoping, that we are able to get the nine for it to be true bipartisanship. So that means the Republican leader is just as important as the Democratic leader, and we are trying to move this process through.

And I think that we need to pay very close attention, and also pay attention to what is being said in the Senate, what's being said here in the House because this piece of legislation is too important. I don't think that Democrats can hang their hat and say, ''We passed the legislation to stimulate the economy.'' I don't think the Republicans can say it without saying Democrats, vice versa. So I think that is important that we pay attention. And I keep saying that because I know that in this building, and we are talking about the 500-plus Members of Congress and all of our great ideas that we may have, coming to the table with an amendment or making a procedural move through any one of the said committees could very well derail this spirit that we have.

We have a war that's going on in Iraq. As of today, we have 3,929 individuals that have lost their lives in Iraq, and we have had a number of them wounded in action, 15,996. And we have those families that are living in this economy.

Mr. RYAN of Ohio. And the latest report is 650,000 Iraqis who have been killed as well.

Mr. MEEK of Florida. That is correct. So we have a number of loss of life.

The point I'm trying to make here is that we even have numbers for Afghanistan and what is happening there, and we just had an Armed Services meeting a little earlier today, and there is discussion. One of the witnesses, a lieutenant general, said, ''Well, the Afghans are saying what, Americans, will you leave us?'' Well, this is a big question when we talk about spending, we talk about the economy.

Let me draw this picture here. You go to dinner with your friends and there's six of you, and the bill comes out to like, I don't know, 4- or $500. You have been there for a couple of hours, of course ordering several appetizers and ice tea and an entree, and it comes up to $600. Do you spend the time of divvying up the bill and collecting the money, or do you always have to get up and say, ''I have it. I'll take care of it?'' You know what I'm talking about?

That's what America has been saying to every conflict we have ever had. Afghanistan, for what needs to happen there, do we always have to be the people there who say, ''I got it?''

The euro is doing a lot better than the dollar right now, and there's a separation between NATO and EU, and they have their own account and they're making investments.

Afghanistan is the gateway to narcotics, illegal drugs into Europe. And so the fact that I know that they're playing a role already, but I'm saying that even a greater role, we are in it because of terrorism. We are in it. Madam Speaker knows exactly what I'm talking about. We are in it not only in the terrorist end, terrorism, trying to prevent terrorism not only in the world, but also domestically.

□ 1615

But I think it is important that the EU plays a greater role. There is going to be three reports released, from what we were told in committee today, and the next 10 days dealing with that variation.

I shared those two scenarios just to say that as we start looking at the bipartisanship spirit that we have, the bipartisanship spirit that we have and continue to build on, we have to do it in all economic issues, because we can talk about the war, and the two wars that are going on, it has a lot to do with economics that we are facing or the problems that we are having here in this country as it relates to our own economy because of the debt that we are spending, or that we are paying down on, and it is continuing to build.

It is continuing to build, even though we have spent several hours here on this floor talking about if you are going to spend it, you have got to pay for it. Then we find ourselves in a situation where we are pushed up in a corner of the wall where the American people have to pay for the fact that we are unable to work in a bipartisan way to get the job done in the time we should get it done before it becomes a crisis situation.

So this bipartisanship is just a lot bigger than just a word. You can just say I am bipartisan. It is bigger than that. It has a lot to do with how much we pay for something. It is almost like a plane ticket. I am breaking it down because I want to make sure, because here in Washington we have big, lofty terms and using acronyms. It is like a plane ticket. If you have to buy a plane ticket, and you buy it on the day of travel, you are going to pay more than you would have paid 30 days in advance or 2 weeks in advance or a 7-days-in-advance ticket.

Without bipartisanship, we find ourselves buying the ticket hours before the flight when it is imperative that we get on the flight, when we could have gotten on it cheaper and even probably better seating with a 30-day-in-advance or a 60-day-in-advance.

As we look at this, we have to not only clip, but we have to pay attention. I am asking all the Members to pay attention to it, because we pay more when we fight on these issues that must happen here in this country on behalf of the American people.

Mr. RYAN of Ohio. The point, too, is the decisions that you make, I think, and so articulately explained here, the decisions that you make have long-

term ramifications. If you make bad decisions, as we have seen, now, regardless of where you were on the war, what your position was before it started, or when it started or how your vote was, we now have to calculate and figure out $1.3 trillion was spent on this war that we elected to go into that now has been proven time and time again that Saddam Hussein had nothing to do with 9/11. Hussein did not have weapons of mass destruction.

As policymakers, we need to look back and evaluate whether or not this was a good decision; $1.3 trillion at the end of next year, or at the end of this year will have been spent on this war. We look all across our country, and has it helped reduce gas prices? No. Has it helped create stability around the world? No. Did it decrease the number of terrorists around the world? No. It actually increased the number, and every intelligence report from all over the world will tell us that.

We need to understand that as we make these decisions, whether it is on the stimulus package, whether it is on our Tax Code, whether it is on the investments that we are going to make in this country, these are big decisions, because the ramifications are pretty big when you look 5 or 6 years down the line and could be as costly when you get into an elective war as $1.3 trillion.

These are the kinds of decisions that we are making here, and I think it is very important for us to recognize, as we make them, that these have long-term ramifications. The tax cuts, you combine the war and the tax cuts. When our friends were in charge of this body for 6 years, since President Bush was in, and President Bush was President, a Republican-controlled House and Senate, $3 trillion was borrowed from the Chinese, the Japanese, to increase our debt. So our debt went up by $3 trillion. They raised the debt limit five times. So when you combine the Bush tax cuts with the war, some very immature policy decisions were made.

Mr. MEEK of Florida. The bottom line is, you have your back up against the wall, you have to make a decision, you have to do it now.

Mr. RYAN of Ohio. Now.

Mr. MEEK of Florida. You can't wait. You can't throw it off to the side. You can't, say, sling-shot in the end for a win. You can't do any of that kind of stuff. You have to do it in a very responsible way.

Again, if we keep saying it, if I look at the CONGRESSIONAL RECORD tomorrow and see bipartisanship, bipartisanship, and even more bipartisanship, that is fine with me, because it is almost like McDonald's. I mean, I feel like going and getting a number 3 after a football game because I have seen it eight times. I really think I actually like certain things at McDonald's, which I do. You can just look at me and tell.

But I think it's important that we continue to talk about what's happening right now and what the President has to say when he comes and walks down this aisle next week, I believe, when he comes in here to come talk to us about what's going to happen in this economic stimulus package, what's going to happen as it relates to the two wars going on, what's going to happen as it relates to health care. This opportunity that we have now, 10 days of discussion, bipartisanship, he stepped off the plane from the Middle East and had bipartisanship stamped on his lapel saying we have got to get this going. We have to make it happen even though there was a letter that the Speaker and the majority leader wrote him on 1/11 of this month saying, What's the plan? This is what we want to do. We have to stimulate the economy. Let's do it.

We had our economic summit on 12/7 of last year, having deep discussions as Democrats on this very issue. I think it is important, the President comes down. He has to almost give the speech of his life, but guess what? Action has to follow it. This reminds me, Mr. RYAN, I think we were both State senators at this time, when the planes hit the Twin Towers, the plane hit the Pentagon and one went down in Pennsylvania, that spirit that we had then when people were willing and looking for leadership on the issue of how we are going to come back together as Americans and how we are going to pick this country back up. We have this opportunity.

The President has this opportunity to lead. This is his last year in office. We have Republicans and Democrats that have an opportunity to change the opinion of the American people on how we can work together.

So in this last half of this 110th Congress where we are talking about bipartisanship, and I am just saying talking about it, let's show them some real action. We came together on economic stimulus. We came together on this issue of Iraq. This discussion that I am hearing the President, I want to go and have this kind of bilateral discussion and sign a piece of paper and lock our hands on Iraq for years to come, is not bipartisanship. There has to be some discussion in Congress on that.

It is important that as we start looking at Afghanistan and what we are going to do there, I think it is very important that the President can use that in a bipartisan way. So if we are going to make a deal, let's make a deal on bipartisan agreements as we move from this point on. This is the talk of the year that a lot of folks have made New Year's resolutions. I don't know. Maybe the President said, I am willing to be bipartisan, and he talked about it during his original campaign. I am not a divider. I bring people together. I make sure that folks worked together, I mean, united. I mean, that was the word that he used.

I think that if we want to do that, then we are going to have to do it in a way that does an even better job than we did in the first half of the session. We can't paint a clearer picture on how important this is.

In closing, Mr. RYAN, I want to ask you if you would, we still have time, a few minutes, if you would, and our colleagues, you see these ideas, that is how they come, being drafted or being mentioned, or something outside of the bipartisan discussions that have been going on that is here on this chart, and you are not bubbling your great idea to your leadership, and your leadership is not putting it on the table, and I see your leadership, Democrat or Republican, then it is going to derail what the American people want. That is an opportunity to stimulate the economy and stimulate the family economy and to make sure that we can remain strong and prosperous.

Mr. RYAN of Ohio. You mentioned bipartisanship. I think, as we are closing out here and as we had the vote today on the SCHIP bill, that it's important for us to recognize how far away the President is from bipartisanship on some of these issues. Here we have the SCHIP, State Children's Health Insurance bill. This was a program that was started by Newt Gingrich and President Clinton to invest money into the health of poor and middle-class kids. The program was $35 billion over 5 years. It passed this House in a bipartisan way with many, many, many Republican votes, mostly Democratic, but many Republican.

The President vetoed this bill twice. So a bipartisan bill drafted by Newt Gingrich, signed into law by President Clinton is vetoed a couple of times by President Bush. His reason is it costs too much money. It's $35 billion over 5 years.

This is the same President that raised the debt limit five times and ran up $3 trillion in debt and turns around days later and asks for another $200 billion in Iraq, but he doesn't have and doesn't see the sense in the investment of $35 billion over 5 years for kids' health care. So when you hear ''bipartisan,'' you have got to be skeptical.

Now I want to kick it to who we very affectionately refer to as our ''mother'' here in Congress, STEPHANIE TUBBS JONES, who, I know I saw her on TV at the Presidential debate the other night, Madam Speaker, and I think Mr. MEEK, and you were there too, that it seems like Mrs. JONES may have gotten more TV time than Hillary Clinton got during the Presidential debate.

Mrs. JONES of Ohio. I don't know whether I did or not. I wanted to come to the floor and say how proud I am of my ''sons,'' Kendrick and Tim. Actually, they are not my sons, but I call them that anyway.

But I come here and look, and I have Anna and Mary who are visiting the House floor today, and these two young women are examples of how important SCHIP could be to the children of America. I am so glad they had a chance to join me with one of my good friends, Robin. We serve on a couple of

committees together, and this is what we talk about, bipartisan action on the floor of the House.

Ladies, thank you so much for coming to visit with me. I will take this pink sweater and this red ribbon and I will look gorgeous.

But I am glad to join my colleagues here on the floor of the House as we talk about the economic stimulus, because the people of Ohio need a stimulus. They need jobs, they need health care, and they need jobs that make real money. They need to be saved from these mortgage brokers who have hurt them deeply.

I recognize my ''sons,'' of whom I am so very proud.

Mr. MEEK of Florida. Thank you so very much, Mrs. JONES. Being a member of the Ways and Means Committee, we talk about the economy. I know that we will have a lot to do and say about that, and we talked about a bipartisan spirit. But we have, I think, like 2 more minutes left. But if you want to share anything as it relates to the economy that you would like to share with us, you can.

Mrs. JONES of Ohio. I will recognize each of you. Thank you very much.

Mr. MEEK of Florida. Thank you, Mrs. JONES.

We want to encourage the Members and also anyone who is watching us here on the floor, the 30-Something Democrats at 30somethingdems@mail.house.gov and www.speaker.gov/30something. You said something that I think is very, very important in this debate.

We are not here drinking the tea. I mean, we are not here saying, Oh, let's just all link up together and flowers falling from the ceiling and all and that we are working in a bipartisan way. What we are doing is saying that we are working like the American people would like for us to work on this very important issue. We are hoping that the President continues to do what he is doing as it relates to talking to Democratic leaders and real-time, Democratic leaders speaking with the President, Republican and Democratic leaders in the Congress continuing to work together in real-time, meeting day after day, morning and evening, so that we can put together a work product so that we can all work for it and get it out to the American people.

Mr. RYAN of Ohio. I think you have done a great job today, Mr. MEEK, and I just want to say how proud I am to come down here with you and make these points and listen to you break down the issues of the day where you are putting the cookie on the bottom shelf.

□ 1630

Mr. MEEK of Florida. Mr. RYAN, days like this you just have to plow through it.

With that, Madam Speaker, it has been an honor to address the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. SHEA-PORTER). All Members are reminded that it is not order to refer to persons on the floor of the House as guests of the House.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the ordering of a 5-minute Special Order in favor of the gentleman from Texas (Mr. POE) is vacated.

There was no objection.

BORDER WARS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. POE) is recognized for 60 minutes as the designee of the minority leader.

Mr. POE. Madam Speaker, I come to you today to discuss what is going on internationally with our country. You know, this country is at war in Iraq. We have been for a number of years. This country is at war in Afghanistan, and we have been for a number of years.

While the news from the front is encouraging, both of those wars are not over with yet. And it is interesting to me that even though we are sending our troops, our young men and women, the finest America has to offer, halfway around the globe to protect the dignity of other countries, it concerns me that we fail to protect the security of our own Nation on the southern border of the United States.

Because, Madam Speaker, there is a border war going on in the United States on our southern border. Unfortunately, too many people, especially here in Washington, DC are blissfully ignorant of what is taking place on the southern border. You see we have two international borders. We have one with Mexico and we have one with Canada. The number one duty of government is to protect the people, to protect America from all incursions, all invasions.

So we send our troops halfway around the world to protect the interest of the United States in Iraq, protect the interest of the United States in Afghanistan, and I agree with what we are doing in Afghanistan and Iraq. But we also need to be concerned about what is taking place closer to our homeland, and that is the border wars that are taking place.

Why I say that is I have been down, while I have been in Congress these 3½ years, I have been down to the Texas-Mexico border now 13 times. I have also been to the border between California and Mexico.

Madam Speaker, each time I go to the border I see more evidence that we are not winning the border war, that it is more difficult, it is harder on our troops down there, the sheriffs, the border agents. It is harder on the people who live on the border between the United States and Mexico. Many ranchers and people who live along the Rio Grande River on the American side have bars on their windows because they are afraid of people who come across from the southern part of the United States committing crimes.

Madam Speaker, I want to make it clear I am not talking about everyone that comes to the United States is here to commit a crime. I am not saying that. I am saying when we fail to enforce the rule of law, that being you don't come to America without permission, that we get everybody. We get the good, we get the bad, and we get the ugly. Right now, Madam Speaker, we are getting a lot of bad and we are getting a lot of ugly.

Let me give one example of those people who come in and flaunt the law of the United States that you don't come here without permission. I have here a night shot taken, and I am not sure that it can be seen, but I will hold it up anyway. This top photograph is a night scene of the bottom photograph. This is a photograph on the bottom of the Rio Grande River near Laredo, Texas. Across the river is Mexico. This is the nighttime version of that.

What we see here is a raft with several individuals coming to America without permission. They are all dressed in black uniforms. You notice the guy in the front has an AK–47. That is an automatic weapon made in China. You also see, Madam Speaker, that behind each of these individuals coming in the raft are duffle bags. In those duffle bags are presumably drugs, narcotics, cocaine or heroin or both.

These individuals are foreign nationals. What happened was these individuals were Guatemalan soldiers trained in the United States. Once they went back home, they started working for the drug cartels that paid them a whole lot more money than being Guatemalan soldiers. They switched sides, and now they smuggle drugs into the United States on behalf of the drug cartels. The individuals, you know, are the bad, and they are the ugly. The reason is the border is not secure. If the border was secure, these outlaws wouldn't be coming over here without permission.

That is just one example of what is taking place on the southern border of the United States.

Madam Speaker, there are three, some argue four major drug cartels in Mexico that bring that cancer into the United States and sell it. Right now those drug cartels work with the coyotes. We call those people ''coyotes'' because they, for money, smuggle people into the United States. And the drug cartels and the coyotes now work together smuggling drugs and people sometimes in the same load.

In other words, when our Border Patrol stops a vehicle sneaking into the United States, they will find not only

illegals, but they will find drugs as well because it is a highly lucrative business to do both of those things, smuggle in the name of that filthy lucre; we call it money.

I would like to talk this evening about some basic things that are taking place on the border, that silent forgotten border war that is taking place in America.

There are several places in the United States that border Mexico and border Canada that we call legal ports of entry. Those legal ports of entry are where people come to the United States the right way, the legal way, the way they are supposed to come into the United States.

Now if you are from Mexico or Canada or the Caribbean islands, you get a break in coming to the United States that other foreign nationals don't have. If you are from Brazil or Chile or Guatemala or Germany, the only way you come to the United States legally is with a passport. We have all seen passports. That is the universal, worldwide document of legal entry into another country.

But if you are from Mexico, Canada or the Caribbean island, you can come in using almost any type of document. There are now about 8,000 different documents that those people from those countries can use to get into the United States, including everything from a baptismal certificate to some type of other document like a passport.

So when these people come to the border, let's say Laredo, and they are lined up to come into the United States, the border agent that is standing on the international border letting people in sometimes doesn't even check the documents. How do you know that? Because I saw it when I was down there. They look into the car, they make sure that the people or they ask a few questions, and they let those people come into the United States. Sometimes they look at paperwork. Sometimes they don't. But they come into the United States presumably lawfully.

But the problem is, Madam Speaker, we do not record who comes into America. Assume everybody in this vehicle is coming into the United States the right way. They have legal documents. They have a visa to come in. The United States Government doesn't record who those people are. We just let them pass on through. We have been doing that for years. So the port of entry is an area where we first need to beef up security because if the person in that vehicle or a pedestrian walking across the border can convince a border agent that they can lawfully come into the country, they are waved on by in many cases; not in every case, but in many cases.

When I was in Laredo, Texas, at the lawful port of entry, the border agents there, the agents at the border, were very concerned about talking to me in private because, you see, their supervisor followed me around while I was there and they didn't want to talk to me with that person observing.

But one of those persons at the legal port of entry told me something very interesting. He told me that we have been told that we are a port of entry, not a port of denial; and when in doubt, we let them in because that is the policy we have been given. It looked to me like that was the policy.

So, Madam Speaker, the first thing we do is the basics: We secure the legal ports of entry, and not by allowing one of 8,000 documents to come into the United States, but we need to follow the 9/11 Commission that recommended that anybody entering America should have a passport. But yet here we are in 2008, almost 6½ years since 9/11, and yet we still don't use that universal document of a passport to require entry into this country.

My question is: Why not? And the reason is because of political pressure, political agendas by people here in the United States and abroad to prevent that from happening.

So let's assume that people have to use a passport and that passport that we have now has all types of electronic coding barcodes in it. And when those people come across in that vehicle, rather than just look in the car or examine a few documents that may or may not be forgeries, everybody's passport could be taken, you scan it across the scanner, the border agent at the border automatically sees on the screen whether anybody has a criminal record, gets their real name, we record who comes into the United States, and therefore we have a permanent record of those individuals. And he then returns the passport. That is the simplest, the most secure way to ensure that people are not fraudulently walking through the ports of entry and trying to get into the United States.

Madam Speaker, if I send a package somewhere in the world, let's say I send it to Russia and I send it by Federal Express, like in the movie with Tom Hanks, and it goes to Russia, well, you can actually use on the Internet, I can since I am sending the package, whether it's UPS or Federal Express, I can track where my package is going. I can see where it is going because every time it makes a stop, it is recorded. It is tracked all the way to Russia, and I can find out when it gets there.

Now if we are smart enough to devise a system like that to track packages, why don't we track people who come into the United States when they have permission to come here? I don't know. We just don't do it.

So, Madam Speaker, I recommend that we follow the 9/11 Commission and require every person who enters the United States, or leaves the United States, to have a passport. When I say leave it, when those individuals come here lawfully, we now know that 50 percent, almost 60 percent of people legally coming to the United States, they never go home. They just stay. The reason they stay is because who would want to leave America? More importantly, they know that the odds of them being tracked down, so to speak, and told to go home are almost none. I will get to that in a minute.

So you have a passport. Let's say this person is a guest worker. We hear we need more guest workers and we don't have guest workers. Madam Speaker, we bring in 1.2 million guest workers a year to work in this country. So we have guest workers. Whether we need more or not is another issue, but we do have guest workers. But when a guest worker comes in, make them have the passport and then make them have a bona fide visa that we can also stand. Right now when an individual shows up for a job the way the employer checks the legality of an individual is calling on the telephone a 1–800 number to the Social Security Administration to make sure that this guy has a Social Security number. That is ridiculous.

Social Security numbers were never meant to be an identification system. Social Security was set up so some of us, hopefully some of us, will be able some day to get some type of retirement. It has nothing to do with security and identification of people coming into the country. So we shouldn't use that system.

The employer should have the bona fide visa hard copy and able to keep it until that 6 or 8 months is over for that guest worker, and then that person needs to go back home. They have it recorded who the legal immigrant is working for. That is the fairest way, the simplest way, but we don't do that.

Now the Federal Government is talking about using another type of identification for people coming into the United States from Canada and Mexico.

□ 1645

Why do we do that? Why don't we just require everybody to have a passport? It makes no sense to me.

Madam Speaker, the second problem we have is that the Immigration and Customs Enforcement Administration, good folks, but there's not enough of them. They're understaffed and they're underfunded. They enforce the law once the immigrant, legal immigrant has come into the United States past the 25-mile rule. What I'm saying is this: On the border of Canada and the United States, Mexico and the United States, Border Patrol patrols the first 25 miles trying to capture people who are coming here illegally. After that 25 miles, ICE, as it's called, Immigration and Customs Enforcement, patrols the rest of America trying to capture people that came through the net, broke through the net. And they are enforcing the immigration laws. And there's not enough of them because there's way too many immigrants that have been here for years and have never been confronted about being in the United States illegally, or legally, for that matter, if they're an overstay. So the interior enforcement needs to be restructured. We need to have more enforcement officers enforcing the rule of

law, because that is important for this country.

Madam Speaker, of course the people on the other side of the border that make money off of importation of drugs and people, they know all the rules and they know what's going on over here. So what happens is when, let's say, a person contracts with a coyote to come into the United States, they pay several hundred, several thousand dollars to this coyote and the coyote brings them in 30 miles to the United States. The contract is to get them past the Border Patrol. Once you're by the Border Patrol, we'll let you out of the vehicle, you pay us money and you're home free; nobody'll ever catch you. So the other side understands the rules and understands what's happening. So ICE, good folks, I know a lot of them, they just need more help in interior enforcement of the United States.

Madam Speaker, I want to mention a little heresy now, because, you see, the reason people come to the United States, many of them, is to work. Some of them come legally, but a lot of them come illegally to work. And it is the law, and has been for years, that if a business knowingly hires a person illegally in the country, then that business can be prosecuted. Now, we don't read about, in the papers, too much about businesses being prosecuted for hiring illegals. Of the thousands and thousands and thousands of businesses in the United States, you know there are several that are hiring illegals, and they know it. But not very often does one of them make the newspaper. We read about everything else, but we don't hear about that. Why not? Because maybe they aren't being prosecuted. So, if the business owner knowingly hires an illegal, then that business owner needs to be prosecuted. And when illegals that are working here don't have the opportunity to work, they'll go back where they came from. They will, because many of them are working here on the cash economy, which means that they are being paid plantation wages, in some cases, not all cases. They're being paid in cash. The employer's dealing in cash because, you see, then nobody pays taxes. Nobody pays the Social Security. Nobody pays to health care, including the business owner. And they're able, that way, to drive the economy down.

You know, we hear this about, Oh, they help the economy. That is a farce, and I'll talk about that in a minute.

I'll give you an example of how that works, Madam Speaker. I represent southeast Texas. I border Louisiana and northern Houston, and I have a business owner in one of my towns that legally hires legal immigrants to work in his carpet business. And he verifies, he goes through all the procedure to make sure that the dozen or so folks working in his carpet business are legally in the country as guest workers. Good for him.

But there's a guy down the street that's also in the carpet business, carpet laying business, tough work, and that person hires illegals. And he pays his illegals less money. And because he pays them less money, he can do the same job cheaper. And so what he's doing is forcing the business owner who does the right thing, hiring foreigners on a legal basis who come to the United States, he's forced him out of business. And the same is true of businesses that hire Americans, because the cheap plantation labor that is being furnished by people who are unscrupulous businessmen is driving the economy down. But they're making money out of it, and so they need to be prosecuted. I know that's heresy, but we need to go after them and prosecute them because it's been the law for a long time.

Madam Speaker, we hear about, well, we need illegals in the country to help the economy. If our economy is based upon illegal workers, then there's something wrong with our economy. But be that as it may, we hear that, well, illegals help the economy. And then we hear on the other extreme, no, they don't. They're a tremendous drain on our economy.

What is the truth? Well, a study was done by the Heritage Foundation, and they discovered that a head of household that's illegally in the country and has a household contributes in taxes approximately, or to the system, about $10,000 a year. But they also found that that head of household with illegals takes from the system, the government, the Federal Government, State government, local government, about $30,000 a year in benefits, whether it's health care, education, welfare, it takes about 30,000. So yes, they do contribute some to the tax base, but they take far more than they contribute to our economy. And so we need to understand that truism.

Madam Speaker, we also have the problem of cities in the United States that flaunt the fact that they are sanctuary cities. What a sanctuary city is is a city, whether negligently or on purpose, allows illegals to live in the city and makes sure that they're never prosecuted. Cities that are sanctuary cities, that harbor illegals, regardless of who those illegals are, whether they're overstays or anybody else, are in violation of Federal law. Those sanctuary cities, in my opinion, should lose Federal aid because the Federal Government, the taxpayers of the United States should not be funding and sending money to cities that allow illegals to stay there without the fear of being prosecuted or deported or sent back home. And it's important that the rule of law be enforced. But we won't go after sanctuary cities as a body. We haven't done that yet. We need to have the will to be able to do that. If cities want to have those sanctuary policies in their homes or in their States, then they shouldn't receive taxpayer money.

Also, we should be able to use local law enforcement agents, not to do the job of ICE, but to help ICE. And there's a program Congress established. It's called the 287(g) program. What that means is this: that there is money available for training and for funding of local law enforcement agents, that when they encounter an illegal that has committed maybe a crime and that person is arrested for drunk driving, let's say, that they can do an immigration background check and see whether that person's legally in the United States or not and then hold them for ICE to be deported later. They can work in cooperation with ICE, not go out and arrest folks at work sites, but people that come into their possession because they've committed some other crime. Because, you see, sanctuary cities in many cases won't allow the police officers to even ask the person they arrested, Where are you from? Can't even get that basic identification.

So the 287(g) program is a good program. It would allow local law enforcement agencies to help in the cause of protecting the dignity of the United States, when necessary, after they're trained and trained by ICE to, when they arrest someone, if that person's illegally in the country, they can pass that information on to ICE as well.

Madam Speaker, I've talked a lot about those people who come here legally. I mentioned a little bit about people who've come here illegally, and I think we need to separate the two and make sure that we understand that there is a difference between those who come the right way and those who come the wrong way.

I've been to those immigration ceremonies where people wanted to not just come here to work but wanted to come here to be Americans, stood there, Federal judge, gave them the oath to be a citizen of the United States, how their families were there, how they're teary eyed and proud of the fact that they are now Americans. Wonderful, wonderful events for those people who come here the right way, especially those who want to be citizens.

And we've got troops in Iraq and Afghanistan who legally came to the United States but they're not American citizens. And they've gone to Iraq and Afghanistan and are fighting those wars over there in the hope that that will help them become citizens later, and it will help them become citizens if they fight for the United States, and they're not even citizens. Wonderful, wonderful people, those citizens who have become naturalized.

But we have a problem with those folks who are not coming here the right way. And everyone that comes here illegally has always got a reason why they won't do it the right way.

But I'd like to move on, Madam Speaker, and mention a problem that we have currently with the Border Patrol. The Border Patrol, Madam Speaker, are those wonderful men and women that patrol the border, northern border, the southern border, great people. And I have met so many of them, and

they do the best that we will let them do in enforcing the border. But because Homeland Security, in my opinion, has drawn up the rules of engagement, they tie the hands of the Border Patrol on what they can do to enforce the rule of law.

Now, we've got to remember, that the bad guys that are coming into the United States, especially drug dealers, coyotes, they know what the Border Patrol policies are and they flaunt them to their benefit. And so what happens is, in many cases, our Federal Government, when the Border Patrol is down there fighting for the dignity of the United States trying to prevent, let's say, drug dealers from coming into the country, they get in a confrontation with a drug dealer, our government doesn't back them.

The best example, of course, is Ramos and Compean, two border agents who now have spent a year in Federal custody. They got 11- and 12-year sentences because they had a confrontation with a drug dealer down on the Texas-Mexico border at the town of Fabens, Texas, and had a confrontation with him. They shot him. They didn't know they'd shot him. He disappears into Mexico. They believe that he had a weapon. The United States Federal Government finds the drug dealer bringing in $750,000 worth of drugs into our country, finds him, says to him, Oh, we're going to give you immunity. We're not going to prosecute you for being a drug smuggler into the United States. All you've got to do is come back to America and testify against the two border agents on a civil rights violation because, you see, they shot at you. They actually hit you, and so we want to prosecute them, says our Federal Government. And our Federal Government spent thousands and thousands of dollars prosecuting those two border agents, and they were convicted. They were sent off to prison.

But what the jury in that trial didn't know was when this star witness, the backroom deal witness that the Federal Government made a deal with, you know, made a deal with the devil, to testify against these two border agents, while he's waiting to testify, he slips back into Mexico and brings another load of drugs into the United States, and the jury never heard about that second encounter.

Now, Madam Speaker, if you're a juror in a case, and I used to be a judge, and, you know, I never thought using these kind of witnesses helped to find the truth in a case. And this is a perfect example. If you were a juror in the case and the whole Federal Government's case is based upon the testimony of a drug dealer saying that he didn't have a weapon and that these two border agents shot at him anyway, wouldn't you want to know that while he's waiting around to testify he's bringing more drugs into the United States, flaunting the immunity agreement that our government gave him? Sure, you'd want to know and then judge his credibility.

Well, it turns out that was kept from the jury by the prosecutors. That case is on appeal. The fifth circuit heard it last year, and hopefully they'll reverse the case and order a new trial and let the next jury hear the whole truth. But you see, it's incidents like that which tells the Border Patrol agents don't get in a confrontation down there on the Texas-Mexico border, because if you do, our government won't back you; they're going to back the bad guy, the drug dealer.

Another example, David Sipe, another Border Patrol agent. Several years ago, I think it was the year 2000, almost the same situation. He gets in a fight with a coyote, human smuggler, bringing people into the United States in the Rio Grande riverbed. And he has a fight with this coyote and he wins the fight. You know, we'd think we'd want our border agents to win the fight, but yet he's prosecuted for violating the civil rights of the human smuggler, and he's tried and he's convicted. And what we learn in that case was the prosecution hid evidence in this case as well. The U.S. Attorney's Office hid evidence in that case as well about the fact of all the advantages and deals they gave to the coyote if he testified. See, the jury didn't know about all the things that he was given, about the $80,000 he was given.

Now, he bought a ranch down in Mexico with that $80,000 of U.S. money. About the cell phones, about the green cards coming back and forth. And so the Federal judge found out that the U.S. Attorney's Office hid that information from the jury, ordered a new trial. The second trial the jury heard all the truth. The jury found David Sipe not guilty. He's the second one.

□ 1700

More recently, Gilmer Hernandez, now get this one. It's almost as bizarre as the other two. Gilmer Hernandez is a deputy sheriff down in Rock Springs, Texas, not a very big place, and a vehicle is coming through at night, lights off, runs the stop sign. Gilmer Hernandez is on patrol by himself. You see, we don't have the money to have two deputies in a car.

He stops the vehicle. As he's approaching the vehicle, the driver turns the vehicle around, tries to run over Deputy Hernandez. Deputy Hernandez pulls out his pistol, perfect great shot. He starts shooting at the vehicle, the tires, just like in the movies. He's shooting at the tires, and he knocks out two of the tires as the vehicle goes by.

But what happened was, one of those bullets ricocheted on one of the people in the vehicle. There were nine illegals, plus the driver which I assume was the coyote, and they take off running. Deputy Hernandez was prosecuted for a civil rights violation because the U.S. Attorney's office said he shouldn't have fired his gun at the vehicle as it went by. He protected himself in self-defense, in my opinion. Deputy Hernandez just now got out of Federal penitentiary, and he's back home in Rock Springs, Texas.

It's cases like that which tell the border agents, be careful, don't get in a confrontation because if you do your government's not going to back you.

Now, I give you those three examples, Madam Speaker, because of the most recent example, the tragic example of Luis Aguilar. Luis Aguilar was a border patrol agent from El Paso, Texas, on duty in Tucson, Arizona, last week. Two vehicles speed across the United States border with Mexico, presumably drug dealers, come into the United States, border patrol sees them, tries to apprehend them by blocking their path, they turn around, they start heading back to Mexico.

Luis Aguilar, after getting permission with his supervisors, throws out what are called spikes, tire spikes, in front of one of the vehicles. The vehicle runs over this, tires blow out, and you're able to capture the bad guys. So he throws the spikes out in front of a Humvee, apparently stolen in the United States. You see, drug dealers are using real fancy vehicles stolen in the United States in many cases, and so he throws the spikes out but the Humvee doesn't stop. He heads for Border Patrol Agent Aguilar and, at a speed of 55 miles an hour, hits Border Agent Aguilar and killed him and then disappeared back into Mexico, that being the Humvee. He was 32, married, had two kids.

But you see if he would have done what Deputy Hernandez did and pulled out his gun and tried to shoot out the tires, you know, where would our Federal Government be? We don't know, but we do know that Border Agent Aguilar was killed in the line of duty protecting the dignity of the border, and I say that to say this, Madam Speaker.

Here's a chart. It's pretty simple. Assaults on border agents in 2005, there were 384. That's about one a day. 2006, doubled, 750, two a day. And last year in 2007, 987 assaults on border agents, three a day. That's what's happening to our border agents.

And have you read about any of this in our American press, about the assaults that are taking place against our border agents who are protecting the war zone down there on the Texas-Mexico border? You don't hear much about it, but you sure hear about it when some drug dealer gets shot by a border patrol agent. That ought not to be.

So, Madam Speaker, that's part of the problem is that we don't give the border patrol the right rules of engagement. We need to support them. We need to make the rules of engaging, especially drug dealers and coyotes different, so that they know our government supports them and act within the law to make sure they're able to stop those people who illegally come into the United States.

Madam Speaker, one of the many places I've been is Hudspeth County.

I'm sure most Americans never heard of that except folks down there in Hudspeth County. This is a drawing of it. El Paso County is to the West, and then there's Hudspeth County right here. It's a county about the size of Delaware. It has 12 deputy sheriffs patrolling this whole county the size of Delaware, and it's a great place for drug dealers to sneak into the United States and human coyotes because they're only 20 miles from Interstate 10.

There have been reports that the Mexican military has actually helped drug dealers smuggle drugs into the United States. You don't hear much about that in the national media.

But I want to tell you specifically about one incident I saw when the sheriff of Hudspeth County took me down to the Rio Grande River. We're driving down to the Rio Grande River on a dirt road. The river's to our south, and we come upon this. This is a bridge. It's a foot bridge. You don't drive back and forth across it, and it's out in the middle of no place, and there are three of these that connect Mexico to Hudspeth County, Texas, and of course, that bridge serves one purpose. It allows people to come into America without permission.

And I was just stunned to see this and the other bridges, and they've apparently been there for a long time. I don't know why we just don't tear it down, you know. Are we going to offend somebody if we tear this bridge down? At least go halfway. Half of it's ours, but it's things like this that make the work of our border patrol so difficult when we have these absurd bridges down in at least parts of Texas that border the United States and Mexico and allow people to come across.

Let me mention some other problems that we have. When Vicente Fox, and I call him Generalissimo Fox, was President of Mexico, he instigated a plan that would help illegals, not legals, come to the United States. What happened is the Mexican government produced comic book-types of pamphlets that were given to the migrants that were coming into the United States. Here are a few pages from the Guide for the Mexican Migrant. That's what it says on the outside of this pamphlet.

And here you see what to do, shows you where to cross, what to do when you're confronted by a border patrol, what to say and not to say. But anyway, it's all helping migrants come into the United States illegally, including giving them maps on where they can go and the best places to cross. So I doubt, in my opinion, if we're getting the right kind of cooperation from the Mexican government.

The Mexican economic policy seems to be go to America and send your money back to Mexico because that's what's happening. You know, people that are working in the United States from Mexico, send about $20 billion a year, that's billion with a B, back to Mexico. Other countries in Central America and South America, it's about $10 billion. It is about $30 billion a year of American economic stimulus is going to Mexico and to other countries in the Americas. So that is the apparently economic plan of Mexico.

I don't understand why Mexico, with all of its natural resources, doesn't develop those rather than expecting individuals to come to the United States and send their money back home.

You know, also speaking about Mexico, Mexico every once in a while kind of takes the position that we're being too hard on protecting our borders, but yet that's the same government that protects its southern border from other Central American countries where those illegals who want to come into Mexico, either to stay and work or come into the United States. Somewhat hypocritical to me, in my opinion.

We have gone so far that in this country if you are illegally in the country you can get what is called a Mexican matricula card. What is that? That is a document that is produced by Mexico as identification for Mexican nationals that are illegally in the United States. Now, somebody sent me one of these. Here is one. It's obviously not authentic even though it looks like it was from the consulate's office in Indianapolis. That's my photograph. Somebody took it off the Internet and just put my photograph on it and just made a Mexican matricula card.

Now that's what Mexican nationals, especially illegals, use to do banking, credit cards, to set up any type of financial transaction. They use these matricula cards. So we give illegals in this country identification cards from their home country. Doesn't make a whole lot of sense to me.

The next thing I'd like to mention is that in many cases when people are actually captured by the border patrol they're not immediately sent back where they came from, whether it's from Mexico or from China or wherever. Because of the overwhelming numbers, we don't have the facilities to detain individuals. So, if you are a Mexican national, you're usually sent back home. That doesn't prevent you from coming right back across the river the same way you got here. But they're sent back, and I'm talking about Mexican nationals that are illegally in the country. They have to come back and forth and be caught numerous times before our government finally says now we're going to prosecute you for criminally entering the United States. Most of the time they're just sent back home.

If you are not a Mexican national, what happens is because we don't have places to detain people that are captured by border patrol, sheriff's department, whoever, and then they are released on their word to come back to court for their deportation hearing. I probably need to repeat that again because I want to make sure that it is clear. So if you're not from Mexico but you're from some other place and you illegally come into the United States and you are captured, you're taken before an immigration judge, and on your oath and word you promise to appear in 6 months for your deportation hearing, and you are given a piece of paper, a get-out-of-jail-free card, which allows you to roam around for 6 months before you have to show back up because the courts are overwhelmed.

Did you know something, Madam Speaker? Most of those people never show back up for their deportation hearing. They just stay in the United States, and we hear from Homeland Security that that policy has ended. I'm not so sure that it is, because when I go down to the border, and I talk to the people, the boots on the ground, they say, no, we are still doing that in many places. We let them go because we don't have places to detain them.

When I was down on the Texas-Mexico border in one episode, we were driving down, middle of the night, 2 o'clock in the morning. Those Texas sheriffs are hard to keep up with. They stay up all the time, but anyway, we're driving down a road near the border and we see two people waiving at us. The sheriff stopped, found out these two people were from, I believe it was Costa Rica, and they wanted to be arrested so they could get their get-out-of-jail-free card so they could go on about their way. Interesting. They know the rules and what we don't do in this country to enforce our law in other countries. So it makes it very difficult to do what is necessary to enforce the rule of law.

Madam Speaker, we have this problem. We have individuals, legal and illegal, from foreign countries come into the United States and they commit felonies. I'm talking about serious crimes, in violation of the Federal law. They are caught. They are captured, they are tried, they are convicted, and they're sent to prison.

While they're in prison, our system works very well. ICE files deportation proceedings. They take place. An immigration judge orders the person deported as soon as they get out of the penitentiary. But what happens is when they finish their sentence, their home country won't take them back. They don't want them. They're criminals, and so because of our law, we can't indefinitely keep the person in custody. They've already served out their sentence for violating American law for a felony like robbery. So they're released within 6 months, as it should be. The Supreme Court has said that. I agree with that rule. We can't detain them, but their country won't take them back.

Now, there are nine main countries that do that, and it may not surprise us that the number one culprit is that country that makes, you know, toys with lead in it and sends it to the United States, China. China doesn't take them back. They use all kinds of diplomatic excuses why they don't take them, but the bottom line is they

don't take them back. Vietnam is another one that doesn't take them back. India. There's a total of eight countries that won't take them back.

□ 1715

Now, it would seem to me if a country won't take back their lawfully deported felons, that country shouldn't get legal visas for other citizens to legally come here. It seems like that ought to be the law: You won't take back your deported ones, your citizens can't come here legally. That's what the law ought to be. Well, Madam Speaker, that is the law. However, the State Department chooses not to do that, especially with China, and I have the letter that they sent me. They choose not to do that with China because of the ongoing trade negotiations with the Chinese Government.

Madam Speaker, if a person commits a felony in this country and they're ordered deported to go back home, they ought to go back home. If that country doesn't take them, they ought to lose the right to have legal visas in this country, and they ought to lose foreign aid if we give foreign aid to those countries; otherwise, we will have a continuing number of these felons running loose in America. How many are we talking about? My understanding is that right now it's 165,000 people lawfully deported for committing felonies and haven't been taken back home by their home country. It's amazing what we don't do in this country.

We also have the problem, of course, in the area of how much it costs. And I'm going to try to go through these as fast as I can, Madam Speaker. Before I get to the costs, I want to talk about this issue of birthright citizenship. Most Americans, if you ask them the question, if you're born in the United States, are you a citizen, 100 percent of them are going to say, sure, you're a citizen if you're born here. But is that the law? And I'll read where this comes from. And when in doubt, we probably ought to just look at the Constitution. And I know most Members of the House on both sides carry a pocket Constitution like this, as I do, in their pockets. I want to read to you the 14th amendment, just portions of it.

Section 1, 14th amendment of the United States: ''All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.'' That phrase that we don't ever talk about is ''all persons that are subject to the jurisdiction thereof.'' In other words, you've got to be subject to the jurisdiction of the United States if you're born here. And people who sneak into the country with the whole premise of having a child are not subject to the jurisdiction of the United States. That would be my argument as a former prosecutor and as a judge, looking at it from a constitutional point of view.

Just because you're born here doesn't make you a citizen under the Constitution. But it's our policy in this country to allow you to be a citizen. We just accept that. But that's not what the Constitution says. So, maybe in the interest of America we ought to revisit that, especially those people and those cases that fraudulently enter the country on the premise to have a child born here. Once that child is born here, then the child, because we say that child is an American citizen, then we don't deport the child, but we let the mother stay and then we allow the whole extended family to come over here and stay into the country. And this is happening at an epidemic proportion in the United States. It seems to me that we need a case before the Supreme Court and let them decide down the street whether or not, just because you're born here, does that make you a citizen? I would argue it doesn't because they're not subject to the jurisdiction of the country when they fraudulently came in here. They're subject to the jurisdiction of the country that they came from.

Also, we have a tremendous cost in the area of education, Madam Speaker. Last year, Texas spent $4 billion educating people illegally in the United States. We talk about education costs. We've talked about it. We're going to talk about it some more. We don't hear too much talk about the people that are in the system that are here illegally in the country. Nationwide, it's about $30 billion a year. And it's unfortunate that we won't deal with the reality of it. We educate everybody in the country. All you've got to do is just show up and you're educated at somebody else's expense.

Now, I don't think other countries do that. Let's say, Madam Speaker, that I went to France, and I snuck into France and I take my four kids with me. And I get into France and I tell the Education Minister of France, Educate me. Educate my kids. Educate them in English because none of us speak French. What do you think would happen to me? Well, my kids and myself and my family, we would be sent back to Texas, and rightfully so. And most countries in the world do that, but not the United States.

Let's deal with the issue of the cost of people in the system that are illegally in the country and figure out the most humane, ethical and financially beneficial way to deal with it. But one way not to deal with it is what we're doing now is allowing people that are illegally in the country to go to our universities and pay in-state tuition. That makes no sense. And Texas, unfortunately, is one of these States. You see, if you are illegally in the country, you can go to the University of Texas and pay in-state tuition. But if you're from Oklahoma, God bless you, or you're from Germany and you want to go to the University of Texas, you pay out-of-state tuition because you ain't from around here. But if you're illegally in the country, we allow you to go to the University of Texas and pay in-state tuition.

So, we benefit people illegally in the country over American citizens and foreign nationals who are coming here the right way. It makes no sense to me. And with the high cost of education, and as a parent, and most parents who have to pay for this education, it doesn't seem fair to me that we penalize American citizens and legal foreign nationals who want to go to our universities. So, education is one of those.

Health care costs is another one. I've discussed that. I don't have time to talk about Parkland Hospital in Dallas where most of the babies that are born there every year are born to mothers that are illegally in the country. There is a whole network of individuals, pregnant mothers from south of the Texas border, and I don't just include Mexico, but there is a whole network, work your way up to Dallas, wait your turn, go to Parkland Hospital and have your baby, and your baby is now an American citizen. We have to deal with that. And of course the health care cost is being paid by somebody.

We've talked a lot about health care and expenses and how Americans can't afford it, and that's true. You know, middle-class America, people making up to $100,000, $80,000, they can't afford health care costs. They can't afford to pay for the insurance. But if you're illegally in the country, of course, all you've got to do is show up at the emergency room, the most expensive health care, and somebody else pays for it. And that's people that are paying taxes, legal immigrants and U.S. citizens. So, health care costs are being driven up by people who are here illegally.

The criminal justice system. I mentioned I was a judge down to Houston forever, 22 years. And on any given day they tell me over in the sheriff's department that about 20 percent of the people in jail waiting to be tried, waiting for their felony trials, that's what I tried was felonies, are people from other countries, most of them illegally in the United States.

The prison system, State, Federal, local, is all being driven up in cost by criminals that are over here. Not everybody is a criminal of course, but some of them do come over here and commit crime. And it's important that we have to deal with that issue and the cost as well.

Madam Speaker, the GAO did a study on our borders, and here is what they did. They got some of their people to drive back and forth across the American border with Canada and Mexico, and they wanted to see if they could get into the United States illegally. And they did. They used fake documents that they had manufactured, just like other people do. And what they were bringing in was radioactive material that went undetected when they kept crossing back and forth the border between the United States and Canada and the border with Mexico. And I give you that example because, in the big scheme of things, open borders is an invitation for terrorists who

want to do us harm. The next terrorist attack that happens in this country is not going to be because somebody lands over here at Reagan National Airport, gets off the plane and says, I wonder what damage I can do to America. It's not going to happen that way. They're going to probably just come across the border because it's easier to do that. And we should be very concerned about that issue because, you see, open borders, you get the good, you get the bad, and you get the ugly. And those terrorists are certainly bad and ugly.

So, Madam Speaker, we need the moral will, as a country, to enforce the rule of law. All those different groups that have a political agenda, or some other agenda rather than national security, have an influence over our national security issue. And maybe we need to deal with what is best for America. And we start with the basics. We secure the border and you make sure that people who come here come here the right way. We streamline the Immigration Service so people don't have to wait so long before they come here, whether they want to be a citizen or whether they want to work or whether they want to be a student. That's a whole other issue, the Immigration Service. But streamline that. Make it efficient. Make sure that we use documents, such as a passport, to come into the United States.

We protect the borders of other nations, Madam Speaker. We protect the border of Korea. We're over there protecting the border in Iraq. We protect the borders of other nations better than we protect our own border. Third World countries protect their borders greater than the greatest power that has ever existed protects its borders. Why? It's because we don't have the will to do it. We do a lot of talking about it, but we don't do much about it.

As I mentioned, I've been down to the Texas-Mexico border 13 times. Every time I go down there, it gets worse. A sheriff in one of the counties told me, I said, What's it like down here? He said, After dark it gets western. I said, What do you mean by that? He said, It gets western. It's violent. And while we were down there, we heard gunshots coming from the other side of the border. It's a serious situation, and Americans need to realize it. And I invite every Member of Congress to go down to the border and see what it's like. Because if we're going to make rules about immigration reform and border security and national security, we need to see what the war zone is like to make those decisions. And I invite them all to go down there. Go with me, because I'm going back.

So, we need to prosecute businesses that knowingly hire illegals. They shouldn't get a pass because they own the business. We go after the worker that's over here and try to deport them. That's the wrong method. The method ought to be, go after the business, because if the business owner doesn't hire illegals, that person doesn't have a place to work and they'll go home. Oklahoma has already proven that with their State law.

We need to put America first. And Madam Speaker, we cannot continue to be blissfully ignorant of the truth on the border. This is a great country, a country, as we hear, that is made up of mostly immigrants, people who came here the right way at some point in time. And we want to continue to be a Nation of immigrants. But the rule of law needs to be followed. It has to be followed. And we need to enforce the security of our Nation rather than continue to talk about it.

It reminds me of what my grandfather used to say. He said, ''When all is said and done, more is said than done.'' And that's true. We need to do whatever is necessary within the law. I, for one, believe that we ought to put the National Guard on the border; that would stop it. When the military is on the border, our military is on the Korean border, you don't cross that Korean border without the permission of the United States. Protecting somebody else's border, again.

Madam Speaker, it seems to me that open borders invites everyone to come in and invade the United States, and it's time that our country deal with this reality while we're dealing with the war in Iraq, while we're dealing with the war in Afghanistan, while we protect the borders of other nations. Let's deal with the issues of the border security of our own country, the border security on the southern border and the border security on our northern border. We will be a better country for it and a safer country for it.

And Madam Speaker, that's just the way it is.

PRESIDENT'S DEFENSE BILL VETO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. BRALEY) is recognized for 60 minutes.

Mr. BRALEY of Iowa. Madam Speaker, I was sitting at home over the holiday recess spending time with my family when I became aware of the fact that the President had vetoed the Defense Authorization bill that we passed in this body shortly before we adjourned. And like most of my colleagues, I was surprised by that veto and I wanted to learn more about the basis, the reasoning behind the decision of the President to withhold pay increases to our men and women in uniform who are serving us in very heavily conflicted areas around the world, and why the President would veto a bill that would increase funding for Veterans' Administration health care benefits to our Nation's aging veterans and our most recent veterans who are in serious need of those medical services. And so I got a copy of the President's veto statement and I read it, and, quite frankly, I was shocked. I was shocked, Madam Speaker, because, as I saw the President's basis for the veto, I was taken back to a time several years ago when I was watching a 60 Minutes story about tortured U.S. prisoners of war from our first Gulf War. And when I learned that the basis for the President's veto was to keep U.S. POWs who had been brutally beaten and tortured by Saddam Hussein's thugs in the first Gulf War from receiving compensation for those injuries, I was ashamed for my country.

To give you some idea of what we're talking about, these were the words that Mike Wallace uttered on 60 Minutes at the beginning of the program on November 20, 2003: During the first Gulf War against Iraq in 1991, a number of American soldiers who were captured and became prisoners of war were brutally, brutally tortured by the Iraqis. Eventually, though, the POWs came home, put the pieces of their lives back together, and largely remained out of the public eye. But today, a different battle is being fought by some of those American POWs all these years after they returned. It was back in 1991 that the POWs came home from Iraq to a hero's welcome and were greeted by the then Chairman of the Joint Chiefs Collin Powell and then Secretary of Defense Dick Cheney.

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''Your country is opening its arms to greet you,'' said CHENEY. Many of the POWs had suffered wounds both physical and psychological. Some of them suffer to this day more than a decade after they were captured and appeared on Iraqi TV.

And, Madam Speaker, to put a human face on these tortured American POWs, I am going to put up a photograph of Commander Jeffrey Zaun, who was a tortured Gulf War POW, who had a very visible presence on TV because of the attempt by Saddam Hussein's government to use him as an example and try to convince the American people to give up the cause that was the purpose for defending the invasion of Kuwait from the aggression of the Iraqi army. Commander Jeffrey Zaun was one of those POWs who was brutally tortured by the Iraqis and was part of a group of POWs who took action to try to hold the Iraqi Government accountable and to serve as a deterrent to other nations like Iraq who would dare to use American hostages and American POWs as a way of exacting their political agenda through torture and abuse in violation of international law, in violation of international treaties.

So how did we get to this point? During the Gulf War against Iraq, these captured POWs that we've been talking about were subsequently tortured, beaten, starved, hooked up to electric shock devices, and subjected to other horrendous acts by Saddam Hussein's regime. At the time these acts occurred, the United States Department

of State had classified Iraq as a state sponsor of terrorism. Madam Speaker, during the Gulf War, this very Congress that I stand in today had passed two resolutions by unanimous consent, stating the intention of the Congress to hold Iraq accountable for the torture of American POWs. Yet when these same brave American POWs returned home after the Gulf War ended, what did our current Vice President and then Secretary of Defense DICK CHENEY tell them? ''Your country is opening its arms to greet you.''

Well, where I come from in Iowa, opening your arms to take care of tortured and wounded people means doing a lot more than ignoring their needs. And yet that is exactly what happened to these unfortunate POWs. They have suffered long-term physical, emotional, and mental damages as a result of brutal state-sponsored torture. And in 1996 Congress, responding to their concerns, raised by these international law violations, passed an amendment to the Foreign Sovereign Immunities Act so that torture victims like the American POWs we are talking about could seek compensation for their injuries from terrorist countries including Iraq.

On April 4 of 2002, 17 POWs and their families filed claims in the United States District Court for the District of Columbia, seeking compensation for damages related to their torture and abuse by the government of Iraq. These POWs included many decorated officers in this Nation's military, people like Colonel Clifford Acree, Lieutenant Colonel Craig Berryman, Sergeant Troy Dunlap, Colonel David Eberly, Lieutenant Colonel Jeffrey D. Fox, Chief Warrant Officer Guy Hunter, Sergeant David Lockett, Lieutenant Colonel Michael Robert, Lieutenant Colonel Russell Sanborn, Major Joseph Small, Staff Sergeant Daniel Stamaris, Lieutenant Colonel Richard Dale Storr, Major Robert Sweet, Lieutenant Colonel Jeffrey Tice, Lieutenant Colonel Robert Wetzel, and, of course, Commander Jeffrey Zaun.

I am on the floor tonight with some of my colleagues in the freshmen class so that these names do not fade into history and the abuse that they were subjected to does not get lost in the politics of a Presidential veto.

In 2003, after the Government of Iraq repeatedly refused to participate in arbitration on these damage claims and after hearing evidence about how these POWs had been repeatedly tortured, a judge awarded them damages and indicated that the purpose of deterring torture of POWs should be one of the highest priorities of our government.

And, Madam Speaker, the reason why what we're talking about is so important is because the United States, like many countries, is a signatory to international treaties designed to protect the treatment of U.S. POWs and other prisoners of war and the most important treaty is the Third Geneva Convention that was entered into on August 12 of 1949.

One of the most important provisions that came out of the Third Geneva Convention is Article 131, and the reason that I am so outraged by the President's veto, Madam Speaker, is because Article 131 prohibits the very conduct that the President engaged in in vetoing this legislation because the Geneva Convention Article 131 provides no country shall be allowed to absolve itself or any other country of any liability related to prohibited treatment of prisoners of war. And there is no doubt, there is no question, that the abuse of American POWs by Saddam Hussein's regime constituted the type of torture prohibited by the Third Geneva Convention.

I am proud to welcome to this hour the president of our freshmen class, the majority makers, my good friend from the southern part of Minnesota who has been a terrific leader in our class, who has been a passionate spokesman on fighting for veterans, fighting for our men and women in uniform, and he brings a very personal perspective to that based on his longstanding service in the National Guard of this country. And without further ado, I am going to yield to my friend and colleague, Mr. WALZ from Minnesota.

Mr. WALZ of Minnesota. I thank the gentleman from Iowa for yielding.

And, Madam Speaker, I think it's critical to point out that the gentleman from Iowa has been a passionate voice for civil liberties, has been a passionate voice of making sure this country adheres to that great tradition that so embodies each and every one of us. And I think it's important to understand that Mr. BRALEY from Iowa comes from a family that has served this Nation proudly. He's got a grandfather that fought on the sands of Iwo Jima. And in bringing this fight and understanding what needs to be done to protect our soldiers in this conflict and future conflicts, he's brought a very, very important point out about the President's disregard in vetoing the Department of Defense authorization bill. And I would have to say his voice has been somewhat lone in the wilderness on this. I don't hear the outrage that should be there. So I thank the gentleman for giving me the opportunity to stand with him tonight to bring this important issue forward.

I spent the last 9 days prior to this week traveling throughout Iraq and Afghanistan, talking to our soldiers, talking to our airmen, talking to our Marines, talking to our sailors, and getting a feel for how things were going as far as how their medical care was going and those types of things. And without fail every single one of these individuals with high morale and a pride in what they are doing for their Nation did bring up the question and asked me, Why is our raise being held up? Why can't Congress get the simplest thing done to move forward a raise? And I ask this and in talking to them and talking to other Americans, Madam Speaker, the question comes, and we hear it time and time again, why can't Congress get along? Why can't Congress get things done? And I think Mr. BRALEY from Iowa has highlighted exactly what it is and exactly what we are up against.

This President chose to hold our warriors hostage their pay raise. And the President may not think 3½ percent is much. I'm sure it's nothing to him. What I can tell you is that it's a lot to a family back home. It's a lot when the mother and father are deployed down range or in a war zone. It's a lot to have that 3½ percent given. But the President didn't concern himself with that, all the good things that Mr. BRALEY talked about that was in the Department of Defense Authorization Act, a very important one was the ability of our POWs, those that fought so bravely to make claims and make amends according to law, according to international law, to amend what had been done to them.

Now, the President tells us we'll get frivolous lawsuits out of this. We will hamper Iraq's fledgling government's ability to rebuild itself.

Now, there are several big fallacies in that statement. The first is the assumption that the fledgling government is doing anything to get itself back and rebuilding. And I offer the fact that Iraq said last year they would put in $10 billion of their own money to put into reconstruction. An audit at the end of last year indicated they spent 4.4 percent of that. Spent it. It doesn't necessarily mean that it went to reconstruction, which basically says 95.6 percent never made it out of the bureaucracy, never made it to the Iraqi people, never did any of that.

Mr. BRALEY of Minnesota. Reclaiming my time, I want to share a personal experience I had serving on the Government Oversight and Reform Committee when we investigated the very problem that you're identifying. And we saw the photograph showing fork trucks carrying $2.1 billion of cash bundled up on pallets as part of the largest 1-day transfer of cash in U.S. history that led to the missing funds you're talking about. Over $2.1 billion of cash sent in 1 day, and yet the Iraqi people who are in need of the assistance are unable to identify where that money went to. There's a similar problem with our inability to identify large amounts of weapons that are unaccounted for in Iraq. And I think it gets back to the much deeper question of whether the American taxpayers are getting their money's worth for the contributions that this country has made investing in the rebuilding of Iraq. And I just wanted to offer that and offer it up as an opportunity for you to comment.

Mr. WALZ of Minnesota. Absolutely. And the point that the gentleman from Iowa has brought up is exactly this: When you dig into this and you start peeling back the onion of what's happening here, you start to see a pattern. And the issue here is this administration, as much as they want to talk

about the rule of law, as much as they want to talk about giving people recourse on this, they have slammed the door into 17 brave warriors, slammed the door in their face, of saying they should have the ability to recoup some of what they gave up for this Nation. And it wasn't our Nation paying for it. It was the Iraqis who were responsible for that torture, for that mistreatment.

And I think many of us ask the question, what message does this send to the people who are fighting around the world? What message does this send to them? You can torture the Americans and if you cut a good enough deal, there will be no recourse. There will be no recourse against the people who carried it out. There will be no recourse to allow for those people to receive compensation. I think it sets an incredibly poor precedent. It disrespects the service of these brave warriors, and it sets us up for failure in the future of these things starting to happen. So when we see this and when the American people ask us, why didn't anything get done? I'll have to tell you today's a pretty sad day. The President did sign the DOD authorization when this provision was taken out. And I think many of us who voted on this in the first place put together a good compromise bill. We find out that when any legislation goes up the street to Pennsylvania Avenue, the people's will in this House matters nothing, the people's will to make sure that this was righted. The 17 families that have asked for recourse on the damages that were done in the name of this Nation were wiped away with a single signature by the President, and this House is left at the horrible choice of do we continue to hold up the research funding for warriors' injuries? Do we continue to hold up the funding for weapons systems to protect them? Do we continue to hold up the pay raise to these soldiers and to their families who are fighting, or do we make the compromise to move that forward and fight another day?

And I quite honestly have to commend my colleague from Iowa. He will fight every day for what's right. This is a question of justice. This goes at the heart and soul of our rule of law and our justice system and a citizen's right to recourse, to petition, to be able to go to a court of law to hear their discussion in a public court of law, to have their peers make a decision. But as we know, this administration, given the opportunity, would shut those same doors to justice to many of us here.

We hear about clever arguments on tort reform, and I know my colleague from Iowa is very familiar with this, but it's pretty much the same thing; that if you are injured in a reckless manner, if you're injured or something is done to you, your ability to go and tell your story in front of a jury of your peers and to trust in your peers to make the right decision, they want to limit that, and they say it's all in the name of frivolous lawsuits, as if we could trust the corporate entities over our neighbors, over our fellow citizens. And in this case we told our fellow citizens, 17 of them that are warriors, well, Iraq needs to rebuild and needs to keep that money, which, by the way, as I think the gentleman noted, upwards of several billion dollars that have gone missing.

I will note that payment to Iraqi legislators has come on time every single month. The lifestyle of Iraqi legislators as they took off a month in the heat of August during some of the most fierce fighting that our soldiers were fighting and dying for as they left to their villas is something that I think Americans should take great notice of. So, once again, I think that this was a huge mistake. I think the President put a very narrow special interest ahead of the needs of our fighting soldiers and has set a precedent that I'm afraid we're going to have to deal with in a much bigger manner down the road.

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Mr. BRALEY of Iowa. I think you have hit a very important point in talking about what this law was originally designed to accomplish. This law was not designed to open the floodgates for any potential claim arising from persons engaged in armed conflict around the world against the countries where that conflict occurred. In fact, this law that allowed these claims to be pursued in the first place set a very high bar before you could even begin to pursue them.

Number one, there had to be a declaration by the State Department that the nation involved in torture was a state sponsor of terrorism, which, as you know, that is an incredibly harsh accusation to make in the world community. So in order for the State Department to reach that conclusion, they would have to be presented with overwhelming evidence that a country was engaged in the state sponsor of terrorism. And when the Saddam Hussein regime in Iraq invaded Kuwait, that is when the State Department acted to declare, based upon what was happening and what was outraging people all over the world, that indeed that government was a state sponsor of terror at that time. So that was the first threshold that these hostages and POWs had to meet.

The second was that they were tortured under the definitions of international law, which is much more egregious than simply being involved in a firefight and being wounded or having something that is expected to happen in the normal course of conflict, which is always an impossible arena to control. But we are talking about a deliberate decision to torture individual citizens in violation of all accepted principles of international law.

And then after you pass those two hurdles, these victims of torture also had to prove that the acts that they were being tortured for would be the type of claims that they could pursue in the courts of law of this country.

And the gentleman from Minnesota, Madam Speaker, made another excellent point, and that is this is consistent with the pattern of behavior we have seen from this administration for the past 7 years to take away the rights of individuals who have been harmed due to no fault of their own and to substitute the judgment of this body and State legislatures for what juries have been doing in this country since before it was formed. And what I like to remind my colleagues is there is something that we all take an oath to defend when we serve in this body. It is called the United States Constitution. And part of that Constitution is something we hold and cherish, which is the Bill of Rights. And it includes the freedom of speech that we all cherish every day on this floor. It includes the freedom of religion, the freedom to associate, the freedom of the press. It includes the right to bear arms. But it also includes the seventh amendment to the Constitution that guarantees that juries get to determine facts like what the issues are we are talking about here today, what is fair compensation for someone who has been subjected to torture.

Madam Speaker, one of the things that I think is most disturbing about the issues we are talking about on the floor tonight is that the President and his spokesperson don't like to talk about what happened to these POWs. It is unpleasant, and it brings to mind in the hearts of all Americans, how could we let this happen to people serving this country who have put up with so much and been through so much and then get them to the point where they can hold their offenders accountable, and who comes in and pulls the rug out from under them? Not the Iraqi Government, but the President of the United States who directed his Attorney General to intervene in these claims and see that the assets were not available to satisfy them.

Let's just take a moment, Madam Speaker, to talk about one of those victims that I mentioned earlier, Colonel Cliff Acree. Here is what he said in that 60 Minutes interview that I referred to earlier: They had broken my nose many times and I was just getting used, you just kind of get used to it.

Colonel Acree was shot down the second day of the war. The interrogations always began the same way, and these are his words: They would have these six or eight people just beat you for 10, 15, 20 minutes. Just no questions asked. Bring you into the room and beat you with fists, feet, clubs, whatever.

One of the other victims, Dale Storr, that I mentioned, who was serving in the National Guard at this time said: Hearing Cliff talk about it, we never really talk like this before in such detail. But it brings back memories. It is almost like I am back in my cell again.

Another victim, Jeff Tice, who was captured after his F–16 was hit by a

surface-to-air missile, and, Madam Speaker, he was tortured with a device called the ''talkman.'' And what they would do is they would wrap a wire around the ear of one of these prisoners, another wire underneath their chin, then wrap it around the other ear and hook it up to an electrical device. Then they would start to question him. And this is what Jeff Tice said: They would turn on the juice. And what it does is it creates a ball of lightning in your mind or in your head, drives all the muscles simultaneously together, and it drives your jaw and everything together, and of course I am chained to a chair. I can't move freely. So everything is jerking into a little ball, and your teeth are being forced together with such force, I am breaking pieces and parts off.

Jeff Tice's jaw was dislocated so many times that he was lucky, as he said, that they were able to put it back into place.

And now, I am going to yield to my colleague from Minnesota. After hearing some of these descriptions and having had the experience of having young students of yours that you taught in Minnesota join the Minnesota National Guard, which along with the 133rd of the Iowa National Guard has served the longest single deployment of any combat unit in the war in Iraq, what type of message does that send to those young men and women who you helped to train, you helped to educate, and who are going off to serve their country, knowing that if they get captured and held as a POW their Government is not going to be there for them?

Mr. WALZ of Minnesota. Well, anyone who listens tonight, Madam Speaker, to the gentleman's accounts is horrified. And I think to put it into context, make no mistake about it, what happened today in the signing of the Department of Defense authorization bill with these provisions taken out to allow recourse on this is, it is pretty difficult for me to see any way that a decision was made to side with the monsters who carried out this torture and not with those brave Americans who went at this country's call, did our bidding, and then came home to the so-called open arms. And as the gentleman said, having spent 24 years in the National Guard, having trained countless soldiers, many, as you said, served in my unit. I taught them in school. I coached them on the football field. One of the things that was very clear in part of our training, because, of course, it held to those core values of being an American, was the respect for the Geneva Convention.

The Geneva Convention did several very important things. As I said, it upheld those principles of, even in a conflict situation, that the humanity and the humane treatment of other individuals was absolutely paramount to keeping with the ideals of this Nation. There was also something else very, very important with the Geneva Convention that many of us as soldiers always came to rely upon is knowing that if you adhere to these things, that if other combatants, the enemy you were fighting understood that, one of the things you could do was you could convince people that it might be better to give up the fight. It might be better because you know you will be treated humanely. And there was always great comfort, because it is not the fear of injury, it is not the fear of battle which is there amongst all these soldiers, it is the fear of capture and torture and saying something that may hurt your fellow soldiers that has everyone terrified.

So the idea is that the Geneva Convention was held in the highest esteem. The principles that it was set by were there to make sure that even at the base emotions of war amongst human beings that there was a respect for basic human life. There was a respect when someone was unarmed and unable to fight, that when someone was captured, they would be treated as humanely as possible. And with that being pulled back, I have to tell you, it terrifies me.

And these forgotten warriors are forgotten because they happen to be an inconvenience now. They happen to be an inconvenience to a political ideology. They happen to be an inconvenience because this administration doesn't want to follow the Geneva Convention. This administration, I believe, and members of this administration have called it a quaint, outdated notion that is no longer there. I would argue that soldiers don't see it that way. Soldiers see it as a necessity.

And for many of us, as my colleague has pointed out, it is hard to fathom that an administration that has talked so much about our soldiers would so callously brush aside 17, in this society, 17 warriors held in the highest esteem as a prisoner of war for their Nation and to cast them aside and cut their rights off to any type of recourse. And I can't help but see a pattern here of where the administration's loyalties lie. As Americans are struggling, and we hear about it every day, the economic crisis, they are struggling to make ends meet, and they see $102 a barrel oil. But I don't know where that is able to be rectified in their mind when they see the President walking hand in hand with the Saudi Prince and knowing that every bit of that $102 is going into the pockets of the Saudi Princes, going into nations and going into, in this case, a regime that committed the grievous atrocities against our soldiers and was totally absolved down on Pennsylvania Avenue against the wishes of the 100 elected Senators, against the wishes of the 435 elected Members of this body. And yet tonight, several of us stand here. And I think the outrage and the passion that my colleague from Iowa has shown should be reassuring to the American public that there is a voice there. There is a voice in the wilderness. There is a voice that says this is wrong. This is a wrong that should not be allowed to stand. This is a wrong that I think they want to see, my colleague from Iowa, myself and our colleagues here, stand and speak for what is right.

So again, I can only come to the conclusion, and I ask my colleague if he can find another way of seeing this, what was the benefit of the administration's decision to side with the Hussein regime over U.S. POWs who were tortured? I am still trying to find where there is justification. It doesn't go back to ''we can't hamper the Iraqi from rebuilding,'' because they are not doing that as it is. It can't go back to any precedence. It is in violation of the Geneva Convention, and it flies in the face, as my colleague said, of our basic principles of our Constitution. So I am trying to figure how we would be able to sell this to the American public.

Mr. BRALEY of Iowa. Well, Madam Speaker, I think my friend from Minnesota has hit this one on the head, because one of the things you were talking about is the administration's interpretation of what our treaty obligations are under the Geneva Convention. And maybe it all boils down to this very simple question: When is torture torture? Because you brought up the fact that our own Government, our own Justice Department, seems to have a difficult time interpreting acts such as waterboarding, that I think every American who has seen the video illustrating what that is would conclude that it constitutes torture in violation of the third Geneva Convention. And yet it is hard for us as a people and as a government to try to say, we need to stand up to other countries who are torturing our POWs if we can't get it ourselves in terms of our obligations under the Geneva Convention. I think it gets to a much more fundamental question, which is, are we going to be the type of country that stands by our word when we enter in these international treaties? These treaties are designed not just to protect American prisoners of war but to make sure that the countries that we may be in conflict with have the same respect for human rights, human dignity and human decency for captured prisoners that we would expect our men and women in uniform to be subjected to.

To give you some idea of how this plays out in the real world, I would remind my friend from Minnesota of what happened to Lieutenant Colonel Berryman, one of the people I identified as the POWs that brought this claim.

□ 1800

This really gets to the heart of many of those constitutional protections I talked about earlier.

Lieutenant Colonel Berryman was inspected after he was captured to determine whether he was circumcised and was questioned about his religion. When he answered he was a Baptist, his captors called him a lying Jew. A guard then hit his left leg below the

knee that felt like a heavy club. Lieutenant Colonel Berryman immediately collapsed in excruciating pain because the blow had broken the fibula, one of the bones in his lower left leg.

Another guard used a similar club to attack his right leg, and the two guards continued beating him as he rolled on the floor to protect his leg. As he continued to resist answering questions, which is exactly what my friend mentioned, Lieutenant Colonel Berryman was told that if he did not answer their questions, they would break his other legs. Two guards pinned him to the wall and one kicked him in the left leg causing him to collapse to the ground in pain. The others began kicking and beating him. And one guard used a steel-towed boot to kick a piece of flesh out of Lieutenant Colonel Berryman's leg exposing the bone.

Then a lit cigarette was pressed several times against his forehead and then pressed against his nose and each ear and then was crushed out in an open wound on his neck.

What American listening to that testimony would not be overwhelmed with rage and with a sense of passion and compassion for the person that was subjected to that?

That's why, in my humble opinion, Madam Speaker, when we set policy on this floor about how we are going to stand up for the people who serve this country who may become prisoners of war or who may become hostages, it's important that we keep in mind that the rule of law will only be respected if we in this country stand up for it and say that the rule of law is what we are all about in the way we are going to take care of our citizens.

And with that, I would like to yield to my colleague from the great State of New Hampshire (Ms. SHEA-PORTER) and ask what your reaction is to some of the things we've been talking about tonight. What do you think the good people of New Hampshire would think if they knew their President and their government had done what we have done to deny the opportunity to compensate these victims of torture?

Ms. SHEA-PORTER. Thank you for asking that.

I come from a family who has served. I had my father serving in World War II. My uncle was a career Air Force officer in several wars. I had a grandfather in war and my brothers who fought, and I also had my husband who was in the military, and I was proud to be a military spouse, and now a member of the armed services; and always I believed that the Commander in Chief was going to be there to protect our troops. Always I thought it would be the Commander in Chief who would be a tough advocate for us all and he would be watching out and speak to other nations in as tough a manner as necessary to protect our troops. That's what I believed. That's why I'm here on the floor tonight.

I'm here on the floor trying to understand how the President of the United States has failed these prisoners of war, these men who went to Iraq and were seized by a hostile nation, who were tortured and then had to come back and go to court to receive just compensation. And when they won, then the President of the United States stepped in, not to make sure that they received what they had won, but to make sure they didn't receive it; and that's the part I can't understand.

The President said that Iraq needed this money, the Iraqis needed it to rebuild. We give $10 to $12 billion a month to the Iraqi government. I think that the President should take a look at how the money is being spent in Iraq and see and hear the stories that I have heard as a member of the Armed Services Committee and recognize that our money's being wasted over there. And yet he's protecting their assets and protecting them when our troops were the ones who went there.

Our troops were the ones who fought for our freedom in that first gulf war, and we had troops who suffered at the end of this government.

I can't understand it. And the President was so determined to do this that he held up the authorization bill. Now what is so important about that is there are a lot of programs in there. But one thing in particular just infuriated me.

There was a pay raise for our troops, for our troops who were in Iraq right now, who were in Afghanistan and who are all around the world and America protecting us. And the story about the pay raise is relevant, also.

The President says he supports the troops, but he only wanted a 3 percent pay raise. And so when Congress voted for a 3½ percent pay raise, the President thought that was too much. He said a 3 percent was sufficient. Obviously, the President has never had to live on military pay, but I have and so many do today. And I know that 3½ percent might not seem like a lot. It certainly isn't. But they need it, and they deserved it, and they earned it.

So now we have a problem that today's troops are suffering at the hands of the President's stubbornness here, and then we have the POWs who are suffering because they're not allowed to collect what they justly earned for their suffering.

And I can't understand it, but I do know that the people of New Hampshire are furious also that those veterans who went there in complete trust and faith in this country and in the President have to be devastated now to know that if they were injured, if they were tortured abroad, that they could not be certain that the Geneva Conventions would be upheld. They could not be certain that the Commander in Chief would be there for them. They could not be certain that all of the guarantees that were made when they signed and stepped forward to service would be honored, and I think that's the real shame here today and the real disgrace here today that we are not standing up for our soldiers.

So I would say that the people in New Hampshire are insistent that those who suffered for our country need to be justly compensated.

Mr. BRALEY of Iowa. One of the things I would like to ask both of my friends to comment on is how the Bush administration has known about this problem dating clear back to 2003 when the CBS 60 Minutes story aired, and what has happened since that time and what the attitude of the administration is in trying to justify it, this veto.

One of the things that we know is that a number of Members of Congress and a number of influential Members of Congress in both parties were outraged because of the fact that some of these POWs were constituents of theirs, and when the White House moved to intervene and make sure that these judgements could not be collected, took very strong action and took and used very strong language to try to convince the administration not to do this.

One of those individuals is someone we all know who is the current majority leader of the Senate, Senator HARRY REID from Nevada. And when this story aired in November of 2003, Majority Leader REID said, I hope George Bush, the President of the United States, doesn't know about this because if he knows about it, if he knows about it, it is a pox on his house, his White House. This is wrong.

Well, that was in 2003. And now we are 5 years later. There can be no doubt that this President knew what he was doing when he issued this veto, and yet when his press secretary has been questioned as to why the administration felt the need to take away the rights of victims of torture to full and fair compensation, they say the same thing over and over again which is, no amount of money could compensate these victims for their terrible injuries.

Well, when the judge who heard this case issued his decision awarding damages, he noted that, and yet that's not what this case is about. This case is about putting some measure of value on what these torture victims went through, what their families went through who were watching these shots on TV of their loved ones, who were hearing these tales of torture and fearing for the lives and safety of their loved ones. Why would our government, why would our President say that the value of the Iraqi people was greater than the value of these tortured Americans? That's what the fundamental question is we are here to talk about tonight.

And I would yield to my friend from Minnesota.

Mr. WALZ of Minnesota. It's interesting on the day that reports are coming out about the 900-plus misstatements leading into the war that were made by this administration that the idea that this had been known for 5 years, that it had been very clear. And I would quote former Republican Senator Allen and current Republican

Senator COLLINS when he said, Protection of American POWs is a vital national security interest, and the goal of rebuilding Iraq should not be viewed as inconsistent with that goal.

Now, what the gentleman from Iowa has so clearly pointed out and the gentlewoman from New Hampshire alluded to is in this idea of this global war on terror, the winning the hearts and minds of the rest of the world, one of the things is what those core beliefs and core values of the United States stand for.

And the gentleman mentioned and talked about on the floor of this sacred ground of democracy, Members of this body have clearly articulated in the exact words that waterboarding is a useful tool; turning someone upside down, stuffing a rag in their mouth and pouring water in their mouth under a circumstance where they believe they are going to drown is acceptable.

Now the idea of me being a history teacher coming to this body out of the classroom that I would ever stand here and speak of things seemed incredible.

But to think that I would stand here and have to define what torture is to other Members of this body is incomprehensible to me. And I tell a story about why this is so important and why we understood Geneva Convention, why we understood that by adhering to these things, it pushed our values forward.

I was teaching a ninth grade history class, and one of the assignments was to go back and interview a family member who had had some type of context in the Second World War, if they could find a grandparent or great uncle or someone. And the ninth graders came back and reported. And I remember a young man named Bill Wilbrand came forward, and he was telling an incredible story of battle, of heroism, of incredible terror and talking to his grandfather, telling him the story where he was captured by the enemy and he was taken away and he was shipped a long distance and put into a POW camp.

And the other ninth graders are like, Wow. That was your grampa? What happened? Well, it was kind of cold and the food was not great but not too bad and, you know, things were okay. And they said, Well, what happened afterwards? Well, he stayed here. He was a German and he was a prisoner of the Americans, and they brought him to Western Nebraska to a prisoner-of-war camp. And he was treated so well, he said, I will stay here and bring my family here, and his family, of course, is American.

The idea was he saw the values. He saw the dignity. He understood what those American soldiers were. They disagreed with the tyranny of the Nazi regime. They disagreed with what was happening, and they would fight and give their lives to stop that. But when an individual came under their care, they were treated with dignity.

And there was a sense of, that word swept through. That's why you had entire units say this is what is happening. The rest of the world saw America as righteous in fighting for the right causes.

Now we are in a situation where we have absolved a stated terrorist state, the regime of Saddam Hussein, and those people who took and tortured American soldiers and said, You know what? It's okay. We will just brush it under the carpet and hope it goes away.

And those 17 families, well, you know, we can't repay up. We will say thank you a lot. We'll stand in front of flags, and we'll pat them on the back. But we won't let them go through the recourse of the courts. We won't let them adhere to the basic values that the gentleman from Iowa said that predated this country, the idea of being heard by a jury of your peers, by getting recourse no matter where you stand in the hierarchy, no matter where you are economically.

But not these 17. They volunteered. They fought to defend this Nation. They served honorably. And they endured some of the most excruciating things that have been described here. And in one easy stroke today, they have been let down.

I don't know what to say when I hear the story of Colonel Berryman. And I think of his family, Madam Speaker. I don't know what words can come off this House floor to tell them the wrong that has been done to them. And it's all going to be done in the name of supporting the troops. It's all going to be done in the typical fashion that it is just us not able to get anything done.

When we made that horrible decision to fund veterans health care, to fund the vehicles that will protect them in combat and to give them a pay raise, to maybe hope that that mother sitting at home can take kids out to the movie on Saturday while Dad is in Iraq fighting for the Nation, we weren't going to hold that up so that was the choice we were given. So I can tell the Berrymans and others like him, Madam Speaker, that I'm sure not proud of that decision, but that's what we are dealing with coming down from Pennsylvania Avenue.

Mr. BRALEY of Iowa. I want to thank you for sharing that story. It is not in my district. It is in Congressman LATHAM's district. It's the largest geographic county in Iowa, and it borders on your district.

And one of the things that's unique about the county seat of Kossuth County is that it was also a prisoner-of-war camp for German soldiers who were captured and transported to the United States during World War II. And to this day, the townspeople of Algona cherished the crèche that was built by German POWs that they used every year during their Christmas celebration as a symbol of exactly what my friend is talking about which is this: It is nothing more simple than the Golden Rule that you treat other people the way you would like to be treated.

And one of the things that has been missing from our foreign policy is an appreciation for the role that this country plays as the sole remaining superpower to set the standard, the gold standard, for how we live up to the responsibilities we willingly entered into as part of the a Nation and a community of nations that come together and enter into treaties for our mutual benefit.

□ 1815

I look forward to hearing from another friend of ours in the freshman class who will be talking to us in a few minutes who has a deep and abiding appreciation for the importance of these concepts in the real practical reality of dealing with this in a global world full of problems that need the might and the force of the U.S. military to be a pacifying presence.

I recognize my friend from New Hampshire, and I would like to ask her specifically, as someone who serves on the Armed Services Committee here on the House, and having heard through the past year the problems with our readiness standards for our men and women in uniform and the problems of torture that we have been talking about here tonight and what symbol we send to the rest of the world based upon our own conduct, what lessons have we learned as a country that you have become aware of during your service on the Armed Services Committee that have relevance to the topic we are talking about this evening.

Ms. SHEA-PORTER. Thank you.

First, I would like to say that I mentioned that my father's brother had served, and he was in the Air Force. He flew daylight bombing missions over Germany. He talked about the fear during the day flying those bombing missions over Germany, but he never talked about fearing the U.S. Government, that the U.S. Government would not be there for him.

Then my brother served in Germany, and my brother-in-law served in Germany. And Germany treated the United States troops very, very well in the 1960s and the 1970s and the 1980s. The reason for that was because we had shown that we were not the kind of country that tortured, that when we received prisoners of war from Germany that we treated them the way we would want to treat any human being.

So it was a long distance from my uncle flying over Germany during World War II bombing missions with that great fear about what would happen to him and then the experience that my brother and my brother-in-law had in Germany, welcomed as allies, welcomed with the reputation that we have had of treating our prisoners of war with compassion and with a sense of humanity.

My worry now on the Armed Services Committee is that countries that wish to do us harm but might be held back from torturing our individual troops because they have a Geneva Convention to uphold, they will have world

opinion against them, because the world actually believes that we should not torture each other's soldiers. They only understand not only that we have to have some rules of engagement and war and conduct for our POWs, but we also understand that if you don't want anybody to torture your troops, that you have to respond the same way.

So we have to hold ourselves to a standard, a standard, by the way, that the United States has led and been proud to show the rest of the world and our own good behavior through history. The world understands that when you receive a U.S. soldier and you torture, you will pay a price; at least that's what they understood before.

Our soldiers understood that if they were harmed when they were being held by another nation they would pay that price. So the change now, Congressman, is what does this mean? If we don't have the President of the United States, the Commander in Chief, stand up for our troops, what does that mean and how will other nations view this? That's my great worry.

Mr. BRALEY of Iowa. I thank you for those insightful comments. As our class president has stated on many occasions, we are blessed in this freshman class with incredible people who have had incredible life experiences that they bring to this body. One of my friends and mentors on the issues that we are talking about here today is my friend from Pennsylvania who has more real-world knowledge about how these international treaties impact the role of our military around the world than anyone else that I personally know.

I would like to recognize my colleague from Pennsylvania, JOE SESTAK, and ask him this question: When we are trying to teach the brave men and women who serve this country about their role in combat and about their role as potential POWs, what type of message do we send them when we have a President who has taken the action that this President has that goes against everything we believe and about the role of the rule of law and its strong force in preventing other states or nations from terrorizing and torturing our citizens?

Mr. SESTAK. I appreciate the opportunity to speak. What occurred in this defense bill by the veto of this President I honestly think is almost unprecedented. Take Vice Admiral Stockdale, the senior prisoner of war in North Vietnam. When he was asked, Did you ever think that you would return to the United States, he said, I never lost faith in the end of the story, that I would prevail, that I will win at the end and return to my home, to my home, America.

If there is anything I learned in the military, and as I went about the world those 31 years in the Navy, we are respected for the power of our military, respected for the power of our economy. We are admired for the power of our ideas.

My wife, who worked on a project for the office of Missing in Action/Prisoners of War in the office of the Secretary of Defense, she speaks Russian, and so she went to Russia to dig a bit to see about how they were going about their archives in Russia, looking for records of those that we may have lost or we are still missing, potentially, even back to World War II, Korea, the Korean War, Vietnam. The Russian general said to her, Why do you care so much in America about those you may have lost long ago?

Here we have men and women who wear the cloth of this Nation. They went to war for this Nation in the first Gulf War. They were tortured, close to giving the ultimate sacrifice, and they came home. Under the rule of law, which this Nation stands for above everything else, the rule of law and its ideals, they correctly won judgment against the Iraqi Government that is, as you said before, obligated for the prior Iraqi Government's actions. And the President vetoed a bill, not because it would have any harm on the reconstruction efforts of this government, but because they threatened this Government of Iraq to pull $25 billion out of our trillions of dollars of markets in the economy, $25 billion.

We spend close to $12 billion a month for our war in Iraq. Two months. These men and women gave something that's priceless, the opportunity that their lives might be given in support of this Nation. I wish this Congress had voted to try to override that veto. I thank you, above all else, for submitting this bill that we will have another attempt to right this wrong.

We are very fortunate that there are those who recognize that great portrait that sits across from the Secretary of Defense's office. And there is a young servicemember in this picture, that is kneeling in church with his young family next to him. It's very obvious he is about to go away for another 6 months, 8-month deployment, leaving home again.

Under it is this wonderful saying from the Book of Isaiah, where God has turned to Isaiah and says, Whom will go for us, whom shall I send? Isaiah replies, Here am I, send me. Here am I, send me.

How we treat those who somehow grow up in America to go and say, Here am I, send me, how we treat them in their adversities when they return home I honestly think will either continue those to say, Here am I, send me, or it may damage it. In this case it was wrong of this President, and I thank you so much for trying to prevail in the end with this bill.

Mr. BRALEY of Iowa. I thank my friend so much for those eloquent words. It's amazing how much we can learn from our former enemies, the words you shared. Why do you care so much for those you lost long ago? I am just going to close with two examples from my district.

While I was home over the holiday recess, the remains were brought back from North Korea of an Iowan from Buchanan County who had been lost long before I was born, and to see the touching way that his family and his friends placed those remains in the frozen Iowa soil is a poignant reminder of exactly why this country cares and won't forget.

The other example, which is an actual positive benefit from this defense authorization bill is that when I was a college student during the Iranian hostage crisis, one of the best-known hostages was a woman who grew up in my district in Bremer County, Kathryn Koob. For people like Kathryn Koob and other Iranian hostages, there will be an opportunity to get the compensation they deserve for what they went through that no American should have to put up with.

But it's also a reflection of this administration's foreign policy that we allow those claims to be pursued against a state-sponsored terrorism act that occurred in Iran, but we have taken away the rights of U.S. prisoners of war to recover compensation from state-sponsored terror in Iraq. Maybe that makes sense to some people, but it just doesn't pass the smell test in Iowa.

With that, I would like to thank all of my colleagues, and I would also like to recognize my friend and roommate from Colorado, who I wasn't aware was with us. Mr. PERLMUTTER, we would like to have you close us out for the remaining time with your thoughts on this topic.

Mr. PERLMUTTER. I thank my friend from Iowa and my friends who have shared today because you have talked about just fundamental values of what makes America great, whether they are biblical or just precepts of our Constitution.

I am going to step back and just be a little more businesslike about this. These gentlemen, these servicemen and women were tortured, harmed, beaten, bashed, broken. They brought a claim against Saddam Hussein and his regime, and they had, that regime had assets. Those assets were here in the United States of America. They have a claim against those assets.

We are not making a claim against U.S. assets. We are not making a claim, they are not making a claim against the new regime's assets, but the old regime. Now, they have a claim. They can't just turn it back. They were hurt. They were tortured. They should be compensated. That's the bottom line here.

Now, if the President has chosen to say you cannot sue the old regime, you don't have a claim against the old regime, then there should be other compensation due to these gentlemen for the torture that they have suffered.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HARMAN (at the request of Mr. HOYER) for January 22.

Mr. LUCAS of Oklahoma (at the request of Mr. BOEHNER) for today, on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CROWLEY) to revise and extend their remarks and include extraneous material:)

Mr. CROWLEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Ms. MOORE of Wisconsin, for 5 minutes, today.

(The following Members (at the request of Mr. ENGLISH of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, today.

ADJOURNMENT

Mr. BRALEY of Iowa. Madam Speaker, pursuant to House Concurrent Resolution 279, 110th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 28 minutes p.m.), the House adjourned until Monday, January 28, 2008, 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:

5100. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Exemption From Registration for Certain Foreign Persons (RIN: 3038-AC26) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5101. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Rules Relating To Review of National Futures Association Decisions in Disciplinary, Membership Denial, Registration and Member Responsibility Actions (RIN: 3038-AC43) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5102. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Termination of Associated Persons and Principals of Futures Commission Merchants, Introducing Brokers, Commodity Trading Advisors, Commodity Pool Operators and Leverage Transaction Merchants (RIN: 3038-AC45) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5103. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Maintenance of Books, Records and Reports by Traders (RIN: 3038-AC22) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5104. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Special Calls — received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5105. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5106. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations; Correction — received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5107. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8005] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5108. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5109. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Records Preservation Program and Appendices-Record Retention Guidelines; Catastrophic Act Preparedness Guidelines (RIN: 3133-AD24) received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5110. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Direct Grant Programs [Docket ID ED-2007-OCFO-0132] (RIN: 1890-AA15) received January 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5111. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys; BE-11, Annual Survey of U.S. Direct Investment Abroad [Docket No. 07 0301041-7802-03] (RIN: 0691-AA63) received January 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5112. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions and Technical Corrections to the Export Administration Regulations and the Defense Priorities and Allocations System Regulation [Docket No. 071011588-7712-02] (RIN: 0694-AE15) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5113. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-22; Small Entity Compliance Guide [Docket FAR-2007-0002, Sequence 7] received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5114. A letter from the Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Rev. Proc. 2008-09) received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5115. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Life Insurance Reserves —— Proposed AG VACARVM and Life PBR [Notice 2008-18] received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5116. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 42.—-Low-Income Housing Credit 26 CFR 1.42-16: Eligible basis reduced by federal grants. (Rev. Rul. 2008-6) received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5117. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Cell Captive Insurance Arrangements: Insurance Company Characterization and Certain Federal Tax Elections [Notice 2008-19] received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5118. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 162.—-Trade or Business Expenses 26 CFR 1.162-1: Business Expenses. (Also 801, 831) (Rev. Rul. 2008-8) received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5119. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 1502; Miscellaneous Operating Rules for Successor Persons; Succession to Items of the Liquidating Corporation [TD 9376] (RIN: 1545-BD54) received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2830. Referral to the Committee on Energy and Commerce extended for a period ending not later than January 29, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself, Mr. LIPINSKI, Mr. CANTOR, Mr. HERGER, and Mr. FORTENBERRY):

H.R. 5101. A bill to amend the Internal Revenue Code of 1986 to accelerate the phasein of the deduction for domestic production activities; to the Committee on Ways and Means.

By Mr. CALVERT (for himself and Mr. JACKSON of Illinois):

H.R. 5102. A bill to direct the Secretary of Transportation to establish and collect a fee based on the fair market value of articles imported into the United States and articles exported from the United States in commerce and to use amounts collected from the

fee to make grants to carry out certain transportation projects in the transportation trade corridors for which the fee is collected, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Foreign Affairs, 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. JOHNSON of Georgia (for himself, Mr. CUMMINGS, Ms. CLARKE, Mr. AL GREEN of Texas, Mr. LEWIS of Georgia, Mr. ELLISON, Mr. PERLMUTTER, Mr. CROWLEY, Ms. WATSON, Mr. KAGEN, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 5103. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to vehicle fleet operators for purchasing tires made from recycled rubber; to the Committee on Ways and Means.

By Mr. CONYERS (for himself and Mr. REYES):

H.R. 5104. A bill to extend the Protect America Act of 2007 for 30 days; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), 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. DREIER (for himself, Mr. SESSIONS, Mr. KING of New York, Mrs. MILLER of Michigan, Mr. FOSSELLA, Mr. CANTOR, Mr. RADANOVICH, Mr. ROYCE, Mrs. BONO MACK, Mr. DENT, Mr. HERGER, and Mr. BLUNT):

H.R. 5105. A bill to amend the Internal Revenue Code of 1986 to reduce taxes by providing an alternative determination of income tax liability for individuals, repealing the estate and gift taxes, reducing corporate income tax rates, reducing the maximum tax for individuals on capital gains and dividends to 10 percent, indexing the basis of assets for purposes of determining capital gain or loss, creating tax-free accounts for retirement savings, lifetime savings, and life skills, repealing the adjusted gross income threshold in the medical care deduction for individuals under age 65 who have no employer health coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. ABERCROMBIE:

H.R. 5106. A bill to authorize the Marine Mammal Commission to establish a national research program to fund basic and applied research on marine mammals, and for other purposes; to the Committee on Natural Resources.

By Ms. BEAN:

H.R. 5107. A bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback for certain net operating losses and to increase the dollar limitation on expensing certain depreciable assets; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 5108. A bill to amend section 8 of the United States Housing Act of 1937 to provide for rental assistance payments to assist certain owners of manufactured homes who rent the lots on which their homes are located; to the Committee on Financial Services.

By Mr. GARRETT of New Jersey (for himself, Mr. JORDAN, Mr. AKIN, Mrs. BLACKBURN, Mr. CAMPBELL of California, Mr. CANTOR, Mr. CULBERSON, Mr. DAVID DAVIS of Tennessee, Mr. FEENEY, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. GOHMERT, Mr. HENSARLING, Mr. HERGER, Mr. MACK, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. PAUL, Mr. PENCE, Mr. RYAN of Wisconsin, Mrs. BACHMANN, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mr. BURTON of Indiana, Mr. CANNON, Mr. CARTER, Mrs. CUBIN, Mr. DOOLITTLE, Ms. FALLIN, Ms. FOXX, Mr. GOODLATTE, Mr. HUNTER, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. MANZULLO, Mr. MARCHANT, Mrs. MUSGRAVE, Mr. PITTS, Mr. PRICE of Georgia, Mrs. MCMORRIS RODGERS, Mr. ROSKAM, Mr. SESSIONS, Mr. SHADEGG, Mr. SOUDER, Mr. THORNBERRY, Mr. WALBERG, and Mr. WILSON of South Carolina):

H.R. 5109. A bill to amend the Internal Revenue Code of 1986 to provide for permanent tax incentives for economic growth; to the Committee on Ways and Means.

By Mr. HIGGINS (for himself, Ms. DELAURO, Mr. BACA, Mr. MCINTYRE, Mr. COURTNEY, Mr. MCNERNEY, Ms. SCHAKOWSKY, Mr. ARCURI, Mr. MOORE of Kansas, and Mr. ELLISON):

H.R. 5110. A bill to amend title VII of the Social Security Act to require the President to transmit the annual budget of the Social Security Administration without revisions to Congress, and for other purposes; to the Committee on Ways and Means.

By Mr. HOEKSTRA:

H.R. 5111. A bill to grant to a State with an unemployment rate that is equal to or greater than 125 percent of the national unemployment rate authority to use Federal funds made available to such State for job training programs; to the Committee on Education and Labor, 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. HULSHOF:

H.R. 5112. A bill to extend the temporary suspension of duty on certain master cylinder assemblies for braking systems designed for use in hybrid vehicles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5113. A bill to extend the temporary suspension of duty on certain transaxles designed for use in hybrid vehicles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5114. A bill to extend the temporary suspension of duty on certain static converters designed for use in hybrid vehicles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5115. A bill to extend the temporary suspension of duty on certain controllers for electric power assisted braking systems, designed for use in hybrid vehicles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5116. A bill to extend the temporary suspension of duty on certain nickel-metal hydride storage batteries designed for use in hybrid vehicles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5117. A bill to extend the temporary suspension of duty on 2,4-Dichloroaniline; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5118. A bill to extend the temporary suspension of duty on Aluminum tris (O-ethylphosphonate); to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5119. A bill to suspend temporarily the duty on 2,2-Dimethylbutanoic acid 3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro(4.5)dec-3-en-4-yl ester; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5120. A bill to extend the temporary suspension of duty on Fenamidone; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5121. A bill to extend the temporary reduction of duty on cyclopropane-1,1-dicarboxylic acid, dimethyl ester; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5122. A bill to suspend temporarily the duty on Pyrasulfotole; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5123. A bill to extend the temporary suspension of duty on Pyrimethanil; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. DREIER, Mr. POE, Mr. ROYCE, Mr. GOODE, and Mr. ROHRABACHER):

H.R. 5124. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to provide for two-layered, 14-foot reinforced fencing along the southwest border, and for other purposes; to the Committee on Homeland Security.

By Mr. ISRAEL (for himself and Mr. BISHOP of New York):

H.R. 5125. A bill to amend title XVIII of the Social Security Act to provide for a Medicare Advantage benchmark adjustment for certain local areas with VA medical centers and for certain contiguous areas; 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. KNOLLENBERG:

H.R. 5126. A bill to amend the Internal Revenue Code of 1986 to reduce individual income taxes by creating a new 5 percent rate of tax and to increase section 179 expensing for small businesses; to the Committee on Ways and Means.

By Mr. LATHAM (for himself, Mr. KING of Iowa, Mr. LOEBSACK, Mr. BOSWELL, and Mr. BRALEY of Iowa):

H.R. 5127. A bill to authorize the Secretary of the Interior to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Ms. LEE (for herself, Ms. WOOLSEY, Ms. WATERS, and Mr. HINCHEY):

H.R. 5128. A bill disapproving of any formal agreement emerging from the ''Declaration of Principles for a Long-Term Relationship of Cooperation and Friendship Between the Republic of Iraq and the United States of America'' unless the agreement is approved through an Act of Congress; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, 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. LEWIS of Georgia (for himself, Mr. GEORGE MILLER of California, Mr. CONYERS, Mr. ANDREWS, Ms. NORTON, Mr. MCDERMOTT, Mr. SERRANO, Mr. MCGOVERN, Mr. WEXLER, Mr. GRIJALVA, Ms. LEE, Mr. FATTAH, Mr. FARR, Mr. ELLISON, Mr. HASTINGS of Florida, Ms. WOOLSEY, Mr. BERMAN, Ms. SOLIS, Ms. CORRINE BROWN of Florida, Mr. WYNN, Ms. DELAURO, Mr. COHEN, Mr. AL GREEN of Texas, Mrs. MALONEY of New York, Mr. KUCINICH, Ms. SUTTON, and Mr. CROWLEY):

H.R. 5129. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker,

in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT:

H.R. 5130. A bill to provide for the payment of interest on claims paid by the United States in connection with the correction of military records when a military corrections board sets aside a conviction by court-martial; to the Committee on Armed Services.

By Mr. POE:

H.R. 5131. A bill to amend title 18, United States Code, to provide criminal penalties for the destruction of memorials, headstones, markers, and graves commemorating persons serving in the Armed Forces on private property; to the Committee on the Judiciary.

By Ms. SOLIS:

H.R. 5132. A bill to require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes; to the Committee on Energy and Commerce, 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. SPACE:

H.R. 5133. A bill to increase funding for the program of block grants to States for social services; to the Committee on Ways and Means.

By Mr. TERRY (for himself, Mr. POMEROY, Mr. PETERSON of Minnesota, Mr. SALAZAR, Mr. PAUL, Mrs. MCMORRIS RODGERS, Mr. GRAVES, Mr. MCCAUL of Texas, Mr. REHBERG, Mr. BISHOP of Georgia, Mr. BURTON of Indiana, Mr. FORTENBERRY, Mr. SOUDER, Mr. BOSWELL, Mr. KAGEN, Mr. SIMPSON, Mr. BOOZMAN, Mr. PEARCE, and Mr. GILCHREST):

H.R. 5134. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland to encourage the continued use of the property for farming, and for other purposes; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Mrs. BOYDA of Kansas, Mr. MORAN of Kansas, and Mr. MOORE of Kansas):

H.R. 5135. A bill to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the ''Sergeant Jamie O. Maugans Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. TIBERI:

H.R. 5136. A bill to amend the Harmonized Tariff Schedule of the United States to permit foreign jewelry manufacturers who purchase precious metals produced in the United States for use in the manufacture of jewelry abroad to pay import duties on the value of the imported jewelry articles less the value of all United States origin precious metals incorporated in the article; to the Committee on Ways and Means.

By Mr. MANZULLO (for himself, Mr. LAHOOD, Mr. JACKSON of Illinois, Mr. JOHNSON of Illinois, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. SHIMKUS, Ms. SCHAKOWSKY, Mr. KIRK, Mr. ROSKAM, Mr. EMANUEL, Mrs. BIGGERT, Mr. LIPINSKI, Mr. WELLER, Ms. BEAN, and Mr. HARE):

H. Con. Res. 281. Concurrent resolution celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs; to the Committee on Oversight and Government Reform.

By Mr. HOYER:

H. Con. Res. 282. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

By Mr. PAYNE:

H. Con. Res. 283. Concurrent resolution calling for a peaceful resolution to the current electoral crisis in Kenya; to the Committee on Foreign Affairs.

By Mr. BLUMENAUER (for himself, Mr. OBERSTAR, Mr. DEFAZIO, Mr. WALSH of New York, Mr. PETRI, and Mr. FARR):

H. Res. 935. A resolution honoring the 100th anniversary of President Theodore Roosevelt's Conference of Governors, supporting the goals and ideals of that Conference, and recognizing the need for a similar undertaking today; to the Committee on Natural Resources.

By Mr. BLUMENAUER (for himself, Mr. OBERSTAR, Mr. DEFAZIO, Mr. WALSH of New York, Mr. PETRI, and Mr. FARR):

H. Res. 936. A resolution honoring the 200th anniversary of the Gallatin Report on Roads and Canals, celebrating the national unity the Gallatin Report engendered, and recognizing the vast contributions that national planning efforts have provided to the United States; to the Committee on Transportation and Infrastructure.

By Mr. BURGESS:

H. Res. 937. A resolution expressing the sense of the House of Representatives that the emergency communications services provided by the American Red Cross are vital resources for military service members and their families; to the Committee on Foreign Affairs.

By Mr. MOLLOHAN (for himself, Mr. NEAL of Massachusetts, Ms. VELÁZQUEZ, Mr. WYNN, Ms. LEE, Mr. MURTHA, Mr. MCNULTY, Mr. CARNEY, Mr. DOYLE, Mr. KANJORSKI, Mr. ALTMIRE, Mr. STUPAK, Ms. LINDA T. SÁNCHEZ of California, Mr. FATTAH, Mrs. MCCARTHY of New York, Mr. BISHOP of Georgia, Mr. OLVER, Mr. CAPUANO, Mr. PASCRELL, Mr. DICKS, Mr. LAMPSON, Mr. ORTIZ, Mr. REYES, Mr. SCHIFF, Mr. FRANK of Massachusetts, Mr. SPRATT, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mrs. DAVIS of California, Mr. SCOTT of Virginia, Mr. DELAHUNT, Mr. PETERSON of Minnesota, Mr. SERRANO, Mrs. CAPITO, and Mr. RAHALL):

H. Res. 938. A resolution commending the West Virginia University Mountaineer football team for exemplifying the pride, determination, and spirit of the Mountain State and overcoming adversity with skill, commitment, and teamwork to win the 2008 Tostitos Fiesta Bowl; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, Mr. CANTOR, Mr. RAMSTAD, Mr. WILSON of South Carolina, Mr. PENCE, Mr. MARSHALL, Mr. FORTUÑO, Mr. SHIMKUS, Mr. GALLEGLY, Ms. BERKLEY, Mr. BACHUS, Mr. COHEN, Mr. ROYCE, Mr. CHABOT, and Mr. LAMBORN):

H. Res. 939. A resolution condemning the glorification of terrorism and the continuing anti-Israel and anti-Semitic rhetoric at the United Nations; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Ms. WOOLSEY.
H.R. 241: Mr. HAYES.
H.R. 303: Ms. ZOE LOFGREN of California.
H.R. 322: Mr. MICA.
H.R. 380: Mr. HINOJOSA.
H.R. 464: Mr. SESTAK.
H.R. 502: Mr. BILBRAY.
H.R. 503: Ms. TSONGAS and Mr. ELLISON.
H.R. 538: Mr. HALL of Texas.
H.R. 550: Mr. SHAYS.
H.R. 882: Ms. DELAURO, Ms. LORETTA SANCHEZ of California, and Mr. PASTOR.
H.R. 1000: Ms. SLAUGHTER, Mr. PERLMUTTER, Mr. DANIEL E. LUNGREN of California, Ms. GINNY BROWN-WAITE of Florida, and Mr. BILIRAKIS.
H.R. 1223: Mr. MICHAUD and Mr. THOMPSON of Mississippi.
H.R. 1225: Ms. ESHOO.
H.R. 1232: Mr. TIM MURPHY of Pennsylvania and Mr. ROSS.
H.R. 1237: Mr. WALDEN of Oregon, Mr. BISHOP of Georgia, Mr. JOHNSON of Illinois, and Mr. COSTELLO.
H.R. 1246: Mr. DOGGETT.
H.R. 1304: Mr. HASTINGS of Washington.
H.R. 1343: Mr. THOMPSON of Mississippi.
H.R. 1363: Mr. BISHOP of New York and Mr. FRANK of Massachusetts.
H.R. 1386: Mr. UDALL of Colorado.
H.R. 1399: Mr. WITTMAN of Virginia and Mr. LATTA.
H.R. 1524: Mr. PETERSON of Minnesota.
H.R. 1540: Mr. GONZALEZ.
H.R. 1542: Ms. ESHOO, and Mr. TOWNS.
H.R. 1553: Mr. WESTMORELAND, and Mr. ADERHOLT.
H.R. 1589: Mrs. LOWEY.
H.R. 1621: Mr. GORDON and Mr. MILLER of North Carolina.
H.R. 1665: Mr. UDALL of New Mexico and Mr. YOUNG of Alaska.
H.R. 1742: Mr. WELLER, Mr. SAM JOHNSON of Texas, and Mr. HERGER.
H.R. 1755: Ms. SCHAKOWSKY.
H.R. 1884: Mr. OLVER, Mr. PLATTS, Mr. CLAY, and Mr. BAIRD.
H.R. 1927: Mrs. LOWEY and Mr. ETHERIDGE.
H.R. 1974: Mr. BISHOP of Utah.
H.R. 1975: Mr. SIRES, Mr. LEVIN, Mr. MARSHALL, and Mr. ELLISON.
H.R. 2032: Mr. JACKSON of Illinois.
H.R. 2054: Mr. POMEROY.
H.R. 2060: Mr. LUCAS.
H.R. 2158: Mr. MCHENRY.
H.R. 2160: Mr. WYNN.
H.R. 2303: Ms. SUTTON.
H.R. 2310: Mr. MICHAUD.
H.R. 2327: Ms. MATSUI.
H.R. 2469: Mr. FORTENBERRY.
H.R. 2510: Mr. FORTENBERRY.
H.R. 2511: Mr. STARK, Mr. PASTOR, and Mr. BISHOP of Georgia.
H.R. 2564: Mr. HAYES.
H.R. 2695: Mr. PASTOR and Ms. BORDALLO.
H.R. 2708: Mr. HINCHEY, Mr. KILDEE, Ms. SUTTON, Mrs. MALONEY of New York, Mrs. NAPOLITANO, Mr. SIRES, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Mrs. CHRISTENSEN, Ms. NORTON, and Ms. SLAUGHTER.
H.R. 2894: Mr. ISRAEL, Mr. GOODLATTE, Mr. MCCAUL of Texas, and Mr. BOOZMAN.
H.R. 2990: Mr. BOREN and Ms. ESHOO.
H.R. 3008: Mr. CARNEY.
H.R. 3010: Mr. WATT.
H.R. 3026: Mr. SAM JOHNSON of Texas and Mr. MORAN of Virginia.
H.R. 3029: Mr. ROTHMAN and Ms. ESHOO.
H.R. 3195: Ms. TSONGAS.
H.R. 3256: Mr. BISHOP of Georgia.

H.R. 3257: Ms. ESHOO.
H.R. 3286: Mr. MICHAUD.
H.R. 3298: Ms. SCHAKOWSKY.
H.R. 3329: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. SMITH of Washington.
H.R. 3359: Mr. MARCHANT.
H.R. 3406: Mr. SESTAK.
H.R. 3477: Mr. DAVID DAVIS of Tennessee.
H.R. 3480: Mr. ALEXANDER and Mr. BISHOP of Georgia.
H.R. 3543: Mr. MCCOTTER.
H.R. 3552: Mr. MANZULLO.
H.R. 3646: Mr. MCCAUL of Texas, Mr. ELLISON, and Mr. PETERSON of Minnesota.
H.R. 3652: Mr. MICHAUD.
H.R. 3660: Mr. SCHIFF.
H.R. 3714: Mr. PITTS and Mr. KING of Iowa.
H.R. 3729: Mr. CAMPBELL of California, Mr. ISSA, and Ms. ZOE LOFGREN of California.
H.R. 3819: Mr. ELLISON and Mr. RODRIGUEZ.
H.R. 3846: Ms. WATERS and Mr. STARK.
H.R. 3865: Mr. FRANK of Massachusetts.
H.R. 4001: Mr. RYAN of Ohio.
H.R. 4044: Mrs. CUBIN, Mr. BURTON of Indiana, Mr. FOSSELLA, and Mr.
H.R. 4102: Mr. HINCHEY.
H.R. 4126: Mr. SAM JOHNSON of Texas and Ms. VELÁZQUEZ.
H.R. 4133: Mr. MCCOTTER, Mrs. CUBIN, Mr. MCCAUL of Texas, Mr. HAYES, and Mr. TIAHRT.
H.R. 4176: Mr. ALTMIRE.
H.R. 4188: Mr. LAHOOD.
H.R. 4204: Mr. WELCH of Vermont, Mr. MCCAUL of Texas, and Mr. HILL.
H.R. 4206: Mr. PLATTS and Mr. ALLEN.
H.R. 4248: Mr. WELCH of Vermont.
H.R. 4264: Mr. SPRATT.
H.R. 4280: Mr. NUNES.
H.R. 4321: Mr. BOOZMAN.
H.R. 4454: Mr. CHANDLER.
H.R. 4464: Mr. WAMP, Mr. ALEXANDER, Mr. BARROW, Mr. BILBRAY, and Mr. LATOURETTE.
H.R. 4544: Ms. SCHAKOWSKY, Mr. GONZALEZ, Mr. BAIRD, and Ms. MOORE of Wisconsin.
H.R. 4577: Mr. BILBRAY and Mr. ALEXANDER.
H.R. 4611: Mr. PASTOR, Mr. WU, and Ms. SOLIS.
H.R. 4835: Ms. SCHAKOWSKY, Ms. LEE, and Mr. OLVER.
H.R. 4838: Ms. WOOLSEY, Mr. EMANUEL, Mr. DINGELL, Mr. CAPUANO, and Mr. STARK.
H.R. 4845: Mr. DAVID DAVIS of Tennessee.
H.R. 4926: Mrs. MALONEY of New York, Ms. NORTON, Mr. MCGOVERN, Mr. AL GREEN of Texas, Mr. CUMMINGS, Mrs. NAPOLITANO, and Mr. MCNULTY.
H.R. 4934: Mrs. JONES of Ohio, Ms. BERKLEY, Mr. KENNEDY, Mr. COHEN, and Ms. SCHAKOWSKY.
H.R. 4936: Mr. COHEN and Mrs. BOYDA of Kansas.
H.R. 4987: Mr. BILBRAY, Mr. MANZULLO, Mr. ALEXANDER, Mr. MILLER of Florida, Mr. MARCHANT, Mr. ISSA, Mr. MCINTYRE, and Mr. LAMBORN.
H.R. 4995: Mr. KLINE of Minnesota, Mr. NEUGEBAUER, Mr. PAUL, and Mr. ROYCE.
H.R. 5031: Mr. LINCOLN DIAZ-BALART of Florida, Mr. FORTENBERRY, and Mr. GARRETT of New Jersey.
H.R. 5036: Mr. THOMPSON of California and Mr. AL GREEN of Texas.
H.R. 5056: Mr. GUTIERREZ.
H.R. 5057: Mr. DANIEL E. LUNGREN of California.
H.R. 5058: Mr. DEFAZIO.
H.R. 5087: Mr. HOLT, Mr. HILL, Mr. COHEN, Mrs. BOYDA of Kansas, Mr. PATRICK MURPHY of Pennsylvania, and Mr. LAMPSON.
H. J. Res. 76: Mr. DEFAZIO.
H. Con. Res. 161: Mrs. CHRISTENSEN.
H. Con. Res. 163: Mrs. NAPOLITANO and Mr. FORTENBERRY.
H. Con. Res. 249: Ms. MATSUI and Mr. UDALL of New Mexico.
H. Con. Res. 253: Mr. SPRATT.
H. Con. Res. 255: Mr. FEENEY, Mr. WAXMAN, Mr. MCHUGH, Mr. BURTON of Indiana, and Mr. SOUDER.
H. Con. Res. 260: Mr. CONAWAY.
H. Con. Res. 266: Mr. BOUCHER.
H. Con. Res. 267: Mr. KINGSTON.
H. Con. Res. 278: Mr. MCCOTTER, Mr. UDALL of Colorado, Mr. CHABOT, Mr. TANCREDO, Mr. CULBERSON, Mr. ROYCE, Mr. ROHRABACHER, Mr. MACK, Mr. BURTON of Indiana, Mr. ENGEL, Mr. SIRES, Mr. LINDER, Mr. FORTUÑO, Ms. BORDALLO, Mr. LINCOLN DIAZ-BALART of Florida, Ms. BERKLEY, Mr. LIPINSKI, Mr. SESSIONS, Mr. MARIO DIAZ-BALART of Florida, Mr. KENNEDY, Mr. POE, Mrs. CHRISTENSEN, and Mr. ADERHOLT.
H. Con. Res. 280: Ms. SCHAKOWSKY, Mr. BERMAN, Ms. VELÁZQUEZ, Mr. WATT, and Ms. SOLIS.
H. Res. 49: Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mrs. MILLER of Michigan, and Mr. EHLERS.
H. Res. 339: Mr. PASTOR.
H. Res. 373: Mr. DUNCAN and Mr. KENNEDY.
H. Res. 598: Mr. MCCOTTER.
H. Res. 753: Mr. COHEN.
H. Res. 815: Mr. KUCINICH.
H. Res. 820: Mr. SHAYS.
H. Res. 821: Mr. POE.
H. Res. 848: Mr. TOWNS.
H. Res. 886: Mr. TURNER, Mr. MANZULLO, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mr. BARTON of Texas, Mr. BURGESS, Mr. BOOZMAN, Mr. RYAN of Wisconsin, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. HERGER, and Mr. JORDAN.
H. Res. 888: Mr. POE, Mr. FRANKS of Arizona, Mr. NEUGEBAUER, Mr. GOODE, Mr. SAM JOHNSON of Texas, Mr. BISHOP of Georgia, Mr. MCCAUL of Texas, Mrs. MYRICK, Mr. BLUNT, Mr. SALI, Mr. SOUDER, Mr. JORDAN, and Mr. BISHOP of Utah.
H. Res. 897: Mr. FORTUÑO.
H. Res. 911: Mr. ISRAEL, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mrs. GILLIBRAND, Mr. UDALL of Colorado, Mr. BRADY of Pennsylvania, Mr. ANDREWS, Ms. BORDALLO, Mrs. BOYDA of Kansas, Mr. PERLMUTTER, and Mr. CLEAVER.
H. Res. 925: Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, Mr. MCCOTTER, and Mr. ROHRABACHER.
H. Res. 930: Mr. PETERSON of Pennsylvania, Mr. SMITH of Washington, Mr. DAVIS of Kentucky, Mr. ROSS, Mr. MCDERMOTT, Mrs. MCMORRIS RODGERS, Mrs. CUBIN, Mrs. BOYDA of Kansas, Mr. MARKEY, Mr. DICKS, and Mr. GENE GREEN of Texas.

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Senate

The Senate met at 12 noon and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

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

Let us pray.

Eternal Lord God, the author and finisher of our faith, You have done great things for us, filling our hearts with gladness. Today, make us aware of Your past providences that we shall have confidence and courage to face tomorrow and all the days and years to come.

Remind our lawmakers that they need not fear the challenges of the future but simply to trust You to order their steps. Direct their desires and talents that their labors will inspire people with faith, hope, love, and perseverance. May they invest their lives in those enduring values that time and circumstances can neither steal nor erode.

We ask this in the Name of Him who promised to supply all our needs. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 23, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business until 12:30 today, at which time we will break for the Democratic caucus. As was indicated yesterday, the Republicans are having a retreat at the Library of Congress today. When we come back at 2:15, the Senate will resume consideration of the Indian health bill. There were some amendments offered yesterday, some debated yesterday. We could not arrange a vote yesterday. I do not expect any votes on this bill this afternoon. I have been in close touch with Senator DORGAN. He is trying to work this out so we can complete this legislation quickly. If there are any amendments that Democratic Senators have, I hope they would come and offer them today. That way we can prioritize how we are going to move through this bill.

Mr. President, as I indicated yesterday, we are going to, this evening, start on the FISA legislation to complete that. We are going to finish that legislation this week. That means we are going to have all day tomorrow and all day Friday and, hopefully, not all day Saturday. But we need to finish this legislation. It is critically important. It is not fair to jam the House. Since we have been refused an extension by the Republicans, we need to finish this legislation now, send it to the House, have a conference, and see what we can come back with as quickly as possible.

As I indicated, it is not fair to do as we did last August and send something to the House: Take it or leave it. We are not going to do that. That is why I am not going to wait until next week to go to this legislation. We have to complete it now. There are strong feelings on both sides of this issue. As I have indicated on a number of occasions, I do not support the immunity provisions that are in the Intelligence bill, but it appears that a majority of the Senate does. That being the case, those people who want to amend the Intelligence bill with that information and that legislation we have from the Judiciary Committee will offer that. I hope they will do it as quickly as possible.

There are a number of other issues other than immunity. I have spoken to Senator FEINSTEIN. She says she has something dealing with immunity she wants to offer. She wants to offer something with exclusivity.

There are a number of other things we need to do. As I have indicated, I would hope that if somebody does not like an amendment, they would move to table that amendment and not try to talk it to death because that being the case, we are going to have to let them talk during the evening. We are not going to have a gentlemen's agreement on: OK, so you don't want this to go forward; we are not going to let it go forward. We are going to complete this legislation as quickly as we can.

MEASURE PLACED ON THE CALENDAR—H.R. 4040

Mr. REID. Mr. President, I have a matter at the desk that is due for its second reading, H.R. 4040.

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

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The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

Mr. REID. Mr. President, I object to any further proceedings on this legislation at this time but alert everyone we are going to try to get to this legislation before this work period ends. We do have a few things to do. It seems the best laid plans sometimes have to be delayed because now we have the stimulus package we have to worry about completing. But this is something I want to do. Senator PRYOR and others have worked very hard. So we are going to move forward as quickly as we can.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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.

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, there will now be a period for the transaction of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARDIN).

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1200, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1200) to amend the Indian Health Care Improvement Act to revise and extend that Act.

Pending:

Bingaman/Thune amendment No. 3894 (to amendment No. 3899), to amend title XVIII of the Social Security Act to provide for a limitation on the charges for contract health services provided to Indians by Medicare providers.

Vitter amendment No. 3896 (to amendment No. 3899), to modify a section relating to limitation on use of funds appropriated to the Service.

Brownback amendment No. 3893 (to amendment No. 3899), to acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

Dorgan amendment No. 3899, in the nature of a substitute.

Sanders amendment No. 3900 (to amendment No. 3899), to provide for payments under subsections (a) through (e) of section 2604 of the Low-Income Home Energy Assistance Act of 1981.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 7 minutes.

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

LABELING CLONED FOOD

Ms. MIKULSKI. Mr. President, I know the Indian health bill is very important. Senator DORGAN will be coming to the floor to lead the advocacy of its passage, which I support.

Mr. President, I come to the floor because I want to share some very disturbing news with you and all of my colleagues. Last week, the FDA gave the green light for cloned foods to enter our food supply.

The FDA announced food from cloned animals, or their progeny, is safe for human consumption. Despite pleas from thousands of Americans, and this Senator, to wait until there was more science, the FDA went ahead anyway.

Mr. President, I want to be clear. I am not opposed to cloning that follows strict scientific and ethical protocols. This Senator has always been on the side of science for the advancement of mankind. This Senator has always been on the side of the consumer and the consumers' right to know, right to be heard, and their right to be represented.

So today I come to the floor for a vigorous call to action that my legislation to label cloned food be passed as quickly as possible. This is a consumer alert today and a call for action.

My bill requires the Government to label any food that comes from a cloned animal or its progeny. Mr. President, my bill requires that the FDA and the Department of Agriculture put a label on this cloned food. The FDA handles milk products. We say FDA should work on this issue. The Department of Agriculture regulates meat products. That, too, should be labeled.

My labeling bill would insist that cloned food be labeled at the wholesale level, the retail level, the restaurant level, the school lunch level, and the Meals on Wheels level.

My bill allows the American public to make an informed decision. People have a right to know what they are eating. This is necessary because the FDA and the Department of Agriculture have refused to put a label on cloned food. My legislation allows for consumer choice and also, at the same time, it would allow for monitoring of food as it comes into the food supply for postsurveillance to see if there are any negative consequences.

Americans find cloned food disturbing, and some even repulsive. Close to 80 percent of Americans have said they would not drink cloned milk. There is a ''yuck'' factor to this technology. Right now, under FDA and USDA provisions, there would be no way to tell if food comes from a cloned animal or its progeny. I want the public to be informed, so that is why my labeling bill is for their benefit.

The FDA has been most troubling to me. They made their decision despite two congressional directives—one in the omnibus bill and one in the farm bill. The omnibus bill, which the President signed on December 26, strongly encouraged FDA to hold off on a cloning decision before additional studies were done. On December 14, the Senate overwhelmingly passed the farm bill that would require the National Academy to peer-review FDA's decision.

Now, this was limited to 1 year. So I wasn't talking about a 20-year longitudinal study. I do want more science.

Second, I am concerned if we discover a problem with cloned food after it is in our food supply, and it is not labeled, we will not have any way of monitoring this. It is labeling that allows us to monitor.

The FDA has been very weak in postmarketing surveillance of drugs. Why would they be stronger on cloned food? Who will worry about the ethics? And where is the urgency? We are not facing a global shortage of beef and a global shortage of milk.

I know FDA's decision on the risk assessment is over 900 pages long. Mr. President, I have been skeptical of long reports. I have found that the longer the report, usually the more shallow the information.

My concerns are grave. I am for more science, and I have asked for it responsibly through the legislative process. I am going to continue to advocate for more studies on this issue. In the meantime, I want to protect the consumer and also allow scientists to monitor this new technology.

If America doesn't keep track of this from the beginning with labeling, our entire food supply could be contaminated. I am not opposed to cloning. I

am on the side of science, but let's label and monitor it.

The National Academy of Sciences suggested that we monitor this new technology because it is very new. They urged the Federal Government to use diligent postmarket surveillance mechanisms. That requires labeling.

Mr. President, last week, the EU decided that cloned foods were safe, but they also put up a big yellow flashing light. They referred it to their science and ethics and new technologies committee. They said there is no ethical justification to use cloned food. The EU called for more scientific study on cloned food, and they also said it should be labeled.

Denmark and Norway have already banned cloned food from their food supply. I am worried that they will start banning our exports if they are not labeled. My State depends on the export of food, whether it is seafood, chicken, or other products. We want to be able to export our food.

Mr. President, we are going down a track that I want to be sure is not irrevocable or irretrievable. The way to ensure safety in our food supply and consumer choice and the ability for science to continue is monitoring and labeling.

I stand here on behalf of the consumer to say, please, let's pass this labeling bill. It is needed, it is responsible, and it will be effective. I think it will save us a lot of ''yuck'' in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

U.S.S. ''PUEBLO''—40TH ANNIVERSARY

Mr. ALLARD. Mr. President, I rise now, 40 years since the North Korean government unlawfully captured the lightly armed U.S.S. *Pueblo* while it was on a routine surveillance mission in international waters. The U.S.S *Pueblo* was the first ship of the U.S. Navy to be hijacked on the high seas by a foreign military force in more than 150 years, and is currently the only commissioned U.S. naval vessel that is in the possession of a foreign nation. Forty years ago today, 83 crew members were kidnapped and 1 sailor was killed in the assault. Following the capture, our men were held in deplorable, inhumane conditions for more than 11 months before being released. While we were grateful to see the return of our brave sailors, 40 years later we are still waiting for the return of the U.S.S. *Pueblo*.

The U.S.S. *Pueblo* remains a commissioned naval ship and property of the U.S. Navy. Currently, the North Korean government flaunts the Pueblo as a war trophy and a tourist attraction in Pyongyang, North Korea's capital. We must not continue to remain silent about North Korea's continued violation of international law by possessing our ship, the U.S. Navy's ship. Each day tourists visit and tour the U.S.S. *Pueblo*, similar to the way visitors see retired naval ships in New York and San Diego. Americans in particular are encouraged to be photographed by the U.S.S. *Pueblo*. As recently as April 2007, it was reported that President Kim Jong Il stated that the *Pueblo* should be used for ''anti-American education.'' North Korea's capture of the U.S.S. *Pueblo* is in blatant violation of international law and the further exploitation of the *Pueblo* is tasteless and disingenuous. I believe 40 years of relative silence on this issue is far too long, and it is important that the Senate take action and denounce the current situation.

The U.S.S. *Pueblo* bears the name of the town of Pueblo, CO, a city with a proud military tradition and is the only city to be home of four living Medal of Honor recipients simultaneously. In fact, in 1993 Congress deemed Pueblo the ''Home of Heroes'' for this unique distinction. Many in our State and all over the country want to see the vessel returned to its proper home. To this end, I am reintroducing a resolution seeking the return of the U.S.S. *Pueblo* to the U.S. Navy. This bill is cosponsored by my good friend and proud veteran, Senator DANIEL INOUYE, and I encourage all of our colleagues on both sides of the aisle to support this legislation and see to it that the U.S.S. *Pueblo* is returned to the U.S. Navy.

Mr. President I ask unanimous consent to have printed in the RECORD an editorial that appeared in the Pueblo Chieftain today regarding the anniversary.

As that editorial says, ''Mr. President, bring back the U.S.S. *Pueblo*.''

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

[From the Pueblo Chieftain, Jan. 23, 2008]

INFAMY

Today marks the 40th anniversary of what for Puebloans is a day that shall live in infamy. On Jan. 23, 1968, naval and air forces of North Korea attacked and took hostage the USS Pueblo and its crew.

The Pueblo was a Navy intelligence ship operating in international waters. Despite that, the Stalinist regime in Pyongyang decided on a bold course of action and sent patrol boats and MiG fighters to harass the lightly armed U.S. vessel.

This was during the height of the Vietnam War, and the North Koreans correctly figured that American military brass weren't focused on the American spy ship's mission. They were right.

Armed only with one .50-caliber machine gun, the Pueblo crew tried to fend off the advancing Communist forces, to no avail. One crewman was killed while comrades tried to destroy as much equipment and paperwork as possible.

But the die was cast. The North Koreans boarded the Pueblo and took the rest of the crew hostage.

For the next 11 months, the crew was subjected to cruel and inhumane treatment at the hands of their captors. But the American spirit was not to be tamed.

During propaganda photo sessions, the Yanks dutifully smiled for the Koreans' cameras—and flashed ''the bird,'' that one-finger salute that Americans know too well but was above the heads of the Communists.

But that did not last. When the Reds figured out what that sign of defiance meant, the men of the Pueblo were subjected to more severe beatings.

The man who took the worst of the pummeling was Cmdr. Lloyd Bucher, the Pueblo's skipper. After each torture session, he'd crawl back to his cell—and surreptitiously give his comrades the high sign.

He, and his men, were not to be beaten.

It was exactly 11 months after the seizure when the North Koreans freed their American captives. They were allowed to walk one by one across the Demilitarized Zone separating North and South Korea.

While the Pueblo crew was free, their ship was and still is not. It is being held as a trophy of war in a river near Pyongyang—a tourist attraction and propaganda piece for the regime.

North Koreans have been forced at times to eat grass, so poorly is their economy run by central planners. But they have ''bread and circuses'' in the form of the American intelligence ship which bears this city's name.

Many attempts have been made to persuade the North Koreans to give the ship back to its rightful owners. When he was governor of California, Ronald Reagan urged Washington to bomb North Korea in order to force the ship's release.

Over the years since, numerous diplomatic moves have been tried. Recently, at the behest of Colorado's U.S. Sen. Wayne Allard, a Korean battle flag on display at the U.S. Naval Academy was returned to the Hermit Kingdom as a sign of this nation's goodwill.

That and all other overtures have thus far been fruitless. But this incident of four decades ago remains an ugly scar on the history of this nation, one which cannot be allowed to continue to fester.

We realize that with the War on Terrorism in Iraq, Afghanistan and elsewhere across the globe, there are other pressing international security issues. But if this nation were to show the world its resolve by getting the USS Pueblo back, by whatever means, we would show those who think they can bring us to our knees that we are not to be cowed.

Mr. President, bring back the USS Pueblo.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

THE ECONOMY

Mr. DORGAN. Mr. President, when I am completed talking about the economy, we will return to the Indian affairs business and debate the bill on the floor. If there are those who wish to offer amendments, I certainly hope we can bring them to the floor and debate them and vote on them.

As I mentioned, I would like to talk for a moment about the economy. There is the 24/7 news hour all across this country talking about what is happening: What on Earth is going on in this country's economy? What is happening in the stock market, which is moving up and down like a yo-yo—not so much up anymore but down substantially in recent weeks and months.

So what is happening? There are many pieces of evidence to suggest this economy is in very big trouble, including a substantial reduction in the stock market, an increase in unemployment, and a dramatic drop in housing starts. As a result of all of that,

there has been frenzied activity, both at the White House and in the Congress, to talk about something called a stimulus package. We need to do a fiscal stimulus package.

In fact, the President announced a stimulus package of $145 billion to $150 billion. That is a stimulus package of about 1 percent of our gross domestic product in this country.

Yesterday, the Federal Reserve Board took action in monetary policy to cut a key interest rate by 75 basis points. That was a significant and aggressive move by the Federal Reserve Board. This Congress and this President will want to make some aggressive moves with a stimulus package that are complementary to what has been done in monetary policy.

I make this point that is very important: If that is what we do, and all that we do, we fundamentally misunderstand what is wrong. I think most of the American people understand what is wrong. Certainly, most of the people around the world who look at this country understand we have gone off the track. If we don't fix our trade policy and fiscal policy, and if we don't fix things that need regulating that have largely been outside of the view of regulators, we are going to continue to be in very big trouble. Let me go through just a couple of these items.

We have the largest trade deficit in human history. Every single day, 7 days a week, we import $2 billion more than we export. That means every single day we add another $2 billion to the indebtedness of this country. That is over $700 billion a year. We are hemorrhaging in red ink. We have to fix it. Warren Buffett, a remarkably successful investor in this country, said it quite clearly: This is unsustainable, this cannot continue.

The fact is, the President and the Congress act as if nothing is wrong. We have the most unbelievably inept trade policy in the history of humankind—$2 billion a day we import more than we export. That means we are putting dollars that we pay for those goods in the hands of foreigners, and they are coming back to buy part of America. We are literally selling part of this country. But the fact is, you cannot hemorrhage in red ink like that for any great length of time without having significant consequences. It is what undermines your currency. It undermines confidence in your economy.

You add to that $700 billion-plus a year trade deficit a fiscal policy that is reckless and ill-considered. It is as if we think people cannot see. It is like a drunk who thinks they are invisible. The fact is, we have an unbelievable fiscal policy deficit. They say: Well, it is $200 billion, $300 billion. Nonsense. Take a look at what we have to borrow for fiscal policy every year. The reason they show the lower deficit is because they are misusing the Social Security revenues. Take a look at the real deficit. It is likely to be over half a trillion dollars this year. You add that to the trade deficit and then ask yourself, if you were looking from the outside into this country, do you think this is off track, the fundamentals are out of line? Do you think they have to be fixed? The answer is yes. We have very serious abiding problems. You add to that an unbelievably inept fiscal policy hemorrhaging in red ink and is way off track.

By the way, it is not just the normal budgetary Presidential requests and congressional actions on spending and taxing. The President, in the last year, sent to the Congress, in addition to outside-the-budget system, he said: I want you to appropriate money for me, $196 billion—that, by the way, is $16 billion a month, $4 billion a week—and I don't want any of it paid for; I want it added to the debt because I want it for Iraq, Afghanistan, and other activities with respect to the war. That takes us to over two-thirds of a trillion dollars this President has asked for, none of it paid for. We will send our soldiers to war, but we will not do anything that requires any effort on our part to begin to pay for it. We will send soldiers to war and say: Come back and you pay for it later.

In addition to a fiscal policy that just does not work, we are now engaged in a war in which we borrow the money. Even as we borrow the money for the war, we have a President who says: I want more permanent tax cuts, mostly for the wealthy. It is not a secret. Everyone sees what is going on—everyone, apparently, except those in the White House and those in the Congress.

We have to fix the fundamentals, and if we do not, there isn't any amount of fiscal policy stimulus or any amount of activity by the Federal Reserve Board that is going to set this straight. It just is not.

You add to that inept trade policy and the hemorrhaging of red ink on fiscal policy that is reckless and out of control these issues: regulators who really do not care. They come to the body of regulatory responsibility bragging that they don't like government. What happens? We have what is called a subprime lending crisis. What does that mean? What it means is no one was watching and no one cared very much, and what we had was an orgy of greed with respect to an industry that is essential to this country—that is, providing loans so people can buy homes.

We had a bunch of highfliers decide: What we really want to do is to sell you a loan, and we want to put you in a new home. To do that, we will give you rates that you will not even believe. We will give you a home loan at a 2-percent interest rate—2 percent. We will quote the payment. That looks good, a 2-percent interest rate. What they don't tell you is the interest rate is going to reset in 3 years, it is going to reset way up, and then you will not be able to make the payments, or they do not tell you there also is an escrow you have to pay every month on top of that.

Here is what was going on. This was an advertisement on television:

> Do you have bad credit? Do you have trouble getting a loan? You've been missing payments on your home loan? Filed for bankruptcy? Doesn't matter. Come to us. We've got financing available for you.

We have all heard these ads and probably scratched our heads and wondered: How on Earth can this happen? The fact is, it can.

I will give an example. The biggest mortgage lender is Countrywide, which now is being purchased by Bank of America, apparently. The CEO of Countrywide, Mr. Mozilo, made off now with hundreds of millions of dollars. They had brokers cold-calling people saying: We want to put you in a subprime loan. Then they sold these subprime loans. They packaged these subprime loans with other good loans. They were enticing people into these loans at teaser interest rates that were going to reset in ways people could not afford to pay. Then they decided, just as in the old days when the discussion was about meat-packing plants and they put sausage and sawdust together—when you make sausage, you need a filler. So they put sawdust in sausage. These companies that were hawking these loans decided to put good loans with bad loans, subprime with other loans, and then mix them all up like a big-old sausage, and they would slice them up, securitize them, and sell them.

Who wanted to buy them? The rating agencies were sitting there dead from the neck up: This looks OK. We don't understand it, but it looks good to us. Hedge funds were saying: I like these new pieces of financial sausage because they are sliced up in a way that has a big yield. Why a big yield? Because they had prepayment penalties for the loans, loans that would reset to much higher interest rates that people couldn't make. This new piece of financial sausage shows a very high yield. So the hedge funds, liking high yields and liking big money, are buying all these securitized loans, and then all of a sudden, it goes belly up. And we wonder why. It is because people were advertising on television: You have bad credit? Have you filed for bankruptcy? Come to us; we want to give you a loan. Then they package this up in an irresponsible way.

One might ask the question: How could that all have happened? Weren't there some regulators around? No, no. The regulators were first ignoring them and then actually giving them a boost. Alan Greenspan now stands around scratching his head thinking: What on Earth happened? It happened on your watch, my friend. The Federal Reserve Board did nothing. In fact, part of this housing bubble that occurred was part of the air that comes from these unbelievable subprime loans that boosted that bubble. Again, Warren Buffett said: Every bubble will burst. And this one did. It shouldn't

have surprised us. But regulators sat by and said: That doesn't matter.

Did anybody care about those brokers placing a $1 million jumbo subprime loan, making a $30,000 commission on that loan? Did anybody say: Wait a second, what you are doing is misleading the folks who are going to borrow the money; you can't do that. Did anybody say to the rating agencies: You can't be rating as top-grade securities this sausage with sawdust, these financial instruments that have stuck together bad loans with good loans; you can't do that. Did anybody say to the hedge funds: You are buying a pig in a poke here; you are buying something you think is high yield, but you know better than that. What happened was all of this went out over the transom, and nobody even knows where it is or how much it is. Now they can't untangle it to find out where all these subprime loans exist. Nobody knows.

The next time somebody talks about regulation, understand, sometimes regulation is very important. The danger to this economy, as a result of the subprime scandal, is very significant. It is having consequences all across this country. You add this subprime scandal and its consequences to a fiscal policy that is reckless, to a trade policy that is inept, and then add this final factor: We have a circumstance where a gambler goes into a casino in Las Vegas and, in most cases, the sum total of what they will lose is the money they have carried into the casino—that is the risk of loss.

Here is the other fact about what is happening in our economy that nobody wants to talk about. We have hedge funds—yes, they are called hedge funds, mostly unregulated—to the tune of about $1.2 trillion. Some would say that is not so much, $1.2 trillion. There is $9 trillion of mutual funds. There is something like $40 trillion of the total aggregate value of stocks and bonds. So $1.2 trillion in hedge funds, that is not so much, except one-half of all the trading on the New York Stock Exchange is done by those hedge funds. And those hedge funds have created, among other things, derivatives. There was something like a notional value of $26 trillion in credit default swaps at the end of 2006.

It sounds very much like a foreign language when I say it, but the product everyone is worried about at the moment is something called credit default swaps, trillions of dollars of credit default derivatives—fancy financial instruments, much fancier than sausage with sawdust but in many ways the same thing. The interesting thing about these hedge funds is the dramatic amounts of borrowing, so they are not going to lose just what they go into the casino with in their pocket money. They are so heavily leveraged and so deep in credit default swaps that this could have significant consequences for our economy.

I and others have spoken on this floor for several years about the need for regulation of hedge funds. I have spoken on this floor many times about the issue of derivatives and the total aggregate notional value of derivatives and its potential consequence to the economy in a downturn.

A friend told me there is a saying on Wall Street that you will never know who is swimming naked until the tide goes out, and then it might not be very attractive. When the tide goes out with respect to this economy's difficulties and we evaluate who in the hedge funds, in the investment banks, who in all of these enterprises is left who cannot pay the bills because they were so unbelievably leveraged in financial interests most Americans have never heard of, credit default swaps, what are the consequences to our country's economy?

If this does not sober up our Government on trade policy and fiscal policy and regulatory requirements with respect to hedge funds and derivatives, then nothing will. If this does not alert all of us that we are no longer operating behind a screen somehow—the world sees what is happening when there is a subprime loan scandal, the world understands it, and its consequences are felt all across this country and all across the globe.

I understand we are going to do something called a stimulus package. We have a roughly $13 trillion-plus economy. We are going to do a stimulus package probably of $140 billion, $150 billion—1 percent of our economy. I understand the Federal Reserve has taken substantial action, 75 basis points yesterday. That is a big deal for the Fed, and I understand why. It is to try to calm the nerves and say this country stands behind its economy, and we should. I believe in this country's economy. This engine of opportunity and engine of growth is unusual in the world. On this planet, we circle the Sun, and there are about 6.4 billion neighbors, half who live on less than $2 a day and half who have never made a telephone call, and we have the opportunity to live in this country. This is a wonderful place. We have built something unusual on this planet, but we have run into difficulty. No one seems to want to admit it, and we have to fix the fundamentals. Yes, we can do stimulative packages, but if we don't fix the fundamentals, we will not solve the problems for the future, we will not expand opportunity for the future.

There is so much to say and so much to be concerned about, but there is so much hope for the future if—if—we understand that a stimulus package is not our only responsibility. We have to fix trade and fiscal policy, and regulatory responsibility. We need to begin regulating hedge funds and be concerned about the notional value of derivatives. If we do not start doing that, we are not going to fix this issue, and we are not going to have a better future.

I feel very strongly, if we do what is right, that we can provide substantial opportunity for this country, but the right things will include much more than a stimulus package.

Mr. President, I would like, in concluding my portion of morning business, I would like to talk about the underlying bill on the floor of the Senate, that is the Indian Health Care Improvement Act.

I spoke yesterday at some length, but I wish to again talk a little bit about why we are here and what all this means because I think it is so important. Some might say: Well, why is there an Indian Health Care Improvement Act? Why not a Norwegian or a Lutheran Health Care Improvement Act?

The Indian Health Care Improvement Act is designed that way, with that name, for a very specific reason. This country, for a long period of time, told American Indians: Look, we are going to take your land, we are going to force you to a reservation someplace, and we will write a treaty for you. Our treaty is going to tell you we are going to take care of your health care. We are going to meet our obligation. We have a trust responsibility for you.

So we will take your land, we will move you off to reservations, but, trust us, we are going to provide for your health care because that is our trust responsibility. Chief Joseph from the Nez Perce Tribe said:

> Good words do not last unless they amount to something. Words do not pay for dead people. Good words cannot give me back my children. Good words will not give my people good health and stop them from dying.

He was concerned long ago about the inability of this country to keep its word on these trust responsibilities. We are here today because, finally, back in the early 1970s, President Nixon, President Ford, and every President succeeding them understood we have a trust responsibility for Indian health care. That is a fact.

In 1970, President Nixon noted we had 30 licensed Native American physicians in all our country. Thirty. And we created back then a self-determination policy. In 1976, President Ford signed into law the Indian Health Care Improvement Act. That is what we discuss today on the floor of the Senate.

I spoke yesterday, and I wish to again briefly about the challenge. I have held a lot of listening sessions on Indian reservations, and, frankly, the challenges we face are daunting.

Indian reservations see unbelievable health challenges. On a good many reservations, you will find one-half of the adult population who are suffering from diabetes. On the northern Great Plains, the rate of death from suicide among teenagers on Indian reservations is not double or triple, not 5 times the national average, but 10 times the national average of teen suicide.

I have held hearings about that. I have sat down with Indian teenagers on an Indian reservation, no other adults present, to say: What is going on in

your lives? What is happening? What is causing those clusters of suicides? There are so many problems of diabetes and suicide and so many other issues on reservations, dealing with health care. Part of it is because this system is so dramatically underfunded.

I wish to mention Ardel Hale Baker. Ardel Hale Baker is a woman on an Indian reservation who allowed me to use her photograph. Ardel Hale Baker was having a heart attack, diagnosed as a heart attack at a clinic. She didn't want them to call an ambulance. The nearest hospital was an hour and a half, hour and three-quarters away. She was lucky she got to the clinic when it was opened because the clinic, I believe, is open from 9 o'clock until 5 o'clock or 4 o'clock, with an hour closed for lunch hour. It is not open on weekends, but that is the health care on that reservation.

But she went there when the clinic was open. She was diagnosed as having a heart attack. She did not want them to call an ambulance because she knew that if the ambulance was not paid for by the Indian Health Service, she did not have any money and it would ruin her credit, because they would come after her.

So they said: No matter what you want, you are getting an ambulance. They put her in an ambulance, drove her about an hour and three-quarters to the nearest hospital. As they unloaded this woman from the ambulance gurney to a hospital gurney to pull her into the emergency room, they discovered a piece of paper attached to her thigh with a piece of tape.

I want to show you the paper that was attached to the thigh of Ardel Hale Baker as she was being wheeled into a hospital with a diagnosis of a heart attack. This is from the U.S. Department of Health and Human Services. It is a letter attached to this woman's leg with masking tape. It says on the letter that: You should understand that you have received outpatient medical services from your doctor at so and so. And this letter is to inform you that your priority one care cannot be paid for at this time, due to funding issues.

What they were saying is, as they wheeled this Indian woman into the emergency room, they were saying to the hospital: Understand this. That whatever care you give her is not going to be paid for, because we are out of contract health care funds.

On that reservation, everyone knows the refrain: Do not get sick after June because they are out of contract health care funds. What does this do? Well, if they treat this woman, then they have a bill that they go after this woman on. She does not have the ability to pay it. So it ruins her credit rating quickly, just like that. I cannot tell you the number of adults I have run into on these reservations who have had their credit ratings ruined because contract health care would not pay for health care.

They did not have the money. They were treated anyway, but then it ruined their credit rating. This is an example of what is happening over and over. It is happening today, on Wednesday.

Yesterday, I spoke about a beautiful young woman named Ta'shon Rain Littlelight. I was on the Crow Reservation in Montana. And Ta'shon Rain Littlelight's grandmother stood up at a meeting on health care. And this little 5-year-old girl, with the bright eyes and the beautiful traditional dress, loved to dance at age 5. And she apparently was a good dancer.

Ta'shon Rain Littlelight is dead. She lived the last 3 months of her life in unmedicated pain. This little girl was taken again and again and again and again to the Indian health clinic. And she was treated for depression. Depression.

At one of the visits, her grandparents said: Well, she has a bulbous condition on her toes and her fingers which suggests maybe she is not getting oxygen or something else is wrong, can you check? Treated her for depression.

One day she was airlifted to Billings, MT, to the hospital. In arriving at the hospital in Billings, MT, she was very quickly then airlifted to the Children's Hospital in Denver, CO, and diagnosed with terminal cancer.

Now Ta'shon Rain Littlelight was a 5-year-old child. She would not have known the challenges of this issue of Indian health care. When diagnosed with a terminal illness, she told her mother what she wanted to do was to go see Cinderella's castle. And the Make-A-Wish Foundation folks made that happen.

A few weeks later, she was in Orlando, FL. The night before she was to see Cinderella's castle, in the hotel room, in her mother's arms, she died.

And Ta'shon Rain Littlelight told her mother that night before she died: Mommy, I will try to get better. Mommy, I am sorry I am sick.

This little girl lived in unmedicated pain with an undiagnosed illness for many months. Would that have happened in our families? Would it?

A woman goes to a doctor on an Indian reservation, with so much pain in her leg because her knee is bone-on-bone, unbelievable pain. And she is told: Wrap it in cabbage leaves for 4 days and it will be fine.

The doctor who subsequently treated her off the reservation said it was unbelievable. This is the woman who had a knee condition with such unbelievable pain that any of us or our families would immediately have wanted to have a new knee, a replacement. But she was told to wrap it in cabbage leaves for 4 days and it will be okay.

Now, if I sound angry about what is going on, I am. Because this country has a responsibility to do better. We have a responsibility for health care for two special groups of people. One, Federal prisoners whom we send, incarcerated, to Federal prisons because they have committed crimes. When they are in a Federal prison, it is our responsibility for their health care, and we provide it.

We also have a responsibility because we promised and made a solemn trust oath to provide health care for American Indians. We even signed that into treaty after treaty. Now, all these years later, I find we are spending twice as much per person to provide health care for incarcerated Federal prisoners as we are to provide health care for American Indians.

That is why Ta'shon Rain Littlelight loses her life or at least does not have the kind of care and diagnosis we would expect for ourselves or our families or other Americans. That is why we have to fix it.

So having said all that I—I am sorry to go through it again—but I feel so strongly that this Congress has to take responsibility. Having said all that, there is much we can do. We have put together a piece of legislation that is 10 years too late. Ten years this Congress has delayed in reauthorizing this bill.

Finally, we are on the floor of the Senate to reauthorize this bill. This legislation is not perfect. It is a step forward, a step in the right direction. One of my colleagues will come and say: I demand reform. Well, he cannot demand it more than I demand it. But if you cannot get the first step done, how are you going to talk about reform 10 years after this should have been done?

I am looking for amendments that can be brought to the floor that can strengthen this. I am for those amendments. As soon as this passes, our committee is going to immediately begin a much broader reform of Indian health care.

But first and foremost, we have to move forward. We expand cancer diagnosis and treatments, we expand the opportunities for dialysis, we expand the opportunity for diabetes programs, we expand the opportunities to recruit doctors and nurses on Indian reservations. We do a lot of things in this bill that advance the interests of Indian health care.

It is not all I would like to do, but it is a significant step forward, that will improve the lives of people who today are not getting what was expected and what was promised by this country. This country has a responsibility to meet this, and I am determined, somehow, someway, we are going to meet it.

It appears, toward the end of this afternoon, the majority leader has indicated we have to go to the Foreign Intelligence Surveillance Act, because we have a February 1 deadline on that. We likely will not get this bill done by the end of this afternoon. We will then turn to FISA and work on FISA, I believe, perhaps today, tomorrow, perhaps Friday and Saturday, according to the majority leader.

But when the Foreign Intelligence Surveillance Act is completed, the majority leader told our caucus a bit ago, then we will pull this back on the floor and finish this piece of legislation.

So I ask my colleagues to come to the floor with amendments. Let us debate amendments, talk through amendments, improve this bill, if we can. But most importantly, let us get to the end, get it passed and have a conference with the House and, finally, after 10 long years, send this to the President for signature.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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, we are attempting, with the two cloakrooms, to notify offices of Senators that we would like very much to find a way to get a list of the amendments that are intended to be offered.

So if there are Senators who have amendments to this bill they intend to offer, we hope they would notify their cloakrooms so we can put a list together. We would like to make some progress. I do know the Republicans have an issues conference this afternoon, or perhaps all day. But I know they are now at an issues conference, I believe at a location on Capitol Hill. So I expect this bill will be carried over.

But if we can have some amendments offered this afternoon, still we can debate these amendments, I would like to ask Senate offices if they have amendments, notify the cloakrooms so we can put them on a list and have some notion of what we need to do in order to get this bill completed.

My understanding is the Senator from Vermont wishes to speak in morning business.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to continue for what will be a relatively short while as in morning business.

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

FOREIGN INTELLIGENCE SURVEILLANCE

Mr. LEAHY. Mr. President, the Senator from North Dakota is absolutely right. Having managed a number of bills, I know that sometimes it is hard to get people with amendments to come forth. I hope they do. Once this bill is finished, we will go to the Foreign Intelligence Surveillance Act or, as we know it here, FISA. It is intended to protect both our national security and also the privacy and civil liberties of all Americans. We are considering amendments to that important act that will provide new flexibility to our intelligence community. We all support surveillance authority. With terrorists plotting against us and talking about it, we want to be able to use all the various electronic and other means to find out what they are saying. Unlike some in the administration who say we are dealing with an antiquated law, we have updated this act many times, probably 30 or more times since its historic passage after intelligence abuses of earlier decades.

I came here 34 years ago. I well remember that this Nation was still reeling from the excesses of the COINTELPRO when people were being spied on by their Government simply because they disagreed with what the Government was doing; in this case, the war in Vietnam. We enacted FISA so we could do the legitimate thing of actually spying on people who wanted to do harm to the United States at the time of the Cold War, when we had adversaries all over the world. We also wanted to make sure that Americans who were minding their own business, not doing anything illegal, wouldn't be spied upon.

We rushed the so-called Protect America Act through the Senate just before the August recess and with it were a number of excesses. They came about because the administration broke agreements it had reached with congressional leaders. The bill was hurriedly passed under intense partisan pressure from the administration. In fact, the pressure was so strong, they made it very clear why they were willing to break agreements with those Republicans and Democrats who had been working together to try to craft a bill that would protect America's interests but also protect the privacy of individual Americans.

So we passed a bill that provides sweeping new powers to the Government to engage in surveillance, without a warrant, of international calls to and from the United States involving Americans, and it provided no meaningful protection for the privacy and civil liberties of the Americans who were on those calls. It could be an American calling a member of their family studying overseas. It could be a business person who, as they travel around to various companies they represent, ends up having their telephone calls intercepted.

But before that flawed bill passed—the one that came about because of the broken agreements by the administration—Senator ROCKEFELLER and I and several others in the House and Senate worked hard, in good faith with the administration, to craft legislation that solved an identified problem but, as I said, protected America's privacy and liberties.

Just before the August recess the administration decided instead to ram through its version of the Protect America Act with excessive grants of Government authority and without any accountability or checks and balances. They did this after 6 years of breaking the law through secret warrantless wiretapping programs. It was one of the most egregious things I have seen in my 34 years in the Senate. First they violate the law, and then instead of being held accountable, they ram through a law designed to allow them to continue those actions. Some of us saw it for what it was and voted against it. Both Senators from Vermont voted against it. We are from a State that borders a foreign country. We are concerned about our security, but we are also concerned about our liberties and our privacy.

We did manage to include 6-month sunset in the Protect America Act so we would have a chance to revisit this matter and do it right. The Senate Judiciary Committee and the Intelligence Committee, as well as our House counterparts, have spent the past month considering changes. In the Senate Judiciary Committee we held open hearings. We had more briefings than I can even count and meetings with the administration, with people in the intelligence service, with people at the CIA, NSA, and others. We considered legislative language in a number of open business meetings where Senators from across the political spectrum could be heard. Then we reported a good bill to the Senate before Thanksgiving.

The bill we are now considering will permit the Government, while targeting overseas, to review more Americans' communications with less court supervision than ever before. I support surveillance of those who might do us harm, but we also have to protect Americans' liberties. Attorney General Mukasey said at his nomination hearing that ''protecting civil liberties, and people's confidence that those liberties are protected, is a part of protecting national security.'' Let me repeat what the new Attorney General said:

> Protecting civil liberties, and people's confidence that those liberties are protected, is a part of protecting national security.

I agree with him. That is what the Judiciary Committee bill does. I commend the House of Representatives for passing a bill, the RESTORE Act, that takes a balanced approach to these issues and allows the intelligence community great flexibility to conduct surveillance of overseas targets but also provides oversight and protection for Americans' civil liberties. The Senate Select Committee on Intelligence has also worked hard. I know Chairman ROCKEFELLER was as disappointed as I at the administration's partisan maneuvering just before the August recess. After being here through six administrations, it has always been my experience, with Republican or Democratic administrations at certain points, when you are negotiating a key piece of legislation with the administration, you have to rely on them to keep their word and be honest with you, as they have to rely on you to keep your word and be honest with them. Through six administrations, 34 years, I can never remember a time where an administration was less truthful or flatly broke their word in the way this one did.

I commended the efforts of Senator ROCKEFELLER and those working with him. I do so again now. I believe both he and I want surveillance but we want

surveillance with oversight and accountability within the law. I also want to praise our joint members. In the Judiciary Committee we have, by practice, a certain number of members who serve on both Judiciary and Intelligence for obvious reasons. The ranking member of Judiciary and I, of course, have access to a great deal of intelligence whenever we have requested it, but that is on an ongoing basis.

Senators FEINSTEIN, FEINGOLD, and WHITEHOUSE contributed so much to the work of the Judiciary Committee. They worked with me to author many of the additional protections we adopted and reported. They had worked on the bill in the Intelligence Committee and then worked with us. These Senators and others on the Judiciary Committee worked hard to craft amendments that will preserve the basic structure and authority proposed in the bill reported by the Select Committee on Intelligence, but then they added those crucial protections for Americans, the part the Judiciary Committee, because of our oversight of courts, worries about.

I believe we need to do more than the bill initially reported by the Senate Select Committee on Intelligence does to protect the rights of Americans. I know the chairman of that committee joins with me to support many of the Judiciary Committee's improvements.

Let me cite briefly what they are. The Judiciary bill, for example, makes clear that the Government cannot claim authority to operate outside the law outside of FISA—by alluding to other legislative measures never intended to provide that authority.

I will give you an example of what happened. The House and the Senate passed an authorization for the use of military force. We did this right after September 11. It was authorization to go in and capture Osama bin Laden—the man who engineered 9/11, is still loose, and taunts us periodically. But what happened? The administration was so hellbent on getting into Iraq that when they had Osama bin Laden cornered, they withdrew their forces and let him get away so they could invade Iraq—a country that had absolutely nothing to do with 9/11. Now they say that authorization allowed them to wiretap Americans without a warrant. I have heard some strange, convoluted, cockamamie arguments before in my life. This one takes the cake.

I introduced a resolution on this in the last Congress when we first heard this canard. We authorized going after Osama bin Laden, but the Senate did not authorize—explicitly or implicitly—the warrantless wiretapping of Americans. By their logic, they could also say we authorized the warrantless search of the distinguished Presiding Officer's home or my home. This body did no such thing, but the administration still is clinging to their phony legal argument.

The Judiciary bill would prevent that dangerous contention with strong language that reaffirms that the Foreign Intelligence Surveillance Act is the exclusive means for conducting electronic surveillance for foreign intelligence purposes.

The Judiciary Committee's amendment would also provide a more meaningful role for the FISA court to oversee this new surveillance authority. The FISA court is a critical independent check on Government excess in the sensitive area of electronic surveillance. The administration claims that of course the Foreign Intelligence Surveillance court can look at what they are doing, they just don't want the court to be able to do anything about it. No. The Judiciary Committee says the court should be able to look at what they are doing and should be able to stop them if they are breaking the law. In this Nation we fought a revolution over 200 years ago to have that right.

With the authority of a majority of the Judiciary Committee members, I am going to offer a revised version of the Committee's amendment that makes some changes to address technical issues and also to address some of the claims the administration has made about our substitute.

For example, in response to concerns raised by the administration in its Statement of Administration Policy, we have revised the exclusivity provision to ensure that we are not overextending the scope of FISA. We have also revised the provision concerning stay of decisions of the FISA Court pending appeal, the provision clarifying that the bill does not permit bulk collection of communications into or out of the United States, and a few other provisions.

I believe these revisions make the Judiciary Committee's product even stronger, and I urge my colleagues to support it.

Now, in the bill we have a title I, a title II. Title II in the Intelligence bill talks about retroactive immunity. We do not address that in the Judiciary Committee's bill, but I do strongly oppose the bill reported by the Senate Select Committee on Intelligence in that area. Their bill would grant blanket retroactive immunity to telecommunications carriers for their warrantless surveillance activities from 2001 through earlier this year. This surveillance was contrary to FISA and violated the privacy rights of Americans.

The administration violated FISA for more than 5 years. They got caught. If they had not gotten caught, they probably would still be doing it. But when the public found out about the President's illegal surveillance of Americans, the administration and the telephone companies were sued by citizens who believe their privacy and their rights were violated.

Now the administration is trying to get this Congress to terminate those lawsuits. It is not that they are worried about the telephone companies. They are not as concerned about the telephone companies as they are about insulating themselves from accountability.

This is an administration that does not want us to ask them anything, and they do not want to tell us anything. Interesting policy. If you do ask them, they are not going to tell you. If they do tell you, it appears oftentimes they do not tell you the truth.

Now, the rule of law is fundamental to our system. It has helped us maintain the greatest democracy we have ever seen in our lifetimes. But in conducting warrantless surveillance, the administration showed flagrant disrespect for the rule of law. It is like the King of France, who once said: ''L'Etat, c'est moi.'' ''The state is me.'' They are saying: What we want to do is what we will do. And if we want to do it, the law is irrelevant.

I cannot accept that.

The administration relied on legal opinions that were prepared in secret and shown only to a tiny group of like-minded officials who made sure they got the advice they wanted—advice that, when it saw the light of day, people said: How could anybody possibly write a legal memorandum like that?

Jack Goldsmith, who came in briefly to head the Justice Department's Office of Legal Counsel, described the program as a ''legal mess.'' He is a conservative Republican. He looked at this and said: It is a legal mess. Now, the administration does not want a court to get a chance to look at this legal mess. Retroactive immunity would assure that they get their wish and that nobody could ask how and why they broke the law.

Frankly, I do not believe anybody is above the law. I do not believe a President is, I do not believe a Senator is, I do not believe anybody is.

I do not believe that Congress can or should seek to take rights and legal claims from those already harmed. I support the efforts of Senators SPECTER and WHITEHOUSE to use the legal concept of substitution to place the Government in the shoes of the private defendants who acted at its behest and to let it assume full responsibility for the illegal conduct.

Although my preference, of course, is to allow the lawsuits to go forward as they are, I believe the substitution alternative is effective. It is far preferable to retroactive immunity, and it allows this country to find out what happened.

Keep in mind why we have FISA. Congress passed that law only after we discovered the abuses of J. Edgar Hoover's FBI. Through the COINTEL Program, Hoover spied on Americans who objected and spoke out against the war in Vietnam—which pretty well involved 100 percent of the Vermont delegation in Congress.

It is like the Department of Defense today that is going around videotaping Quakers protesting the war. Quakers

always protest the war. But this administration seems to think, if you disagree with them, somehow you are an enemy of the country and they can justify spying on you. That is why we put these laws in place. Is memory so short around here? Is memory so short or are we so frightened by 9/11 that we are willing to throw away everything this country fought for and everything that has made this country survive as long as it has?

We were told this building was targeted by terrorists. I proudly come into this building every day to go to work. It is the highlight of my life, other than my wife and my family. But I come in here because I believe 100 Members of the Senate can be the conscience of the Nation. We can protect Americans' rights, we can protect those things that our forefathers fought a revolution for, that we fought a civil war to protect, that we fought two World Wars to protect. Now we are going to throw it away because of a group of terrorists? This is ''Alice in Wonderland.''

So as we debate these issues, let's keep in mind the reason we have FISA in the first place. As I said, back in the 1970s we learned the painful lesson that powerful surveillance tools, without adequate oversight or the checks and balances of judicial review, lead to abuses of the rights of the American people.

So I hope this debate will provide us with an opportunity to show the American people what we stand for. We can show them that we will do all we can to secure their future, but at the same time protect their cherished rights and freedoms. Those are the rights and freedoms that protected past generations and allowed us to have a future. If we do not protect them, what will our children and grandchildren have?

It is incumbent upon us to stand up for this country. When you stand up for this country, it does not mean jingoism, it does not mean sloganeering. It means protecting what is best for this country. If we do that, the terrorists will not win. The United States of America wins. The people who rely on us around the world will win. Our example will be one they will want to follow.

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.

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

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

THE FISA BILL

Mrs. FEINSTEIN. Mr. President, I know that both chairmen, Senator LEAHY of Judiciary and Senator ROCKEFELLER of Intelligence, are coming to the floor to speak on the FISA bill. I wish to take this opportunity, as a member of both those committees, to speak about two amendments I will offer when the time is appropriate. This is in morning business and, therefore, I cannot offer them at this time.

The first amendment will deal with a new question, and that question is: court review of telecom immunity. Let me explain what that means. First, this amendment is submitted on behalf of Senators BILL NELSON, CARDIN, and myself. Senator NELSON is on the Intelligence Committee. Senator CARDIN is on the Judiciary Committee. I have also worked with Senator WHITEHOUSE on this, though I believe he is going in a slightly different direction.

As Members know, the bill before us provides full retroactive immunity for electronic service providers—that is the legal language—that are alleged to have provided assistance as part of the Terrorist Surveillance Program. The amendment I am offering creates a judicial review by putting forth the issue of whether immunity should be granted before the FISA Court. There would be no immunity for any individual, private or public official—that is in the underlying bill—or any other company other than electronic service providers.

So the immunity provision in the Intelligence bill only relates to those providers of electronic surveillance—no one else and no other company. I hear talk this would apply to Blackwater. It does not. This is strictly for electronic surveillance.

The FISA Court has the most experience with FISA practice and surveillance law. It has an unblemished record for protecting national security secrets. It has 11 judges. They sit 24/7. It has an appellate branch, and it is knowledgeable and skilled in intelligence matters.

Under the amendment, there would be a narrowly tailored three-part review. First, the FISA Court would determine whether a telecommunications company provided the assistance alleged in the cases against them. If not, those cases are dismissed.

Second, if assistance was provided, the court would determine whether the letter sent by the Government to the telecommunications company met the requirements of 18 USC 2511. That is part of the FISA law. If they did, the companies would be shielded from lawsuits.

Let me tell you quickly what that law says. That law, in 2511(2)(a)(ii)(A) and (ii)(B), allows for a certification in writing by a person specified in section 2518(7) of this title—which means the Attorney General, Deputy Attorney General, Associate Attorney General, or by the principal prosecuting attorney of any State or subdivision thereof acting pursuant to a statute of that State who reasonably determines that a series of conditions are met: that an emergency situation exists, immediate danger of death or physical injury to any person, conspiratorial activity threatening the national security interest or conspiratorial activities characteristic of organized crime.

All those provisions, in one way or another, did exist. So a certification in writing under section 2511 must be by one of the people I enumerated, or by the Attorney General of the United States, and say that no warrant or court order is required by law, that all statutory requirements have been met, and that the specified assistance is required. Then there are some provisions setting forth the period of time during which the provision of the information, facilities, technical assistance is authorized, et cetera. That is the law.

So the question is: Were the certifications provided adequate under this law that I have read? If they were, the companies would be shielded from lawsuits.

The third part is the hardest. In any case where the defendant company did provide assistance but did not have a certification that complied with the sections I have read in 2511, the FISA Court would assess whether the company acted in good faith, as is the standard under common law. The FISA Court would determine whether the company had an objectively reasonable belief that compliance with the Government's written request or directives for assistance were lawful.

In the underlying bill, all the cases against the phone companies will be dismissed as long as the Attorney General can tell the court that the Federal Government assured the companies that the assistance it was seeking was legally permitted. That is the way it works in the underlying bill. Under this formulation, there is no court review of whether the assistance was, in fact, legal and adequate under the law or whether the companies had an objectively reasonable belief they were legal. This is a major shortcoming of any legislative or executive grant of immunity.

I thought this when I voted for the immunity provision in Intelligence. I had hoped it would be revised in the Judiciary Committee. I hadn't come upon this solution until I discussed it at length with Senator WHITEHOUSE and also with several professors of law and also with a Member of the House of Representatives. Then I thought, I wonder if this is a way to handle the immunity question that is fair and objective and handled by a court that is trained and deals with these matters on a continuing basis. I believe it is.

There are many Senators who believe the immunity provision should be taken out wholesale and that the current court case should continue. That is why I have introduced this amendment with Senators NELSON and CARDIN, which puts before the Senate a court review option. This amendment would allow phone companies to receive the immunity they are seeking, but only if the independent review by

the FISA Court determines whether the assistance that was provided is lawful on its face or the companies had a good-faith, objectively reasonable belief that it was in fact lawful.

The arguments run hot and heavy on both sides of the immunity question. They may well prevent the successful passage of a bill by both Houses. Here is some history, though.

Shortly after September 11, 2001, the Government reached out to telecommunications companies to request their assistance in what has become known as the terrorist surveillance program. Within 5 weeks of 9/11, letters were sent from senior Government officials to these companies that put a governmental directive by the executive branch, and these letters were sent every 30 to 45 days to the telecoms, from October of 2001 to January of 2007, when the program was, in fact, put under FISA Court orders.

Only a very small number of people in these companies had the security clearances to be allowed to read and evaluate these letters or directives. And then even they could only discuss the legal ramifications internally. They could not go out and get other opinions and vet it. That is a fact.

We also know that at the time the requests and directives were made, there was an ongoing acute national threat. The administration was warning that more attacks might be imminent, and we now know there was a plot to launch a second wave of attacks against the west coast. In such an environment, I believe, and I think most of us believe, the private sector should help the Government when it is legal to do so. In fact, we should want the private sector to do all it can to help protect our Nation.

In addition, there has been a longstanding principle in common law that if the Government asks a private party for help and makes such assurances the help is legal, the person or company should be allowed to provide assistance without fear of being held liable.

One would think this should especially be true in the case of protecting our Nation's security.

However, this is not a situation that had not been contemplated or prepared for. Congress passed FISA and included language in that statute to address such situations regarding how and when the Federal Government may seek assistance from private companies when conducting electronic surveillance, where there is no court warrant. Those are the sections I have read to you. In fact, the law is very clear on this and under what circumstances a telecommunications company may provide such information and services to the Government, again, as I have indicated.

Assistance can always be provided when there is a court warrant. In this case, unfortunately, the administration did not even attempt to get a FISA Court warrant. It essentially dismissed FISA out of hand as a remedy. That is most unfortunate. The question comes, should the telecoms be blamed for that? I think that is something we need to grapple with.

The administration could have gone to the FISA Court. It chose under its article II power or its misinterpretation of the AUMF that it would not do that. Is that the responsibility of the telecoms?

As I have said, under United States Code, title 18, section 2511, the sections I have read, assistance may be provided without warrant if the Government provides a certification in writing that ''no warrant or court order is required by law, that all statutory requirements have been met, and that the specified assistance is required.'' That is the law.

With that said, I have read the letters that were sent to the telecom companies every 30 to 45 days for several years requesting assistance and providing legal assurances. No one can say now with legal certainty that the certification requirements of section 2511 were or were not met. I believe this is a question that should be addressed by a Federal court, and I further believe that the Foreign Intelligence Surveillance Court is the court to do it.

The administration has had its own view that article II of the Constitution provided the President with the authority to conduct international electronic surveillance outside the law, as long as it complied with the Fourth Amendment. To what extent the phone companies relied on this legal theory I do not know, nor does anyone else at this time, I believe.

But the companies have a reasonable argument. They relied on written assurances in which the Attorney General, the top law enforcement officer of the country, said their assistance was lawful. They were not able to do due diligence because of security limitations. We have no way of knowing the full content of their deliberations regarding article II authority of the President, despite testimony they have given to us on the Intelligence and Judiciary Committees.

In addition, these companies face serious, potentially extraordinarily costly, litigation and are unable at the present time to defend themselves in court or in public because of the Government's use of the state secrets defense. This places the companies in a fundamentally unfair place. Individuals and groups have made allegations to which the companies cannot answer, nor can they respond to what they believe are misstatements of fact and untruths.

I asked the companies, when somebody opposed to their position came to testify before a committee of the other body: Why don't you testify and respond? They said: Because our hands are tied; we cannot.

So today we are in a situation that creates a difficult and consequential problem for Congress to address. The way Senator NELSON of Florida and Senator CARDIN and I see this is that the question of whether telecommunications companies should receive immunity hinges on whether the letters the Government sent to these companies meet the requirements of 18 U.S.C. 2511. If not, did the companies have a good-faith reason to believe there was a lawful reason to comply? In other words, we should not grant immunity if companies were willingly and knowingly violating the law.

I believe the best solution is to allow an independent court, skilled in intelligence matters, to review the applicable law and determine whether the requirements of the law or the common law principle were, in fact, met. If they were, the companies would receive immunity. If not, they would not.

I wish to briefly speak on the second amendment which I will broach at the appropriate time, and that is the question of exclusivity. This amendment is cosponsored by both chairmen, Senators ROCKEFELLER and LEAHY, Senators NELSON, WHITEHOUSE, WYDEN, HAGEL, MENENDEZ, and SNOWE. I will describe it briefly.

We add language to reinforce the existing FISA exclusivity language in Title 18 by making that language part of the FISA bill which is codified in Title 50. The second provision answers the so-called AUMF, the authorization to use military force, resolution loophole. The administration has argued that the authorization of military force against al-Qaida and the Taliban implicitly authorized warrantless electronic surveillance. My amendment states that only an express statutory authorization for electronic surveillance in future legislation shall constitute an additional authority outside of FISA. This makes clear that only specific future law that provides an exception to FISA can supersede FISA.

Third, the amendment makes a similar change to the penalty section of FISA. Currently, FISA says it is a criminal penalty to conduct electronic surveillance except as authorized by statute. This amendment replaces the general language with a prohibition on any electronic surveillance except as authorized by FISA by the corresponding parts of title 18 that govern domestic criminal wiretapping or any future express statutory authorization for surveillance.

And finally, the amendment requires more clarity in a certification that the Government provides to a telecom company when it requests assistance for surveillance and there is no court order.

Remember, on the question of immunity, we have existing law. The law I read earlier is vague and it is subject to interpretation. The question is whether we do the interpretation or whether a proper authority does the interpretation which, of course, is a court of law, namely, in this case, the FISA Court.

Currently, certifications must say under 18 U.S.C. 2511 that all statutory

requirements for assistance must be met. The telecom official receiving that certification is not given any specifics on what those statutory requirements are, so the company cannot conduct its own legal review.

This amendment would require that if the assistance is based on statutory authorization, the certification must specify what provision in law provides that authority and that the conditions of that provision have been met.

I believe our amendment will strengthen the exclusivity of FISA, and I believe it is absolutely critical. Without this, we leave the door open for future violations of FISA.

When FISA was first enacted in 1978, there was a big debate between the Congress and the executive branch over whether the President was bound by law. We have had a repeat of that debate over the past 2 years since learning of the existence of the terrorist surveillance program. But the end result of the debate in the 1970s was clear. FISA was established as the exclusive means by which the Government may conduct electronic surveillance for foreign intelligence purposes, period. FISA was meant to be exclusive, and section 2511(f) of title 18 of the United States Code states that it is, in fact, the exclusive authority for domestic criminal wiretapping and that ''the Foreign Intelligence Surveillance Act of 1978 shall be the exclusive means by which electronic surveillance, as defined in section 101 of such act, and the interception of domestic wire, oral, and electronic communications may be conducted for foreign intelligence purposes.''

The legislative history is clear—ignored, but clear. In stating that ''FISA would prohibit the President, notwithstanding any inherent powers, from violating the terms of that legislation,'' the 1978 report language was a clear statement of the intent of the Congress at that time, just as this amendment is now.

Congress also wrote in 1978 that in terms of authority for conducting surveillance, ''FISA does not simply leave Presidential powers where it finds them. To the contrary. The bill substitutes a clear legislative authorization pursuant to statutory, not constitutional, standards.''

President Carter signed the 1978 bill. His signing statement said this:

> This bill requires for the first time a prior judicial warrant for all

In italics—

> all electronic surveillance for foreign intelligence or counterintelligence purposes in the United States in which communications of U.S. persons might be intercepted.

So it is crystal clear on its face that FISA was the only legal authority under which the President could proceed when he authorized the ''Terrorist Surveillance Program'' after September 11. He chose not to. And this is where the issue becomes joined, I believe, one day before the highest Court of the land: whether the President's Article II power essentially still supersedes these clear statements of legislative intent and clear drafting of law over many decades.

To make matters worse, the administration claimed and still does claim that the resolution to authorize the use of force against al-Qaida and the Taliban provided authority to institute the Terrorist Surveillance Program. It does not.

I do not know one Member of Congress who believes they voted for the TSP when they voted to authorize the use of force. It was never contemplated, and I was present at many of those discussions, in private and in public. It was never considered.

In fact, FISA allows for 15 days of warrantless surveillance following a declaration of war. So Congress in 1978 had spoken on the issue of wartime authorities, and it did not leave open the possibility of open-ended warrantless surveillance.

Then the Department of Justice came to the Congress in September of 2001 with the PATRIOT Act. The legislation included numerous changes needed to FISA to wage this new war, but the administration did not request changes that would allow the TSP, the Terrorist Surveillance Program, to function lawfully. Nor did the administration express the limitations on FISA surveillance that the TSP was created to overcome.

In effect, we have a claim from this administration, which has never been recanted, that the President has the authority to conduct surveillance outside of FISA. We are spending enormous time and effort to rewrite FISA, but there is no guarantee that the President will not again authorize some new surveillance program outside the law. That is why those of us who put this amendment together have taken so much time to write strong exclusivity language right into this law.

When I have asked the Director of National Intelligence about this, he has said that with the new FISA authorities in this bill, the intelligence community wouldn't need to go outside of FISA. I would like to find comfort in this response, but I don't, and that is why I am offering this exclusivity amendment.

The President does not have the right to collect the content of Americans' communications without obeying the governing law, and that law is FISA.

I recognize the administration disagrees with me on this point. The White House believes the President's Article II authority allows him to conduct intelligence surveillance regardless of what Congress legislates. I disagree.

However, we are not going to resolve that question. As I said, ultimately it is for the Supreme Court to decide. But here now we must make the strongest case that the only authority for electronic surveillance is FISA, and we must again be as clear as possible exactly when FISA authorizes such surveillance.

That is our function under article I of the Constitution.

Let me say, however, despite the fundamental differences of views over separation of powers, this amendment has been carefully negotiated with officials at the Department of Justice, the Office of the Director of National Intelligence, and the National Security Agency. The executive branch has not raised operational problems or concerns with this language.

This exclusivity amendment will not affect ongoing or planned surveillance operations. Of course, I should also say clearly that the executive branch does not support the language. They do not want FISA to be the exclusive authority. But, legislatively, that has been the intention of this Congress since 1978.

I have tried to perform my due diligence on this whole terrorist surveillance program and the FISA issue since the news of the warrantless surveillance broke in December of 2005. I have become convinced that without strong exclusivity language such as provided in this amendment, another Congress in the future will be faced with exactly the same thing we are now.

I will repeat what I said in December: I cannot support a bill that does not clearly reestablish the primacy of FISA. We took the first step with very modest language in the Intelligence Committee. The Judiciary Committee passed very strong language, but unfortunately it has not been added to the bill before us. Both committee chairmen have cosponsored this amendment, as well as the others I have listed. The Department of Justice and the intelligence community have thoroughly reviewed the amendment. There is no operational impact. I hope we end the question once and for all whether the President can go around the law.

At the appropriate time, I will move this amendment, and I hope it will be accepted by this body, as well as the court review of the immunity amendment.

Mrs. FEINSTEIN. Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Madam President, this afternoon the Republicans have held an issues conference; in fact, I believe for most of the day. As a result, they have not been here today to engage in discussion on the Indian Health Care Improvement Act. I just finished speaking with Senator MURKOWSKI, vice chairman of the committee. We talked about the bill. She has played a significant role as vice chairman in bringing

this Indian health care improvement bill to the floor. We both would like those who have amendments to provide notice to us of their amendments.

Our cloakrooms have asked for a list of amendments so that we may process them. It appears, based on what the majority leader indicated, that we will at some point today, perhaps in the next hour or two, turn to the Foreign Intelligence Surveillance Act. The reason for that is, there is a deadline of February 1 by which that Act has to be renewed. It expires and we have to take action to renew it. It will be controversial and cause quite a debate. So what the majority leader has indicated is that he will turn to the Foreign Intelligence Surveillance Act, and we will be on that tonight, tomorrow, perhaps Friday and Saturday—who knows?—and that following completion of that, he will bring the Indian health care improvement bill back to the floor.

My appreciation to the majority leader, he is trying to balance some difficult things. He, for the first time in 10 years, decided we should do what we should have done in the last 10 years, and that is reauthorize Indian health care.

We have a scandal in Indian health care with full scale rationing. Only 40 percent of health care needs are being met. We have people dying today on reservations because health care that we take for granted for our families, many of us, is not being made available on Indian reservations. I thank Senator REID for allowing us to come to the floor and putting this in the schedule. When it is pulled from the floor to go to FISA, it will be brought back next week or when FISA is completed. I appreciate that.

I notice my colleague from South Dakota, Mr. JOHNSON, is here. Senator JOHNSON and I share the Standing Rock Sioux Indian reservation that straddles our boundary of North and South Dakota. It is a large reservation. Both of us have been there many times. South Dakota has a number of other Indian reservations. Senator JOHNSON, as a member of the committee, has done superb work with us to put this legislation together. I appreciate his help and his attention to what is an urgent priority for American Indians, to get the health care this country long ago promised. We wrote it in treaties. We have a trust responsibility. That responsibility is affirmed by the Supreme Court of the United States. Yet we have had broken promises and broken treaties. At long last we must affirm our responsibility to say to Native Americans: It is our responsibility. We assumed that responsibility to provide decent and good health care, health care we can be proud of for Native Americans. That is what this discussion is about.

Because I have seen my colleague from South Dakota come into the Chamber, I did want to say a special thanks to him. I know my colleague, Senator MURKOWSKI, and other Republicans and Democrats on the committee worked hard. We all worked together—it was bipartisan—in getting this bill to the floor. Senator JOHNSON, over a long period of time, has worked to make this day happen. Let me thank him for his great work.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Madam President, I am here to speak in favor of the Indian Health Care Improvement Act. To the nine treaty tribes in my State, and hundreds of others around the country, this bill is truly a matter of life and death. It is a sad fact that the six counties in America with the lowest life expectancy are tribal counties in South Dakota.

Poor health care affects not only life expectancy but also the quality of life for American Indians; it is also preventable. My office gets hundreds of calls from constituents needing help with even the most basic needs that ought to be met by the Indian Health Service.

For example, Butch Artichoker from the Rosebud Sioux Tribe told my office he did not want to have a cancer test because he would not be able to get contract health treatment from IHS if the test was positive. His situation is not unique.

Another man from Pine Ridge contacted my office after receiving the results of a cancer test that showed his PSA levels were ten times above normal. He could not get a referral for a treatment MRI because, according to IHS, his cancer was not a priority one—threat to life or limb.

I am a cancer survivor myself thanks to early screening and detection, which are paramount for effective treatment. This is also true for mental health problems and many other treatable disorders. Passing this bill will not fix every health problem facing Indian Country, but it is a major step that we need to take.

I returned from my own health challenges with a better appreciation of what individuals and families go through when they face the hardship of catastrophic health issues.

Providing better health care through IHS will serve not just American Indians but protect the overall public health network for my State and the rest of the country.

IHS is a vital part of the patchwork of providers that serve our State and when one of these providers improves, the entire system benefits. This is not just a tribal issue or an Indian bill, but a moral issue for individuals and families as well as the integrity of my State and our country.

I thank Senator DORGAN for his leadership and persistence. I ask that my colleagues quickly pass this bill, as these improvements to Indian health care are long overdue.

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. SALAZAR. 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 rise in strong support of S. 1200, the Indian Health Care Improvement Act of 2007, which will reauthorize, improve, and expand necessary health care services and programs for the Native American population. I thank Chairman DORGAN and Ranking Member MURKOWSKI of the committee for their leadership on this legislation. I also thank my colleagues on the Finance Committee, Senator BAUCUS and Ranking Member GRASSLEY, for their leadership and contribution. The work we have done in the last year and the debate we will have this week is a debate that is long overdue.

It has been 16 years since Congress conducted a comprehensive review of the Indian Health Care Improvement Act, 16 years since we addressed the persistent health disparities in Native American communities across the Nation.

This bill is vital to millions of Native Americans across the country, including the 52,000 Native Americans who reside in my State of Colorado.

Colorado is home to two sovereign American Indian nations: the Ute Mountain Ute Tribe and the Southern Ute Tribe. They are located in the southwestern part of Colorado. But as we must remember—and my colleagues have alluded to this in this week's debate—the majority of Native Americans across this country, including in Colorado, do not live on the reservations. In Colorado, members of 35 different tribal nations live in the urban, suburban, and rural communities of my State, from Durango to Denver.

It is hard for us in this Chamber and in America to overstate the contributions of Native Americans to our economy, our society, our culture, and our history.

In my State, the Utes are the oldest known continuous residents of Colorado. The earliest Ute tribes traveled along the eastern slope of the Rocky Mountains before settling in Colorado, Utah, and New Mexico. In western Colorado, they hunted, gathered, and worked the lands, often moving with the seasons to better climates to better their possibilities of livelihood. The Spanish arrived in the Southwest—in Colorado and New Mexico—in the late 1500s—in the 1630s and 1640s—and in the beginning, they became the trading partners for the Utes, exchanging tools for meats and fur.

What followed that chapter is a set of very sad chapters in Colorado and the United States. It was a set of sad chapters characterized by violence, retaliation, and tragedy, much of it at the hands of the Federal Government.

Over the next few decades, under pressure from the Federal Government,

the Utes would enter into agreements to establish reservations, but this included giving up very large sections of their land. While a small part of that land was ultimately returned to the Utes in the two reservations that were set up in Colorado and the one that was set up in Utah, the modern-day reservations are the result of various Government actions, encroachment by settlers, and mining interests that ultimately limited the two tribes in Colorado to a small percentage of the reservations that were originally contemplated for the Ute Indians before the existing reservations were established.

The issues confronting Native American communities today are inextricably tied to this history. The Federal Government's responsibility to Native American communities is likewise tied to this very difficult and painful history.

But this week, under the leadership of Chairman DORGAN, we hope to write another chapter into this history. We hope to take another step toward making good on the Federal Government's promise to improve health care for Native Americans.

The health care statistics for Native American communities do not lie, and they are troubling. They should be troubling to all of us here in America. The infant mortality rate is 150 percent greater for Native Americans than that of Caucasian infants. Native Americans are 2.6 times more likely to be diagnosed with diabetes. Life expectancy for Native Americans is 6 years less than the rest of the U.S. population. Suicide rates—suicide rates—for Native Americans are 250 percent higher than the national average.

The health care disparities we see throughout the country are also evident in my State of Colorado. In 2006—that was not too long ago—5.5 percent of Native Americans died from diabetes, more than twice the rate of the general population. In the same year, 3.9 percent of Native Americans died from chronic liver disease, compared with 1.6 percent for the general population.

For many Native Americans, access to health care is the biggest challenge they face as human beings. I have heard countless stories of individuals, Native Americans in my State, who are sick or are in pain and have to drive hundreds of miles to receive any kind of treatment. When they get there, after having driven sometimes 9 hours, they will find that the clinic cannot provide them the treatment they seek. Those services, they learn, are in hospitals located hundreds of miles away.

Access problems affect not only Native Americans on reservations that span hundreds of miles but Native Americans living in urban areas as well.

For the 25,000 Native Americans living in Denver, CO, today, there is only 1 health care facility that is available to meet their health care needs. That is the Denver Indian Health and Family Services facility. This facility is funded by the Indian Health Service program through funding allocated through title V of the Indian Health Care Improvement Act, which provides funding for urban health centers for Native Americans.

The Denver Indian Health and Family Services began providing health care onsite to Native Americans living in the Denver metro area in 1978. The majority of its patients are single parents, making an average of $621 per month—$621 per month. That is a total of approximately $7,400 a year. That is not a lot of money for any family. When a patient needs specialized treatment, however, they often have to travel 6, 7, 8, 9 hours to places such as Rapid City, SD, or Albuquerque, NM. This is a long trip for anyone, particularly if they are sick or injured.

The U.S. Government has a longstanding and solemn responsibility to the Native American population of our country. That responsibility is set forth and recognized in treaties, statutes, U.S. Supreme Court cases, agreements, and in our U.S. Constitution. It is a trust responsibility that flows from Native Americans' relinquishment of over 500 million acres of land to the United States of America. Native Americans see the reauthorization of this health care bill as part of the U.S. Government living up to its end of the bargain with tribal governments. And they are right.

The disparities in health care between Native Americans and the general population is a real problem, and it is one Congress has a responsibility to address. I am proud of the bill we are considering today because it takes major steps toward reducing the health care disparities that persist in Native American communities.

Although appropriations for IHS have traditionally fallen far short of the actual health care needed in Indian Country, the focus on preventive care in current reauthorization legislation will make more efficient use of the Indian Health Service's limited resources.

Difficulties in recruiting and retaining qualified health professionals have long been recognized as a significant factor impairing Native Americans' access to health care services. The programs authorized in this bill will help recruit Native Americans into the health care profession. Additionally, this bill provides for health education in schools, mammography and other screenings for cancer, and helps cover the cost of patient travel to receive health care services. Additionally, this legislation removes barriers and increases participation and access to Medicare and Medicaid Program benefits.

Title V of this legislation would also fund programs in urban centers to ensure that health services are accessible and available to Native Americans living in cities across the country, such as Denver, CO. Key programs include immunization, behavioral health, alcohol and substance abuse programs, and diabetes prevention, treatment, and control.

In addition to reauthorizing and expanding existing programs, this legislation will ensure that Native Americans are able to take full advantage of new technologies and new Federal programs that have emerged since the last reauthorization, including Medicare Part D and the State Children's Health Insurance Program. Indian health programs should work hand-in-glove with these new programs and new resources.

Native Americans in the United States of America deserve access to a 21st-century health care system.

I again thank my colleagues, Senator DORGAN, the chairman of the committee, and Senator MURKOWSKI, for their bipartisan leadership on this very important legislation and for their tireless leadership for Native American communities across the country.

I hope my colleagues will support this bill. We need to get this bill to the President's desk as soon as possible.

In conclusion, as we look at the United States of America, we see an America that is an America that has a covenant about being an America in progress. We see it in a number of different ways—in the ways which we have treated women and other racial or ethnic minorities. But there is a sad and painful story to this America in progress that is particularly poignant when you look at how we, as the United States of America, have treated the Native American communities of our Nation. So this is an issue in my mind that is a fundamental issue of civil rights. It is a fundamental issue we must resolve in order to be able to uphold this covenant of America that makes us an America in progress.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I thank the Senator from Colorado, who is a strong voice for fairness and justice and for health care on Indian reservations. I appreciate very much his work and his relentless determination to help us get this done. I know he comes from a State that has a good number of Indian tribes and that he has toured those areas and is very concerned about this issue.

Madam President, I want to, in just a couple minutes, show once again a photograph of a man I showed yesterday during this discussion. His name is Lyle Frechette. Lyle Frechette, shown in this photograph, was a member of the Menominee Tribe of Indians in Wisconsin. He came of age during a time when there was what was called the ''termination and relocation era of Indians.''

This picture of Lyle Frechette is a picture of a high school graduate who was newly entering the Marine Corps to proudly serve his country. I showed that photograph yesterday to describe

that there is no group of Americans that has served their country in the military in larger numbers per capita than Native Americans—than American Indians and Native Alaskans. There is just no group that has enlisted in higher numbers to support their country in our military. This is a photograph of one of them. His experience, following his service in the Marines, was the experience of so many Indians.

During the termination and relocation period, many of them were given one-way bus tickets and told: You need to mainstream; you need to go to a city someplace. They found they had limited opportunities in the cities. They lost their health care capability. It was a time that we are now not proud of in terms of public policy because it was the wrong thing to have done, particularly when we had promised a trust responsibility, providing health care for Native Americans.

SPENDING PRACTICES AT VETERANS CHARITIES

Madam President, I wanted to show that photograph again because I wanted to say something else that is not on the topic of this bill but something I read last Friday which has bothered me ever since I read it. It deals with those such as Lyle Frechette and others who joined the military and became soldiers for our country.

The Washington Post, last Friday, contained a story about a hearing that was held the day before in the U.S. House of Representatives. It was a hearing about spending practices at veterans charities.

There is an organization that has evaluated various charities that have been established to provide assistance for veterans. That organization, the American Institute of Philanthropy—which is the leading watchdog group—said there are about 19 military-oriented charities that manage their resources very poorly.

But let me describe what made my blood boil Friday morning when I read it. I was not aware of it. But Help Hospitalized Veterans—a tax-exempt organization—Help Hospitalized Veterans—an organization that is presumably going to collect funds from around the country to help hospitalized veterans—it spent, according to the report, hundreds of thousands of dollars in donations that were to help wounded soldiers on personal expenses instead for those who were running the organization. Instead of helping wounded soldiers as the title says—Help Hospitalized Veterans—those who were running the charity were bathing themselves in cash: a $135,000 loan to the fellow who runs the organization for a divorce settlement with his former wife; a $17,000 country club membership; a $1 million loan to Mr. Viguerie, the direct mail guru, for a startup initiative at his firm.

The second charity, the Coalition to Support America's Heroes—also a charity designed presumably to help America's veterans—was fundraising, getting tax-exempt donations or tax-deductible donations, and they used a four-star general, retired Four-Star GEN Tommy Franks, to sign letters of solicitation asking for funds, and paid him $100,000 for that. Now, I think Tommy Franks ought to explain to the Congress and ought to explain to veterans why a retired four-star general is being paid $100,000 to sign letters to solicit money to help veterans. I think GEN Tommy Franks has a lot of questions to answer, including a number of questions dating back about 4 years, from me and others. But I was very surprised that a charity is paying $100,000 to a retired four-star general for allowing his name to be used to solicit funds from individuals across the country to help veterans.

The Help Hospitalized Veterans raised more than $168 million from 2004 to 2006. They raised $168 million from 2004 to 2006, and they spent one-quarter of it on veterans. Let me say that again. They raised $168 million of tax-deductible contributions to an organization called the Coalition—excuse me, this is Help Hospitalized Veterans—raised $168 million, and one-quarter of it went to help veterans; the rest went elsewhere. That is unbelievable, just unbelievable. In this Congress—I hope the committee in the House that held these hearings will continue, and I am now evaluating whether we can begin a series of similar hearings. I think that is equivalent to theft, and I hope very much that we will continue to apply heat to those who would use veterans' names in this manner. An organization that solicits $168 million and uses only one-fourth of it in support of veterans when their title is Coalition to Support America's Heroes—or I guess Help Hospitalized Veterans, one of the two—one-fourth of the money is used to go to veterans, the rest of it is going for country club memberships and loans for divorce settlements. That is unbelievable to me. I hope very much that both the House and the Senate will continue to aggressively investigate these organizations, and I hope perhaps if we have some hearings, we might ask retired GEN Tommy Franks to come and explain to us why it is appropriate for him to accept $100,000 that comes from tax-deductible donations in order to sign a letter soliciting money that is presumed to be in support of veterans when, in fact, three-quarters of the money went elsewhere.

My colleague from Alaska has come to the floor, and I want to again say it has been a pleasure to work with her. She is vice chairman of the Indian Affairs Committee and has done a remarkable job. She, perhaps more than anyone in the 48 States and the mainland, has very unique issues in the State of Alaska, because the Native Alaskan villages are remote and the health care issues that relate to them are different, difficult, and unusual, and she has represented that situation aggressively and relentlessly as we have tried to put legislation together to address it. I thank her for the work she has done, and I look forward to working with her. We will not apparently finish this bill today, but we will get the bill back on the floor following the Foreign Intelligence Surveillance Act, and when we do—the two of us have talked—we very much are intent on finishing this in 1 day and getting to conference, getting the bill to the President, and getting it signed.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I thank the chairman of the committee for his great cooperation on this very important issue. I know we had all hoped—certainly my constituents had hoped, and I think my colleagues as well, as so many around the country who have been waiting years—literally waiting a decade—for reauthorization of this Indian Health Care Improvement Act. We are pleased that we are on the floor. We would like to see this moved through the process as quickly as possible. We understand the issues we have in front of us and what we have to do in order to get this through, but I appreciate the great leadership of the chairman of the Indian Affairs Committee and of so many who have worked to advance this legislation.

I thank Chairman DORGAN for reminding all of us of the great contributions we have had from so many of our American Indians, Alaska Natives, when it comes to serving our country. I think if you look at the demographics and look at it on a per-capita basis, we see higher numbers, certainly in Alaska, of our Alaska Natives serving in the military than any other populations in the State, serving admirably over the years, whether they be the Eskimo Scouts or whether they be the group serving from the National Guard which recently returned from Kuwait.

I had an opportunity a couple of months ago to meet those Alaskans who were returning. I met up with them in Camp Shelby and had an opportunity to talk to the men who were returning from Kuwait after well over a year. They had been in the desert. Most of these soldiers came from villages from around the State. There were some 80 villages—communities—that were represented amongst this particular unit. Many of them, when they returned back home to Alaska after coming from the desert and going home to the snow, would be returning to very small towns and very small villages that are not connected by any form of a road system. During the winter months, you have connection because the rivers are now frozen and you can take a snow machine to get from one small village to another and hopefully out to a larger hub community. But the reality is so many of these fine men who have served our country are going back to areas where health care options are very limited.

Yesterday I had an opportunity to show my colleagues a couple of pictures. There is one of the health clinic

in Atka. We also had a picture of the health clinic in Arctic Village. As you look at the pictures, you can see the health clinics are small and they are clearly broken down. They are older facilities. They are very limited in terms of what they can provide. But this is what we have out in these villages. These soldiers who are returning need to go to the VA for services. They don't have a VA out in Chevak. They don't have a VA facility out there in Atka. They have the Atka Village Health Clinic. This is a two-story clinic, so it is by all standards perhaps better than some of the others in some of our villages. But what we have seen in a State like Alaska where access to care is so very limited, is the IHS facility essentially ends up being the entity that will provide for that level of care for that serviceman, for that veteran, because to get from Atka to Anchorage, to the Anchorage Native Medical Center, is costly. Sometimes the VA picks up the travel, sometimes not. It depends on your income eligibility. If there isn't any—if the Government is not there to pick up your costs, not only do you have the cost of air travel, which can be upwards of $1,000 for your roundtrip fare, but you have your expenses while you are in the city—in town.

So we look at what is provided to so many in our small clinics around the State. Now, is it right that the clinic should have to pick up or basically carry the water or carry the bag for the VA? Not necessarily, no. But is this where we can provide for a level of care that is in the village for the individual, with their family, and ultimately reducing so many of the travel costs that are there? Absolutely. So I say this to my colleagues, so people can understand that oftentimes what we are dealing with in terms of access when you are in a State where it is so rural, where you don't have roads, or the cost to travel is prohibitive, we have to be more creative in how we provide for the level of care. In Alaska, we think we are being more creative with that. But with the reauthorization of the Indian Health Care Improvement Act, it allows and facilitates greater sharing, greater cooperation, ultimately greater collaboration, that leads to greater cost savings.

I want to take a couple moments this evening—it has been mentioned by our colleague from Colorado, and certainly the chairman mentioned the provision we have in the substitute amendment regarding violence against Indian and Alaska Native women. I mentioned in my comments yesterday that we have seen some successes in Indian health, even with the very stark health statistics that have been repeated by so many on this floor. There is one area, though, where I do not believe we have made any progress, and one I am very pleased we are addressing in this bill, and that matter is the terrible violence that faces native women and children.

Back in September of 2007, the Committee on Indian Affairs held an oversight hearing on the prevalence of violence against Indian women. We had several witnesses, very compelling witnesses, at that hearing, one of whom was from Alaska, a woman by the name of Tammy Young, and she represented the Alaska Native Women's Coalition Against Domestic Violence and Sexual Assault. She testified about the intensity of such prevalence and the need for remedies to properly address the problem.

In my State, we have one major city. Anchorage holds about almost half the population of this State. The Alaska Native people make up 8 percent of the total population of Anchorage. But the percentage of Alaska Native victims in Anchorage alone was 24 percent. You can see the disparity in these numbers. Alaska has one of the highest per-capita rates of physical and sexual abuse in the Nation.

In Alaska, an Alaska Native woman has a likelihood of rape that is four times higher than a nonnative woman in the State. Our statistics are horrendous. They are deeply troubling. But we know it is not only in Alaska that there is this danger of violence that faces our Native women. Statistics show that Native women around the country are two to three times more likely to be raped than women from other populations in the United States. As I say, in Alaska it is four times higher. But even if this fact were not as disturbing as it is, it gets even worse because so many of these women who have had this violence upon them also face the prospect that the rapist may not be brought to justice.

This is for a variety of reasons. At the hearing we had a witness indicate that the health services within the Native communities simply lacked the proper infrastructure, the proper resources, to even conduct the forensic exams and therefore assist in the prosecution of the perpetrators. It is as simple as not having rape kits available in the IHS facilities in that village or that community on that reservation, simply not having the forensic equipment, not having it there. Why don't you have it there? It is a funding issue apparently. But you have a situation where you have a woman who has been violated. She comes seeking help, and she can't even have a proper exam so they can collect the evidence so she may then go on and try to prosecute the perpetrator.

In addition, it is the training. We simply do not have enough who are trained in the proper collection of the evidence. Back in 2005, we in Congress passed aggressive programs and services for the reauthorization of the Violence Against Women Act, or VAWA. The witnesses who were there at the hearing back in September advocated that we build on the foundation of VAWA. That is what this legislation does. It provides for just that. It includes programs to address domestic and sexual violence that are critical to shoring up this health infrastructure, that are necessary to support a successful prosecution, whether it is providing for rape kits at the Indian clinics and hospitals or the training for the health professionals to become the sexual assault examiners. Pretty basic stuff. But if you don't have it there, if you cannot collect the evidence, if you don't have the trained medical professionals to help facilitate that, these victims will be victimized again by simply knowing that the system has let them down.

In addition, the legislation will also require the Secretary of HHS to establish protocols and procedures for health services to victims of violence, as well as to coordinate with the Attorney General in identifying areas for improvement within the health system to support these prosecutions. I believe this aspect of the legislation is extremely important for so many. Again, our statistics in this area are devastating, unacceptable. There is more we can do about it, and this is one small step.

Mr. President, I want to talk about one aspect of the Indian health care reauthorization. I don't believe many of my colleagues have spoken to the underlying policy of self-determination and self-governance, but that is such an integral part of this reauthorization. The Federal policy of self-determination was conceived by President Nixon in the early 1970s, and it has been nurtured or improved upon by almost every administration since then. The legislation, S. 1200, embraces these policies in a very profound manner.

Indian self-determination represents one of our Nation's first enlightened Federal Indian policies. It has been by far the most successful policy in improving the lives of American Indians and Alaska Native people. This policy has been embodied in Federal legislation for over 30 years in the Indian Self-Determination and Education Assistance Act.

S. 1200 facilitates the important interplay between the Indian health care delivery system within the Department of Health and Human Services and the policy of Indian self-determination and self-governance. Beginning in the 1990s, there were a growing number of Indian tribes and Alaska Natives who have taken over the IHS programs. They have made them more efficient and responsive and, I would say, more relevant to the local needs.

In Alaska, I think we can point to what has happened in the area of self-governance as a good example, a positive example of how the Native people have embraced this policy of self-determination and self-governance.

In April 2003, the Committee on Indian Affairs held a hearing on an earlier version of this bill. We had a gentleman there from Seldovia Village, President Don Kashevaroff. He testified about how Alaska Natives began compacting IHS programs in 1997 and how, within 6 years, they had compacted virtually all of the IHS programs within the State of Alaska.

Now, within my State, the Indian health care system is almost entirely a Native-driven system. Senator STEVENS, my colleague, spoke to this in his comments on the Senate floor yesterday. When you take into account that in Alaska there are about 230 separate Native villages, you manage the numbers there, and despite this large number of separate sovereign governments spread out across a State with enormous distances from each other, spread out from the State's metropolitan area, they were able to create a highly efficient and integrated health care delivery system.

I showed you the pictures earlier of the clinics in Arctic Village. Behind me in the photo is the Alaska Native Medical Center, located in Anchorage. Quite different. Yet what we have there in Anchorage at the ANMC is a model for others to view. In Alaska, we have 180 small community health centers, about 180 of what you saw with the Arctic Village clinic, and they provide primary care. We have 25 subregional midlevel care centers. There are four multiphysician health centers, six regional hospitals, and one tertiary care facility. The Alaska Native Medical Center in this picture is that one tertiary care facility. So in the entire State, the Alaska Native Medical Center is the one that provides that tertiary care.

This system was made possible through the Indian Self-Determination Act. This health care system is tailored to meet the very unique needs of the Native people. I don't believe it would have been possible within the administrative structure of the Indian Health Service itself.

Now, I don't want to spend all my time just talking about the situation in Alaska because the success story that you see there is by no means limited to my State. Self-governance is being embraced in several other areas of the country as well: in the Pacific Northwest, the Southwest, in Oklahoma, and in other parts of the country. I think it is important to note that many tribes and tribal organizations have supplemented their IHS programs with their own resources where possible. The Indian Health Service has documented the fact that Federal Indian health programs are only meeting approximately 60 percent of the need. You have heard that time and time again as we have discussed this. Only about 60 percent of that need is met.

The hearings on Indian health held by the committee and information from a 2005 GAO report demonstrated that this underfunding has led to rationing health care within the Indian community. Of course, the unfortunate result of this underfunding is exactly as you have heard many of my colleagues say. It results in many American Indians either foregoing any kind of treatment or delaying receiving medical care, which in turn, then, leads to disease progression. But ultimately it leads to higher costs, greater costs to the system.

I want to point out that several tribes have stepped up with their own resources to enter joint ventures with the Federal Government or to even supplement the Federal dollars in an effort to bridge that 60 percent gap we keep talking about between the Federal funding and the level of need. I want to show a few of the examples.

In the Cherokee Nation in Northeast Oklahoma, we have a self-governance tribe with one of the largest service populations in the country. The Cherokees have just constructed a new clinic in Muskogee, OK, using their own tribal dollars. This facility serves Indian people in northeastern Oklahoma, including members of the Osage, Muskogee Creek, Choctaw, and numerous other tribes.

We also have the Muckleshoot Tribe in Auburn, WA, which built this facility in 2005 at a cost of nearly $20 million using its own tribal dollars. The Muckleshoot facility is located near the I–5 corridor in Washington and also provides very tailored care for its patients. As you can see from the picture, they try to cater to some of the younger patients as well.

Another Oklahoma tribe in southeastern Oklahoma is the Choctaw Nation, which used their own tribal dollars to construct a 54,000-square-foot facility at a cost of $13.5 million. In this facility the average monthly patient encounter over the past 12 months has been over 3,800 patients.

Out in Oregon, located in Chiloquin, we have the Klamath Tribe Health Center built in 2004, paid for through a unique partnership between the Klamath Indian Tribe and the IHS, as a health center that primarily serves the Klamath Tribe. It serves a tribal population of 2,890 individuals and cost $3.6 million to construct.

The last one I want to share with you comes out of Bylas, AZ, and the San Carlos Apache Tribe has constructed this two-building complex on its reservation, which is about 130 miles east of Phoenix. As the main source of primary care for Indians there, this clinic provides dental, behavioral health, optometry, laboratory, pharmacy, health education, and preventive care, among other services.

I use these examples to demonstrate some of the many cases where tribal ingenuity and resourcefulness have changed the Indian health care system for the better. I think this is illustrative of what can happen when the tribes are given the flexibility to plan, to develop, and to determine the future for their own people. We promote that ingenuity in this bill through the amendment to the Indian Self-Determination Act, which will make it possible to bring private sector money into Indian communities to supplement—again, I repeat ''supplement,'' not supplant—the Federal resources that are appropriated by Congress.

S. 1200 establishes the Native American Health and Wellness Foundation, the primary purpose of which will be to support the mission of the Indian Health Service by supplementing the Federal resources with private funds and, hopefully, bringing the level of funding for Indian health care closer to that level of need.

Mr. President, I will conclude my remarks this afternoon by repeating that within the Indian health system, you have great disparity. You have seen some of the pictures of beautiful facilities and some pictures of facilities that are in desperate need of help. We have heard stories that just break your heart of people who were denied services, of people whose illness was only compounded because of failures within the system.

But we have also heard some statistics that give us cause for hope that we are making headway within the system in terms of some of the chronic diseases and how we might approach them. Through the Indian health care reauthorization, we focus on those areas that will allow us to do better, whether it is in the area of behavioral health, additional screenings, those programs that focus on prevention, those programs that focus on wellness, so that we can, A, lower our cost of health care but, B, to really allow American Indians and Alaska Natives to have a quality of health care that is at least on par with what you would get if you went to a non-IHS facility.

We have not advanced legislation that would update the Indian Health Care Act since 1992. As I have said, all one needs to do is think back to what we were doing in 1992 in terms of health care. Think how far we have come with the technology. Think how far we have come with the techniques that are utilized. Let's not leave the Indian health care system 10, 20 years ago. Let's allow them to come into a level of service that we care to enjoy.

I mentioned one way we in Alaska are able to deal with the issue of access. In a large State with a small population who are not connected by roads, we have to rely on telehealth. Telemedicine has allowed us to provide for a level of care, whether it is checking out an infant's ear to make sure how bad that ear infection is or whether it is literally videoconferencing with a suicidal teenager and counseling to make sure he is not going to do something precipitous, that he knows he has somebody who is there for him. Our technology allows us to do that, but our legislation needs to be put in place to allow us to take full advantage of the changes in these intervening years.

Again, I stand with my colleague, the chairman of the Indian Affairs Committee, and urge our colleagues, if they have amendments, if there are still issues outstanding, let's work through those, let's get the amendments, but let's work through any remaining issues. We owe it to all our constituents around the country to provide for a better level of care.

With this legislation, it is one small step forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to join with the Senator from Alaska and the Senator from North Dakota to urge our colleagues to support this legislation that is going to make a critical difference to thousands of American Indians in Washington State and across our country.

I join in the words of my colleague, the Senator from Alaska. She mentioned several of the tribes in Washington State. This has an important impact on them. I agree with her and thank her for the tremendous work on this issue, helping us bring it to the floor and hopefully to passage so we can make a difference.

I am proud to be an original cosponsor of this Indian Health Care Improvement Act. It does reauthorize and update the health care services our Government provides to American Indians and Alaska Natives. This bill will allow our Indian health clinics and our hospitals to modernize their services and enable them to provide better preventive care. These services are vitally important in Indian Country, where our tribal members suffer from high rates of diabetes and other chronic illnesses. Our Government has a legal responsibility to provide health care for American Indians, but we have a moral responsibility to ensure we provide the best care possible.

The Indian Health Care Improvement Act has not been reauthorized since 1992, and in the years since it expired in 2001, what Congress has done is simply appropriate money for health care programs without examining this act to see how we can improve it. This bill we are now considering takes important steps toward ensuring we are providing the best and the most cost-effective care. It is long time past to pass it.

The health disparity between American Indians and the general population is great. The numbers show why this bill deserves our attention now. The infant mortality rate among Indians is 150 percent greater than for Caucasians. Indians, in fact, are 2.6 times more likely to be diagnosed with diabetes. Indians suffer from greater rates of post-traumatic stress disorder, and the suicide rate among Indians is more than twice the national average. In fact, life expectancy for American Indians is nearly 6 years less than the rest of the U.S. population.

An example from my home State of Washington helps to illustrate the impact these numbers have on Indian communities.

Three years ago, in a 6-month period, the Skokomish Tribe, which has a reservation near Hood Canal, lost 9 of its 1,000 members. Among them were two children, two young adults, and five elders. One of those elders was Bruce Miller. He was a Vietnam veteran and a nationally known artist and spiritual leader. Bruce helped restore ceremonies that were once banned by the U.S. Government. His work to prevent drug abuse and rebuild tribal customs will be sorely missed. Bruce was only 60 years old when he passed away.

Many of the Skokomish Tribe members died of conditions that are all too common on our Indian reservations—drug overdose, heart disease, cancer, diabetes. These conditions we know are preventable, and many in Indian Country have been working very hard to reverse the numbers I mentioned. But their work has been hindered because Indian health services are badly in need of updating.

The most important thing the Indian Health Care Improvement Act does is help to modernize those services. In the last 16 years, as the Senator from Alaska said, we have revolutionized the way we approach chronic illnesses such as diabetes. Doctors' offices and health clinics around the country now emphasize the importance of eating right, staying healthy. We have changed where we provide services. Instead of treating elderly and chronically ill patients in the hospital, more and more people get care at home or in a community clinic. And now, of course, it is standard practice to coordinate mental health and substance abuse and domestic violence prevention services. But while we have done all that, health care for Indians has gone badly out of date. We are still providing services today as if it was 1992.

The bill we are considering today will help bring health care for Indians into the 21st century and enable their clinics to do more than treat symptoms and instead focus on prevention and mental health.

It is particularly important to ensure Indian health clinics can provide up-to-date care because for many of our tribal members, those clinics are the only source of health care available. For tribal members in rural Washington State and across the West, visiting a doctor off the reservation often means driving for hours to get to the nearest big city. In some of our remote areas, some tribal members never see a doctor off the reservation. They are born in Indian hospitals, they see that doctor for their entire life, and they die in the same hospital.

This bill also funds urban Indian health clinics. In recent years, President Bush and some of my colleagues have questioned the need to provide health services to Indians who live in and around major cities. In fact, disappointingly, the President's budget routinely eliminates funding for the 34 urban Indian health centers that exist in this country, and every year Congress restores the funding because those centers serve thousands of Indians, many of whom are uninsured and would not get care elsewhere. The doctors and the nurses who staff those urban clinics specialize in the conditions many Indians face. Even more importantly, they are sensitive to the cultural needs of their patients. That makes the difference all too often when a patient is deciding whether to seek care or to do preventive treatment and it increases the chance that an Indian will continue to get the treatment they need, as I said, for preventive or even mental health care.

I am disappointed Republican objections have limited how far the important improvements for urban Indians in this bill can go, but this bill, as now written, does ensure those important health centers stay open. My State has two of them. I have to tell you, I have heard firsthand from a number of our tribal members how important and critical they are.

Both our urban and our rural Indian health clinics also give tribes more decisionmaking power over health programs so they can determine how best to serve their people. In Washington State, we have the Nisqually Health Clinic that is located near Olympia. It offers a community health representative program that trains the tribal members about how to provide basic preventive care and education to help their elders and members who suffer from diabetes or substance abuse.

We need to give programs such as those a boost so they can grow and they can succeed so other tribes can try similar programs. Reauthorizing the Indian Health Care Improvement Act will help us to do that.

Finally, this bill also makes important improvements to the medical benefits provided to tribal veterans. Tribal veterans, as many of my colleagues know, have served throughout this Nation's history with great honor and valor. In fact, American Indians have served in higher numbers than any other ethnic minority in this Nation. But despite that extraordinary commitment to this Nation, veterans services for American Indians oftentimes falls short of what is available for non-Indians.

Fortunately, this bill we are considering changes current law to allow the Secretary to enter into or expand arrangements to share medical facilities and services with the Department of Veterans Affairs. That provision requires consultation with the affected Indian tribes before entering into those agreements, and it requires reimbursement to the IHS, tribes or tribal organizations.

I wish to repeat something I said earlier because it is important. Providing health care to Indians is part of our Government's trust responsibility. It dates back to the 18th and 19th centuries. Congress enacted the Indian Health Care Improvement Act in 1976 to better carry out that duty. In President Ford's signing statement, he said:

> Indian people still lag behind the American people as a whole in achieving and maintaining good health. I am signing this bill because of my own conviction that our first Americans should not be last in opportunity.

Thirty-two years later, we still have a long way to go toward achieving that

goal, but we can take some important steps by reauthorizing this bill now.

HOUSING AND EMERGENCY PREPAREDNESS

While I have the floor this afternoon, I wish to change gears and talk about two other issues I heard a lot about at home—housing and emergency preparedness—because I am hearing now disturbing rumors that the President's upcoming budget proposal is going to recommend cuts in those two areas.

First, I wish to emphasize how important it is we continue to provide Federal support for police, fire, and emergency responders in all our communities. This past month, I held several roundtables with our first responders in Washington State to hear what they need to protect their communities, and at every stop, they told me they have already been squeezed by budget cuts and that they have spent the last several years trying to do more with a lot less. They said they are very worried about what it will do if their budgets are cut again.

Emergency responders in our small and rural communities are especially concerned because they depend on Federal grants to keep their communities safe. Let me give one example of the impact these grants have had in my State that I think illustrates why Federal support is so important.

A month ago, storms causing major flooding and wind damage slammed into western Washington. Thousands of our homes on the coast and in the inland counties were flooded and damaged severely. Grays Harbor County, which sits along the Pacific coast, was one of the hardest hit. But Grays Harbor emergency officials told me they were ready because they had recently done exercises to practice emergency response training.

When those horrendous storms hit, first responders in Grays Harbor County relied on vital equipment, basic radio and other safety gear. Without that training, without that equipment, more people in Grays Harbor would have been hurt in that storm. Grays Harbor had both of those thanks to Federal homeland security grants.

From the flooding in Washington State to Hurricane Katrina, to California wildfires, we have had too many opportunities now to witness the need for effective predisaster planning and response support. Real security in our communities does not come cheap.

Now, I have already written to President Bush to warn him against cutting money for port security, transit security, and emergency management grants. I am prepared to fight for these grants. Supporting and protecting Americans here at home has to be a priority for all of us.

HOUSING

When I was home, I also heard from citizens and lenders, housing counselors, people involved in the housing issues in Washington State who are very concerned about the potential cuts to housing grants they are hearing about.

Washington State is fortunate that the economy is still relatively strong compared to the rest of the Nation. But we are seeing signs of trouble. In fact, I heard from a housing official who worked in Kitsap County, one of our more rural counties. She has seen a dramatic increase in the number of people who are now seeking housing counseling. She told me that last fiscal year, their two full-time housing counselors helped homeowners with 50 defaults. They saw that many people in this first quarter alone. In fact, in the 2 days she was with me and others talking about housing, she said she went back home and there were seven more calls on her answering machine about foreclosures.

The Federal Government has to do everything possible to address this wave of foreclosures. One way we can do that is investing in housing counseling. It is vital for troubled mortgage holders to get help early so they can avoid foreclosure and keep their homes.

At a time when we are trying to work to help repair the economy and ensure people can pay their bills, we cannot afford any cuts in our budget for that safety net for our homeowners.

We also have to ensure that low-income Americans who are not homeowners also get help. That means we have to continue to support programs such as Section 8, homeless assistance, and CDBG, which will help keep our communities strong through this and help make sure our low-income residents have a home and can avoid homelessness.

Next month, when we get the President's budget sent to us, you can count on me, I will be scrutinizing every word of it, and I will be back on this floor, if necessary, to fight funding cuts to those programs that are so important to keeping our communities strong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

HONORING PENNSYLVANIA'S TROOPS

Mr. CASEY. Mr. President, I rise today to talk about an issue which is on the minds of millions of Americans, but you would not know about it from listening to the news.

Most of the news has been focused, appropriately so I think, on the economy and the challenges we face. We are all going to be focusing on that issue and we are going to be talking a lot about it and taking action on it.

But at the same time, the war in Iraq remains an urgent issue for our country but especially for the families who are living through this, the small percentage of American families who have someone serving in Iraq, a loved one, a relative, and also, of course, the troops themselves who are serving.

So Iraq, the war in Iraq, remains an urgent issue, an issue that deserves our attention and our continued focus. Today I do not want to talk about the policy. We are going to have months and months to talk about it. I have strong feelings about it, but today I rise for a very simple but I think important reason and that is to salute the troops from the State of Pennsylvania who have recently died in the war.

In July, I came to the floor to talk about the then 169 Pennsylvania natives, in some cases residents, who had died in Iraq. Today, unfortunately, I have to add nine more since July. We all know a lot of the lyrics of the great singer and songwriter, Bruce Springsteen. I quoted them last summer when I talked about the lyrics from his song ''Missing,'' where he talked about, in the context of 9/11, those who had perished and the effect on a family.

His lyrics say, in part, he talks about waiting for that person to come home, the person who would have lost their life at the tragedy of 9/11. He says: Your house is waiting. Then he repeats it. He says: Your house is waiting for you to walk in, but you are missing.

He says: You are missing when I turn out the lights, you are missing when I close my eyes, you are missing when I see the sunrise.

And he goes on from there. I think that song and those lyrics have an awful lot of meaning for those who have lost a loved one in Iraq. Even if they did not, the time spent away in Iraq for a loved one is difficult enough but especially for a family with a member of their family who died in Iraq. They are missing, and for a lot of those families, will be missing for the rest of that family's life.

It is important to remember and remind ourselves these troops volunteered for service. They were not drafted. They knew their task would be difficult. They knew they would be in danger but they made that commitment.

In the end, they made the ultimate sacrifice. To those families across Pennsylvania, in communities such as Altoona and Falls Creek and State College and Wexford and on and on and on, the war in Iraq is not some obscure abstract policy being debated in Washington. For them, the war is something very real.

As I said before, these fighting men and women in Iraq were born into families, not divisions and brigades. These families and these communities have lost sons and daughters, husbands and wives, brothers and sisters, classmates, friends, all those relationships and all those families and communities.

We know this war has gone on longer than World War II. We know the numbers, more than 3,900 dead. In Pennsylvania, it is at 178. Nationally, the wounded number is about 28,000. In many cases, those who have been wounded are grievously, irreparably, permanently wounded.

We will not forget their sacrifice. But let me read the names of the recently lost from Pennsylvania, the nine members we have to add to our list. I will read their names and their hometowns.

First, Michael A. Hook from Altoona, Pennsylvania; Zachary Clouser, from

Dover; Michael J. Tully, Falls Creek; David A. Wieger, from North Huntingdon; Adam J. Chitjian, from the city of Philadelphia; also from the city of Philadelphia, Camy Florexil; from Pittsburgh, Ryan D. Maseth; David A. Cooper, Jr., from State College, PA; Eric M. Foster, Wexford, PA.

So after reading these nine names, we have now read, between July and this date, all those from the State of Pennsylvania who have died in Iraq since the beginning of the war.

I know we are short on time today, and we could read biographical sketches of all those 178 soldiers. But let me read a couple of notes about a few of them before I conclude.

By way of example, one of the names is Adam J. Chitjian from Philadelphia. There is a section called Somerton in the city of Philadelphia. He was on his second tour of duty in Iraq, 39 years old. He joined the Army and his brother was quoted as saying: He wanted to act rather than just talk. That is why he joined the Army.

He leaves behind a father and sister. When he visited Texas, after being in Pennsylvania and serving our country all those years, when Adam was in Texas, he met Shirley, who would later become his wife. So for that family, we are thinking of Adam and his family. He died on October 24, 2007.

Then we go backward in time to 2003 in November, Nicholas A. Tomko from Pittsburgh, and a couple highlights about his life. He was 24 years old, from just outside Pittsburgh. The town is called New Kensington. His father's name is Jack Tomko. He is quoted, in part, as saying about his son that: He was a great kid, brave as hell. And he goes on from there talking about his son.

Now this is a young man who left behind a fiance. And he was working as an armored car driver near Pittsburgh. He joined the Reserves 3 years ago hoping to get a head start in a career in law enforcement.

I wish we could say Nicholas A. Tomko would have that opportunity to serve in law enforcement, but this war took him from us.

His fiance said, and I am quoting in part here: I am going to make sure people know about his service—that he went over there to fight for his country and that he went over to serve. So we remember him.

Two more before I conclude. SSG Jeremy R. Horton from Erie, PA, died on May 21, 2004. His tour was extended. He was a 24-year-old Pennsylvanian. His tour was extended. He joined the Army right out of high school, hoping to get money for college. This is what his uncle said about him: He certainly loved his family, and he loved his country, and he loved the military. It was what he wanted to do. We need more like him.

No one could have said it better than that. We do need more people like him, like Jeremy. He is survived by his wife Christie, whom he married shortly after joining the Army.

I will do one more because I know we are short on time. SSG Ryan S. Ostrom, from Liberty, PA. He was at one point in his life a baseball coach. One of his players quoted the story about his life: He was a good leader and a good person to look up to. And he had that special smile we used to see in the locker room.

That is what they said about him as a coach. This man, Mr. Ostrom, was 25 years old when he died. Here is what another member of the military said, SSG Craig Stevens said about Ryan: He was a soldier you could give a task to and know it would get done. You could just look at him and know he was a leader.

Ryan would have started his senior year at Mansfield University this fall, meaning then the fall of 2005. He is survived by his father Scott and his mother Donna.

I will add one more. We have a minute. Our last biographical sketch is LCpl Nicholas B. Morrison, from Carlisle, PA. He died August 13, 2004. He was 23 years old.

He joined the Marine Corps 16 months ago and planned to become a state trooper in the State of Pennsylvania. He was a 2000 graduate of Big Spring High School, where he was a linebacker on the football team.

I hope we can all remember his family as well today.

Here is what one of his friends said: He was the glue. When he would come home, we would all make an effort to go out. He would make us laugh about stories from when we were growing up.

And on and on and on, stories such as that from so many families and so many communities across our Commonwealth and indeed our country.

I conclude with this thought: There are a lot of great lines in ''America the Beautiful.'' We could spend a lot of time talking about each one of them. One of those lines, when we talk about ''America the Beautiful,'' says: ''Oh beautiful for patriot dream that sees beyond the years.''

That is what a lot of these soldiers did. They not only volunteered for service knowing they could lose their lives, knowing they had to make a full commitment of their life and their time and their family's time, but they had dreams, dreams of serving their country and hopefully dreams to go beyond that.

But they were patriots and they had dreams and it is those dreams we remember and celebrate today. It is those dreams that go well beyond the years we see before us.

So we remember these troops today and as always we ask God's blessings on their lives, those who gave, as Abraham Lincoln said, the last full measure of devotion to their country.

We remember them today and their families. May God bless them.

Mr. President, I ask unanimous consent that newspaper accounts about these soldiers be printed in the RECORD.

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

PFC. ADAM J. CHITJIAN, SOMERTON, PA—DIED OCTOBER 24, 2007

SOMERTON NATIVE KILLED IN NORTHERN IRAQ (PHILADELPHIA INQUIRER), OCTOBER 27, 2007

A Philadelphia native due to end his second tour of duty in Iraq next month died Thursday of injuries sustained from enemy small-arms fire in Balad, northern Iraq.

Pfc. Adam J. Chitjian, 39, raised in Somerton, had joined the Army 4 years ago in response to 9/11, his older brother, Martin, said last night.

When it came to his country's defense, ''he wanted to act, rather than just talk,'' Martin, 41, of Buckingham, Bucks County, said.

A stocky 5-foot-11-inches, Adam Chitjian ''appeared bigger than he was,'' Martin said. To his brother, Adam seemed invincible.

''I would have bet my life he would have come back without a scratch,'' said Martin, a lawyer, who was struggling last night to grasp his brother's death. ''I don't really believe it happened.''

Their father, Martin, who lives in Furlong, and sister, Kara Spatola of Warrington, were too distraught to talk, Martin said. Their mother, Edith, died 10 years ago of cancer.

Chitjian was assigned to Third Battalion, Eighth Cavalry Regiment, Third Brigade Combat Team, First Cavalry Division based in Fort Hood, Texas.

It was in Texas where he met Shirley, who would become his wife. They married in the summer of 2006, after he returned from his first tour of duty in Iraq. The couple have no children.

Martin said his brother had been a commercial painter since graduating from Northeast Philadelphia's George Washington High School. He had talked of possibly joining a private security firm at the end of his duty in Iraq.

SGT. NICHOLAS A. TOMKO, PITTSBURGH, PA—DIED NOVEMBER 9, 2003

PITTSBURGH-AREA SOLDIER KILLED IN ATTACK IN IRAQ (ASSOCIATED PRESS, NOVEMBER 11, 2003)

PITTSBURGH.—An Army reservist from Pennsylvania who was due home in a little more than a month was killed Nov. 9 when a convoy he was escorting in Baghdad was attacked, Defense Department officials and his father said.

Sgt. Nicholas A. Tomko, a 24-year-old in the 307th Military Police Company out of New Kensington, Pa., was fatally shot in the shoulder and chest when the Humvee he was riding in as a door gunner was attacked by mortar and small arms fire, according to his father, Jack Tomko, and his fiancee, Jessica Baillie.

''He was a great kid, brave as hell, he didn't take no chances, he knew his stuff,'' said Jack Tomko, 58, of Evans City. ''I guess that day he didn't know what was going on or something.''

Tomko and Baillie said Nicholas Tomko was scheduled to leave Iraq in 2 weeks and arrive home on Dec. 22.

Baillie, of Shaler, the mother of their 2-year-old son Ethan, said she had talked to Nicholas Tomko on Saturday and was stunned by his death.

''I didn't think it was going to happen, you know, he had too much to come home to,'' Baillie told Pittsburgh television station WTAE. ''We had too much of a future.''

Nicholas Tomko, who was working as an armored car driver near Pittsburgh, joined the Army Reserves 3 years ago hoping to get a head start on a career in law enforcement, his father said. He was stationed in Bosnia for 6 months and had 2 months off before his unit was reactivated in February.

Jack Tomko, who served in the Marine Corps from 1966 to 1970, said he and his son didn't talk about the war or conditions in Iraq.

''I told him you don't tell me what is going on, you tell me when you get home,'' Tomko said.

Tomko described his son as an average boy growing up and remembered how he would occasionally get into food fights with a friend, placing overripe apples and tomatoes on sticks and hitting each other. But he said his son never got into serious trouble.

Baillie said she thought their son was too young to tell about his father's death.

''I'm gonna make sure that Ethan knows that is dad is a hero and that he did, you know, what he wanted to do and that he went over there to fight for his country,'' Baillie said. ''There is nothing negative you can say about that.''

STAFF SGT. JEREMY R. HORTON, ERIE, PA—DIED MAY 21, 2004

PENNSYLVANIA SOLDIER KILLED IN IRAQ (ASSOCIATED PRESS, MAY 2004)

PITTSBURGH.—A soldier from Erie, Penn., whose tour was extended last year, was killed in Iraq by a roadside bomb, according to his family.

Staff Sgt. Jeremy R. Horton, 24, died Friday near Iskandariyah, Iraq. Defense officials did not release further details, but relatives said Horton apparently was killed when his convoy was stopped for another roadside bomb.

Horton reportedly stepped from his vehicle and a second bomb went off, killing him and wounding three other soldiers, said his uncle, Rich Wittenburg, 54, of Erie. Horton died from shrapnel in his head, Wittenburg said.

Horton joined the Army right out of high school, hoping to get money for college, but ended up finding his place in the military. He was a member of Company B, 2nd Battalion, 6th Infantry Regiment, 1st Armored Division, based in Baumholder, Germany.

''He certainly loved his family and loved his country and loved being in the military. It was what he wanted to do. We need more like him,'' Wittenburg said.

Horton played both the saxophone and drums in high school and played in bands where he was stationed, his uncle said.

Horton is survived by his wife, Christie, whom he married shortly after joining the Army.

A memorial service was planned for Thursday in Germany and he will be buried June 2 in Erie, his uncle said.

STAFF SGT. RYAN S. OSTROM LIBERTY, PA—DIED AUGUST 9, 2005

STUDENT REMEMBERS PA. NATIONAL GUARD SOLDIER AS A MENTOR (ASSOCIATED PRESS, AUGUST 2005)

When Broc Repard was playing junior high basketball, Ryan S. Ostrom was his coach. But he was so much more.

''He taught people skills as much as he taught basketball,'' said Repard.

''He was a good leader and a good person to look up to. And he had that special smile we used to see in the locker room.''

Ostrom, 25, of Liberty, Pa., died Aug. 9 from small-arms fire in Habbaniya. He was assigned to Williamsport.

''He was a soldier you could give a task to and know it would get done. You could just look at him and know he was a leader,'' said SSG Craig Stevens.

Ostrom captained his high school's soccer and basketball teams and won a Pennsylvania Interscholastic Athletic Association sportsmanship award. He was a Youth Leader of Tomorrow candidate.

A 1999 high school graduate, Ostrom would have started his senior year at Mansfield University this fall, studying chemistry. Professor Scott Davis said Ostrom was one of the few science students who aspired to be a teacher.

''He would have been a good one,'' Davis said.

He is survived by his father, Scott Ostrom, mother, Donna Ostrom, and stepmother, Anice Ostrom.

LANCE CPL. NICHOLAS B. MORRISON, CARLISLE, PA—DIED AUGUST 13, 2004

PENNSYLVANIA MARINE KILLED IN IRAQ (ASSOCIATED PRESS, AUGUST 2004)

CARLISLE, PA.—A North Carolina-based Marine killed in Iraq complained about the food and the heat, but nothing else, his mother said.

LCpl Nicholas B. Morrison, 23, Carlisle, Pa., died Friday during hostile action in Iraq's Anbar province.

He joined the Marine Corps 16 months ago and planned to eventually become a state trooper, said his mother, Peggy Morrison, of West Pennsboro Township in Cumberland County.

''He cared about what he was doing,'' Peggy Morrison said. ''He believed in the war. He was afraid, but not afraid to do what was right.''

Morrison died when an explosive hit the Humvee in which he was riding, his mother said.

''They were on a scouting mission or something,'' said Morrison, adding that she expected more detailed information from military officials Monday.

Morrison was assigned to the 2nd Battalion, 2nd Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force at Camp Lejeune, N.C.

''We sent him a digital camera and he'd take pictures during a gunfight,'' Peggy Morrison said. ''We'd holler and he'd say, 'It's not that bad.' I think he tried to downplay it.''

Morrison was a 2000 graduate of Big Spring High School, where he was a linebacker on the football team and had many close friends, said schoolmate Matt Swanger, 22.

''He was the glue. When he would come home we would all make an effort to go out,'' Swanger said. ''He would still make us laugh about stories from when we were growing up. I was really looking forward to when he came home.''

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Florida.

Mr. NELSON of Florida. I ask unanimous consent to speak as in morning business.

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

Mr. NELSON of Florida. Let me say to Senator CASEY before he leaves the floor, the kind of speech he has made is the kind of speech none of us wants to make. It happens with each of us in each of our States. As the Senator from Pennsylvania was speaking, it caused me to reflect back that one of the more painful duties as an active-duty U.S. Army captain in the late 1960s was that of going and informing the family members, next of kin, about the loss of their loved one. That was during Vietnam. That was usually the occasion for the notification of next of kin. How difficult a task it is personally to do it because you realize how difficult it is for the family to receive that news. I thank the Senator from Pennsylvania for his obviously heartfelt comments about the Pennsylvania citizens who have fallen in combat and for his words and expression of appreciation for the patriotism of these young men and women.

CORAL REEF ECOSYSTEMS

I rise today to speak about another subject, the fact that two of the committees on which I sit have recently reported out important legislation to protect delicate coral reefs off the coast of our country. It is called the Coral Reef Conservation Amendments Act and the Tropical Forest Conservation Act.

Mr. President, 84 percent of all of the coral reef ecosystems in the country happen to be off the coast of Florida. It is important that we protect them because—and a lot of people don't realize this—they protect us. Coral reefs are fragile, slow-going, slow-growing, and long-lived ecosystems. Corals themselves are easily damaged and they are vulnerable to severe weather, ship damage, pollution, nutrification, and changes in temperature. Even with all of those environmental and physical challenges, coral reef ecosystems provide invaluable services to us. They protect our shorelines. They enhance our economies because of all of the wonderful exploration in dive shops. They shelter fisheries, and they are a very valuable ecosystem for a variety of marine life.

Beyond the current ecosystem services and known capacities, coral reefs also hold the promise for new discoveries, new and beneficial drugs coming from the coral reefs, improved understanding of disease and, even now, understanding of new species. As we reauthorize in this legislation the Tropical Forest Conservation Act, we are going to take an important and significant new step to preserving and restoring global natural resources and marine systems. This reauthorization will continue our efforts to preserve the world's forests, the coral reefs, and now the coastal marine ecosystems. This act will create an invaluable debt for nature exchange that benefits both the global economy and the global environment.

We have an aquarium in Tampa, FL that is offering its expertise in coral conservation and coral health certification in these international efforts that are ongoing. Developing countries are now participating in this debt relief initiative, and it will greatly benefit from the research that is going on at the Florida aquarium.

The legislation that is coming forth is a reauthorization that strengthens the authority of the Secretary of Commerce. It gives the Secretary the ability to address threats to coral reef ecosystems in U.S. waters. It expands NOAA's authority to respond to stranded and grounded vessels that threaten the coral reefs. The bill also allows for NOAA to negotiate agreements with coral reef research institutes such as the Institute at Nova Southeastern University in my State in the city of Fort Lauderdale. This bill also provides

mechanisms for the Government to recoup costs and damages from the responsible parties and then apply those funds to coral restoration efforts in damaged areas.

We have another potential devastation of coral reefs. Many of these reefs are right off the Florida Keys. It is an area of endangered, critical concern. There are these beautiful coral reefs that do all of these protections I talked about for the delicate keys: protection from storms, housing the fisheries, a place for research and development with regard to disease, and so forth. But let me tell you about a new destructive potential for the coral reefs. Remember, 84 percent of the Nation's coral reefs are in Florida. Since there is no treaty between Cuba and the United States with regard to the operation of the waters between the two, there have been exchanges between the Government of the United States and Cuba, through the facilities of the Swiss Embassy, an exchange of letters that has been going on for 20 years, designating a line halfway between Key West and Cuba, which is only 90 miles, or a line 45 miles off the coast of Cuba, which happens to be 45 miles off of Key West, as a line at which the jurisdiction of the waters in each respective part is the jurisdiction of that country.

Here is the problem. Cuba, combined with foreign oil companies, now including PDVSA, the oil company of Venezuela, is starting to explore for oil out in the waters off of Cuba. There has been some exploration already near the shore. But unless that agreement is modified, the Venezuelan oil company could be drilling for oil 45 miles off of Key West. Right off of Key West is the gulf stream. The gulf stream comes up through the west side of Cuba and the Yucatan peninsula, goes into the Gulf of Mexico, turns eastward and southward and comes down below Key West, between Key West and Cuba, and then follows the keys northward, hugs the coast of Florida only a couple of miles off the coast, all the way up to the middle of Florida at Fort Pierce, and then turns and leaves the coast of Florida going across the Atlantic and goes all the way over to northern Europe. If we don't call back this letter that most recently the Bush White House has sent to Cuba to ratify the agreement, which is done every 2 years, it gives perfect license for the Castro government to go in and drill. If there is an oil spill that is caught up in that gulf stream, you can see the potential for destruction of the delicate coral reefs all lining the Florida Keys and then right up the east coast of the State of Florida.

I have written to the President today asking him to recall the letter. The letter has been delivered by the State Department to the Swiss Embassy, but it has not been responded to by the Government of Cuba. It is not too late to withdraw that letter from the United States Government setting that boundary, and instead a new letter should be sent, perhaps with regard to what this initially started a couple of decades ago, on the fishing rights of each country, but one that would exempt out the rights of Cuba to drill in such a dangerous area. At least this ought to be an issue that is negotiated to keep the oil drilling away from the gulf stream which could damage these very coral reefs which I have been talking about in this act, this legislative act which has come out of the committee on which the Presiding Officer and I serve. It is not too late, if the Bush administration will do this. This happened 2 years ago and the Bush administration ignored the calls. But in the last 2 years, it has become much more apparent that oil companies sometimes that may not be safe in their drilling practices are in fact going to drill. The United States needs to have a say in those drilling operations not being out there close to the gulf stream which is only 30 or 40 miles off of the city of Key West which is at the lower end of the Florida Keys.

I come here happily to embrace this legislation protecting coral reefs, but I come here with an urgent message asking the White House to protect our coral reefs by withdrawing this letter sent to the Castro government of Cuba.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, there has been a lot of progress made on this Indian health bill that is now before the Senate. A number of amendments have been filed. The staff are negotiating further provisions and discussing a list of amendments for consideration when we return to the bill.

I extend my appreciation to Senator DORGAN and Senator MURKOWSKI, the chairman and ranking member, for their leadership on the floor.

Many compromises have been made to accommodate my Republican colleagues—on Federal Torts Claims Act coverage of traditional health care practitioners, on urban Indian programs, and on the need for an Assistant Secretary of Indian Health. We even accommodated our colleagues when we learned of their midweek retreat, which has interrupted debate time on this important bill.

The caucuses are discussing some final issues, and I will be developing a list of amendments that we should consider relating to this legislation. I hope these conversations continue so we find a way to complete the bill in a timely and efficient manner.

As an original cosponsor of the Indian health bill, I am committed to seeing an Indian health bill signed into law and will continue to work with Senator DORGAN, Senator MURKOWSKI, and my Republican counterpart to complete this legislation as soon as possible.

Mr. FEINGOLD. Madam President, I am pleased to support the Indian Health Care Improvement Act Amendments of 2007. This bill is long overdue, and I hope that we in the Senate can ensure this bill's quick passage.

There are significant unmet needs in Indian Country throughout this Nation, and addressing the unmet health care needs ranks as one of the most significant issues that we must address. The Federal Government has a well-established trust responsibility with regard to American Indian affairs, and this trust responsibility extends to providing good health care to communities throughout Indian Country.

I am impressed with the bipartisan work that Senator DORGAN and the Senate Indian Affairs Committee have put into moving this bill forward, and I commend the committee for its dedication to significant consultation with Indian Country in drafting and negotiating this bill. Because of the strong consultation with individual tribes and collective organizations like the National Tribal Steering Committee and the National Indian Health Board, the Senate Indian Affairs Committee has put together a comprehensive reform bill that will help improve the health care services available to American Indians around the country.

This bill has the support of tribal governments throughout the Nation, including the 11 federally recognized tribes in my State of Wisconsin. I have heard from a number of constituents in Wisconsin about the need to pass this important piece of legislation and the improvements that the legislation will make to various Indian Health Service programs including clinical programs, on the various reservations throughout the State and the urban Indian program in the city of Milwaukee.

Health care is consistently the No. 1 issue that I hear about all over my home State of Wisconsin. When I hold my annual townhall meetings across the State, many people come to tell me about problems with our overall health care system, and data shows us that these problems are often most acutely felt in Indian Country. Lack of access to good health care is a problem that disproportionately affects American Indians throughout the United States. According to the Indian Health Service, American Indians and Alaska Natives are 200 percent more likely to die from diabetes, more than 500 percent more likely to die from alcoholism, and approximately 500 percent more likely to die from tuberculosis.

I was disappointed to hear one of my colleagues say yesterday on the floor that American lives do not depend on whether we pass the Indian health care bill by the end of the month. The staggering health statistics I cited earlier show just how imperative it is that we

pass this legislation, which is long overdue. These statistics also help illustrate the vast amount of work that needs to be done to improve the quality of health care in American Indian communities. This piece of legislation takes an important first step toward addressing these health care disparities through the many reforms it makes to Indian health care programs. Contrary to what my colleague asserted yesterday, American lives do depend on this legislation. Modernizing Indian Health Services programs through this legislation will help to address the diabetes and suicide crises that exist on reservations—just two examples of the many health care issues that impact the daily lives of American Indians across the country.

Reauthorization of this bill will help encourage health care providers to practice at facilities in Indian Country and encourage American Indians to enter the health care profession and serve their communities. Recruiting talented and dedicated professionals to serve in IHS facilities, whether urban or rural, is a key challenge facing many tribal communities in Wisconsin and around the country. I hope these provisions will help bring additional dedicated doctors, nurses, and other health care professionals to our tribal populations.

This bill also reauthorizes programs that assist urban Indian organizations with providing health care to American Indians living in urban centers around the country. The Urban Indian Health Program represents a tiny fraction of the Indian Health Services budget, but the small amount of resources given to the urban programs provide critical health services to those Indians living in urban areas. Contrary to what some people may think, the majority of American Indians now live in urban areas around the country, including two urban areas in my State—Milwaukee and Green Bay. Throughout our Nation's history, some American Indians came to urban centers voluntarily, but many were forcibly sent to urban areas as a result of wrongheaded Federal Indian policy in the 1950s and 1960s and have since stayed in urban areas and planted roots in these communities.

As a result of this movement to urban centers, Congress created the urban Indian program in the late 1970s to address the growing urban Indian population around the country. The Federal Government's responsibility to American Indians does not end simply because some American Indians left their ancestral lands and moved to urban locations—particularly when some of them had little choice in the matter.

While this legislation takes important steps toward improving urban Indian health care programs, we need to do much more to support these urban programs, including fighting for increased appropriations. I have been disappointed that the President has proposed zeroing out the urban Indian program in past budgets, and I fear that this year's upcoming budget will be no different. As in years past, I will join with my colleagues in efforts to restore funding for urban Indian programs to the Federal budget, and I hope this year we can also provide a much needed boost in funding for the urban Indian programs.

While this bill is a good first step towards reforming and improving access to health care in Indian Country, I also look forward to working with my colleagues to examine better ways to address the disparities that exist in the funding allocated to various IHS regions, including the Bemidji region, which covers Wisconsin, Minnesota, Michigan, Indiana, and Illinois. According to the latest available data compiled by the Great Lakes Inter-Tribal Epidemiology Center, the Bemidji Indian Health service area has lower funding rates than other Indian Health Service areas around the country. Even though the Bemidji region's funding rates are lower than other areas, the region has higher rates of heart disease and cancer than other regions and has the second worst diabetes rate in the IHS system. Not only do we need to provide more funding for all IHS regions, we also need to better address disparities that exist within the system, and I look forward to working with my colleagues in the coming months to address those disparities.

This bill is a solid first step toward improving access to health care in Indian Country. Unfortunately, the Senate was not able to finish work on this important bill before we had to move to debate another matter. I understand the majority leader has made a commitment to return to the Indian health care bill after we finish that other debate, and I look forward to working with my colleagues to pass the American Indian Health Care Improvement Act Amendments of 2007 in the near future. We need to move forward on this critical bill, and I urge all my colleagues, whether Republican or Democrat, to work together quickly to ensure its swift passage.

Indian Country has made many compromises in order to move this bill forward, and passage of this bill is long overdue. This bill takes important steps toward addressing some of the health care needs facing American Indian communities around the country, and I look forward to working with my colleagues to build on this legislation in the coming months and years. I also hope that we can continue to work together in a bipartisan way to pass the reauthorization of the Native American Housing and Self-Determination Act, work on legislation to address the education needs of American Indian youth, and address other legislative areas in order to help ensure stronger futures for American Indians throughout the country.

Mr. ENZI. Madam President, I rise in support of renewing and reinvigorating the Indian healthcare programs. For too long, we have neglected our duty to review this program and ensure that it continues to efficiently deliver high quality health care. As a part of that effort, last Congress Senator MCCAIN, Senator DORGAN, Senator MURKOWSKI, and I introduced comprehensive legislation to do just that. I am pleased that a great portion of the bill we are discussing today includes provisions from that bill, S. 4122.

In crafting that legislation last Congress, we kept in mind the 80–20 rule. Eighty percent of the time we were going to agree on a topic. It is only 20 percent that we are going to disagree. Therefore, to gain broad support, we focused on the 80 percent to ensure that it was strong, bipartisan legislation.

However, there are a few ways in which the bill before us deviates from the language in S. 4122. Sometimes, those changes are improvements as we all review the language again. Unfortunately, some issues still remain.

Those issues include Federal liability coverage for traditional healthcare practices. If we don't correct this, the Federal Government could be telling Americans how to practice their own religious beliefs. In addition, we need to more fully understand the appropriate role for providing services to urban Indians. I do think there is middle ground, or a third way—as I like to call it—to be found. In addition, there must be an appropriate offset to the legislation. Given the pay-go rules in both Chambers, in addition to our own Senate procedural hurdles, it is necessary and fiscally appropriate to have a responsible offset.

I have also heard from my colleagues that there are at least two outstanding issues within the Finance Committee's title of this legislation. I hope those can also be discussed and resolved. Specifically, the concerns center around the elimination of Medicaid copays and removal of particular citizenship requirements.

As the optimist and the Senator advocating for the ''third way,'' I am hopeful that we all can continue discussing these issues and come to an agreement as to how we move forward. Individuals depending on the Indian Health Services for their health care deserve no less.

Mr. WEBB. Madam President, the Senate is in the midst of an important debate to extend and improve health care to our Nation's federally recognized Indian tribes. I support the Indian Health Care Improvement Act and I commend all those, including the distinguished chairman, Senator DORGAN, for their work on it.

As we work to extend health care to more Native Americans, some of our oldest and most historically significant Indian tribes will be left outside the process, ineligible to participate in either the health care services or other programs authorized by the Federal Government.

I bring to your attention my strong support of a bill passed last year by the

U.S. House of Representatives, which would grant Federal recognition to six Native American tribes from the Commonwealth of Virginia. That bill is the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act, H.R. 1294.

Once the Senate passes that bill and the President signs it into law, these six federally recognized tribes would become eligible for the benefits conferred under the Indian Health Care Improvement Act, which the Senate currently is debating. I hope that the Senate will pass the Indian Health Care Improvement Act this week. Just as importantly, I hope that during this session of Congress, the Senate will pass the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act, thereby bestowing Federal benefits to these six tribes that have waited over 15 years for recognition.

The six tribes affected by the Federal Recognition Act are (1) the Chickahominy Tribe; (2) the Chickahominy Indian Tribe—Eastern Division; (3) the Upper Mattaponi Tribe; (4) the Rappahannock Tribe, Inc.; (5) the Monacan Indian Nation; and (6) the Nansemond Indian Tribe.

All six tribes included in the Federal Recognition Act have attempted to gain formal recognition through the Bureau of Indian Affairs, BIA. A lack of resources, coupled with unclear agency guidelines, have contributed to a backlog that currently exists at the BIA. Some applications for recognition can take up to 20 years.

Virginia's history and policies create barriers for Virginia's Native American Tribes to meet the BIA criteria for Federal recognition. Many Western tribes experienced Government neglect during the 20th century, but Virginia's story is different. Virginia's tribes were specifically targeted by unique policies.

Virginia was the first State to pass antimiscegenation laws in 1691, which were not eliminated until 1967.

Virginia's Bureau of Vital Statistics went so far as changing race records on many birth, death and marriage certificates. The elimination of racial identity records had a harmful impact on Virginia's tribes in the late 1990s, when they began seeking Federal recognition.

Moreover, many Virginia counties suffered tremendous loss of their early records during the intense military activity that occurred during the Civil War.

After meeting with leaders of Virginia's Indian tribes and months of thorough investigation of the facts, I concluded that legislative action is needed for recognition of Virginia's tribes. Congressional hearings and reports over the last several Congresses demonstrate the ancestry and status of these tribes. I have come to the conclusion that this recognition is justified based on principles of dignity and fairness. I have spent several months examining this issue in great detail, including the rich history and culture of Virginia's tribes. My staff and I asked a number of tough questions, and great care and deliberation were put into arriving at this conclusion.

Last year, we celebrated the 400th anniversary of Jamestown America's first colony. After 400 years since the founding of Jamestown, these six tribes deserve to join our Nation's other 562 federally recognized tribes.

As I mentioned, the House overwhelming passed the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act, with bipartisan support. Virginia Governor Tim Kaine and the Virginia legislature support Federal recognition for these tribes. I look forward to working with my colleagues in the Senate, especially those on the Indian Affairs Committee, to push for passage of the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act.

At a time when we are debating how to effectively promote Indian health care, it is important that we grant these six Virginia tribes the access to these essential Federal health programs.

FISA AMENDMENTS ACT OF 2007

Mr. REID. Madam President, I call for the regular order.

The PRESIDING OFFICER. The clerk will report the pending business by title.

The assistant legislative clerk read as follows:

A bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Select Committee on Intelligence and the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2007'' or the ''FISA Amendments 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—FOREIGN INTELLIGENCE SURVEILLANCE

Sec. 101. Targeting the communications of certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign Intelligence Surveillance Court.
Sec. 110. Review of previous actions.
Sec. 111. Technical and conforming amendments.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. TARGETING THE COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

''TITLE VII—ADDITIONAL PROCEDURES FOR TARGETING COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES

''SEC. 701. DEFINITIONS.

''In this title:

''(1) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101.

''(2) ADDITIONAL DEFINITIONS.—

''(A) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

''(i) the Select Committee on Intelligence of the Senate; and

''(ii) the Permanent Select Committee on Intelligence of the House of Representatives.

''(B) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

''(C) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

''(D) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(i) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(ii) a provider of electronic communications service, as that term is defined in section 2510 of title 18, United States Code;

''(iii) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(iv) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

''(v) an officer, employee, or agent of an entity described in clause (i), (ii), (iii), or (iv).

''(E) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''SEC. 702. PROCEDURES FOR ACQUIRING THE COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES.

''(a) AUTHORIZATION.—Notwithstanding any other provision of law, including title I, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

''(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

''(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

''(2) may not intentionally target a person reasonably believed to be outside the United States if a significant purpose of such acquisition is to acquire the communications of a specific person reasonably believed to be located in

the United States, except in accordance with title I; and

''(3) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

''(c) UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES.—

''(1) ACQUISITION INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.—An acquisition authorized under subsection (a) that constitutes electronic surveillance and occurs inside the United States may not intentionally target a United States person reasonably believed to be outside the United States, except in accordance with the procedures under title I.

''(2) ACQUISITION OUTSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.—

''(A) IN GENERAL.—An acquisition by an electronic, mechanical, or other surveillance device outside the United States may not intentionally target a United States person reasonably believed to be outside the United States to acquire the contents of a wire or radio communication sent by or intended to be received by that United States person under circumstances in which a person has reasonable expectation of privacy and a warrant would be required for law enforcement purposes if the technique were used inside the United States unless—

''(i) the Foreign Intelligence Surveillance Court has entered an order approving electronic surveillance of that United States person under section 105, or in the case of an emergency situation, electronic surveillance against the target is being conducted in a manner consistent with title I; or

''(ii)(I) the Foreign Intelligence Surveillance Court has entered a order under subparagraph (B) that there is probable cause to believe that the United States person is a foreign power or an agent of a foreign power;

''(II) the Attorney General has established minimization procedures for that acquisition that meet the definition of minimization procedures under section 101(h); and

''(III) the dissemination provisions of the minimization procedures described in subclause (II) have been approved under subparagraph (C).

''(B) PROBABLE CAUSE DETERMINATION; REVIEW.—

''(i) IN GENERAL.—The Attorney General may submit to the Foreign Intelligence Surveillance Court the determination of the Attorney General, together with any supporting affidavits, that a United States person who is outside the United States is a foreign power or an agent of a foreign power.

''(ii) REVIEW.—The Court shall review, any probable cause determination submitted by the Attorney General under this subparagraph. The review under this clause shall be limited to whether, on the basis of the facts submitted by the Attorney General, there is probable cause to believe that the United States person who is outside the United States is a foreign power or an agent of a foreign power.

''(iii) ORDER.—If the Court, after conducting a review under clause (ii), determines that there is probable cause to believe that the United States person is a foreign power or an agent of a foreign power, the court shall issue an order approving the acquisition. An order under this clause shall be effective for 90 days, and may be renewed for additional 90-day periods.

''(iv) NO PROBABLE CAUSE.—If the Court, after conducting a review under clause (ii), determines that there is not probable cause to believe that a United States person is a foreign power or an agent of a foreign power, it shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause to the Foreign Intelligence Surveillance Court of Review.

''(C) REVIEW OF MINIMIZATION PROCEDURES.—

''(i) IN GENERAL.—The Foreign Intelligence Surveillance Court shall review the minimization procedures applicable to dissemination of information obtained through an acquisition authorized under subparagraph (A) to assess whether such procedures meet the definition of minimization procedures under section 101(h) with respect to dissemination.

''(ii) REVIEW.—The Court shall issue an order approving the procedures applicable to dissemination as submitted or as modified to comply with section 101(h).

''(iii) PROCEDURES DO NOT MEET DEFINITION.—If the Court determines that the procedures applicable to dissemination of information obtained through an acquisition authorized under subparagraph (A) do not meet the definition of minimization procedures under section 101(h) with respect to dissemination, it shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause to the Foreign Intelligence Surveillance Court of Review.

''(D) EMERGENCY PROCEDURES.—

''(i) IN GENERAL.—Notwithstanding any other provision of this paragraph, the Attorney General may authorize the emergency employment of an acquisition under subparagraph (A) if the Attorney General—

''(I) reasonably determines that—

''(aa) an emergency situation exists with respect to the employment of an acquisition under subparagraph (A) before a determination of probable cause can with due diligence be obtained; and

''(bb) the factual basis for issuance of a determination under subparagraph (B) to approve such an acquisition exists;

''(II) informs a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency acquisition;

''(III) submits a request in accordance with subparagraph (B) to the judge notified under subclause (II) as soon as practicable, but later than 72 hours after the Attorney General authorizes such an acquisition; and

''(IV) requires that minimization procedures meeting the definition of minimization procedures under section 101(h) be followed.

''(ii) TERMINATION.—In the absence of a judicial determination finding probable cause to believe that the United States person that is the subject of an emergency employment of an acquisition under clause (i) is a foreign power or an agent of a foreign power, the emergency employment of an acquisition under clause (i) shall terminate when the information sought is obtained, when the request for a determination is denied, or after the expiration of 72 hours from the time of authorization by the Attorney General, whichever is earliest.

''(iii) USE OF INFORMATION.—If the Court determines that there is not probable cause to believe that a United States is a foreign power or an agent of a foreign power in response to a request for a determination under clause (i)(III), or in any other case where the emergency employment of an acquisition under this subparagraph is terminated and no determination finding probable cause is issued, no information obtained or evidence derived from such acquisition shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(3) PROCEDURES.—

''(A) SUBMITTAL TO FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Not later than 30 days after the date of the enactment of the FISA Amendments Act of 2007, the Attorney General shall submit to the Foreign Intelligence Surveillance Court the procedures to be used in determining whether a target reasonably believed to be outside the United States is a United States person.

''(B) REVIEW BY FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall review, the procedures submitted under subparagraph (A), and shall approve those procedures if they are reasonably designed to determine whether a target reasonably believed to be outside the United States is a United States person. If the Court concludes otherwise, the Court shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal such an order to the Foreign Intelligence Surveillance Court of Review.

''(C) USE IN TARGETING.—Any targeting of persons reasonably believed to be located outside the United States shall use the procedures approved by the Foreign Intelligence Surveillance Court under subparagraph (B). Any new or amended procedures may be used with respect to the targeting of persons reasonably believed to be located outside the United States upon approval of the new or amended procedures by the Court, which shall review such procedures under paragraph (B).

''(4) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of the FISA Amendments Act of 2007 under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States, to acquire the contents of a wire or radio communication sent by or intended to be received by that United States person, shall remain in effect, and shall constitute a sufficient basis for conducting such an acquisition of a United States person located outside the United States, until that authorization expires or 90 days after the date of enactment of the FISA Amendments Act of 2007, whichever is earlier.

''(d) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

''(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (g); and

''(2) the targeting and minimization procedures required pursuant to subsections (e) and (f).

''(e) TARGETING PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States, and that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a specific person reasonably believed to be located in the United States.

''(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (i).

''(f) MINIMIZATION PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h), minimization procedures for acquisitions authorized under subsection (a).

''(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (i).

''(g) CERTIFICATION.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

''(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

''(2) REQUIREMENTS.—A certification made under this subsection shall—

''(A) attest that—

''(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will promptly be submitted for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (i);

''(ii) the procedures referred to in clause (i) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States;

''(iii) the procedures referred to in clause (i) require that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a specific person reasonably believed to be located in the United States;

''(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(v) the minimization procedures to be used with respect to such acquisition—

''(I) meet the definition of minimization procedures under section 101(h); and

''(II) have been approved by, or will promptly be submitted for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (i);

''(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

''(vii) the acquisition is limited to communications to which at least 1 party is a specific individual target who is reasonably believed to be located outside of the United States, and a significant purpose of the acquisition of the communications of any target is to obtain foreign intelligence information; and

''(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

''(i) appointed by the President, by and with the consent of the Senate; or

''(ii) the head of any element of the intelligence community.

''(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

''(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

''(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (i).

''(h) DIRECTIVES.—

''(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

''(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; 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 that such electronic communication service provider wishes to maintain.

''(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

''(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

''(4) CHALLENGING OF DIRECTIVES.—

''(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply with the directive. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

''(D) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

''(5) ENFORCEMENT OF DIRECTIVES.—

''(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition shall issue an order requiring the electronic communication service provider to comply with the directive if the judge finds that the directive was issued in accordance with paragraph (1), meets the requirements of this section, and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

''(D) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(E) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5) not later than 7 days after the issuance of such decision. The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(i) JUDICIAL REVIEW.—

''(1) IN GENERAL.—

''(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (d) or targeting and minimization procedures adopted pursuant to subsections (e) and (f).

''(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

''(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (g) to determine whether the certification contains all the required elements.

''(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (e) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States, and are reasonably designed to ensure that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a specific person reasonably believed to be located in the United States.

''(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (f) to assess whether such procedures meet the definition of minimization procedures under section 101(h).

''(5) ORDERS.—

''(A) APPROVAL.—If the Court finds that a certification required by subsection (g) contains all of the required elements and that the targeting and minimization procedures required by subsections (e) and (f) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

''(B) CORRECTION OF DEFICIENCIES.—

''(i) IN GENERAL.—If the Court finds that a certification required by subsection (g) does not contain all of the required elements, or that the procedures required by subsections (e) and (f) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

''(I) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

''(II) cease the acquisition authorized under subsection (a).

''(ii) LIMITATION ON USE OF INFORMATION.—

''(I) IN GENERAL.—Except as provided in subclause (II), no information obtained or evidence derived from an acquisition under clause (i)(I) shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(II) EXCEPTION.—If the Government corrects any deficiency identified by the Court's order under clause (i), the Court may permit the use or disclosure of information acquired before the date of the correction pursuant to such minimization procedures as the Court shall establish for purposes of this clause.

''(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

''(B) STAY PENDING APPEAL.—The Government may move for a stay of any order of the Foreign Intelligence Surveillance Court under paragraph (5)(B)(i) pending review by the Court en banc or pending appeal to the Foreign Intelligence Surveillance Court of Review.

''(C) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(7) COMPLIANCE REVIEW.—The Court may review and assess compliance with the minimization procedures submitted to the Court pursuant to subsections (c) and (f) by reviewing the semiannual assessments submitted by the Attorney General and the Director of National Intelligence pursuant to subsection (l)(1) with respect to compliance with minimization procedures. In conducting a review under this paragraph, the Court may, to the extent necessary, require the Government to provide additional information regarding the acquisition, retention, or dissemination of information concerning United States persons during the course of an acquisition authorized under subsection (a).

''(8) REMEDIAL AUTHORITY.—The Foreign Intelligence Surveillance Court shall have authority to fashion remedies as necessary to enforce—

''(A) any order issued under this section; and

''(B) compliance with any such order.

''(j) JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

''(k) MAINTENANCE OF RECORDS.—

''(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

''(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

''(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

''(l) OVERSIGHT.—

''(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (c), (e), and (f) and shall submit each such assessment to—

''(A) the Foreign Intelligence Surveillance Court; and

''(B) the congressional intelligence committees.

''(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a)—

''(A) are authorized to review the compliance of their agency or element with the targeting and minimization procedures required by subsections (c), (e), and (f);

''(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

''(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and the number of persons located in the United States whose communications were reviewed; and

''(D) shall provide each such review to—

''(i) the Attorney General;

''(ii) the Director of National Intelligence; and

''(iii) the congressional intelligence committees.

''(3) ANNUAL REVIEW.—

''(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

''(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

''(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting; and

''(iii) the number of targets that were later determined to be located in the United States and the number of persons located in the United States whose communications were reviewed.

''(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

''(C) PROVISION OF REVIEW TO FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to the Foreign Intelligence Surveillance Court.

''(4) REPORTS TO CONGRESS.—

''(A) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this Act.

''(B) CONTENT.—Each report made under subparagraph (A) shall include—

''(i) any certifications made under subsection (g) during the reporting period;

''(ii) any directives issued under subsection (h) during the reporting period;

''(iii) the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this Act;

''(iv) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of subsections (h);

''(v) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection (a);

''(vi) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection (h), including—

''(I) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (c), (e), and (f); and

''(II) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection (h);

''(vii) any procedures implementing this section; and

''(viii) any annual review conducted pursuant to paragraph (3).

"SEC. 703. USE OF INFORMATION ACQUIRED UNDER SECTION 702.

''Information acquired from an acquisition conducted under section 702 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.''.

(b) 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—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

''TITLE VII—ADDITIONAL PROCEDURES FOR TARGETING COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES

''Sec. 701. Definitions.

''Sec. 702. Procedures for acquiring the communications of certain persons outside the United States.

''Sec. 703. Use of information acquired under section 702.''.

(c) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2) and (b) shall cease to have effect on December 31, 2011.

(2) CONTINUING APPLICABILITY.—Section 702(h)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 702(h) of that Act (as so amended) during the period such directive was in effect. The use of information acquired by an acquisition conducted under section 702 of that Act (as so amended) shall continue to be governed by the provisions of section 703 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

''STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

''SEC. 112. (a) This Act shall be the exclusive means for targeting United States persons for the purpose of acquiring their communications or communications information for foreign intelligence purposes, whether such persons are inside the United States or outside the United States, except in cases where specific statutory authorization exists to obtain communications information without an order under this Act.

''(b) Chapters 119 and 121 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral, or electronic communications may be conducted.

''(c) Subsections (a) and (b) shall apply unless specific statutory authorization for electronic surveillance, other than as an amendment to this Act, is enacted. Such specific statutory authorization shall be the only exception to subsection (a) and (b).''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 2511(2)(a) of title 18, United States Code, is amended by adding at the end the following:

''(iii) A certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information shall identify the specific provision of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that provides an exception from providing a court order, and shall certify that the statutory requirements of such provision have been met.''.

(2) 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 adding after the item relating to section 111, the following:

''Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.''.

(c) OFFENSE.—Section 109(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(a)) is amended by striking ''authorized by statute'' each place it appears in such section and inserting ''authorized by this title or chapter 119, 121, or 206 of title 18, United States Code''.

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking ''(not including orders)'' and inserting '', orders,''.

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following new subsection:

''(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

''(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

''(2) a copy of any such decision, order, or opinion, and the pleadings associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2007 and not previously submitted in a report under subsection (a).''.

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if the Director of the Federal Bureau of Investigation is unavailable—'';

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking ''statement of'' and inserting ''summary statement of'';

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding ''and'' at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking ''; and'' and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking ''(a)(3)'' and inserting ''(a)(2)'';

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding ''and'' at the end;

(B) in subparagraph (E), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

''(A) determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

''(B) determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

''(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

''(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 168 hours after the Attorney General authorizes such surveillance.

''(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(6) The Attorney General shall assess compliance with the requirements of paragraph (5).''; and

(7) by adding at the end the following:

''(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).''.

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking ''radio communication'' and inserting ''communication''.

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting ''or is about to be'' before ''owned''; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if the Director of the Federal Bureau of Investigation is unavailable—''; and

(2) in subsection (d)(1)(A), by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General—

''(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

''(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

''(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

''(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such physical search.

''(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking ''303(a)(7)(E)'' and inserting ''303(a)(6)(E)''; and

(2) in section 305(k)(2), by striking ''303(a)(7)'' and inserting ''303(a)(6)''.

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking ''48 hours'' and inserting ''168 hours''; and

(2) in subsection (c)(1)(C), by striking ''48 hours'' and inserting ''168 hours''.

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting ''at least'' before ''seven of the United States judicial circuits''.

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding at the end the following new paragraph:

''(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 702(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

''(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

''(ii) the proceeding involves a question of exceptional importance.

''(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

''(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.''.

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting ''(except when sitting en banc under paragraph (2))'' after ''no judge designated under this subsection''; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting ''(except when sitting en banc)'' after ''except that no judge''.

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

''(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.''.

SEC. 110. REVIEW OF PREVIOUS ACTIONS.

(a) DEFINITIONS.—In this section—

(1) the term ''element of the intelligence community'' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)); and

(2) the term ''Terrorist Surveillance Program'' means the intelligence program publicly confirmed by the President in a radio address on December 17, 2005, and any previous, subsequent or related, versions or elements of that program.

(b) AUDIT.—Not later than 180 days after the date of the enactment of this Act, the Inspectors General of the Department of Justice and relevant elements of the intelligence community shall work in conjunction to complete a comprehensive audit of the Terrorist Surveillance Program and any closely related intelligence activities, which 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.

(c) REPORT.——

(1) IN GENERAL.—Not later than 30 days after the completion of the audit under subsection (b), the Inspectors 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 joint report containing the results of that audit, including all documents acquired pursuant to the conduct of that audit.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by an Inspector General or any appropriate staff of an Inspector General for a security clearance necessary for the conduct of the audit under subsection (b) is conducted as expeditiously as possible.

(e) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR THE INSPECTORS GENERAL.—The Inspectors General of the Department of Justice and of the relevant elements of the intelligence community are authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of the audit and report required under this section. Personnel authorized by this subsection shall perform such duties relating to the audit as the relevant Inspector General shall direct. The personnel authorized by this subsection are in addition to any other personnel authorized by law.

SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

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 501(f)(1)'' and inserting ''501(f)(1) or 702''; and

(2) in paragraph (2), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 702''.

MODIFICATION OF COMMITTEE REPORTED SUBSTITUTE

Mr. REID. Madam President, I am authorized by the chairman of the Judiciary Committee and, certainly, a majority of the Judiciary Committee to modify the Judiciary substitute amendment, and I send that modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The modification is as follows:

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 ''Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008'' or the ''FISA Amendments Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Sec. 101. Targeting the communications of certain persons outside the United States.

Sec. 102. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.

Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.

Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign Intelligence Surveillance Court.
Sec. 110. Review of previous actions.
Sec. 111. Technical and conforming amendments.

TITLE II—OTHER PROVISIONS

Sec. 201. Severability.
Sec. 202. Effective date; repeal; transition procedures.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. TARGETING THE COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

"TITLE VII—ADDITIONAL PROCEDURES FOR TARGETING COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES

"SEC. 701. DEFINITIONS.

''In this title:

''(1) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101.

''(2) ADDITIONAL DEFINITIONS.—

''(A) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

''(i) the Select Committee on Intelligence of the Senate; and

''(ii) the Permanent Select Committee on Intelligence of the House of Representatives.

''(B) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

''(C) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

''(D) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(i) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(ii) a provider of electronic communications service, as that term is defined in section 2510 of title 18, United States Code;

''(iii) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(iv) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

''(v) an officer, employee, or agent of an entity described in clause (i), (ii), (iii), or (iv).

''(E) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"SEC. 702. PROCEDURES FOR ACQUIRING THE COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES.

''(a) AUTHORIZATION.—Notwithstanding any other provision of law, including title I, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

''(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

''(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

''(2) may not intentionally target a person reasonably believed to be outside the United States if a significant purpose of such acquisition is to acquire the communications of a particular, known person reasonably believed to be located in the United States, except in accordance with title I; and

''(3) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

''(c) UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES.—

''(1) ACQUISITION INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.—An acquisition authorized under subsection (a) that occurs inside the United States and—

''(A) constitutes electronic surveillance; or

''(B) is an acquisition of stored electronic communications or stored electronic data that otherwise requires a court order under this Act,

may not intentionally target a United States person reasonably believed to be outside the United States, except in accordance with title I or III. For the purposes of an acquisition under this subsection, the term 'agent of a foreign power' as used in those titles shall include a person who is an officer of a foreign power or an employee of a foreign power who is reasonably believed to have access to foreign intelligence information.

''(2) ACQUISITION OUTSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.—

''(A) JURISDICTION AND SCOPE.—

''(i) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subparagraph (C).

''(ii) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subparagraph (C) or (D) or any other provision of this Act.

''(iii) LIMITATIONS.—

''(I) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subparagraph (C), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subparagraph (C).

''(II) APPLICABILITY.—If the acquisition could be authorized under paragraph (1), the procedures of paragraph (1) shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this paragraph.

''(B) APPLICATION.—Each application for an order under this paragraph shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subparagraph (A)(i). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this paragraph and shall include—

''(i) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

''(ii) a statement of the facts and circumstances relied upon to justify the applicant's belief that the target of the acquisition is—

''(I) a United States person reasonably believed to be located outside the United States; and

''(II) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(iii) a certification or certifications by the Assistant to the President for National Security Affairs or an executive branch official or officials designated by the President from among those executive officers employed in the area of national security or defense and appointed by the President by and with the advice and consent of the Senate—

''(I) that the certifying official deems the information sought to be foreign intelligence information;

''(II) that a significant purpose of the acquisition is to obtain foreign intelligence information;

''(III) that designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

''(IV) that includes a statement of the basis for the certification that the information sought is the type of foreign intelligence information designated;

''(iv) a statement of the proposed minimization procedures consistent with the requirements of section 101(h) or section 301(4);

''(v) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(vi) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(C) ORDER.—

''(i) FINDINGS.—If, upon an application made pursuant to subparagraph (B), a judge having jurisdiction under subparagraph (A)(i) finds that—

''(I) on the basis of the facts submitted by the applicant there is probable cause to believe that the specified target of the acquisition is—

''(aa) a person reasonably believed to be located outside the United States; and

''(bb) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(II) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(III) the certification or certifications required by subparagraph (B) are not clearly erroneous on the basis of the statement made under subparagraph (B)(iii)(IV),

the Court shall issue an ex parte order so stating.

''(ii) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under clause (i)(I), a judge having jurisdiction under subparagraph (A)(i) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(iii) REVIEW.—

''(I) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subparagraph (A)(i) shall be limited to that required to make the findings described in clause (i). The judge shall not have jurisdiction to review the means by which an acquisition under this paragraph may be conducted.

''(II) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subparagraph (B) are insufficient to establish probable cause to issue an order under this subparagraph, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subclause pursuant to subparagraph (E).

''(III) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subparagraph do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subclause pursuant to subparagraph (E).

''(iv) DURATION.—An order under this subparagraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subparagraph (B).

''(D) EMERGENCY AUTHORIZATION.—

''(i) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

''(I) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subparagraph (C) before an order under that subsection may, with due diligence, be obtained; and

''(II) the factual basis for issuance of an order under this paragraph exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subparagraph (A)(i) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this paragraph is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such acquisition.

''(ii) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this subparagraph be followed.

''(iii) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subparagraph (C), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

''(iv) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 168-hour emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(E) APPEAL.—

''(i) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subparagraph (C). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this subparagraph.

''(ii) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under clause (i). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(F) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under paragraph (1) or this paragraph is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under subparagraph (A) and section 103(a) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of subparagraph (B) and section 104 or 303, orders authorizing the proposed acquisition under subparagraph (B) and section 105 or 304 as applicable.

''(G) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or 304 and that order is in effect, the Attorney General may authorize, during the pendency of such order and without an order under this paragraph, an acquisition under this paragraph of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States. Prior to issuing such an authorization, the Attorney General shall submit dissemination provisions of minimization procedures for such an acquisition to a judge having jurisdiction under subparagraph (A) for approval.

''(d) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

''(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (g); and

''(2) the targeting and minimization procedures required pursuant to subsections (e) and (f).

''(e) TARGETING PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States, and that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States.

''(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (i).

''(f) MINIMIZATION PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h), minimization procedures for acquisitions authorized under subsection (a).

''(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (i).

''(g) CERTIFICATION.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

''(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

''(2) REQUIREMENTS.—A certification made under this subsection shall—

''(A) attest that—

''(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will promptly be submitted for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (i);

''(ii) the procedures referred to in clause (i) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States;

''(iii) the procedures referred to in clause (i) require that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States;

''(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(v) the minimization procedures to be used with respect to such acquisition—

''(I) meet the definition of minimization procedures under section 101(h); and

''(II) have been approved by, or will promptly be submitted for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (i);

''(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

''(vii) the acquisition of the contents (as that term is defined in section 2510(8) of title

18, United States Code)) of any communication is limited to communications to which any party is an individual target (which shall not be limited to known or named individuals) who is reasonably believed to be located outside of the United States, and a significant purpose of the acquisition of the communications of the target is to obtain foreign intelligence information; and

''(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

''(i) appointed by the President, by and with the consent of the Senate; or

''(ii) the head of any element of the intelligence community.

''(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

''(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

''(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (i).

''(h) DIRECTIVES.—

''(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

''(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; 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 that such electronic communication service provider wishes to maintain.

''(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

''(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

''(4) CHALLENGING OF DIRECTIVES.—

''(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply with the directive. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

''(D) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

''(5) ENFORCEMENT OF DIRECTIVES.—

''(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition shall issue an order requiring the electronic communication service provider to comply with the directive if the judge finds that the directive was issued in accordance with paragraph (1), meets the requirements of this section, and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

''(D) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(E) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5) not later than 7 days after the issuance of such decision. The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(i) JUDICIAL REVIEW.—

''(1) IN GENERAL.—

''(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (d) or targeting and minimization procedures adopted pursuant to subsections (e) and (f).

''(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

''(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (g) to determine whether the certification contains all the required elements.

''(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (e) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States, and are reasonably designed to ensure that an application is filed under title I, if otherwise required, when a significant purpose of an acquisition authorized under subsection (a) is to acquire the communications of a particular, known person reasonably believed to be located in the United States.

''(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (f) to assess whether such procedures meet the definition of minimization procedures under section 101(h).

''(5) ORDERS.—

''(A) APPROVAL.—If the Court finds that a certification required by subsection (g) contains all of the required elements and that the targeting and minimization procedures required by subsections (e) and (f) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

''(B) CORRECTION OF DEFICIENCIES.—

''(i) IN GENERAL.—If the Court finds that a certification required by subsection (g) does not contain all of the required elements, or that the procedures required by subsections (e) and (f) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

''(I) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

''(II) cease the acquisition authorized under subsection (a).

''(ii) LIMITATION ON USE OF INFORMATION.—

''(I) IN GENERAL.—Except as provided in subclause (II), no information obtained or evidence derived from an acquisition under clause (i)(I) concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(II) EXCEPTION.—If the Government corrects any deficiency identified by the Court's order under clause (i), the Court may permit the use or disclosure of information acquired before the date of the correction pursuant to such minimization procedures as the Court shall establish for purposes of this clause.

''(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying

an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

''(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisition affected by an order under paragraph (5)(B) may continue—

''(i) during the pendency of any rehearing of the order by the Court en banc; or

''(ii) if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

''(C) IMPLEMENTATION PENDING APPEAL.—Not later than 30 days after the date on which an appeal of an order under paragraph (5)(B) directing the correction of a deficiency is filed, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

''(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(7) COMPLIANCE REVIEWS.—During the period that minimization procedures approved under paragraph (5)(A) are in effect, the Court may review and assess compliance with such procedures by reviewing the semiannual assessments submitted by the Attorney General and the Director of National Intelligence pursuant to subsection (l)(1) with respect to compliance with such procedures. In conducting a review under this paragraph, the Court may, to the extent necessary, require the Government to provide additional information regarding the acquisition, retention, or dissemination of information concerning United States persons during the course of an acquisition authorized under subsection (a). The Court may fashion remedies it determines necessary to enforce compliance.

''(j) JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

''(k) MAINTENANCE OF RECORDS.—

''(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

''(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

''(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

''(l) OVERSIGHT.—

''(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (c), (e), and (f) and shall submit each such assessment to—

''(A) the Foreign Intelligence Surveillance Court; and

''(B) the congressional intelligence committees.

''(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a)—

''(A) are authorized to review the compliance of their agency or element with the targeting and minimization procedures required by subsections (c), (e), and (f);

''(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

''(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and an estimate of the number of persons reasonably believed to be located in the United States whose communications were reviewed; and

''(D) shall provide each such review to—

''(i) the Attorney General;

''(ii) the Director of National Intelligence; and

''(iii) the congressional intelligence committees.

''(3) ANNUAL REVIEW.—

''(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

''(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

''(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting; and

''(iii) the number of targets that were later determined to be located in the United States and an estimate of the number of persons reasonably believed to be located in the United States whose communications were reviewed.

''(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

''(C) PROVISION OF REVIEW TO FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to the Foreign Intelligence Surveillance Court.

''(4) REPORTS TO CONGRESS.—

''(A) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this Act.

''(B) CONTENT.—Each report made under subparagraph (A) shall include—

''(i) any certifications made under subsection (g) during the reporting period;

''(ii) any directives issued under subsection (h) during the reporting period;

''(iii) the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this Act;

''(iv) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of subsections (h);

''(v) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection (a);

''(vi) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection (h), including—

''(I) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (c), (e), and (f); and

''(II) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection (h);

''(vii) any procedures implementing this section; and

''(viii) any annual review conducted pursuant to paragraph (3).

''SEC. 703. USE OF INFORMATION ACQUIRED UNDER SECTION 702.

''Information acquired from an acquisition conducted under section 702 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.''.

(b) 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—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

''TITLE VII—ADDITIONAL PROCEDURES FOR TARGETING COMMUNICATIONS OF CERTAIN PERSONS OUTSIDE THE UNITED STATES

''Sec. 701. Definitions.

''Sec. 702. Procedures for acquiring the communications of certain persons outside the United States.

''Sec. 703. Use of information acquired under section 702.''.

(c) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2) and (b) shall cease to have effect on December 31, 2011.

(2) CONTINUING APPLICABILITY.—Section 702(h)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 702(h) of that Act (as so amended) during the period such directive was in effect. The use of information acquired by an acquisition conducted under section 702 of that Act (as so amended) shall continue to be governed by the provisions of section 703 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

''STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

''SEC. 112. (a) Except as provided in subsection (b), the procedures of chapters 119, 121 and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral, or electronic communications may be conducted.

''(b) Only an express statutory authorization for electronic surveillance or the interception of domestic, wire, oral, or electronic communications, other than as an amendment to this Act or chapters 119, 121, or 206 of title 18, United States Code, shall constitute an additional exclusive means for the purpose of subsection (a).''.

(b) OFFENSE.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended—

(1) in subsection (a), by striking ''authorized by statute'' each place it appears in such section and inserting ''authorized by this Act, chapter 119, 121, or 206 of title 18, United States Code, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 112.''; and

(2) by adding at the end the following:

''(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act.''.

(c) CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2)(a) of title 18, United States Code, is amended by adding at the end the following:

''(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision, and shall certify that the statutory requirements have been met.''.

(2) 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 adding after the item relating to section 111, the following:

''Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.''.

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking ''(not including orders)'' and inserting '', orders,''.

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following new subsection:

''(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

''(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

''(2) a copy of any such decision, order, or opinion, and the pleadings associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).''.

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if the Director of the Federal Bureau of Investigation is unavailable—'';

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking ''statement of'' and inserting ''summary statement of'';

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding ''and'' at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking ''; and'' and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking ''(a)(3)'' and inserting ''(a)(2)'';

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding ''and'' at the end;

(B) in subparagraph (E), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

''(A) determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

''(B) determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

''(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

''(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 168 hours after the Attorney General authorizes such surveillance.

''(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(6) The Attorney General shall assess compliance with the requirements of paragraph (5).''; and

(7) by adding at the end the following:

''(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).''.

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking ''radio communication'' and inserting ''communication''.

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting ''or is about to be'' before ''owned''; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if the Director

of the Federal Bureau of Investigation is unavailable—''; and

(2) in subsection (d)(1)(A), by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General—

''(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

''(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

''(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

''(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 168 hours after the Attorney General authorizes such physical search.

''(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking ''303(a)(7)(E)'' and inserting ''303(a)(6)(E)''; and

(2) in section 305(k)(2), by striking ''303(a)(7)'' and inserting ''303(a)(6)''.

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking ''48 hours'' and inserting ''168 hours''; and

(2) in subsection (c)(1)(C), by striking ''48 hours'' and inserting ''168 hours''.

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting ''at least'' before ''seven of the United States judicial circuits''.

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding at the end the following new paragraph:

''(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 702(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

''(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

''(ii) the proceeding involves a question of exceptional importance.

''(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

''(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.''.

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting ''(except when sitting en banc under paragraph (2))'' after ''no judge designated under this subsection''; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting ''(except when sitting en banc)'' after ''except that no judge''.

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

''(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.''.

SEC. 110. REVIEW OF PREVIOUS ACTIONS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence and the Committee on the Judiciary of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(2) TERRORIST SURVEILLANCE PROGRAM AND PROGRAM.—The terms ''Terrorist Surveillance Program'' and ''Program'' mean the intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007.

(b) REVIEWS.—

(1) REQUIREMENT TO CONDUCT.—The Inspectors General of the Office of the Director of National Intelligence, the Department of Justice, the National Security Agency, and any other element of the intelligence community that participated in the Terrorist Surveillance Program shall work in conjunction to complete a comprehensive review of, with respect to the oversight authority and responsibility of each such Inspector General—

(A) all of the facts necessary to describe the establishment, implementation, product, and use of the product of the Program;

(B) the procedures and substance of, and access to, the legal reviews of the Program;

(C) communications with, and participation of, individuals and entities in the private sector related to the Program;

(D) interaction with the Foreign Intelligence Surveillance Court and transition to court orders related to the Program; and

(E) any other matters identified by such an Inspector General that would enable that Inspector General to report a complete description of the Program, with respect to such element.

(2) COOPERATION.—Each Inspector General required to conduct a review under paragraph (1) shall—

(A) work in conjunction, to the extent possible, with any other Inspector General required to conduct such a review; and

(B) utilize to the extent practicable, and not unnecessarily duplicate or delay, such reviews or audits that have been completed or are being undertaken by such an Inspector General or by any other office of the Executive Branch related to the Program.

(c) REPORTS.—

(1) PRELIMINARY REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Inspectors General of the Office of the Director of National Intelligence and the Department of Justice, in conjunction with any other Inspector General required to conduct a review under subsection (b)(1), shall submit to the appropriate committees of Congress an interim report that describes the planned scope of such review.

(2) FINAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspectors General required to conduct such a review shall submit to the appropriate committees of Congress, to the extent practicable, a comprehensive report on such reviews that includes any recommendations of such Inspectors General within the oversight authority and responsibility of such Inspector General with respect to the reviews.

(3) FORM.—A report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex. The unclassified report shall not disclose the name or identity of any individual or entity

of the private sector that participated in the Program or with whom there was communication about the Program.

(d) RESOURCES.—

(1) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by an Inspector General or any appropriate staff of an Inspector General for a security clearance necessary for the conduct of the review under subsection (b)(1) is carried out as expeditiously as possible.

(2) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR THE INSPECTORS GENERAL.—An Inspector General required to conduct a review under subsection (b)(1) and submit a report under subsection (c) is authorized to hire such additional legal or other personnel as may be necessary to carry out such review and prepare such report in a prompt and timely manner. Personnel authorized to be hired under this paragraph—

(A) shall perform such duties relating to such a review as the relevant Inspector General shall direct; and

(B) are in addition to any other personnel authorized by law.

SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

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 501(f)(1)'' and inserting ''501(f)(1) or 702''; and

(2) in paragraph (2), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 702''.

TITLE II—OTHER PROVISIONS

SEC. 201. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 202. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) 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.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) at the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2011.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2011, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2011.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2011, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007, and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act; and

(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.

(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order entered pursuant to this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, and 109 of this Act.

Mr. REID. Madam President, we have conferred with our colleagues on the other side of the aisle. Senator BOND is aware of this new amendment. He has not had time to study the amendment. He has been busy all day, as have all my Republican colleagues at their retreat. But he will have time to work on this tonight. His staff is working on it. We hope tomorrow to have a couple hours of debate, and then it is my understanding there could be and likely will be a motion to table this amendment.

I want to make sure Senators have adequate time to debate this amendment tomorrow. This is, if not the key amendment, one of the key amendments to this legislation, and we want to make sure everyone has adequate time. We are going to come in early in the morning and start this matter as quickly as we can. So I am not going to ask consent tonight as to how much time will be spent on it, but this will be the matter we take up tomorrow.

I have spoken to Senator WHITEHOUSE, who is a member not only of the Judiciary Committee but also the Intelligence Committee. He has a very important amendment he wishes to offer. It is a bipartisan amendment he has worked on for a significant period of time, and we look forward to this amendment.

Hopefully, we can work our way through some of these contentious amendments tomorrow. It is something we need to do, and we are going to work as hard as we can. There are strong feelings on each side. Everyone has worked in good faith. I especially appreciate the cooperation of Senator LEAHY and Senator ROCKEFELLER. They have not agreed on everything, but they have agreed on a lot, and they have worked in a very professional manner in working our way to the point where we now are.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, there will be no more votes tonight. We have a number of Senators who wish to speak. We understand Senator BOND will be here, Senator ROCKEFELLER will be here, Senator DODD will be here. That is good. They are going to be

speaking about the legislation that is now before this body.

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. CARDIN. 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. CARDIN. Madam President, I take this time to speak in favor of the Leahy substitute amendment to the FISA legislation. I start by thanking Senator ROCKEFELLER and Senator BOND, Senator LEAHY and Senator SPECTER for their extraordinary work on this most difficult subject. This is not an easy subject. We are dealing with a technology that has changed and the need of our country to get information through our intelligence community, which is important for our national security, and protecting the constitutional and civil rights of the people of our Nation.

The Leahy substitute is a bill that was carefully worked and drafted within the Judiciary Committee. The Intelligence Committee came up with their legislation. We passed it rather quickly before the recess. The Judiciary Committee spent a lot of time looking at the substance of how we could make sure we got the language right, to make sure the intelligence community has the information they need, and that we do protect the rights of the people of our own country. The Leahy substitute does that, with the right balance.

I start by saying that I have been to NSA on many occasions. It is located in the State of Maryland. The dedicated men and women who work there work very hard to protect the interests of our Nation. They do it with a great deal of dedication and sensitivity to the type of information they obtain and how important it is to our country, but it must be done in the right way. The need for the FISA legislation is so we can continue to get information from non-Americans that is important for our national security. Much of this information is obtained from what we call foreign to foreign, where we have communications between an American and a non-American in a country outside of the United States, but because of technology it falls within the definition of the FISA statute. We need to clarify that in a way that will allow the intelligence community to get that information foreign to foreign, information that is important for the security of our country. The Leahy substitute recognizes the change in technology and the need for this information but does it in a way that protects the constitutional rights of the citizens of our own country and the civil rights of Americans.

Where an American is a target, that person should have certain rights. The Leahy substitute protects Americans who are targets of intelligence gathering when they are outside of the United States. When they are inside the United States, there has never been a question that you need to get certain warrants and certain information. Well, this legislation also makes it clear that where an American is a target outside of the United States, that individual will have proper protection. But the legislation goes further and says that in the course of obtaining information, you may get incidental information about an American who was not the target of the investigation, but the American comes up in the communication that has been gathered. We have certain minimization rules to protect the rights of Americans who are incidental to the information being gathered by the intelligence community. The Leahy substitute protects Americans through strengthening the minimization rules.

The Leahy substitute protects the process by involving the courts. The FISA courts are involved in making sure that the right procedures are used in gathering information so that Americans are protected.

The Leahy substitute contains a provision offered by Senator FEINSTEIN to make it clear that the gathering of information under the FISA statute is the exclusive way in which the intelligence community can get information of foreign-to-foreign communications or communications that involve telecommunications centers located in the United States, but that the FISA statute is the exclusive way to proceed so there will not be confusion in the future as to whether there are extraordinary authorities you can use warrantless types of intercepts without having congressional approval. It is the right balance, as I have indicated before, and I urge my colleagues to support the Judiciary Committee's substitute offered by Senator LEAHY.

It even goes further than that. The Leahy substitute does not contain the retroactive immunity. The Intelligence Committee bill contains retroactive immunity for telecommunications companies. Now, my major problem with that is it will take away the appropriate jurisdiction of our courts to act as a check and balance on potential abuses of our rights of privacy. I must tell my colleagues—and I said this in the Judiciary Committee and I have said it on the floor—that telecommunications companies operating in good faith are entitled to help, entitled to relief. They have serious problems in defending their rights because of the confidential nature of the information they are dealing with, but there are ways to deal with that without compromising the independence of the judicial branch of Government, without compromising in the future the ability of our courts to make sure we protect the rights of our citizens.

If we adopt the Leahy substitute, there are going to be other amendments that will be offered that will deal in a responsible way with the concerns of the telecommunications companies. Senator SPECTER has an amendment that says: Look, if the telecommunications companies are operating in good faith, if they are innocent in all this where they can't defend themselves, then let's let the Government be substituted for the telecommunications company. That protects their interests, without compromising the ability of our courts to make sure that all of our rights have been protected. I think that is a better course than what the Intelligence Committee did. There will be an amendment offered by Senator FEINSTEIN which I am a cosponsor of that says, look, we should at least have the courts—the courts—make a judgment as to whether the telecommunications companies operated in good faith under law. That decision shouldn't be made by the executive branch that asked them for the information. That makes common sense to me and offers us at least some protection to make sure we are moving with court supervision. So the Leahy substitute offers us the advantage of eliminating the retroactive immunity which is extremely controversial, and allows us to consider that in its own right, which I am certain we will have a chance to do by the amendments that have been noted.

In addition, the Leahy substitute contains an amendment I offered in the Judiciary Committee that changes the sunset provisions, the termination of these provisions, from a 6-year sunset to a 4-year sunset. Why is that important? First, it is interesting to point out that the members of the Intelligence Committee and the members of the Judiciary Committee, in fact all of the Members of this body, have said we have gotten a lot of cooperation from the intelligence community, from the administration in carrying out our responsibility as the legislative branch of Government to oversee what the executive branch is doing in this area. There has been tremendous cooperation. Why? Because they know we have to pass a statute to continue this authority. We have gotten access to information that at least initially the administration indicated we would not have access to. Well, we got access to it—some of us did. I am sorry more were not offered the opportunity to take a look at the confidential communications—the classified communications. That type of cooperation is helpful when you have the requirement that Congress has to act.

Four years is preferable to six because it will mean the next administration that will take office in January of next year will have to deal with this issue. If we continue a 6-year sunset, there will be no need for the next two Congresses and the administration ever to have to deal with this authority and to take a look at it to see whether it is operating properly, to see whether technology changes have caused it to need to change the way the law is

drafted. But a 4-year sunset will mean we will have plenty of time for the agency with predictability to establish its practices for gathering intelligence information about foreign subjects, but we will also have an opportunity to review during the next administration whether these provisions need to be modified, whether there is a different way, a more effective way that we can get this information protecting the rights of the people of this Nation.

For all of those reasons, I urge this body to approve the substitute that is being offered by Senator LEAHY. It is the product of the Judiciary Committee. I believe it is a better way for us to collect the information. It gives us the chance to take a look at the immunity issue fresh and to make sure we don't compromise in the future the proper roles of our courts in protecting the privacy of the citizens of our own country. It provides for a much stronger oversight by the legislative branch of Government, and I urge my colleagues to support that amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

THE ECONOMY

Mr. BROWN. Madam President, I appreciate the comments of my colleague from Maryland and his insight. The economic house in our country is not in order. The United States may be entering its first recession since 2001—since the beginning of the Bush Presidency. It is pretty clear in my State of Ohio, from places I visited in January, from Kenton to Celina to Cincinnati to Lancaster, to places all over my State, that people are suffering. Food banks are at their most perilous time in at least 20 years.

In Logan, OH, a small community halfway between Columbus and the center of the State and the Ohio River and the town of Athens, halfway between Hocking County and Logan, OH, is the United Methodist Food Pantry. At 3:30 in the morning on a cold December day just about a month ago, people began to line up to go to this food bank, and by 8 o'clock, when the doors opened, cars were all the way up and down the road. This is a small county. By 1 o'clock in the afternoon, 2,000 people—7 percent of the people in this rural Appalachian county, Hocking County, Logan, OH—had come to this food bank; 2,000 people, 7 percent of the people who live in this county, many having driven 20 or 30 minutes to get there.

Middle-class families in Ohio and throughout our Nation face higher costs for energy and health care and education, amidst stagnant wages and falling home prices. In Lebanon, OH, in Warren County, the United Way director told me 90 percent of people going to food banks to pick up food are employed.

The mayor of Denver told a group of us today—Senator STABENOW and others—that 40 percent of homeless people in greater Denver are employed, they have jobs, but not making enough because of foreclosures or cost of food or transportation, simply not making—making low wages, not making enough to make a go of it.

Our Nation is bleeding jobs. The middle class is shrinking. People are hurting. When it comes to responding to these realities, we have several choices. We can try to buy time, as many of the Republican candidates for President are saying, and leave it at that. The economy is cyclical; it will get better; let's ride it out. No government involvement at all. That is one option.

The second option is we can enact a short-term economic stimulus package where we put money in the pockets of middle-class taxpayers, whether they are paying income tax or Social Security tax, put money in the pockets of middle-class taxpayers, extend unemployment compensation, offer aid for food stamps and food banks, and also offer aid to LIHEAP for seniors who are particularly victimized by this recession.

The third option is we can learn from our mistakes. We certainly need to do the short-term economic stimulus package. That is very important, but that is not enough. We can learn from our mistakes. We can confront the underlying causes of our Nation's economic stability. I want to focus on one of those causes. It is a refusal to acknowledge that U.S. trade policies must evolve as the global marketplace does.

When I first ran for Congress in 1992—the same year as the Presiding Officer was elected from her State of Washington—our trade deficit was $38 billion. Our trade deficit figures for 2007 are estimated at nearly $800 billion, and that is before we count the December numbers. So we know our trade deficit went from $38 billion to, a decade and a half later, nearly $800 billion.

President George Herbert Walker Bush has said that $1 billion in trade deficit or surplus translates into 13,000 jobs. So if you sell a billion dollars more out of the country than you import, that is a net increase of 13,000 jobs. If you export $1 billion less than you export, then that is costing 13,000 jobs. Do the math. We went from a $38 billion trade deficit to an $800 billion trade deficit.

The fact is, these job-killing trade agreements are hemorrhaging jobs out of our country and our manufacturing communities, from small towns such as Tippin, OH, to cities as large as Cleveland, OH, from places like Chillicothe, to places like Columbus. The U.S. trade deficit with China, which has continued to spiral upward, hit $238 billion through November of 2007. In 1992, the year I ran for Congress, our trade deficit with China was slightly over $10 billion. It hit over $238 billion, and that is just through November 2007. As President Bush the first said, $1 billion in trade deficit costs 13,000 jobs. Do the math.

Just with China alone, this is the highest annual imbalance ever recorded with a single country, with any bilateral relationship in world history. The trade deficit we have with China now accounts for 33 percent of the U.S. total trade deficit in goods.

Since 1982, our Nation has accumulated trade deficits of $4.3 trillion. That is money that must be eventually repaid. When you look at $4.3 trillion, think of the first President Bush's formula: a billion-dollar trade deficit costs 13,000 jobs.

Today, Americans are losing jobs for reasons, frankly, that have nothing to do with this recession. They have much to do with our country's narrow, myopic, tunnel-vision trade policies. When we craft trade deals that favor gains for multinational corporations over evenhanded competition for both trading partners, why should we be surprised when U.S. companies are crippled or they move out of the country? In Tippin, OH, where I visited a week and a half ago, workers are losing their pensions, health care, or the company has come in and raided these communities and put people out of work, so there are less dollars for schools, less dollars for police protection, for fire protection, and fewer dollars for the local hardware store, fewer dollars for the local restaurants, all of that.

That is why we need to enforce trade rules meant to prevent anticompetitive practices by countries such as China. We should not be surprised when our manufacturing sector—which is not only crucial to our economy but to national security—falters because of these anticompetitive practices. It is not in our Nation's best interest to rely on other nations for our defense infrastructure, our transportation infrastructure, our industrial infrastructure.

The tragedy is, we in this country do the best research and development in the world. We do the research and development and so often companies take that research and development and make the products in other countries. Then we continue to do research and development, and they continue to take the production of these items and goods and this research and these high-tech products out of our country. The research and development certainly creates jobs, good, high-paying jobs, many in the State of the Presiding Officer and many in mine.

The fact is, we cannot continue to run an economy when we do the research and development in this country and then we farm out the production of those goods that are developed to other countries, to exploit low-wage labor, to exploit weak environmental laws, to exploit worker safety laws, to exploit the consumer products safety net. Look at the toxic toys coming from China and the contaminated toothpaste and dog food, and the unsafe tires coming from countries that don't have a consumer products safety net and the food safety net we have.

We clearly need a stronger manufacturing sector such as we have had in our history. That sector cannot effectively compete against companies subsidized by the Chinese Government, companies that pay slave wages, that too often churn out dangerous toys that end up in our children's bedrooms, and toxic, contaminated food that ends up too often in our families breakfast rooms.

On a level, competitive playing field, U.S. companies thrive. When the cards are stacked against them, they struggle, of course.

In 2007, prior to the onset of the 2008 recession, 217,000 manufacturing jobs across the country were lost. That was last year before this recession seems to have deepened. Madam President, 217,000 jobs were lost in the manufacturing sector last year in places such as Youngstown, Warren, Ravenna, and Lima, all over my State.

The United States now has fewer manufacturing jobs—get this—the United States, now with 300 million people, has fewer manufacturing jobs today than it did in 1950 when we had about 150 million people in our country. Manufacturing jobs bring wealth to our communities. A job that pays $15 an hour in Marion, OH, and pays $14 an hour in Springfield, OH, brings wealth into the community that spends out into other jobs and prosperity for other people in the community.

We have lost more than 3 million manufacturing jobs since President Bush took office in 2001. Many of these jobs have been eliminated because of imports from China or direct offshoring to countries such as China.

Last week, NewPage, a paper manufacturing company based in Miamisburg, OH, near Dayton, announced it was shutting down plants in Wisconsin, Maine, and Chillicothe, OH. Heavily government-subsidized Chinese paper producers account for nearly 50 percent of the world market.

One country, because of subsidies and low wages, unenforced environmental rules, and pretty much nonexistent protection for workers, accounts for 50 percent of the world market. That is not free trade, that is a racket.

China has done little to address the fundamental misalignment of its currency, a practice that continues to take jobs and wealth from our country, and they don't share it with their workers. If they didn't have an oppressive, authoritarian government, it would be a different story. They are taking wealth out of our country, and it means higher profits for outsourcing companies, more money for the Chinese Communist Party, for the People's Liberation Army, but not much for Chinese workers.

When we allow China to manipulate currency, trade isn't free, it is fixed. When we allow China to import dangerous products into our country, we should not be surprised when Americans balk.

It took generations for our Nation to build a solid product safety system. If we don't demand safe imports from China and our other trading partner nations, our investment in U.S. product safety becomes an exercise in futility. Think how it happens. U.S. companies shut down an American toy manufacturer, for instance, and those U.S. companies, after shutting down the manufacturing in the United States, move to China. China is a country with low wages, unenforced environmental and worker safety standards. The U.S. company goes to China because of weak environmental and worker safety standards and low wages. Because they don't enforce those rules, you know what is going to happen. Products made in those countries will be made in bad conditions, and there is likely to be toxic or dangerous toys, and more likely to be contaminated food.

The U.S. companies in China then push their Chinese subcontractors to cut costs because they want more profit. So they are pushing the Chinese subcontractors to cut costs, and then those products that are imported into the United States are even more dangerous. Then the Consumer Products Safety Commission in this country—because of President Bush's decisions, we have weakened the regulatory system, so those products come in and there are not enough inspectors. The laws are weakened, so the dangerous toys and contaminated food too often ends up in our family rooms, bedrooms, and our kitchens.

Some free-trade proponents say workers and consumers should get over it, get used to it; it is globalization and there is nothing you can do about it. That is wrong.

Continuing this course will not only cost the middle class more jobs, it will cost our economy its global leadership. It will foist so much debt on our children and their children that basic economic security, basic retirement security may be reserved for the fortunate few. Certainly not the middle class. And as for the poor, just let them eat cake.

The people in Ohio, in all corners, are swimming upstream against deteriorating economic forces. One important reason for that is that Federal policymakers continue to cling to the fantasy that markets run themselves and police themselves, and as long as the rich are getting richer, wealth will trickle down, jobs will be created, and everybody is better off.

It is time to take the blinders off. To secure our economy for the future, we need to write trade rules that crack down on anticompetitive gaming. In our country, still the most powerful in the world, with the most vigorous economy, we need to write trade rules that crack down on anticompetitive gaming of the system. That is what they have done. We need trade rules that prevent dangerous products from entering our country. We need trade rules that acknowledge that destroying the environment in any country, whether it is China or the United States, is a threat to every country.

We need to take responsibility for the consequences of our inaction when it comes to trade policy. We need to take responsibility for the consequences of mistakes we have made in writing trade policy. We need to change course, and we need to do it now.

I yield the floor.

(Mr. CASEY assumed the Chair.)

RECOGNIZING ROBERT ''SARGENT'' SHRIVER

Mr. REID. Mr. President, I rise today to recognize Robert ''Sargent'' Shriver, a role model, hero, and icon. An activist, attorney, and politician, Sargent Shriver has always led by example, driven by the desire to serve those less fortunate.

Sargent Shriver's political career began in 1960, when he worked for his brother-in-law, Democratic Presidential candidate John F. Kennedy. Passionate about civil rights, Shriver was instrumental in connecting then-Senator Kennedy with Reverend Martin Luther King, Jr. And when the newly elected President established the Peace Corps in 1961, Shriver became the new agency's first director. This organization, which promotes peace and international friendship, embodies Shriver's belief in public service by young people to help the poor and the uneducated abroad and at home. In less than 6 years, Shriver developed volunteer activities in more than 55 countries with more than 14,500 volunteers.

In 1962, Sargent Shriver's wife Eunice Kennedy Shriver began ''Camp Shriver,'' a day camp for young people with physical and intellectual disabilities. ''Camp Shriver'' grew into the Special Olympics, of which Sargent Shriver later became president and chairman of the board. Special Olympics was built on Eunice and Sargent Shriver's shared dedication to expanding opportunities for disabled persons, and today brings athletic competition to 2.5 people in 165 countries.

Shriver was presented with the Franklin D. Roosevelt Freedom from Want Award in 1993, a prestigious award that acknowledges a lifetime commitment to securing the basic needs of others. On August 8, 1994, President Bill Clinton recognized Sargent Shriver's lifetime in public service with the Presidential Medal of Freedom, the United States' highest civilian honor.

Additionally, Sargent Shriver served as U.S. Ambassador to France and has directed several organizations including, Head Start, Job Corps, Community Action, Upward Bound, Foster Grandparents, and the National Center on Poverty. Today, Shriver lives in Maryland with his wife.

To tell Shriver's life story to the next generation, Emmy award-winning writer, producer and director Bruce Orenstein created a film entitled ''American Idealist: The Story of Sargent Shriver.'' The program, which

aired on the Public Broadcasting Service this past Monday, January 21, 2008, focuses on Shriver's visionary devotion to activism. By highlighting his role in the civil rights movement and the war on poverty, this powerful film will help spread Sargent Shriver's message of patriotic service.

In closing, I extend my most sincere gratitude to Robert Sargent Shriver. As a result of this film, his legacy will continue to inspire future generations of Americans.

RECOGNIZING CONGRESSMAN TOM LANTOS

Mr. REID. Mr. President, I rise today to recognize one of America's most respected and distinguished lawmakers: chairman of the House Committee on Foreign Affairs, TOM LANTOS of California.

The story of Congressman LANTOS is unique in American history, and one that serves as an inspiration to each of us. Born in Budapest, Hungary, on February 1, 1928, this young man displayed the type of intellectual precociousness characteristic of our great statesmen of the past. It was during his youth in Central Europe that Congressman LANTOS experienced great joys but also endured a most terrible tragedy.

By the time he was 16 years old, the Nazis had occupied his native Hungary, and as a result of being born into a Jewish family, Congressman LANTOS was soon taken to a forced labor camp. Through unimaginable perseverance and resolve, he survived long enough to escape and then complete the 22-mile trek to a safe house run by Swedish humanitarian Raoul Wallenberg. Sadly, like so many other Jewish families torn apart by the Holocaust, Congressman LANTOS lost his family in the ordeal.

A bright moment during these darkest of times in human history was the reunification of two childhood sweethearts. TOM and his lovely wife Annette first met as children growing up in Budapest, and they have now entered their 58th year of devoted marriage to one another.

Two years after the last shots of World War II were fired, Congressman LANTOS won a scholarship to study in the United States. Arriving in America with nothing more than a piece Hungarian salami, he began his studies at the University of Washington in Seattle, where he received a B.A. and M.A. in economics. This young academic then moved to San Francisco in 1950, where he began graduate studies at the University of California, Berkeley, eventually receiving his Ph.D. in economics.

Following three decades as a college professor in economics, TOM was elected to Congress in 1980 from the State of California. Ever since, Congressman LANTOS has enjoyed as fine a career in public service as any lawmaker of his generation. Perhaps his greatest single contribution to our cherished branch of government was his founding, along with Congressman John Edward Porter of Illinois, of the Congressional Human Rights Caucus in 1983. In the intervening quarter-century, the caucus has brought much-needed attention to the most pressing human rights crises around the world. In 1987, the caucus became the first official U.S. entity to welcome recent Congressional Gold Medal recipient, his Holiness the Dalai Lama, to the United States.

Considering Congressman LANTOS' wealth of intellect and wisdom in the field of foreign policy, the United States has been privileged to have him serve as chairman of the House Committee on Foreign Affairs for the past 12 months, where he previously served as ranking member. From demanding tougher sanctions on the Iranian government to standing up for democracy and human rights in Burma, his chairmanship has been nothing short of masterful in these most difficult of times. I can stand up here today, with the full confidence of my colleagues in the Senate, and say that American foreign policy has been greatly enriched by the contributions of Congressman LANTOS throughout his tenure in the House of Representatives.

I met TOM before I came to Washington in 1982. He is terrific in so many ways and he is devoted to his wife, children, and grandchildren. His No. 1 priority is his two beautiful daughters, 17 fantastic grandchildren, and two wonderful great-grandchildren. He loves them and loves to talk about them.

I served with Chairman LANTOS during my years as a Member of the House of Representatives and consider him a friend, as well as a leader. I shared the sadness of my fellow Senators and House Members, when Chairman LANTOS announced that he will leave the House at the end of this year. On behalf of all my friends in the Senate, I wish you and your family all the best as you continue your public service in other ways following this congressional session.

RETIREMENT OF BILL GAINER

Mr. DURBIN. Mr. President, I rise today to congratulate Bill Gainer for his many professional contributions to my home State and to wish him well as he begins a new chapter in his life. I have known Bill and his wife Gerry for over 20 years. Bill is a proud son of the southside of Chicago. He was born in Roseland to Dorothy Quinn and William Gainer, a second generation Chicago police officer. He and his six brothers and sisters went to St. Wilabroad grammar school and Bill graduated from St. Ignatius in 1958—at 16 years of age. Bill found his calling and started with Illinois Bell in 1960. The next year he joined the Army where he ran phone lines through southern Texas in the 261st Signal Construction Corps.

Starting at the top—of a telephone pole as a lineman—Bill has worked his way through every operation of Illinois Bell—construction/operations, installation/repair, marketing, network coordination–planning, and business relations. He ended up at the crossroads in a job that combined his depth of knowledge and love for the phone company with his devotion to Chicago and the labor and civic organizations that make it the greatest city in the world.

Leveraging his place in the business community with his Irish heritage, Bill became an active member in the city of Chicago and Cook County Irish Trade Missions. Mayor Richard M. Daley appointed Bill as the chairman of the Chicago Sister Cities International Program—Galway Committee in October of 2001. He has hosted mayors, Members of the Irish Parliament and business leaders to promote trade and business development between Chicago and Ireland. Bill is also the chairman of the Business Development Committee for the Cook County Irish Trade Mission to County Down and County Cork. The ever-expanding success of the South Side Irish Parade owes much to Bill. He is the Parade's emeritus chair.

Bill also has been active in many civic and nonprofit organizations. Closest to his heart are his involvement on the advisory board for Misericordia Heart of Mercy and the executive board of the Mercy Home for Boys and Girls. Bill was awarded the Misericordia Heart of Mercy Award in 2001 for his dedication and devotion to the Misericordia Home where his sister Rosemary lived many happy years. He is also the past president of the Illinois Veterans Leadership Program, an executive board member of the Irish Fellowship Club, the Chicagoland Chamber of Commerce, the Convention and Tourism Bureau, as well as the Irish American Alliance. As a result of his deep respect for law enforcement and the fact that there has been a Gainer serving continuously on the Chicago Police Department for over 100 years, Bill is an active member and strong supporter of the Hundred Club of Cook County.

Bill is the first to admit that behind all these wonderful accomplishments is his great wife Gerry, a registered nurse and his six children, Bill, Bridget, Nora, Maureen, Mary, and Shelia and four grandchildren. Since they met at Duffy's Tavern in 1964, Bill and Gerry have not only been a great team, but also a lot of fun and a wonderful example of marriage and family. I congratulate him and his family and wish them the very best.

REMEMBERING MARTIN LUTHER KING, JR.

Mr. KYL. Mr. President, on January 21, the Nation recognized the birthday of the Rev. Dr. Martin Luther King, Jr. It is important that we honor this day and that we do not let the significance of Dr. King fade from our memories, as individuals and as a nation.

I am pleased that citizens in my State of Arizona have found ways to honor Dr. King and ensure that the lessons of his legacy continue to resound among future generations. This past weekend the Senate Chaplain, Dr. Black, joined me in Phoenix for a number of events relating the King commemoration. Dr. Black preached two sermons and later delivered the keynote address at the Dr. Martin Luther King, Jr. Youth Scholarship service, a candlelight ceremony at Pilgrim Rest Baptist Church.

It is very fitting that these events took place in churches. Dr. King, after all, was a minister, and his speeches and writings invoked biblical themes and were delivered with the zeal of a fiery evangelist. Moreover, by recognizing Dr. King in a place of worship, we are reminded of the important role that religion plays in the public square.

Indeed, the events like those I attended in Phoenix highlight the importance that religious institutions play in civic life, and I believe they embody an important past of Dr. King's legacy.

Alexis de Tocqueville observed long ago that ''Freedom sees religion as the companion of its struggles and triumphs, the cradle of its infancy, and the divine source of its rights. Religion is considered as the guardian of mores, and mores are regarded as the guarantee of the laws and pledge for the maintenance of freedom itself.''

Religion is an essential underpinning to a well-ordered society and a functioning democratic republic. The Founders of our country understood that, and Dr. King did too.

In his famous ''I have a dream'' speech, Dr. King invoked the words of the Declaration of Independence. On August 28, 1963, he told the throngs who had gathered on The Mall, ''I have a dream that one day this Nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident: that all men are created equal.'''

King believed, as the Founders wrote in the Declaration, that we are created equal and endowed with the right to life and liberty by our Creator. King's speech could have very well been delivered to a congregation at a church instead of before thousands at the Lincoln Memorial.

In his message at the King celebration in Phoenix, Dr. Black urged the congregation to remember some will seek to destroy the dream and dreamer, but God will frustrate their plans.

These words echo what King said at the Lincoln Memorial almost 40 years ago, ''With this faith, we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.''

Mr. President, it is imperative that we as Americans understand the bond between religion and freedom, and I was pleased to attend the King celebration services this past weekend that testified to this bond.

HONORING OUR ARMED FORCES

MAJOR ANDREW OLMSTED

Mr. KENNEDY. Mr. President, on January 3, 2008, MAJ Andrew Olmsted of Northborough, MA, was killed in Iraq. He was the first American servicemember to die in Iraq this year. During his service there, he wrote a number of essays about his service that he posted on the Internet. His final essay, written in anticipation of his possible death, is an eloquent farewell that I believe will be of interest to all of us in Congress, and I ask unanimous consent that it be printed in the RECORD.

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

FINAL POST

(January 4, 2008)

''I am leaving this message for you because it appears I must leave sooner than I intended. I would have preferred to say this in person, but since I cannot, let me say it here.''

—G'Kar, Babylon 5.

''Only the dead have seen the end of war.''

—Plato.

This is an entry I would have preferred not to have published, but there are limits to what we can control in life, and apparently I have passed one of those limits. And so, like G'Kar, I must say here what I would much prefer to say in person. I want to thank Hilzoy for putting it up for me. It's not easy asking anyone to do something for you in the event of your death, and it is a testament to her quality that she didn't hesitate to accept the charge. As with many bloggers, I have a disgustingly large ego, and so I just couldn't bear the thought of not being able to have the last word if the need arose. Perhaps I take that further than most, I don't know. I hope so. It's frightening to think there are many people as neurotic as I am in the world. In any case, since I won't get another chance to say what I think, I wanted to take advantage of this opportunity. Such as it is.

''When some people die, it's time to be sad. But when other people die, like really evil people, or the Irish, it's time to celebrate.''

—Jimmy Bender, ''Greg the Bunny.''

''And maybe now it's your turn to die kicking some ass.''

—Freedom Isn't Free, Team America.

What I don't want this to be is a chance for me, or anyone else, to be maudlin. I'm dead. That sucks, at least for me and my family and friends. But all the tears in the world aren't going to bring me back, so I would prefer that people remember the good things about me rather than mourning my loss. (If it turns out a specific number of tears will, in fact, bring me back to life, then by all means, break out the onions.) I had a pretty good life, as I noted above. Sure, all things being equal I would have preferred to have more time, but I have no business complaining with all the good fortune I've enjoyed in my life. So if you're up for that, put on a little 80s music (preferably vintage 1980–1984), grab a Coke and have a drink with me. If you have it, throw 'Freedom Isn't Free' from the Team America soundtrack in; if you can't laugh at that song, I think you need to lighten up a little. I'm dead, but if you're reading this, you're not, so take a moment to enjoy that happy fact.

''Our thoughts form the universe. They always matter.''

—Citizen G'Kar, Babylon 5.

Believe it or not, one of the things I will miss most is not being able to blog any longer. The ability to put my thoughts on (virtual) paper and put them where people can read and respond to them has been marvelous, even if most people who have read my writings haven't agreed with them. If there is any hope for the long term success of democracy, it will be if people agree to listen to and try to understand their political opponents rather than simply seeking to crush them. While the blogosphere has its share of partisans, there are some awfully smart people making excellent arguments out there as well, and I know I have learned quite a bit since I began blogging. I flatter myself I may have made a good argument or two as well; if I didn't, please don't tell me. It has been a great five-plus years. I got to meet a lot of people who are way smarter than me, including such luminaries as Virginia Postrel and her husband Stephen (speaking strictly from an 'improving the species' perspective, it's tragic those two don't have kids, because they're both scary smart.), the estimable Hilzoy and Sebastian of Obsidian Wings, Jeff Goldstein and Stephen Green, the men who consistently frustrated me with their mix of wit and wisdom I could never match, and I've no doubt left out a number of people to whom I apologize. Bottom line: if I got the chance to meet you through blogging, I enjoyed it. I'm only sorry I couldn't meet more of you. In particular I'd like to thank Jim Henley, who while we've never met has been a true comrade, whose words have taught me and whose support has been of great personal value to me. I would very much have enjoyed meeting Jim.

Blogging put me in touch with an inordinate number of smart people, an exhilarating if humbling experience. When I was young, I was smart, but the older I got, the more I realized just how dumb I was in comparison to truly smart people. But, to my credit, I think, I was at least smart enough to pay attention to the people with real brains and even occasionally learn something from them. It has been joy and a pleasure having the opportunity to do this.

''It's not fair.''

''No. It's not. Death never is.''

—Captain John Sheridan and Dr. Stephen Franklin, Babylon 5.

''They didn't even dig him a decent grave.''

''Well, it's not how you're buried. It's how you're remembered.''

—Cimarron and Wil Andersen, The Cowboys.

I suppose I should speak to the circumstances of my death. It would be nice to believe that I died leading men in battle, preferably saving their lives at the cost of my own. More likely I was caught by a marksman or an IED. But if there is an afterlife, I'm telling anyone who asks that I went down surrounded by hundreds of insurgents defending a village composed solely of innocent women and children. It'll be our little secret, ok?

I do ask (not that I'm in a position to enforce this) that no one try to use my death to further their political purposes. I went to Iraq and did what I did for my reasons, not yours. My life isn't a chit to be used to bludgeon people to silence on either side. If you think the U.S. should stay in Iraq, don't drag me into it by claiming that somehow

my death demands us staying in Iraq. If you think the U.S. ought to get out tomorrow, don't cite my name as an example of someone's life who was wasted by our mission in Iraq. I have my own opinions about what we should do about Iraq, but since I'm not around to expound on them I'd prefer others not try and use me as some kind of moral capital to support a position I probably didn't support. Further, this is tough enough on my family without their having to see my picture being used in some rally or my name being cited for some political purpose. You can fight political battles without hurting my family, and I'd prefer that you did so.

On a similar note, while you're free to think whatever you like about my life and death, if you think I wasted my life, I'll tell you you're wrong. We're all going to die of something. I died doing a job I loved. When your time comes, I hope you are as fortunate as I was.

''What an idiot! What a loser!''

—*Chaz Reingold, Wedding Crashers.*

''Oh and I don't want to die for you, but if dying's asked of me;

I'll bear that cross with honor, 'cause freedom don't come free.''

—*American Soldier, Toby Keith.*

Those who know me through my writings on the Internet over the past five-plus years probably have wondered at times about my chosen profession. While I am not a Libertarian, I certainly hold strongly individualistic beliefs. Yet I have spent my life in a profession that is not generally known for rugged individualism. Worse, I volunteered to return to active duty knowing that the choice would almost certainly lead me to Iraq. The simple explanation might be that I was simply stupid, and certainly I make no bones about having done some dumb things in my life, but I don't think this can be chalked up to stupidity. Maybe I was inconsistent in my beliefs; there are few people who adhere religiously to the doctrines of their chosen philosophy, whatever that may be. But I don't think that was the case in this instance either.

As passionate as I am about personal freedom, I don't buy the claims of anarchists that humanity would be just fine without any government at all. There are too many people in the world who believe that they know best how people should live their lives, and many of them are more than willing to use force to impose those beliefs on others. A world without government simply wouldn't last very long; as soon as it was established, strongmen would immediately spring up to establish their fiefdoms. So there is a need for government to protect the people's rights. And one of the fundamental tools to do that is an army that can prevent outside agencies from imposing their rules on a society. A lot of people will protest that argument by noting that the people we are fighting in Iraq are unlikely to threaten the rights of the average American. That's certainly true; while our enemies would certainly like to wreak great levels of havoc on our society, the fact is they're not likely to succeed. But that doesn't mean there isn't still a need for an army (setting aside debates regarding whether ours is the right size at the moment). Americans are fortunate that we don't have to worry too much about people coming to try and overthrow us, but part of the reason we don't have to worry about that is because we have an army that is stopping anyone who would try.

Soldiers cannot have the option of opting out of missions because they don't agree with them: that violates the social contract. The duly-elected American government decided to go to war in Iraq. (Even if you maintain President Bush was not properly elected, Congress voted for war as well.) As a soldier, I have a duty to obey the orders of the President of the United States as long as they are Constitutional. I can no more opt out of missions I disagree with than I can ignore laws I think are improper. I do not consider it a violation of my individual rights to have gone to Iraq on orders because I raised my right hand and volunteered to join the army. Whether or not this mission was a good one, my participation in it was an affirmation of something I consider quite necessary to society. So if nothing else, I gave my life for a pretty important principle; I can (if you'll pardon the pun) live with that.

''It's all so brief, isn't it? A typical human lifespan is almost a hundred years. But it's barely a second compared to what's out there. It wouldn't be so bad if life didn't take so long to figure out. Seems you just start to get it right, and then . . . it's over.''

—*Dr. Stephen Franklin, Babylon 5.*

I wish I could say I'd at least started to get it right. Although, in my defense, I think I batted a solid .250 or so. Not a superstar, but at least able to play in the big leagues. I'm afraid I can't really offer any deep secrets or wisdom. I lived my life better than some, worse than others, and I like to think that the world was a little better off for my having been here. Not very much, but then, few of us are destined to make more than a tiny dent in history's Green Monster. I would be lying if I didn't admit I would have liked to have done more, but it's a bit too late for that now, eh? The bottom line, for me, is that I think I can look back at my life and at least see a few areas where I may have made a tiny difference, and massive ego aside, that's probably not too bad.

''The flame also reminds us that life is precious. As each flame is unique; when it goes out, it's gone forever. There will never be another quite like it.''

—*Ambassador Delenn, Babylon 5.*

I write this in part, admittedly, because I would like to think that there's at least a little something out there to remember me by. Granted, this site will eventually vanish, being ephemeral in a very real sense of the word, but at least for a time it can serve as a tiny record of my contributions to the world. But on a larger scale, for those who knew me well enough to be saddened by my death, especially for those who haven't known anyone else lost to this war, perhaps my death can serve as a small reminder of the costs of war. Regardless of the merits of this war, or of any war, I think that many of us in America have forgotten that war means death and suffering in wholesale lots. A decision that for most of us in America was academic, whether or not to go to war in Iraq, had very real consequences for hundreds of thousands of people. Yet I was as guilty as anyone of minimizing those very real consequences in lieu of a cold discussion of theoretical merits of war and peace. Now I'm facing some very real consequences of that decision; who says life doesn't have a sense of humor?

But for those who knew me and feel this pain, I think it's a good thing to realize that this pain has been felt by thousands and thousands (probably millions, actually) of other people all over the world. That is part of the cost of war, any war, no matter how justified. If everyone who feels this pain keeps that in mind the next time we have to decide whether or not war is a good idea, perhaps it will help us to make a more informed decision. Because it is pretty clear that the average American would not have supported the Iraq War had they known the costs going in. I am far too cynical to believe that any future debate over war will be any less vitriolic or emotional, but perhaps a few more people will realize just what those costs can be the next time.

This may be a contradiction of my above call to keep politics out of my death, but I hope not. Sometimes going to war is the right idea. I think we've drawn that line too far in the direction of war rather than peace, but I'm a soldier and I know that sometimes you have to fight if you're to hold onto what you hold dear. But in making that decision, I believe we understate the costs of war; when we make the decision to fight, we make the decision to kill, and that means lives and families destroyed. Mine now falls into that category; the next time the question of war or peace comes up, if you knew me at least you can understand a bit more just what it is you're deciding to do, and whether or not those costs are worth it.

''This is true love. You think this happens every day?''

—*Westley, The Princess Bride.*

''Good night, my love, the brightest star in my sky.''

—*John Sheridan, Babylon 5.*

This is the hardest part. While I certainly have no desire to die, at this point I no longer have any worries. That is not true of the woman who made my life something to enjoy rather than something merely to survive. She put up with all of my faults, and they are myriad, she endured separations again and again . . . I cannot imagine being more fortunate in love than I have been with Amanda. Now she has to go on without me, and while a cynic might observe she's better off, I know that this is a terrible burden I have placed on her, and I would give almost anything if she would not have to bear it. It seems that is not an option. I cannot imagine anything more painful than that, and if there is an afterlife, this is a pain I'll bear forever.

I wasn't the greatest husband. I could have done so much more, a realization that, as it so often does, comes too late to matter. But I cherished every day I was married to Amanda. When everything else in my life seemed dark, she was always there to light the darkness. It is difficult to imagine my life being worth living without her having been in it. I hope and pray that she goes on without me and enjoys her life as much as she deserves. I can think of no one more deserving of happiness than her.

''I will see you again, in the place where no shadows fall.''

—*Ambassador Delenn, Babylon 5.*

I don't know if there is an afterlife; I tend to doubt it, to be perfectly honest. But if there is any way possible, Amanda, then I will live up to Delenn's words, somehow, some way. I love you.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, pursuant to section 301 of S. Con. Res. 21, I previously filed revisions to S. Con. Res. 21, the 2008 budget resolution. Those revisions were made for legislation reauthorizing the State Children's Health Insurance Program, SCHIP.

Congress cleared H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, on November 1, 2007. The President vetoed that legislation on December 12, 2007. Unfortunately, the House of Representatives

was unsuccessful in its attempt today to override that veto. Consequently, I am further revising the 2008 budget resolution and reversing the adjustments previously made pursuant to section 301 to the aggregates and the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,019.643
FY 2009	2,114.585
FY 2010	2,169.124
FY 2011	2,350.432
FY 2012	2,493.503
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−31.153
FY 2009	7.659
FY 2010	5.403
FY 2011	−44.118
FY 2012	−103.593
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,503.226
FY 2009	2,520.727
FY 2010	2,572.750
FY 2011	2,685.528
FY 2012	2,722.688
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,474.039
FY 2009	2,569.248
FY 2010	2,601.736
FY 2011	2,692.419
FY 2012	2,704.415

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In millions of dollars]

Current Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,091,702
FY 2008 Outlays	1,086,944
FY 2008–2012 Budget Authority	6,067,019
FY 2008–2012 Outlays	6,057,014
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	−9,332
FY 2008 Outlays	−2,386
FY 2008–2012 Budget Authority	−49,711
FY 2008–2012 Outlays	−35,384
Revised Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,082,370
FY 2008 Outlays	1,084,558
FY 2008–2012 Budget Authority	6,017,308
FY 2008–2012 Outlays	6,021,630

LETTER TO THE U.N.

Mr. SPECTER. I ask unanimous consent that the attached letter to the Honorable Ban Ki-Moon, Secretary-General of the United Nations, dated January 17, 2008, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, January 17, 2008.

Hon. BAN KI-MOON,
Secretary-General of the United Nations,
United Nations Headquarters, New York, NY.

DEAR SECRETARY-GENERAL: By letter dated January 2, 2008, I requested that the United Nations initiate an investigation into the assassination of former Pakistani Prime Minister Benazir Bhutto. With this letter, I am enclosing for you a copy of that letter and would appreciate a response.

After considering the matter further and watching developments, it is my view that the United Nations should organize a standing commission to investigate assassinations which would have international importance. We are seeing terrorism, supplemented by assassinations, becoming commonplace to achieve political objectives.

While a United Nations investigation into the assassination of former Prime Minister Bhutto is still something that should be done, it would obviously have been much better to have had a unit in existence which could be immediately dispatched to the scene to investigate the locale as soon as possible and to interrogate witnesses while their memories are fresh and before others might try to stop them from talking.

I would very much appreciate your response on these important matters.

Sincerely,

ARLEN SPECTER.

STATE SECRETS PROTECTION ACT

Mr. KENNEDY. Mr. President, yesterday, Senator SPECTER and I introduced the State Secrets Protection Act. I have been working on this bill with Senator SPECTER for several months, and I thank him for his commitment and leadership on this very important issue. I hope that our collaboration on this legislation will demonstrate that even the most sensitive problems can be addressed through bipartisan cooperation if we keep the interests of the Nation front-and-center and roll up our sleeves to do the work of seeking a realistic and workable solution. The State Secrets Protection Act is an essential response to a pressing need.

For years, there has been growing concern about the state secrets privilege. It is a common law privilege that lets the Government protect sensitive national security information from being disclosed as evidence in litigation. The problem is that sometimes plaintiffs may need that information to show that their rights were violated. If the privilege is not applied carefully, the Government can use it as a tool for cover up by withholding evidence that is not actually sensitive. The state secrets privilege is important, but there is a risk it will be overused and abused.

The privilege was first recognized by the Supreme Court in 1953, and it has been asserted since then by every administration, Republican and Democratic. Under the Bush administration, however, use of the state secrets privilege has dramatically increased and the harmful consequences of its irregular application by courts have become painfully clear.

Injured plaintiffs have been denied justice, courts have failed to address fundamental questions of constitutional rights and separation of powers, and confusion pervades this area of law. The Senate debate on reforming the Foreign Intelligence Surveillance Act has become far more difficult than it ought to be because many believe that if courts hear lawsuits against telecommunications companies, the courts will be unable to deal fairly and effectively with the Government's invocation of the privilege.

Studies show that the Bush administration has raised the privilege in over 25 percent more cases per year than previous administrations and has sought dismissal in over 90 percent more cases. As one scholar recently noted, this administration has used the privilege to ''seek blanket dismissal of every case challenging the constitutionality of specific, ongoing government programs'' related to its war on terrorism, and as a result, the privilege is impairing the ability of Congress and the judiciary to perform their constitutional duty to check executive power.

Another leading scholar recently found that ''in practical terms, the state secrets privilege never fails.'' Like other commentators, he concluded that ''the state secrets privilege is the most powerful secrecy privilege available to the president,'' and ''the people of the United States have suffered needlessly because the law is now a servant to executive claims of national security.''

In 1980, Congress enacted the Classified Information Procedures Act—known as CIPA—to provide Federal courts with clear statutory guidance on handling secret evidence in criminal cases. For almost 30 years, courts have effectively applied that law to make criminal trials fairer and safer. During that period, Congress has also regulated judicial review of national security materials under the Foreign Intelligence Surveillance Act and the Freedom of Information Act. Because of these laws, Federal judges regularly review and handle highly classified evidence in many types of cases.

Yet, in civil cases, litigants have been left behind. Congress has failed to provide clear rules or standards for determining whether evidence is protected by the state secrets privilege. We have failed to develop procedures that will protect injured parties and also prevent the disclosure of sensitive information. Because use of the state secrets privilege has escalated in recent years, there is an increasing need for the judiciary and the executive to have clear, fair, and safe rules.

Many have recognized the need for congressional guidance on this issue. The American Bar Association recently issued a report ''urg[ing] Congress to enact legislation governing Federal

civil cases implicating the state secrets privilege.'' The bipartisan Constitution Project found that ''legislative action [on the privilege] is essential to restore and strengthen the basic rights and liberties provided by our constitutional system of government.'' Leading constitutional scholars sent a letter to Congress emphasizing that there ''is a need for new rules designed to protect the system of checks and balances, individual rights, national security, fairness in the courtroom, and the adversary process.''

The State Secrets Protection Act we are introducing responds to this need by creating a civil version of CIPA. The act provides guidance to the Federal courts in handling assertions of the privilege in civil cases, and it restores checks and balances to this crucial area of law by placing constraints on the application of state secrets doctrine. The act will strengthen our national security by requiring judges to protect all state secrets from disclosure, and it will strengthen the rule of law by preventing misuse of the privilege and enabling more litigants to achieve justice in court.

Recognizing that state secrets must be protected, the Act enables the executive branch to avoid publicly revealing evidence if doing so might disclose a state secret. If a court finds that an item of evidence contains a state secret, or cannot be effectively separated from other evidence that contains a state secret, then the evidence is privileged and may not be released for any reason. Secure judicial proceedings and other safeguards that have proven effective under CIPA and the Freedom of Information Act will ensure that the litigation does not reveal sensitive information.

At the same time, the State Secrets Protection Act will prevent the executive branch from using the privilege to deny parties their day in court or shield illegal activity that is not actually sensitive. A recently declassified report shows that the executive branch abused the state secrets privilege in the very Supreme Court case, United States v. Reynolds (1953), that serves as the basis for the privilege today. In Reynolds, an accident report was kept out of court due to the government's claim that it would disclose state secrets. The court never even looked at the report. Now that the report has been made public, we've learned that in fact it contained no state secrets whatever but it did contain embarrassing information revealing government negligence.

In recent years, Federal courts have applied the Reynolds precedent to dismiss numerous cases—on issues ranging from torture, to extraordinary rendition, to warrantless wiretapping—without ever reviewing the evidence. Some courts have even upheld the executive's claims of state secrets when the purported secrets were publicly available, as in the case of El-Masri v. Tenet. In that case, there was extensive evidence in the public record that the plaintiff was kidnapped and tortured by the CIA on the basis of mistaken identity, but the court simply accepted at face value the Government's claim that litigation would require disclosure of state secrets. The court dismissed Mr. El-Masri's case without even evaluating the evidence or considering whether the case could be litigated on other evidence.

When Federal courts accept the executive branch's state secrets claims as absolute, our system of checks and balances breaks down. By refusing to consider key pieces of evidence, or by dismissing lawsuits outright without considering any evidence at all, courts give the executive branch the ability to violate American laws and constitutional rights without any accountability or oversight, and innocent victims are left unable to obtain justice. The kind of abuse that occurred in Reynolds will no longer be possible under the State Secrets Protection Act.

The act requires courts to examine the evidence for which the privilege is claimed, in order to determine whether the executive branch has validly invoked the privilege. The court must look at the actual evidence, not just Government affidavits about the evidence, and make its own assessment of whether information is covered by the privilege. Only after a court has considered the evidence and found that it provides a valid legal defense can it dismiss a claim on state secrets grounds.

The act also gives parties an opportunity to make a preliminary case with their own evidence, and it allows courts to develop solutions to let lawsuits proceed, such as by directing the Government to produce unclassified substitutes for secret evidence. Many of these powers are already available to courts, but they often go unused. In addition, the act draws on CIPA to include provisions for congressional reporting that will ensure an additional layer of oversight.

I am pleased that the senior Senator from Pennsylvania and I have been able to work together to produce this bill. We expect to have a hearing soon on the state secrets privilege in the Judiciary Committee under the leadership of Chairman LEAHY, who is a cosponsor of the bill and a strong supporter of state secrets reform. I look forward to a full airing of the issues and the important feedback that will come from the committee's thoughtful consideration of the legislation.

In particular, as the bill moves forward, we intend to continue to explore the possibilities for providing relief to plaintiffs who have a winning case but cannot get a trial because every piece of evidence they need is privileged. This is an extremely difficult subject, which Congress should address if we can find a fair way to do so that will also protect legitimate secrets. We will also explore other measures to make the bill stronger, such as providing expedited security clearance reviews for attorneys.

Under the State Secrets Protection Act, the Nation will be able to preserve its commitment to individual rights and the rule of law, without compromising its national defense or foreign policy. Congress has clear constitutional authority to regulate the rules of procedure and evidence for the Federal courts, and it is long past time for us to exercise this authority on such an important issue. I urge my colleagues in the Senate to pass this needed legislation as soon as possible.

Mr. SPECTER. Mr. President, I wish to discuss the State Secrets Protection Act of 2008. Senator KENNEDY and I are introducing this bipartisan bill in order to harmonize the law applicable in cases involving the executive branch's invocation of the privilege. This bill is timely for several reasons. First, the use of the privilege appears to be on the rise in the post-September 11, 2001, era, which has generated new public attention and concern about its legitimacy. Second, there is some disparity among the district and appellate court opinions analyzing the privilege, particularly as to the question of whether courts must independently review the allegedly privileged evidence. Finally, a codified test for evaluating state secrets that requires courts to review the evidence in camera—a Latin phrase meaning ''in the judge's private chambers''—will help to reassure the public that the claims are neither spurious nor intended to cover up alleged Government misconduct. With greater checks and balances and greater accountability, there is a commensurate increase in public confidence in our institutions of Government.

In view of its increasing use, inconsistent application, and public criticism, we think the time is ripe to pass legislation codifying standards on the state secrets privilege. Our bill builds upon proposals by the American Bar Association and legal scholars who have called upon Congress to legislate in this area.

Mr. President, I begin my remarks by discussing some of the historical and more recent applications of the state secrets doctrine—which have run the gamut from cases involving military aviation technology to CIA sources and methods, to extraordinary rendition and the terrorist surveillance program, or TSP.

In the 1876 case *Totten* v. *United States*, 92 U.S. 105, 1876, the Supreme Court acknowledged a privilege that barred claims between the Government and its covert agents ''in all secret employments of the government in time of war, or upon matters affecting our foreign relations, where a disclosure of the service might compromise or embarrass our government in its public duties, or endanger the person or injure the character of the agent.'' The Totten case involved a purported Civil War spy who sought to sue President

Lincoln to enforce an alleged espionage agreement. In 2005, the Court reaffirmed the holding in Totten that ''lawsuits premised on alleged espionage agreements are altogether forbidden.'' *Tenet* v. *Doe*, 544 U.S. 1, 2005.

Notwithstanding Totten, the modern state secrets privilege was first recognized by the Supreme Court in the 1953 case of *United States* v. *Reynolds*, 345 U.S. 1, 1953. Reynolds involved the Government's assertion of the military secrets privilege for an accident report discussing the crash of a B–29 bomber, which killed three civilian engineers along with six military personnel. In Reynolds, the Supreme Court set out several rules pertinent to the assertion and consideration of the state secrets privilege. For example, the Court said the privilege belongs to the Government. It can be neither claimed nor waived by a third party. The Court also held that the privilege must be asserted ''in a formal claim of privilege lodged by the head of the department which has control over the matter, after actual consideration by that officer.'' Further, ''the showing of necessity which is made will determine how far the court should probe in satisfying itself that the occasion for invoking the privilege is appropriate.'' Significantly, however, the Supreme Court held that the material in question need not necessarily be disclosed to the reviewing judge. On this point, the Reynolds Court said:

> Judicial control over the evidence in a case cannot be abdicated to the caprice of executive officers. Yet we will not go so far as to say that the court may automatically require a complete disclosure to the judge before the claim of privilege will be accepted in any case. It may be possible to satisfy the court, from all the circumstances of the case, that there is a reasonable danger that compulsion of the evidence will expose military matters which, in the interest of national security, should not be divulged. When this is the case, the occasion for the privilege is appropriate, and the court should not jeopardize the security which the privilege is meant to protect by insisting upon an examination of the evidence, even by the judge alone, in chambers.

Unfortunately, this limitation on judicial review ultimately led to further litigation and public skepticism when the accident report from the Reynolds case was later declassified—a result the State Secrets Protection Act seeks to avoid in future cases.

In 2003, after the documents at issue in Reynolds were declassified, one of the original plaintiffs and heirs of the others brought suit alleging that the Government had committed a ''fraud upon the court.'' I cite *Herring* v. *United States*, 424 F.3d 384 (3d Cir. 2005), cert. denied by *Herring* v. *United States*, 547 U.S. 1123, May 1, 2006. They claimed the Government had asserted the military secrets privilege for documents that did not reveal anything sensitive simply to conceal the Government's own negligence. Nevertheless, both the district court and the Third Circuit declined to reopen the case after finding that the plaintiffs could not meet the high burden for proving a claim of fraud on the court. The Third Circuit wrote:

> We further conclude that a determination of fraud on the court may be justified only by ''the most egregious misconduct directed to the court itself,'' and that it ''must be supported by clear, unequivocal and convincing evidence.'' The claim of privilege by the United States Air Force in this case can reasonably be interpreted to include within its scope information about the workings of the B–29, and therefore does not meet the demanding standard for fraud upon the court.

I cite Herring, 386–387. This ruling, however, did not end public debate on the matter. As recently as last October, the New York Times editorialized: ''[T]he Reynolds case itself is an object lesson in why courts need to apply a healthy degree of skepticism to state secrets claims. . . . When the documents finally became public just a few years ago, it became clear that the government had lied. The papers contained information embarrassing to the government but nothing to warrant top secret treatment or denying American citizens honest adjudication of their lawsuit.''

Upon learning of the Herring case, which was filed in Philadelphia, it became clear to me that codifying provisions for a court to use in ruling on state secrets cases was desirable for a number of reasons—including the added legitimacy of having a judge evaluate the validity of the claim. I think that by requiring in camera court review, we will ultimately provide parties with greater trust in the integrity of the claim and, importantly, appropriate closure.

The benefits of court review are illustrated by recent events in the Ninth Circuit. On November 16, 2007, the Ninth Circuit decided *Al-Haramain Islamic Foundation, Inc.* v. *Bush*, 507 F.3d 1190 (9th Cir. (Ca.) 2007), a case in which the plaintiffs challenged alleged surveillance of their organization under the terrorist surveillance program, TSP. The case stands out in TSP jurisprudence because the plaintiff alleged the Government had unwittingly provided proof that it was surveilling the plaintiff by inadvertently disclosing a partial transcript of phone conversations. The district court denied the Government's motion to dismiss on grounds of the state secrets privilege, but the Ninth Circuit reversed. Citing Totten and Reynolds, the Al-Haramain court acknowledged that when the very subject matter of the lawsuit is a state secret, dismissal without evaluating the claim might be appropriate. However, given all of the public disclosures concerning the TSP, the Al-Haramain court held that the subject matter of the lawsuit was not itself a state secret. Instead, the court concluded that it ''must make an independent determination whether the information is privileged.'' This is 507 F.3d at 1202. It did so by undertaking a full review of the privileged documents in camera. The Al-Haramain court described its review of the sealed document at issue and the balancing test it imposed:

> Having reviewed it in camera, we conclude that the Sealed Document is protected by the state secrets privilege, along with the information as to whether the government surveilled Al-Haramain. We take very seriously our obligation to review the documents with a very careful, indeed a skeptical, eye, and not to accept at face value the government's claim or justification of privilege. Simply saying ''military secret,'' ''national security'' or ''terrorist threat'' or invoking an ethereal fear that disclosure will threaten our nation is insufficient to support the privilege. Sufficient detail must be—and has been—provided for us to make a meaningful examination. The process of in camera review ineluctably places the court in a role that runs contrary to our fundamental principle of a transparent judicial system. It also places on the court a special burden to assure itself that an appropriate balance is struck between protecting national security matters and preserving an open court system. That said, we acknowledge the need to defer to the Executive on matters of foreign policy and national security and surely cannot legitimately find ourselves second guessing the Executive in this arena.

I cite 507 F.3d at 1203

The State Secrets Protection Act essentially codifies the Al-Haramain test by requiring courts to evaluate the assertion of a state secrets privilege in light of an in camera review of the allegedly privileged documents. I think it is highly advisable to codify both the means of asserting the privilege and the method for reviewing courts to go about resolving claims of privilege because the state secrets privilege is being asserted more frequently and the resulting decisions will benefit from more consistent procedures. Indeed, one recent study indicates that, of the approximately 89 state secrets cases adjudicated since the Supreme Court's decision in Reynolds, courts have declined to review any evidence in at least 16 cases. It is unclear whether the courts reviewed any evidence in another 16 cases, so the number could be as high as 32, or more than a third of the total. The current bill would end this practice.

Reliable statistics on the use of the state secrets privilege are somewhat difficult to come by because not all cases are reported. The Reporters' Committee for Freedom of the Press claims that, ''while the government asserted the privilege approximately 55 times in total between 1954 . . . and 2001, [the government] asserted it 23 times in the four years after Sept. 11.'' With the use of the privilege apparently on the rise, the risk of abuse also grows. As I have noted, critics argue that the Government has abused the privilege to cover up cases of malfeasance and illegal activity. They point to the aftermath of Reynolds and more recently to the case of Khaled El-Masri, whose claim that the was subject to extraordinary rendition was dismissed following the Government's successful assertion of the state secrets privilege at the district and appellate court levels. This is *El-Masri* v. *United States*, 479 F.3d 296 (4th Cir. (Va.) March 2, 2007), cert. denied, 128 S.Ct. 373 (October 9, 2007). Although the Supreme

Court declined to revisit the state secrets doctrine in the El-Masri case, there is ample cause for congressional action—both to protect legitimate secrets and ensure public confidence in the process for adjudicating such privilege claims.

The State Secrets Protection Act establishes a clear standard for application of the state secrets privilege and creates procedures for reviewing courts to follow in evaluating privilege claims. Specifically, the Kennedy-Specter State Secrets Protection Act:

Defines state secrets and codifies the standard for evaluating privilege claims: The bill defines ''state secret'' as ''any information that, if disclosed publicly, would be reasonably likely to cause significant harm to the national defense or foreign relations of the United States.'' It requires Federal courts to decide cases after ''consideration of the interests of justice and national security.''

Requires court examination of evidence subject to privilege claims: The legislation requires courts to evaluate the privilege by reviewing pertinent evidence in camera. By statutorily empowering courts to review the evidence, the bill will substantially mitigate the risk of future allegations that the Government committed ''fraud upon the court,'' as asserted by the Reynolds plaintiffs 50 years after the landmark decision.

Closes hearings on the privilege—except those involving mere legal questions: Under the legislation, hearings are presumptively held in camera but only ex parte if the court so orders.

Requires attorney security clearances: Under the bill, courts must limit participation in hearings to evaluate state secrets to attorneys with appropriate clearances. Moreover, it allows for appointment of guardians ad litem with clearances to represent parties who are absent from proceedings.

Permits the Government to produce a nonprivileged substitute: Consistent with the Classified Information Procedures Act, the bill allows for the use of nonprivileged substitutes, where possible. If the court orders the Government to provide a nonprivileged substitute and the Government declines to provide it, the court resolves fact questions involving the evidence at issue against the Government.

Protects evidence: The proposed bill incorporates the security procedures established in the Classified Information Procedures Act and permits the Chief Justice to create additional rules to safeguard state secrets evidence.

I commend the bill to all of my Senate colleagues.

HONORING MARTIN P. PAONE

Mr. FEINGOLD. Mr. President, today I wish to honor our distinguished Secretary of the Majority, Martin Paone, who announced recently his plans to leave the Senate after almost 30 years of exemplary service. During his career in the Senate, Marty has helped to guide this body as it has addressed some of the most pressing issues, and faced some of the most difficult challenges, in our Nation's history.

Marty began his career in the Congress, working in the House Post Office and the Senate Parking Office. From there, he quickly rose through the ranks to become an assistant in the Democratic cloakroom in 1979. After demonstrating his keen understanding of floor procedures, he became a member of the floor staff for the Democratic Policy Committee and later assistant secretary of the majority. In 1995, he was elected as secretary of the minority, and continued to serve in that role, and later as the secretary of the majority, for the Democratic caucus.

As we all know, the procedures of the Senate are complicated, and at times perplexing. Indeed, Americans watching us from home may wonder how we are able get our important legislative work done. Well, one of the principal reasons is that Republican and Democratic Senators alike have been able to rely on Marty's counsel when it comes to questions about the rules of the Senate. Marty possesses a vast and detailed knowledge of the history and procedures of the Senate that is possibly second only to that of our distinguished President Pro Tempore, Senator ROBERT C. BYRD. And he has a well-deserved reputation as a straight shooter. Whenever I have approached Marty with a question during my time as a Senator, I have always been able to count on him for a straight answer—even when my position may have run counter to that of my leadership.

Throughout his tenure in the Senate, Marty has also served as a steady hand, helping this Chamber through changes in our country's leadership and critical events in our Nation's history. Marty's career has been marked by five different Presidents, five Republican Senate leaders and four Democratic Senate leaders. Marty has also served during several key historic moments, from the end of the Cold War to the tragic events of September 11, 2001. It was after September 11 that Marty's extensive experience and understanding became especially important as he helped guide this body during an extremely difficult and uncertain time. That service to the Senate, and to the country, was invaluable, and I will always remember it.

I wish Marty, his wife Ruby, and their three children, Alexander, Stephanie, and T.J., all the best as Marty begins this new chapter in his life. He will be greatly missed, but he leaves behind a lasting impact that will help guide this body for years to come.

OPEN GOVERNMENT ACT

Mr. LEAHY. Mr. President, as we start a new year—and the Senate starts a new session—the American people have a new law that honors and protects their right to know. I am pleased that during the waning hours of 2007, the President signed the Leahy-Cornyn Openness Promotes Effectiveness in our National Government Act, the ''OPEN Government Act,'' S. 2488, into law—enacting the first major reforms to the Freedom of Information Act, ''FOIA'' in more than a decade.

Today, our Government is more open and accountable to the American people than it was just a year ago. With the enactment of FOIA reform legislation, the Congress has demanded and won more openness and accountability regarding the activities of the executive branch. I call on the President to vigorously and faithfully execute the OPEN Government Act, and I hope that he will fully enforce this legislation.

Sadly, the early signs from the administration are troubling. Just this week, the administration signaled that it will move the much-needed funding for the Office of Government Information Services created under the OPEN Government Act from the National Archives and Records Administration to the Department of Justice. Such a move is not only contrary to the express intent of the Congress, but it is also contrary to the very purpose of this legislation—to ensure the timely and fair resolution of American's FOIA requests. Given its abysmal record on FOIA compliance during the last 7 years, I hope that the administration will reconsider this unsound decision and enforce this law as the Congress intended.

In addition, for the first time ever under the new law implementing the recommendations of the 9/11 Commission, Federal agencies will be required to fully disclose to Congress their use of data mining technology to monitor the activities of ordinary American citizens. I am pleased that this law contains the reforms that I cosponsored last year to require data mining reporting and to strengthen the Privacy and Civil Liberties Oversight Board.

Surely all of these OPEN Government reforms are cause to celebrate. But there is much more work to be done.

During the second session of the 110th Congress, I intend to work hard to build upon these OPEN Government successes, so that we have a government that is more open and accountable to all Americans. As chairman of the Judiciary Committee, I have made oversight of the FOIA reforms contained in the OPEN Government Act one of my top priorities. I will also continue to work closely with Members on both sides of the aisle and in both Chambers to address the growing and troubling use of FOIA (b)(3) exemptions to withhold information from the American people.

As the son of a Vermont printer, I understand the great value of documenting and preserving our Nation's rich history for future generations, so that our democracy remains open and

free. Next month, I will convene an important hearing of the Judiciary Committee on the Founding Fathers Project and the effort to make the historical writings of our Nation's Founders more accessible and open to the public.

I will also work to ensure Senate passage of the Presidential Records Act Amendments of 2007, S. 886 to reverse a troubling Bush administration policy to curtail the disclosure of Presidential records. And I will continue my fight to ensure the public's right to know by urging the prompt consideration and passage of meaningful press shield legislation in the Senate.

More that two centuries ago, Patrick Henry proclaimed that ''[t]he liberties of a people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them.'' I could not agree more. Open government is not a Democratic value, nor a Republican value. It is an American value and an American virtue. In this new year, at this new and historic time for our Nation, I urge all Members to join me in supporting an agenda of an open and transparent Government on behalf of all Americans.

VOTE EXPLANATION

Mr. THUNE. Mr. President, last night, due to airline flight delays in South Dakota and Minneapolis, I missed the rollcall vote on H.R. 4986, the amended version of the Department of Defense authorization bill. Had I been present for this vote, I would have voted ''yes''—similar to my vote in December when the Senate initially passed H.R. 1585, the conference report to the Department of Defense authorization bill.

EXTENDING UNEMPLOYMENT BENEFITS

Mr. HARKIN. Mr. President, I rise in support of legislation introduced this week to extend unemployment benefits temporarily as a means of stimulus. Like many of my colleagues I certainly have a list of ideas for best stimulating our struggling economy. But unemployment insurance certainly needs to be a part of the picture. I would like to thank Senator KENNEDY for so quickly introducing this bill to extend current unemployment benefits by at least 20 weeks, and by an additional 13 weeks in States experiencing especially high unemployment rates.

There are two key principles this legislation addresses. First, we need to make sure that we are prudently spending money in a way that encourages an increase in actual economic activity. Second, we need to help the people who are most hurt during difficult times. We need a combination of prudent fiscal policy and human compassion.

So first, it is just plain good sense to target people who are unemployed. They are going to spend this money immediately on food and clothing, and this money will very quickly churn in the local economy. But equally importantly, the goal of stimulating the economy should be one of improving the quality of life for Americans. The people who are in the greatest need of help, directly hurt by economic decline, are those who have lost their jobs. It only makes sense that we make their needs a priority.

I think that this period of economic difficulty also highlights the need to pass the broader unemployment reform efforts that Senator KENNEDY is spearheading. While this stimulus measure will help many people who are unemployed, we need to cover part-time workers who have lost their jobs, and make sure we are counting all recent periods of work toward unemployment eligibility and levels.

Extending unemployment benefits is regularly employed to stimulate a flagging economy, and these payments have been proven to quickly add demand to the economy. I hope that we are all in agreement that this is an essential component of any stimulus package.

ADDITIONAL STATEMENTS

RECOGNIZING GANNESTON CONSTRUCTION CORPORATION

• Ms. SNOWE. Mr. President, I wish to recognize a small business from Maine's capital city that will be honored this coming Friday for earning the Kennebec Valley Chamber of Commerce's President's Award for its outstanding contributions to the quality of life in the greater Augusta area. Ganneston Construction Corporation, a woman-owned construction business that works in both the public and private spheres, is known for its sparkling and dependable structures.

Founded early in the 1960s as a builder of solely residential units, Ganneston Construction subsequently moved into commercial construction and has continued to expand into other markets since. Presently a full-service general contractor, construction manager, and design builder, Ganneston has taken on projects of varying sizes throughout Maine, and each job is performed in a timely manner with painstaking sensitivity to that particular building's unique requirements. The firm has restored landmarks like the Lewiston Library, made renovations to the well-known Senator Inn in Augusta, and provided the Maine Veteran's Home and Down East Community Hospital in Machias with a new facility. Ganneston has completed roughly 100 projects so far this decade, with examples of its work on display in cities and towns across Maine. Because the company's 45 employees consistently produce buildings of remarkable quality, annual sales have grown from $6 million in 2001 to $15 million in 2007.

While Ganneston is to be commended for its dedication to building safe and secure structures, the community service its employees perform is what makes Ganneston so deserving of acknowledgment. Setting an inspirational example is Stacey Morrison, chief executive officer and owner of Ganneston Construction. In addition to managing the company's day-to-day operations, Mrs. Morrison makes time to serve the local area in multiple ways. She is a member of the board of Women Unlimited, a praiseworthy Maine organization that supplies women, minority, and displaced workers with the tools, training, and consistent support needed to be successful in the technical, trade, and transportation industries. Similarly, Mrs. Morrison volunteers for the Kennebec Valley United Way and was recently elected chairwoman of the chapter for 2008. Ganneston's employees have emulated Mrs. Morrison's compassion and leadership and have donated countless hours and dollars to service organizations throughout central Maine.

Ganneston Construction's record of success and service is stellar. On the one hand, Ganneston has never failed to complete a contract and continues to see its workload rise as a result of its first-rate performance. Whether constructing for the Air National Guard or the University of Maine, for shopping centers or apartment complexes, Ganneston maintains a commitment to solid craftsmanship that has helped the company earn its prestigious reputation. On the other hand, the company's officers and employees donate significant time and resources to help those in need, making good on Ganneston's value statement ''to give back to the community in which we live.'' I thank Stacey Morrison and everyone at Ganneston Construction for their hard work and determined generosity, and congratulate them on their recognition.•

TRIBUTE TO ROBERT O. ANDERSON

• Mr. BINGAMAN. Mr. President, Robert O. Anderson was not a citizen just of New Mexico, but I think it can be fairly said that he was one of those people for whom the term ''citizen of the world'' was intended.

He died in December at age 90, and his memory was honored at this past weekend services in Roswell, NM. Our State has been his home for decades. Those of us who knew him were reminded each time we talked with him how wide-ranging his interests were, and how progressive and determined a man he was. It was his leadership and willingness to take a risk that led to the discovery of oil on the North Slope of Alaska, and the pipeline that followed 7 years later.

He was a giant in the oil industry, in ranching, in business, in publishing, in politics and in environmental circles. A thoughtful and perceptive man—he warned of global warming years ago—he was a patron of the arts and of institutions devoted to study and research,

including the Aspen Institute, the Worldwatch Institute and the John Muir Institute of the Environment.

As far as I know, he never sought public office, but he certainly held positions of public trust. He was quoted as saying of his industry:

Never look back in this business. If you do, you'll lose your nerve.''

He certainly had that in common with many elected officials, including Members of this body, and Presidents of the United States, all of whom regarded him highly as did countless international leaders. He could ''walk with kings, nor lose the common touch.'' It was that ability which was a hallmark of his leadership, and was one of his most endearing and enduring qualities.

Married to Barbara Phelps Anderson for 68 years, he is survived by her, and by 7 children, 20 grandchildren and 5 great-grandchildren. Their loss is a great and one we all share in some measure.●

30TH ANNIVERSARY OF WOMEN ESCAPING A VIOLENT ENVIRONMENT

● Mrs. BOXER. Mr. President, I am pleased to recognize the 30th anniversary of one of the Capital region's most vital nonprofit agencies, Women Escaping a Violent Environment Inc., WEAVE, in Sacramento, CA. In its three decades of service, WEAVE has provided invaluable public service to victims of domestic abuse, as well as their families, and has helped to save countless lives as a result of the education, counseling, and intervention they have provided to victims of domestic abuse and sexual assault.

WEAVE was established in 1978 in Sacramento as a grassroots organization to serve survivors of domestic violence and their families by providing crisis lines and counseling services. Within the first 10 years of its establishment, WEAVE broadened its role in the community to include legal advocacy, opened a safehouse that provides emergency services to female victims of domestic violence and their children, and became a dual agency that expanded its mission to include sexual assault services. Victims are accompanied to appointments and are given emotional support, information, counseling, food and clothing.

In the next decade WEAVE recognized that employers and schools could also be part of a solution in preventing domestic abuse and sexual assault. They provided prevention education to elementary and high schools, and began their Break the Silence Campaign that increases awareness of domestic violence by educating employers and their employees to recognize signs of abuse and how to best respond. During the 1990s, WEAVE also opened a Children's Center and WEAVE Works retail clothing store that provide revenues to support their mission in the community.

Today WEAVE has 80 staff members and over 200 active volunteers in two locations, who serve over 20,000 survivors of domestic violence and sexual assault annually with intervention and counseling services, along with educating an additional 10,000 members of the community on issues of domestic violence and sexual assault. WEAVE has achieved this success through partnerships with local law enforcement, government and business leaders.

As the community and staff gather to celebrate WEAVE's 30th anniversary, I congratulate and thank the staff, volunteers and community partners of this important organization and wish them many more years of success.●

REMEMBERING KENT HAWS

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated public servant, Detective Kent Haws of the Tulare County Sheriff's Department. On the afternoon of December 17, 2007, while on motor patrol in rural Tulare County, Detective Haws was killed in the line of duty while investigating a suspicious vehicle.

Detective Haws was born in Phoenix, AZ and raised in Visalia, CA. A graduate of Mt. Whitney High School and College of the Sequoias, Detective Haws served in the United States Army 10th Mountain Division before achieving his long-time goal of joining the Tulare County Sheriff's Department. For the past decade, Detective Haws dutifully served the citizens and communities of Tulare County with great commitment, integrity, and valor. Detective Haws' devotion to help others, coupled with his passion for law enforcement, enabled him to become a model member of the Tulare County Sheriff's Department.

Detective Haws is survived by his wife Frances and children Dominik, Nicholas, and Evan. Those who knew Detective Haws will always remember him as a caring, kind, and devoted family man, colleague, and friend. Detective Kent Haws served Tulare County with honor and bravery, and fulfilled his oath as an officer of the law. His contributions to public safety and dedication to law enforcement are greatly appreciated and will serve as an example of his commitment to protecting and serving the public.

We shall always be grateful for Detective Haws' heroic service and the sacrifices he made while serving the community and the people he loved.●

IN CELEBRATION OF LOUIS BURGELIN

● Mrs. BOXER. Mr. President, I am pleased and honored to pay tribute to Louis—Lou—Brosnahan Burgelin for his 65-plus years of dedicated service to the greater Vallejo community.

Born on January 20, 1916 in Vallejo, CA, to Otto and Frances Burgelin, Lou graduated from Vallejo High School in 1932 and went on to graduate from the Mare Island Naval Shipyard Apprentice School as a marine machinist.

Always eager to exceed expectations, Lou held numerous management positions throughout his career with the United States Navy, including production control manager at Norfolk Naval Shipyard, chief progressman at Mare Island, and head progressman at Hunter's Point. In addition, Lou worked his way up from charter member to national president of the Naval Civilian Manager's Association and also served as president of the Council of Naval Employee Groups, which represents all of the employees of West Coast naval shipyards.

After retiring from Federal service in 1972, Lou became the executive secretary of the Armed Services Committee of the Vallejo Chamber of Commerce, a position he held for 19 years. This was just one of many leadership positions he held in his beloved hometown, with other civic engagements including first chairman of the Vallejo Senior Citizens Center, Exalted Ruler of the Vallejo Elks Lodge, and president of the Vallejo-Napa United Way.

Lou was also actively involved with the city of Vallejo's naval landmark, Mare Island. His lobbying efforts for military construction projects on Mare Island and his efforts to maintain dredging operations necessary for shipyard operations culminated in his receipt of the Public Service Medal by the Navy's Chief of Operations.

Proving that age will not slow him down, Lou is still active in the greater Vallejo community, currently serving as president of the Vallejo Council of the Navy League of the United States, treasurer for the Salvation Army, and national legislative chair for the Vallejo NARFE Chapter 16. In addition to his ongoing civic involvement, Lou remains happily married to the former Betty Greenwell. Approaching 69 years of marriage, Lou and Betty have three children, three grandchildren, and five great-grandchildren.

When I first met Lou in the eighties, I knew he was a powerful voice for his community and he became one of my top advisors when I represented Vallejo in Congress.

After more than 65 years of continuing service to the city of Vallejo and U.S. Navy, I remain in admiration of Lou's strong sense of civic duty. Along with hundreds of his friends and admirers throughout the city of Vallejo, I wish him many more years of continued community involvement and leadership.●

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 and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS SIGNED

Under authority of the order of January 4, 2007, the following enrolled bills, previously signed by the Speaker pro tempore of the House, were signed on December 20, 2007, during the recess of the Senate, by the President pro tempore (Mr. BYRD):

S. 2271. An act to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

S. 2488. An act to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

H.R. 366. An act to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the ''Earnest Childers Department of Veterans Affairs Outpatient Clinic''.

H.R. 3996. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on December 20, 2007, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. VAN HOLLEN) has signed the following enrolled bills and joint resolution:

H.R. 1045. An act to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the ''Neal Smith Federal Building''.

H.R. 2011. An act to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the ''George Howard, Jr. Federal Building and United States Courthouse''.

H.R. 3470. An act to designate the facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, as the ''John Sidney 'Sid' Flowers Post Office Building''.

H.R. 3569. An act to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the ''Beatrice E. Watson Post Office Building''.

H.R. 3571. An act to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term.

H.R. 3690. An act to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

H.R. 3974. An act to designate the facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, as the ''Marine Corps Corporal Steven P. Gill Post Office Building''.

H.R. 4009. An act to designate the facility of the United States Postal Service located at 567 West Nepessing Street in Lapeer, Michigan, as the ''Turrill Post Office Building''.

H.J. Res. 72. Joint resolution making further continuing appropriations for the fiscal year 2008, and for other purposes.

S. 1396. An act to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia.

S. 1896. An act to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the ''Officer Jeremy Todd Charron Post Office''.

S. 1916. An act to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

Under the authority of the order of the Senate of January 4, 2007, the enrolled bills and joint resolution were signed on December 20, 2007, by the President pro tempore (Mr. BYRD).

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on December 21, 2007, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. VAN HOLLEN) has signed the following enrolled bills:

H.R. 660. An act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

H.R. 4839. An act to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes.

S. 863. An act to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

S. 2436. An act to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

S. 2499. An act to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes.

Under the authority of the order of the Senate of January 4, 2007, the enrolled bills and joint resolution were signed on December 27, 2007, by the President pro tempore (Mr. BYRD).

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2007, the President pro tempore, on December 23, 2007, during the recess of the Senate, announced that he had signed the following enrolled bill:

H.R. 2764. An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on December 24, 2007, during the recess of the Senate, received a message from the House of Representatives announcing that the enrolled bill was subsequently signed by the Speaker pro tempore (Mr. VAN HOLLEN).

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on January 3, 2008, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. VAN HOLLEN) has signed the following enrolled bill:

H.R. 2640. An act to improve the National Instant Criminal Background Check System, and for other purposes.

Under the authority of the order of the Senate of January 4, 2007, the enrolled bill was signed on January 4, 2008, by the President pro tempore (Mr. BYRD).

MESSAGE FROM THE HOUSE ON JANUARY 22, 2008

At 12:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4986. An act to provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgements against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

H.R. 2768. An act to establish improved mandatory standards to protect miners during emergencies, and for other purposes.

H.R. 3524. An act to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 4253) to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. Res. 914. Resolution that the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 279. Concurrent resolution providing for a conditional adjournment of the House of Representatives.

MESSAGE FROM THE HOUSE

At 3:29 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. 409. An act to amend title 23, United States Code, to direct the Secretary of Transportation to establish national tunnel inspection standards for the proper safety inspection and evaluation of all highway tunnels, and for other purposes.

H.R. 3720. An act to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the ''Army PFC Juan Alonso Covarrubias Post Office Building''.

H.R. 3988. An act to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the ''Master Sergeant Kenneth N. Mack Post Office Building''.

H.R. 4211. An act 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''.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 198. Concurrent resolution expressing the sense of Congress that the United States has a moral responsibility to meet the need of those persons, groups and communities that are impoverished, disadvantaged or otherwise in poverty.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3432) to establish the Commission on the Abolition of the Transatlantic Slave Trade.

The message also announced that the House of Representatives having proceeded to reconsider the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 409. An act to amend title 23, United States Code, to direct the Secretary of Transportation to establish national tunnel inspection standards for the proper safety inspection and evaluation of all highway tunnels, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3720. An act to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the ''Army PFC Juan Alonso Covarrubias Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3988. An act to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the ''Master Sergeant Kenneth N. Mack Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4211. An act 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 Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 198. Concurrent resolution expressing the sense of Congress that the United States has a moral responsibility to meet the needs of those persons, groups and communities that are impoverished, disadvantaged or otherwise in poverty; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4040. An act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 21, 2007, she had presented to the President of the United States the following enrolled bills:

S. 1396. An act to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia.

S. 1896. An act to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the ''Officer Jeremy Todd Charron Post Office''.

S. 1916. An act to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

S. 2271. An act to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

S. 2488. An act to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4607. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, an annual report on civil works activities for fiscal year 2006; to the Committee on Environment and Public Works.

EC–4608. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dimethenamid; Pesticide Tolerance'' (FRL No. 8342–7) received on January 2, 2008; to the Committee on Environment and Public Works.

EC–4609. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluroxypyr; Pesticide Tolerance'' (FRL No. 8343–2) received on January 2, 2008; to the Committee on Environment and Public Works.

EC–4610. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Oil-Bearing Hazardous Secondary Materials From the Petroleum Refining Industry Processed in a Gasification System to Produce Synthesis Gas'' ((RIN2050–AE78)(FRL No. 8511–5)) received on January 2, 2008; to the Committee on Environment and Public Works.

EC–4611. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Consolidated Federal Air Rule; Correction'' ((RIN2060–A045)(FRL No. 8511–7)) received on January 2, 2008; to the Committee on Environment and Public Works.

EC–4612. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Clean Air Interstate Rule Budget Trading Program'' (FRL No. 8510–3) received on December 20, 2007; to the Committee on Environment and Public Works.

EC–4613. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; North Carolina; Redesignation of the Raleigh-Durham-Chapel Hill 8-Hour Ozone Nonattainment Area to Attainment for Ozone'' (FRL No. 8510–4) received on December 20, 2007; to the Committee on Environment and Public Works.

EC–4614. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Iowa; Clean Air Mercury Rule'' (FRL No. 8510–6) received on December 20, 2007; to the Committee on Environment and Public Works.

EC–4615. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aspergillus Flavus AF36 on Corn; Temporary Exemption From the Requirement of a Tolerance'' (FRL No. 8342–1) received on December 20, 2007; to the Committee on Environment and Public Works.

EC–4616. A communication from the Principal Deputy Associate Administrator, Office

of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Etoxazole; Pesticide Tolerance'' (FRL No. 8342–8) received on December 20, 2007; to the Committee on Environment and Public Works.

EC–4617. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Partial Removal of Direct Final Rule and Revision of the Nonroad Diesel Technical Amendments and Tier 3 Technical Relief Provision'' ((RIN2060–A037)(FRL No. 8509–9)) received on December 20, 2007; to the Committee on Environment and Public Works.

EC–4618. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Extension of Global Laboratory and Analytical Use Exemption for Essential Class I Ozone-Depleting Substances'' ((RIN2060–AO28)(FRL No. 8510–9)) received on December 20, 2007; to the Committee on Environment and Public Works.

EC–4619. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: The 2008 Critical Use Exemption From the Phaseout of Methyl Bromide'' ((RIN2060–AO30)(FRL No. 8510–8)) received on December 20, 2007; to the Committee on Environment and Public Works.

EC–4620. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District and San Joaquin Valley Air Pollution Control District'' (FRL No . 8509–8) received on December 20, 2007; to the Committee on Environment and Public Works.

EC–4621. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program, NOx Budget Trading Program, Clean Air Interstate Rule, and the Clean Air Mercury Rule'' ((RIN2060–AN16)(FRL No. 8511–1)) received on December 20, 2007; to the Committee on Environment and Public Works.

EC–4622. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of proposed licenses for the export of two commercial communications satellites to French Guiana; to the Committee on Foreign Relations.

EC–4623. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles relative to the application of brushless motors and cable systems to Sweden and Italy; to the Committee on Foreign Relations.

EC–4624. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Germany for the production and support of the Paveway weapons system; to the Committee on Foreign Relations.

EC–4625. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of Up-Armored High Mobility Multipurpose Wheeled Vehicles to Iraq; to the Committee on Foreign Relations.

EC–4626. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data to South Korea to support the manufacture of HMPT500 Series Transmissions; to the Committee on Foreign Relations.

EC–4627. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the transfer of hardware to Greece and Israel for the manufacture of High Mobility Multipurpose Wheeled Vehicles; to the Committee on Foreign Relations.

EC–4628. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–286—2007–288); to the Committee on Foreign Relations.

EC–4629. A communication from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Department's competitive sourcing efforts during fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–4630. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition that was filed on behalf of workers from the Y–12 Plant in Oak Ridge, Tennessee, to be added to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–4631. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Participants' Choices of TSP Funds'' (5 CFR Part 1601) received on January 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–4632. A communication from the President, Federal Financing Bank, transmitting, pursuant to law, the Bank's performance plan for fiscal years 2007 and 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–4633. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period of April 1, 2007 through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4634. A communication from the President, James Madison Memorial Foundation, transmitting, pursuant to law, the Foundation's annual report for the year ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4635. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to locality payments; to the Committee on Homeland Security and Governmental Affairs.

EC–4636. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the Semiannual Report of the Administration's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4637. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4638. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4639. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4640. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a semiannual report relative to the Inspector General's auditing activity; to the Committee on Homeland Security and Governmental Affairs.

EC–4641. A communication from the Federal Co-Chairman, Delta Regional Authority, transmitting, pursuant to law, a report relative to the Authority's audited financial statements for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4642. A communication from the Industry Operations Specialist, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''U.S. Munitions Import List and Import Restrictions Applicable to Certain Countries'' (RIN1140–AA29) received on January 2, 2008; to the Committee on the Judiciary.

EC–4643. A communication from the Director of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Removal of Tobacco Products and Cigarette Papers and Tubes, Without Removal of Tax, for United States Use in Law Enforcement Activities'' (RIN1513–AA99) received on December 19, 2007; to the Committee on the Judiciary.

EC–4644. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2007; to the Committee on Rules and Administration.

EC–4645. A communication from the Director of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''VA Acquisition Regulation: Plain Language Rewrite'' (RIN2900–AK78) received on January 3, 2008; to the Committee on Veterans' Affairs.

EC–4646. A communication from the White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of a nomination for the position of Secretary of Veterans Affairs, received on January 3, 2008; to the Committee on Veterans' Affairs.

EC–4647. A communication from the White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary of Veterans Affairs, received on January 3, 2008; to the Committee on Veterans' Affairs.

EC–4648. A communication from the Director, Regulatory Review Group, Department

of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs; Conforming Changes'' (RIN0560–AF60) received on January 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4649. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs; Final Rule'' (RIN0560–AF60) received on January 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4650. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, a report relative to the Administration's Annual Performance Budget for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4651. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (72 FR 68748) received on January 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4652. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (72 FR 68750) received on January 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4653. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (72 FR 67663) received on January 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4654. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 68752) received on January 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4655. A communication from the Secretary, Bureau of Certification and Licensing, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled ''Filing of Proof of Financial Responsibility'' (FMC Docket No. 07–06) received on January 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4656. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the use of Federal power allocations by Indian tribes; to the Committee on Energy and Natural Resources.

EC–4657. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Prepaid Qualified Mortgage Insurance Premiums for 2007'' (Notice 2008–15) received on January 14, 2008; to the Committee on Finance.

EC–4658. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2007 Section 832 Salvage Discount Factors'' (Rev. Proc. 2008–11) received on January 23, 2008; to the Committee on Finance.

EC–4659. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to projects that will be conducted under the Medicare Hospital Gainsharing Demonstration; to the Committee on Finance.

REPORTS OF COMMITTEES ON JANUARY 22, 2008

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 2248, An original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes (Rept. No. 110–258).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 735. A bill to designate the Federal building under construction at 799 First Avenue in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building''.

S. 862. A bill to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the ''Neal Smith Federal Building''.

S. 1189. A bill to designate the Federal building and United States Courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the ''George Howard, Jr. Federal Building and United States Courthouse''.

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. SCHUMER (for himself and Mrs. CLINTON):

S. 2545. A bill to amend title XVIII of the Social Security Act to provide for Medicare Advantage benchmark adjustment for certain local areas with VA medical centers and for certain contiguous areas; to the Committee on Finance.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 2546. A bill to reduce the risks to Colorado communities and water supplies from severe wildfires, especially in areas affected by insect infestations, to provide model legislation that may be applied to other States experiencing similar insect infestations or other forest-related problems, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOND:

S. 2547. A bill to amend the Internal Revenue Code of 1986 to reduce taxes by providing an alternative determination of income tax liability for individuals, repealing the estate and gift taxes, reducing corporate income tax rates, reducing the maximum tax for individuals on capital gains and dividends to 10 percent, indexing the basis of assets for purposes of determining capital gain or loss, creating tax-free accounts for retirement savings, lifetime savings, and life skills, repealing the adjusted gross income threshold in the medical care deduction for individuals under age 65 who have no employer health coverage, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 2548. A bill to provide for the payment of interest on claims paid by the United States in connection with the correction of military records when a military corrections board sets aside a conviction by court-martial; to the Committee on Armed Services.

By Mr. REID (for Mrs. CLINTON):

S. 2549. A bill to require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON (for herself, Mr. JOHNSON, and Mr. CORNYN):

S. 2550. A bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself and Mr. BUNNING):

S. Res. 421. A resolution honoring the 150th anniversary of the American Printing House for the Blind; considered and agreed to.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. Res. 422. A resolution commending the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national championship game; considered and agreed to.

By Mr. ALLARD (for himself, Mr. INOUYE, Mr. BIDEN, and Mr. SALAZAR):

S. Res. 423. A resolution seeking the return of the USS Pueblo to the United States Navy; considered and agreed to.

By Mr. REID:

S. Res. 424. A resolution electing Lula Johnson Davis, of Maryland, as Secretary for the Majority of the Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 55

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 55, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 617

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective

delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1172

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1172, a bill to reduce hunger in the United States.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1361

At the request of Mr. CONRAD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1361, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for the depreciation of certain leasehold improvements and to modify the depreciation rules relating to such leasehold improvements for purposes of computing earnings and profits.

S. 1668

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1668, a bill to assist in providing affordable housing to those affected by the 2005 hurricanes.

S. 1733

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1733, a bill to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 2136

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2136, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2215

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2215, a bill to amend the Homeland Security Act of 2002 to establish the Protective Security Advisor Program Office.

S. 2252

At the request of Mr. COLEMAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2252, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for host families of foreign exchange and other students from $50 per month to $200 per month, and for other purposes.

S. 2292

At the request of Ms. COLLINS, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2292, a bill to amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes.

S. 2337

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

S. 2367

At the request of Mr. JOHNSON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of 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.

S. 2426

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 2426, a bill to provide for congressional oversight of United States agreements with the Government of Iraq.

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 2426, supra.

S. 2433

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2469

At the request of Mr. INOUYE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2469, a bill to amend the Communications Act of 1934 to prevent the granting of regulatory forbearance by default.

S. 2498

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2498, a bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010.

S. 2534

At the request of Mr. BAYH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2534, a bill to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the ''Julia M. Carson Post Office Building''.

S. 2544

At the request of Mr. KENNEDY, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2544, a bill to provide for a program of temporary extended unemployment compensation.

S.J. RES. 27

At the request of Mrs. DOLE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S.J. Res. 27, a joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto.

AMENDMENT NO. 3857

At the request of Mrs. FEINSTEIN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Nebraska (Mr. HAGEL) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 3857 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3858

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 3858 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3862

At the request of Mr. LEAHY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 3862 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3863

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 3863 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Mrs. CLINTON):

S. 2549. A bill to require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes; to the Committee on Environment and Public Works.

Mrs. CLINTON, Mr. President, today I rise to introduce the Environmental Justice Renewal Act, legislation to address the issue of environmental racism that is faced by far too many Americans today.

In our country, we have communities predominantly racial and ethnic minority and low-income communities in which the air is unsafe to breathe, the water unfit to drink, the schools unsafe places to learn.

A 2005 Associated Press analysis of Environmental Protection Agency, EPA, air data found that African Americans were 79 percent more likely than their white counterparts to live in an area where the levels of air pollution posed health risks. About half of lower-income homes in our Nation are located within a mile of factories that report toxic emissions to the EPA. Hispanic and African-American children have lead poisoning rates that are roughly double that of their white counterparts. The evidence clearly documents the disproportionate impact of pollution faced by minority and low-income populations.

For more than a quarter-century, activists have been working to address this disparity in exposure. The work of residents in Warren County, NC, in protesting the placement of a toxic waste site in a predominantly African-American community sparked the modern-day environmental justice movement. Since that time, individuals in all parts of the United States have spoken out about the conditions in their own neighborhoods, and have joined together with schools, with churches, and with local organizations to create positive change in their communities. But they cannot act alone. The Federal Government has a clear role in reducing and eliminating the disparate pollution burden placed upon racial and ethnic minorities and low-income populations.

This role has been acknowledged by the Federal Government by individuals on both sides of the aisle. Under the first Bush administration, the EPA released several reports on what was then known as environmental equity, now called environmental justice. President Clinton promulgated Executive Order 12898, titled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,'' which directed federal agencies to account for the ways in which their activities would impact low-income and minority communities. The Federal Government took action to ensure that environmental justice was part of the mission of its agencies.

But under the current Bush administration, the EPA has not lived up to its motto ''to protect human health and the environment.'' Because of their inaction on environmental justice, too many minority and low-income Americans lack equal access to protections that safeguard health, well being, and potential of children and families.

A 2004 report from the EPA's Office of the Inspector General found the following: ''EPA has not fully implemented Executive Order 12898 nor consistently integrated environmental justice into its day-to-day operations.''

In 2005, the Government Accountability Office released a report concluding that the agency has failed to consider environmental justice in making rules that protect families from environmental degradation and pollution.

In 2006, the Office of the Inspector General released another report on the EPA's environmental justice record, concluding that EPA senior management had not ''sufficiently directed program and regional offices to conduct environmental justice reviews.''

Earlier this year, the United Church of Christ released a report, Toxic Wastes and Race at Twenty, which stated: ''Environmental Justice faltered and became invisible at the EPA under the George W. Bush Administration.''

The Environmental Justice Renewal Act will address the rollbacks that have taken place during this Administration, and once again focus federal attention and resources on environmental justice.

It will revitalize the Interagency Working Group, IWG, on Environmental Justice, codifying the IWG and requiring biennial assessments of their efforts by the Government Accountability Office, to ensure that all agencies are completing goals and following timelines identified in each agency's environmental justice strategy.

It will establish new and expand current grant programs. With this additional funding, community groups can address the complicated health, environmental, and economic components of the pollution problems in their neighborhoods. The legislation will help states, tribes and territories develop and implement environmental justice strategies and policies. It will strengthen the technical assistance available to communities, by developing web-based Environmental Justice Clearinghouse.

This bill will increase the number of federal employees who have received environmental justice training, and who are able to incorporate environmental justice into their daily activities, such as permit review. In addition, it would establish a training program for community members modeled after the existing Superfund training programs to help affected individuals gain the skills needed to identify and monitor environmental concerns in their local areas.

Finally, the bill will increase public awareness of and participation in environmental justice activities, requiring the EPA to routinely hold community-based outreach meetings and ensuring increased interaction with the National Environmental Justice Advisory Committee, which represents stakeholders and impacted communities. It will also establish the position of Environmental Justice Ombudsman at the EPA, in order to receive, review, and process comments about the environmental justice work of the agency.

Groups supporting the legislation include the Sierra Club, ReGenesis, the Center on Race, Poverty and the Environment, Earthjustice, the Indigenous Environmental Network, and the Lawyers' Committee for Civil Rights Under Law.

We have neglected this issue for far too long, and it is time to once again ensure that the federal government works to reduce and eliminate these disparities that exist in our minority and low-income communities. I look forward to joining my colleagues in the Senate to get this enacted into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 421—HONORING THE 150TH ANNIVERSARY OF THE AMERICAN PRINTING HOUSE FOR THE BLIND

Mr. MCCONNELL (for himself and Mr. BUNNING) submitted the following resolution; which was considered and agreed to:

S. RES. 421

Whereas the American Printing House for the Blind was chartered in 1858 in Louisville, Kentucky by the General Assembly of Kentucky through An Act to Establish the American Printing House for the Blind, in response to a growing national need for books and educational aids for blind students;

Whereas Louisville, Kentucky was chosen as the best city in which to establish a national publishing house to print books in raised letters due to its central location in the country in 1858 and its efficient distribution system;

Whereas the 45th Congress passed an Act to promote the education of the blind in 1879 designating the American Printing House for the Blind as the official national source of textbooks and educational aids for legally blind students below college level throughout the country, and Congress appropriates Federal funds to the American Printing House for the Blind annually for this purpose;

Whereas, for 150 years, the American Printing House for the Blind has identified the unique needs of people who are blind and visually impaired and has developed, produced, and distributed educational materials in Braille, large print, and enlarged print throughout the United States;

Whereas the American Printing House for the Blind serves more than 58,000 blind and visually impaired Americans each year; and

Whereas the American Printing House for the Blind each year attracts visitors from across the country and around the world to learn about the history of the education of the blind and to exchange information on the evolving needs of the population it serves: Now, therefore, be it

Resolved, That the Senate—

(1) honors the 150th anniversary of the establishment of the American Printing House for the Blind in Louisville, Kentucky, and

(2) recognizes the important role the American Printing House for the Blind has played in the education of blind and visually impaired students throughout the United States.

SENATE RESOLUTION 422—COMMENDING THE LOUISIANA STATE UNIVERSITY TIGERS FOOTBALL TEAM FOR WINNING THE 2007 BOWL CHAMPIONSHIP SERIES NATIONAL CHAMPIONSHIP GAME

Mr. VITTER (for himself and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 422

Whereas the Louisiana State University Tigers football team won the 2007 Bowl Championship Series national championship game, defeating The Ohio State University by a score of 38 to 24 at the Louisiana Superdome in New Orleans, Louisiana, on January 7, 2008;

Whereas the Louisiana State University football team won the Southeastern Conference Championship on December 1, 2007, defeating the University of Tennessee by a score of 21 to 14 in the championship game at the Georgia Dome in Atlanta, Georgia;

Whereas the Louisiana State University football team won 12 games during the 2007 season;

Whereas the Louisiana State University football team won 7 games against nationally ranked opponents during the 2007 season;

Whereas the Louisiana State University football team set a total of 12 school offensive records during the 2007 season including 541 points scored, averaging 38.6 points per game and 6,152 yards in total offense;

Whereas Craig Steltz was named first-team All-American and led the Southeastern Conference in interceptions;

Whereas defensive tackle Glenn Dorsey was awarded the Bronko Nagurski Trophy, the Rotary Lombardi Trophy, the Outland Trophy, and the Ronnie Lott Trophy, making him the most honored defensive player in Louisiana State University history;

Whereas quarterback Matt Flynn threw 21 touchdown passes during the 2007 season, including a career-high record of 4 touchdowns in the Bowl Championship Series national championship game;

Whereas running back Jacob Hester rushed for 1,103 yards during the 2007 season, scoring 12 touchdowns, and completed his collegiate football career of 364 carries without fumbling or turning over the football;

Whereas Louisiana State University head coach Les Miles has led the Tiger football program to 34 wins, 20 Southeastern Conference victories, 14 wins over nationally ranked opponents, and 3 double-digit win seasons as head coach; and

Whereas Louisiana State University is the first team to win 2 Bowl Championship Series national championship titles, having won 2 titles in 5 years: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national championship game;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Louisiana State University football team during the 2007 football season;

(3) congratulates the citizens of Louisiana, the Louisiana State University community, and fans of Tiger football; and

(4) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to Louisiana State University for appropriate display.

SENATE RESOLUTION 423—SEEKING THE RETURN OF THE USS PUEBLO TO THE UNITED STATES NAVY

Mr. ALLARD (for himself, Mr. INOUYE, Mr. BIDEN, and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 423

Whereas the USS Pueblo, which was attacked and captured by the Navy of North Korea on January 23, 1968, was the first ship of the United States Navy to be hijacked on the high seas by a foreign military force in more than 150 years;

Whereas 1 member of the USS Pueblo crew, Duane Hodges, was killed in the assault, while the other 82 crew members were held in captivity, often under inhumane conditions, for 11 months;

Whereas the USS Pueblo, an intelligence collection auxiliary vessel, was operating in international waters at the time of the capture, and therefore did not violate the territorial waters of North Korea;

Whereas the capture of the USS Pueblo resulted in no reprisals against the Government or people of North Korea and no military action at any time; and

Whereas the USS Pueblo, though still the property of the United States Navy, has been retained by the Government of North Korea for 40 years, was subjected to exhibition in the North Korean cities of Wonsan and Hungham, and is now on display in Pyongyang, the capital city of North Korea: Now, therefore, be it

Resolved, That the Senate—

(1) desires the return of the USS Pueblo to the United States Navy;

(2) would welcome the return of the USS Pueblo as a goodwill gesture from the North Korean people to the American people; and

(3) directs the Secretary of the Senate to transmit copies of this resolution to the President, the Secretary of Defense, and the Secretary of State.

SENATE RESOLUTION 424—ELECTING LULA JOHNSON DAVIS, OF MARYLAND, AS SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 424

Resolved, that Lula Johnson Davis, of Maryland, be and she is hereby, elected Secretary for the Majority of the Senate.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3901. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3902. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3903. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3904. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table.

SA 3905. Mr. SPECTER (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3906. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3901. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, line 4, strike ''2013.'' and insert the following: ''2010. Notwithstanding any other provision of this Act, the transitional procedures under paragraphs (2)(B) and (3)(B) of section 302(c) shall apply to any order, authorization, or directive, as the case may be, issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, in effect on December 31, 2010.''.

SA 3902. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act

of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS.

(a) IN GENERAL.—

(1) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(A) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339E. Providing material support to international terrorism

''(a) DEFINITIONS.—In this section:

''(1) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

''(2) The term 'international terrorism' has the same meaning as in section 2331.

''(3) The term 'material support or resources' has the same meaning as in section 2339A(b).

''(4) The term 'perpetrator of an act' includes any person who—

''(A) commits the act;

''(B) aids, abets, counsels, commands, induces, or procures its commission; or

''(C) attempts, plots, or conspires to commit the act.

''(5) The term 'serious bodily injury' has the same meaning as in section 1365.

''(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title, imprisoned for any term of years or for life, or both, and, if death results, shall be imprisoned for any term of years not less than 10 or for life.

''(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

''(1) the offense occurs in or affects interstate or foreign commerce;

''(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

''(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

''(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

''(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

''(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

''(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

''(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

''(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).''.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''2339D. Receiving military-type training from a foreign terrorist organization.

''2339E. Providing material support to international terrorism.''.

(ii) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting ''2339E (relating to providing material support to international terrorism),'' before ''or 2340A (relating to torture)''.

(2) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(A) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a) of title 18, United States Code, is amended by striking ''15 years'' and inserting ''30 years''.

(B) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking ''imprisoned not more than 15 years'' and all that follows through ''life.'' and inserting ''imprisoned for any term of years or for life, or both, and, if the death of any person results, shall be imprisoned for any term of years not less than 10 or for life.''.

(C) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking ''ten years'' and inserting ''25 years''.

(D) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting '', or attempts or conspires to receive,'' after ''receives''.

(b) TERRORIST MURDERS, KIDNAPPINGS, AND ASSAULTS.—

(1) PENALTIES FOR TERRORIST MURDER AND MANSLAUGHTER.—Section 2332(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking '', punished by death'' and all that follows and inserting ''and punished by death or imprisoned for life;''; and

(B) in paragraph (2), by striking ''ten years'' and inserting ''30 years''.

(2) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332 of title 18, United States Code, is amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(B) by inserting after subsection (b) the following:

''(c) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States shall be fined under this title and imprisoned for any term of years or for life.''.

(3) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(d) of title 18, United States Code, as redesignated by paragraph (2) of this subsection, is amended—

(A) in paragraph (1), by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury'';

(B) in paragraph (2), by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury''; and

(C) in the matter following paragraph (2), by striking ''or imprisoned'' and all that follows and inserting ''and imprisoned for any term of years not less than 30 or for life.''.

(c) TERRORIST HOAXES AGAINST FAMILIES OF UNITED STATES SERVICEMEN.—

(1) HOAX STATUTE.—Section 1038 of title 18, United States Code, is amended—

(A) in subsections (a)(1) and (b), by inserting ''or any other offense listed under section 2332b(g)(5)(B) of this title'' after ''title 49,''; and

(B) in subsection (a)(2)—

(i) in subparagraph (A), by striking '', imprisoned not more than 5 years, or both'' and inserting ''and imprisoned for not less than 2 years nor more than 10 years'';

(ii) in subparagraph (B), by striking '', imprisoned not more than 20 years, or both'' and inserting ''and imprisoned for not less than 5 years nor more than 25 years''; and

(iii) in subparagraph (C), by striking '', imprisoned for any term of years or for life, or both'' and inserting ''and imprisoned for any term of years not less than 10 or for life''.

(2) ATTACKS ON UNITED STATES SERVICEMEN.—

(A) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following:

"§ 1389. Prohibition on attacks on United States servicemen on account of service

''(a) IN GENERAL.—Whoever assaults, batters, or knowingly destroys or injures the property of a United States serviceman or of a member of the immediate family of a United States serviceman, on account of the military service of that serviceman or status of that individual as a United States serviceman, or who attempts or conspires to do so, shall—

''(1) in the case of a simple assault, or destruction or injury to property in which the damage or attempted damage to such property is not more than $500, be fined under this title in an amount not less than $500 and imprisoned not more than 2 years;

''(2) in the case of destruction or injury to property in which the damage or attempted damage to such property is more than $500, be fined under this title in an amount not less than $1000 and imprisoned not less than 90 days nor more than 10 years; and

''(3) in the case of a battery, or an assault resulting in bodily injury, be fined under this title in an amount not less than $2500 and imprisoned not less than 2 years nor more than 30 years.

''(b) EXCEPTION.—This section shall not apply to a person who is subject to the Uniform Code of Military Justice.

''(c) DEFINITION.—In this section, the term 'United States serviceman'—

''(1) means a member of the Armed Forces, as that term is defined in section 1388; and

''(2) includes a former member of the Armed Forces during the 5-year period beginning on the date of the discharge from the Armed Forces of that member of the Armed Forces.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 67 of title 18, United States Code, is amended by adding at the end the following:

''1389. Prohibition on attacks on United States servicemen on account of service.''.

(3) THREATENING COMMUNICATIONS.—

(A) MAILED WITHIN THE UNITED STATES.—Section 876 of title 18, United States Code, is amended by adding at the end the following:

''(e) For purposes of this section, the term 'addressed to any other person' includes an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof.''.

(B) MAILED TO A FOREIGN COUNTRY.—Section 877 of title 18, United States Code, is amended by adding at the end the following:

''For purposes of this section, the term 'addressed to any person' includes an individual, a corporation or other legal person, and a government or agency or component thereof.''.

(d) DENIAL OF FEDERAL BENEFITS TO CONVICTED TERRORISTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

''§ 2339F. Denial of Federal benefits to terrorists

''(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

''(b) FEDERAL BENEFIT DEFINED.—In this section, 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113B of title 18, United States Code, as amended by this section, is amended by adding at the end the following:

''Sec. 2339F. Denial of Federal benefits to terrorists.''.

(e) INVESTIGATION OF TERRORIST CRIMES.—

(1) NONDISCLOSURE OF FISA INVESTIGATIONS.—The following provisions of the Foreign Intelligence Surveillance Act of 1978 are each amended by inserting ''(other than in proceedings or other civil matters under the immigration laws, as that term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)))'' after ''authority of the United States'':

(A) Subsections (c), (e), and (f) of section 106 (50 U.S.C. 1806).

(B) Subsections (d), (f), and (g) of section 305 (50 U.S.C. 1825).

(C) Subsections (c), (e), and (f) of section 405 (50 U.S.C. 1845).

(2) MULTIDISTRICT SEARCH WARRANTS IN TERRORISM INVESTIGATIONS.—Rule 41(b)(3) of the Federal Rules of Criminal Procedure is amended to read as follows:

''(3) a magistrate judge—in an investigation of—

''(A) a Federal crime of terrorism (as defined in section 2332b(g)(g) of title 18, United States Code); or

''(B) an offense under section 1001 or 1505 of title 18, United States Code, relating to information or purported information concerning a Federal crime of terrorism (as defined in section 2332b(g)(5) of title 18, United States Code)—having authority in any district in which activities related to the Federal crime of terrorism or offense may have occurred, may issue a warrant for a person or property within or outside that district.''.

(3) INCREASED PENALTIES FOR OBSTRUCTION OF JUSTICE IN TERRORISM CASES.—Sections 1001(a) and 1505 of title 18, United States Code, are amended by striking ''8 years'' and inserting ''10 years''.

(f) IMPROVEMENTS TO THE CLASSIFIED INFORMATION PROCEDURES ACT.—

(1) INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end ''The Government's right to appeal under this section applies without regard to whether the order appealed from was entered under this Act.''.

(2) EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(A) in the second sentence—

(i) by striking ''may'' and inserting ''shall''; and

(ii) by striking ''written statement to be inspected'' and inserting ''statement to be made ex parte and to be considered''; and

(B) in the third sentence—

(i) by striking ''If the court enters an order granting relief following such an ex parte showing, the'' and inserting ''The''; and

(ii) by inserting '', as well as any summary of the classified information the defendant seeks to obtain,'' after ''text of the statement of the United States''.

(3) APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NONDOCUMENTARY INFORMATION.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(A) in the section heading, by inserting '', AND ACCESS TO,'' after ''OF'';

(B) by inserting ''(a) DISCOVERY OF CLASSIFIED INFORMATION FROM DOCUMENTS.—'' before the first sentence; and

(C) by adding at the end the following:

''(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—

''(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to non-documentary information from a potential witness or other person which he knows or reasonably believes is classified, he shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose access to the classified information.

''(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in the notice required by paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

''(3) The court shall permit the United States to make its objection to access or its request for such substitution in the form of a statement to be made ex parte and to be considered by the court alone. The entire text of the statement of the United States, as well as any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

''(4) The court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove if it finds that the summary or statement will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

''(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to such classified information not previously authorized by a court for disclosure under this subsection must be discontinued or may proceed only as to lines of inquiry not involving such classified information.''.

SA 3903. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 12 and 13 insert the following:

''(3) EXCEPTION.—Paragraph (2) shall not apply to an acquisition by an electronic, mechanical, or other surveillance device outside the United States if a warrant would not be required if such acquisition were conducted outside the United States for law enforcement purposes.

''(4) PROCEDURES.—

SA 3904. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 196, line 15, insert '', including programs to provide services using video or electronic delivery methods,'' after ''trust lands''.

SA 3905. Mr. SPECTER (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, strike line 5 and all that follows through page 48, line 21, and insert the following:

(6) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term ''Foreign Intelligence Surveillance Court'' means the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

SEC. 202. SUBSTITUTION OF THE UNITED STATES IN CERTAIN ACTIONS.

(a) IN GENERAL.—

(1) CERTIFICATION.—Notwithstanding any other provision of law, a Federal or State court shall substitute the United States for an electronic communication service provider with respect to any claim in a covered civil action as provided in this subsection, if the Attorney General certifies to that court that—

(A) with respect to that claim, the assistance alleged to have been provided by the electronic communication service provider was—

(i) provided in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) SUBSTITUTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), and subject to subparagraph (C), upon receiving a certification under paragraph (1), a Federal or State court shall—

(i) substitute the United States for the electronic communication service provider as the defendant as to all claims designated by the Attorney General in that certification, consistent with the procedures under rule 25(c) of the Federal Rules of Civil Procedure, as if the United States were a party to whom the interest of the electronic communication service provider in the litigation had been transferred; and

(ii) as to that electronic communication service provider—

(I) dismiss all claims designated by the Attorney General in that certification; and

(II) enter a final judgment relating to those claims.

(B) CONTINUATION OF CERTAIN CLAIMS.—If a certification by the Attorney General under paragraph (1) states that not all of the alleged assistance was provided under a written request or directive described in paragraph (1)(A)(ii), the electronic communication service provider shall remain as a defendant.

(C) DETERMINATION.—

(i) IN GENERAL.—Substitution under subparagraph (A) shall proceed only after a determination by the Foreign Intelligence Surveillance Court that—

(I) the written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider under paragraph (1)(A)(ii) complied with section 2511(2)(a)(ii)(B) of title 18, United States Code;

(II) the assistance alleged to have been provided was undertaken by the electronic communication service provider acting in good faith and pursuant to an objectively reasonable belief that compliance with the written request or directive under paragraph (1)(A)(ii) was permitted by law; or

(III) the electronic communication service provider did not provide the alleged assistance.

(ii) CERTIFICATION.—If the Attorney General submits a certification under paragraph (1), the court to which that certification is submitted shall—

(I) immediately certify the questions described in clause (i) to the Foreign Intelligence Surveillance Court; and

(II) stay further proceedings in the relevant litigation, pending the determination of the Foreign Intelligence Surveillance Court.

(iii) PARTICIPATION OF PARTIES.—In reviewing a certification and making a determination under clause (i), the Foreign Intelligence Surveillance Court shall permit any plaintiff and any defendant in the applicable covered civil action to appear before the Foreign Intelligence Surveillance Court pursuant to section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803).

(iv) DECLARATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a determination made pursuant to clause (i) would harm the national security of the United States, the Foreign Intelligence Surveillance Court shall limit any public disclosure concerning such determination, including any public order following such an ex parte review, to a statement that the conditions of clause (i) have or have not been met, without disclosing the basis for the determination.

(3) PROCEDURES.—

(A) TORT CLAIMS.—Upon a substitution under paragraph (2), for any tort claim—

(i) the claim shall be deemed to have been filed under section 1346(b) of title 28, United States Code, except that sections 2401(b), 2675, and 2680(a) of title 28, United States Code, shall not apply; and

(ii) the claim shall be deemed timely filed against the United States if it was timely filed against the electronic communication service provider.

(B) CONSTITUTIONAL AND STATUTORY CLAIMS.—Upon a substitution under paragraph (2), for any claim under the Constitution of the United States or any Federal statute—

(i) the claim shall be deemed to have been filed against the United States under section 1331 of title 28, United States Code;

(ii) with respect to any claim under a Federal statute that does not provide a cause of action against the United States, the plaintiff shall be permitted to amend such claim to substitute, as appropriate, a cause of action under—

(I) section 704 of title 5, United States Code (commonly known as the Administrative Procedure Act);

(II) section 2712 of title 18, United States Code; or

(III) section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810);

(iii) the statutes of limitation applicable to the causes of action identified in clause (ii) shall not apply to any amended claim under that clause, and any such cause of action shall be deemed timely filed if any Federal statutory cause of action against the electronic communication service provider was timely filed; and

(iv) for any amended claim under clause (ii) the United States shall be deemed a proper defendant under any statutes described in that clause, and any plaintiff that had standing to proceed against the original defendant shall be deemed an aggrieved party for purposes of proceeding under section 2712 of title 18, United States Code, or section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810).

(C) DISCOVERY.—

(i) IN GENERAL.—In a covered civil action in which the United States is substituted as party-defendant under paragraph (2), any plaintiff may serve third-party discovery requests to any electronic communications service provider as to which all claims are dismissed.

(ii) BINDING THE GOVERNMENT.—If a plaintiff in a covered civil action serves deposition notices under rule 30(b)(6) of the Federal Rules of Civil Procedure or requests under rule 36 of the Federal Rules of Civil Procedure for admission upon an electronic communications service provider as to which all claims were dismissed, the electronic communications service provider shall be deemed a party-defendant for purposes rule 30(b)(6) or rule 36 and its answers and admissions shall be deemed binding upon the Government.

(b) CERTIFICATIONS.—

(1) IN GENERAL.—For purposes of substitution proceedings under this section—

(A) a certification under subsection (a) may be provided and reviewed in camera, ex parte, and under seal; and

(B) for any certification provided and reviewed as described in subparagraph (A), the court shall not disclose or cause the disclosure of its contents.

(2) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General or a designee in a position not lower than the Deputy Attorney General.

(c) SOVEREIGN IMMUNITY.—This section, including any Federal statute cited in this section that operates as a waiver of sovereign immunity, constitute the sole waiver of sovereign immunity with respect to any covered civil action.

(d) CIVIL ACTIONS IN STATE COURT.—For purposes of section 1441 of title 28, United States Code, any covered civil action that is brought in a State court or administrative or regulatory bodies shall be deemed to arise under the Constitution or laws of the United States and shall be removable under that section.

(e) RULE OF CONSTRUCTION.—Except as expressly provided in this section, nothing in this section may be construed to limit any immunity, privilege, or defense under any other provision of law, including any privilege, immunity, or defense that would otherwise have been available to the United States absent its substitution as party-defendant or had the United States been the named defendant.

(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action pending on or filed after the date of enactment of this Act.

SA 3906. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BAUCUS, Mr. KENNEDY, Mr. SMITH, Mr. NELSON of Nebraska, and Mr. SALAZAR) to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. _____. INCREASED CIVIL MONEY PENALTIES AND CRIMINAL FINES FOR MEDICARE FRAUD AND ABUSE.

(a) INCREASED CIVIL MONEY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended—

(1) in subsection (a), in the flush matter following paragraph (7)—

(A) by striking ''$10,000'' each place it appears and inserting ''$20,000'';

(B) by striking ''$15,000'' and inserting ''$30,000''; and

(C) by striking ''$50,000'' and inserting ''$100,000''; and

(2) in subsection (b)—

(A) in paragraph (1), in the flush matter following subparagraph (B), by striking ''$2,000'' and inserting ''$4,000'';

(B) in paragraph (2), by striking ''$2,000'' and inserting ''$4,000''; and

(C) in paragraph (3)(A)(i), by striking ''$5,000'' and inserting ''$10,000''.

(b) INCREASED CRIMINAL FINES.—Section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) is amended—

(1) in subsection (a), in the flush matter following paragraph (6)—

(A) by striking ''$25,000'' and inserting ''$100,000''; and

(B) by striking ''$10,000'' and inserting ''$20,000'';

(2) in subsection (b)—

(A) in paragraph (1), in the flush matter following subparagraph (B), by striking ''$25,000'' and inserting ''$100,000''; and

(B) in paragraph (2), in the flush matter following subparagraph (B), by striking ''$25,000'' and inserting ''$100,000'';

(3) in subsection (c), by striking ''$25,000'' and inserting ''$100,000'';

(4) in subsection (d), in the second flush matter following subparagraph (B), by striking ''$25,000'' and inserting ''$100,000''; and

(5) in subsection (e), by striking ''$2,000'' and inserting ''$4,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to civil money penalties and fines imposed for actions taken on or after the date of enactment of this Act.

SEC. _____. INCREASED SENTENCES FOR FELONIES INVOLVING MEDICARE FRAUD AND ABUSE.

(a) FALSE STATEMENTS AND REPRESENTATIONS.—Section 1128B(a) of the Social Security Act (42 U.S.C. 1320a–7b(a)) is amended, in clause (i) of the flush matter following paragraph (6), by striking ''not more than 5 years'' and inserting ''not more than 10 years''.

(b) ANTI-KICKBACK.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended—

(1) in paragraph (1), in the flush matter following subparagraph (B), by striking ''not more than 5 years'' and inserting ''not more than 10 years''; and

(2) in paragraph (2), in the flush matter following subparagraph (B), by striking ''not more than 5 years'' and inserting ''not more than 10 years''.

(c) FALSE STATEMENT OR REPRESENTATION WITH RESPECT TO CONDITIONS OR OPERATIONS OF FACILITIES.—Section 1128B(c) of the Social Security Act (42 U.S.C. 1320a–7b(c)) is amended by striking ''not more than 5 years'' and inserting ''not more than 10 years''.

(d) EXCESS CHARGES.—Section 1128B(d) of the Social Security Act (42 U.S.C. 1320a–7b(d)) is amended, in the second flush matter following subparagraph (B), by striking ''not more than 5 years'' and inserting ''not more than 10 years''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to criminal penalties imposed for actions taken on or after the date of enactment of this Act.

SEC. _____. INCREASED SURETY BOND REQUIREMENT FOR SUPPLIERS OF DME.

(a) IN GENERAL.—Section 1834(a)(16)(B) of the Social Security Act (42 U.S.C. 1395m(a)(16)(B)) is amended by striking ''$50,000'' and inserting ''$500,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to the issuance (or renewal) of a provider number for a supplier of durable medical equipment on or after the date of enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, January 31, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the regulatory aspects of carbon capture, transportation, and sequestration and to receive testimony on two related bills: S. 2323, a bill to provide for the conduct of carbon capture and storage technology research, development and demonstration projects, and for other purposes; and S. 2144, a bill to require the Secretary of Energy to conduct a study of the feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to *Rosemarie*__Calabro@energy.senate.gov

For further information, please contact Allyson Anderson at (202) 224–7143 or Rosemarie Calabro at (202) 224–5039.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on February 13, 2008, at 9:45 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the President's fiscal year 2009 budget request for the Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachei__pastemack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

Mr. DORGAN. 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 a hearing entitled ''Oversight of the Justice for All Act: Has the Justice Department Effectively Administered the Bloodsworth and Coverdell DNA Grant Programs?'' on Wednesday, January 23, 2008, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

Witness list

Panel I: Honorable Glenn A. Fine, Inspector General, Department of Justice, Washington, DC and John Morgan, Deputy Director for Science and Technology, National Institute of Justice, Department of Justice, Washington, DC.

Panel II: Larry A. Hammond, Partner, Osborn Maledon, Phoenix, AZ; Peter M. Marone, Director, Virginia Department of Forensic Science, Richmond, VA; and Peter J. Neufeld, Co-Director, The Innocence Project, Cardozo School of Law, New York, NY.

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

PRIVILEGES OF THE FLOOR

Mrs. FEINSTEIN. Madam President, on behalf of Senator LEAHY, I ask unanimous consent that Matthew Solomon, a detailee on Senator LEAHY's Judiciary Committee staff, be given floor privileges during the debate and the vote of S. 2448, the FISA Amendment Act of 2007.

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

Mr. DORGAN. Madam President, I ask unanimous consent that Lindsey Miller and Katie Suchman of Senator GRASSLEY's staff be granted the privileges of the floor for the duration of debate on Indian health care legislation.

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

HONORING THE 150TH ANNIVERSARY OF THE AMERICAN PRINTING HOUSE FOR THE BLIND

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 421, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 421) honoring the 150th anniversary of the American Printing House for the Blind.

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

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

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

The resolution (S. Res. 421) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 421

Whereas the American Printing House for the Blind was chartered in 1858 in Louisville, Kentucky by the General Assembly of Kentucky through An Act to Establish the American Printing House for the Blind, in response to a growing national need for books and educational aids for blind students;

Whereas Louisville, Kentucky was chosen as the best city in which to establish a national publishing house to print books in raised letters due to its central location in the country in 1858 and its efficient distribution system;

Whereas the 45th Congress passed an Act to promote the education of the blind in 1879 designating the American Printing House for the Blind as the official national source of textbooks and educational aids for legally blind students below college level throughout the country, and Congress appropriates

Federal funds to the American Printing House for the Blind annually for this purpose;

Whereas, for 150 years, the American Printing House for the Blind has identified the unique needs of people who are blind and visually impaired and has developed, produced, and distributed educational materials in Braille, large print, and enlarged print throughout the United States;

Whereas the American Printing House for the Blind serves more than 58,000 blind and visually impaired Americans each year; and

Whereas the American Printing House for the Blind each year attracts visitors from across the country and around the world to learn about the history of the education of the blind and to exchange information on the evolving needs of the population it serves: Now, therefore, be it

Resolved, That the Senate—

(1) honors the 150th anniversary of the establishment of the American Printing House for the Blind in Louisville, Kentucky, and

(2) recognizes the important role the American Printing House for the Blind has played in the education of blind and visually impaired students throughout the United States.

COMMENDING THE LSU TIGERS FOOTBALL TEAM

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 422, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 422) commending the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national championship game.

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

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

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

The resolution (S. Res. 422) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 422

Whereas the Louisiana State University Tigers football team won the 2007 Bowl Championship Series national championship game, defeating The Ohio State University by a score of 38 to 24 at the Louisiana Superdome in New Orleans, Louisiana, on January 7, 2008;

Whereas the Louisiana State University football team won the Southeastern Conference Championship on December 1, 2007, defeating the University of Tennessee by a score of 21 to 14 in the championship game at the Georgia Dome in Atlanta, Georgia;

Whereas the Louisiana State University football team won 12 games during the 2007 season;

Whereas the Louisiana State University football team won 7 games against nationally ranked opponents during the 2007 season;

Whereas the Louisiana State University football team set a total of 12 school offensive records during the 2007 season including 541 points scored, averaging 38.6 points per game and 6,152 yards in total offense;

Whereas Craig Steltz was named first-team All-American and led the Southeastern Conference in interceptions;

Whereas defensive tackle Glenn Dorsey was awarded the Bronko Nagurski Trophy, the Rotary Lombardi Trophy, the Outland Trophy, and the Ronnie Lott Trophy, making him the most honored defensive player in Louisiana State University history;

Whereas quarterback Matt Flynn threw 21 touchdown passes during the 2007 season, including a career-high record of 4 touchdowns in the Bowl Championship Series national championship game;

Whereas running back Jacob Hester rushed for 1,103 yards during the 2007 season, scoring 12 touchdowns, and completed his collegiate football career of 364 carries without fumbling or turning over the football;

Whereas Louisiana State University head coach Les Miles has led the Tiger football program to 34 wins, 20 Southeastern Conference victories, 14 wins over nationally ranked opponents, and 3 double-digit win seasons as head coach; and

Whereas Louisiana State University is the first team to win 2 Bowl Championship Series national championship titles, having won 2 titles in 5 years: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national championship game;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Louisiana State University football team during the 2007 football season;

(3) congratulates the citizens of Louisiana, the Louisiana State University community, and fans of Tiger football; and

(4) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to Louisiana State University for appropriate display.

Mr. BROWN. Mr. President, I regret I wasn't standing here with the congratulations of the Red Sox beating the Cleveland Indians earlier last year.

SEEKING THE RETURN OF THE USS ''PUEBLO''

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 423, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 423) seeking the return of the USS Pueblo to the United States Navy.

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

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 423) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 423

Whereas the USS Pueblo, which was attacked and captured by the Navy of North Korea on January 23, 1968, was the first ship of the United States Navy to be hijacked on the high seas by a foreign military force in more than 150 years;

Whereas 1 member of the USS Pueblo crew, Duane Hodges, was killed in the assault, while the other 82 crew members were held in captivity, often under inhumane conditions, for 11 months;

Whereas the USS Pueblo, an intelligence collection auxiliary vessel, was operating in international waters at the time of the capture, and therefore did not violate the territorial waters of North Korea;

Whereas the capture of the USS Pueblo resulted in no reprisals against the Government or people of North Korea and no military action at any time; and

Whereas the USS Pueblo, though still the property of the United States Navy, has been retained by the Government of North Korea for 40 years, was subjected to exhibition in the North Korean cities of Wonsan and Hungham, and is now on display in Pyongyang, the capital city of North Korea: Now, therefore, be it

Resolved, That the Senate—

(1) desires the return of the USS Pueblo to the United States Navy;

(2) would welcome the return of the USS Pueblo as a goodwill gesture from the North Korean people to the American people; and

(3) directs the Secretary of the Senate to transmit copies of this resolution to the President, the Secretary of Defense, and the Secretary of State.

ELECTING LULA JOHNSON DAVIS SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 424, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

Resolved, That Lula Johnson Davis, of Maryland, be and she is hereby, elected Secretary for the Majority of the Senate.

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

Mr. BROWN. Mr. President, I congratulate the new appointee.

I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 424) was agreed to.

ORDERS FOR THURSDAY, JANUARY 24, 2008

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, January 24; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day,

and the Senate then resume consideration of S. 2248, the FISA legislation.

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

ORDER FOR ADJOURNMENT

Mr. BROWN. Mr. President, if there is no further business, I ask unanimous consent that following the remarks of Mr. DODD, the senior Senator from Connecticut, the Senate then stand adjourned under the previous order.

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

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

FISA

Mr. DODD. Mr. President, let me begin my remarks, I know tomorrow we are going to begin more formal debate on the FISA legislation. This is to be a continuation of the effort, for those who wonder what this is, this is the Foreign Intelligence Surveillance Act. This was the debate which was the last item of debate before the holiday break back in mid-December.

The legislation was withdrawn and was not completed. Senator ROCKEFELLER, Senator BOND, the chairman and the ranking Republican, and members of the Intelligence Committee, Senator LEAHY, Senator SPECTER, and members of the Judiciary Committee, Republicans and Democrats have worked on this legislation.

I wish to begin my comments by thanking them for their efforts on trying to develop a piece of legislation that would reflect the realities of today.

There has been some history of this bill. My intention this evening is to spend some time talking about a section of this bill dealing with retroactive immunity, which my colleagues and others who followed this debate know I spent some 10 hours on the floor of this body back in December expressing strong opposition to that provision of this bill; not over the general thrust of the bill.

The Foreign Intelligence Surveillance Act is critically important to our country. It provides a means by which you can have a proper warrant extended or given out by governmental authorities to collect data, information, critical to our security.

For those who know the history of this, it dates back to the 1970s as a result of the Church Committee's efforts revealing some of the egregious activities of the Nixon administration in listening in, eavesdropping, wiretapping, without any kind of court order, warrant or legal authorities.

So the Congress, working in a bipartisan fashion, I think almost unanimously adopted the Foreign Intelligence Surveillance Act in the late 1970s. Since that time, this bill has been amended I think some 30 or 40 times, maybe more, I know it has been a number of times over the years. In nearly every instance, almost unanimously amended to reflect the changes over the years and the sophistication of those who would do us harm or damage, as well as our ability to more carefully apprehend or listen in or gather information that could help us protect our Nation from those who would do us great harm.

That is a very brief history of this. We are once again at a situation to try and modernize and reflect the needs of our Nation. There is a tension that that exists between making sure we are secure and safe and simultaneously doing it in a manner in which we protect the basic rights of the American citizens.

There has been this tension throughout our history. But we are a nation grounded in rights and liberties. It is the history of our country. It is what made us unique as a people going back more than two centuries.

Over the years, we have faced very significant challenges, both at home and abroad. So we have had a need to provide for the means by which we collect data and information that would protect us, to make us aware of those who would do us harm, and yet simultaneously make sure that in the process of doing that, we do not abandon the rights and liberties we all share as Americans. The Constitution does not belong to any political party. I have said that over and over again. Certainly today, as we debate these issues involving the FISA legislation, I hope everyone understands very clearly my objections to the provisions of this bill have nothing to do whatsoever with the important efforts to make it possible for us to collect data that would keep us safe, but I feel passionately that we not allow this vehicle, this piece of legislation, to be used as a means by which we reward behavior that violated the basic liberties of American citizens by granting retroactive immunity to telecom companies that decided, for whatever reason, to agree, at the Bush administration's request, to provide literally millions of telephone conversations, e-mails, and faxes, not for a month or 6 months or a year but for 5 years, in a concerted effort contrary to the law of our land.

So that is what brings me to the floor this evening. It is what brought me to the floor of this body before the holiday recess, talking and expressing my strong opposition to those provisions of this legislation. There are other concerns I would point out about this bill that other Members will raise. Senator FEINGOLD has strong objections to certain provisions of this legislation, others have other ideas I am confident have merit.

But I commend Senator ROCKEFELLER and Senator BOND. They have done the best job, in many ways, of dealing with these sets of questions. But why in the world we decided we are going to grant retroactive immunity to these telephone companies is what mystifies me, concerns me deeply, because of the precedent-setting nature of it.

There are those who would argue that in order for us to be more secure, we must give up some rights, that you have to make that choice. You cannot be secure, as we would like to be, if we are unwilling to give up these rights and liberties.

I think this false dichotomy is dangerous. In fact, I think the opposite is true. In fact, if you protect these rights and liberties, that is what makes us more secure. Once you begin traveling down that slippery slope of deciding on this particular occasion we are going to walk away from these rights and these liberties, once you begin that process, it gets easier and easier to do.

In this case, we are talking about telecom companies. We are talking about communications between private citizens, e-mails, faxes, phone conversations. Why not medical information? Why not financial information? When is the next example going to come up where companies that knew better, not should have known better, knew better, in my view.

One of the companies that may have complied with the Bush administration's request, in fact, was deeply involved in the drafting of this legislation in the 1970s, in putting the FISA bill together. This was not some first year law school student who did not know the law of the land in terms of FISA, they knew the law, they understood it.

In fact, there are phone companies that refused to comply with the request of the Bush administration absent a court order. Those companies said: Give us a court order, we will comply. Absent a court order, we will not comply.

So there were companies that understood the differences when these requests were made more than 5 years ago.

So this was not a question of ''everybody did it,'' the same argument that children bring to their parents from time to time, or ''we were ordered on high,'' in what is known as the Nuremberg defense which asserts that there were those in higher positions who said we ought to do this. That was the defense given in 1945 at the Nuremberg trials by the 21 defendants who claimed they were only obeying orders given by Hitler. Though this situation before us is obviously enormously different, a similar argument, that the companies were ordered to do this, defies logic and the facts of this case.

With that background and the history of the FISA legislation—and there are others who will provide more detail—let me share some concerns about this particular area of the law. I will be utilizing whatever vehicles are available to me, including language I will offer to strike these provisions, to see to it that this bill does not go forward with retroactive immunity as drafted

in the legislation included in the bill. I rise, in fact, in strong opposition to the retroactive immunity provisions of the Foreign Intelligence Surveillance Act as passed by the Intelligence Committee. I strongly support the Leahy substitute to the current legislation. It is my hope the Senate adopts this important measure. If it does, it will solve this particular problem. However, I am concerned that, once again, we will return to a Foreign Intelligence Surveillance Act that will grant retroactive immunity to telecom companies.

As my colleagues know, I have strongly opposed retroactive immunity for the telecommunications companies that may have violated the privacy of millions of our fellow citizens. Last month, I opposed retroactive immunity on the Senate floor for more than 10 hours. The bill was withdrawn that day, but I am concerned that tomorrow retroactive immunity will return, and I am prepared to fight it again.

Since last month, little has changed. Retroactive immunity is as dangerous to American civil liberties as it was last month, and my opposition to it is just as passionate. The last 6 years have seen the President—the Bush administration's pattern of continual abuses against civil liberties.

Again, if this were the first instance and it went on for a few months, a year, these companies acquiescing to an administration's request, an administration that had made it its business to protect the basic liberties of Americans throughout its terms in office, I would not be standing here. I am not so rigid, so doctrinaire that I am unwilling to accept that at times of emergency such as in the wake of 9/11, you might have such a request being made by an administration—not that I think it is right, but it could happen. I would say if it did and a handful of companies for a few months or a year, even, complied with it and went forward, I wouldn't be happy about it, but I would understand it. But that is not what happened here. That is not what this administration has been involved in. From Guantanamo, from Abu Ghraib, from rendition, secret prisons, habeas corpus, torture, a scandal involving the Attorney General's Office, the U.S. attorneys offices around the country—how many examples do you need to have? How many do we have to learn about to finally understand that we have an administration regrettably that just doesn't seem to understand the importance of the rule of law, the basic rights and liberties of the American public?

My concern is that we had a pattern of behavior, almost nonstop, going on some 6 years and still apparently ongoing today. Then add that to the fact that this collection of data, this collection of information went on not for 6 months or a year but for 5 long years and would have continued, had there not been a story in the media which uncovered, through a whistleblower, that this was going on. It would still be going on today, despite the absence of any court order, or a warrant being granted by the FISA courts. There is a pattern of behavior that is going unchecked, and behavior went on for more than 5 years. That is why I stand here, because I am not going to tolerate—at least this Member is not—accepting these abuses and granting retroactive immunity. It is, once again, a walking away from this problem, inviting even more of the same in the coming days.

It is alleged, of course, that the administration worked outside the law with giant telecom corporations to compile Americans' private domestic communications—in other words, a database of enormous scale and scope. Those corporations are alleged to have spied secretly and without warrant on their own American customers.

Here is only one of the most egregious examples. According to the Electronic Frontier Foundation:

> Clear, first-hand whistleblower documentary evidence [states] . . . that for year on end every e-mail, every text message, every phone call carried over the massive fiber-optic links of sixteen separate companies routed through AT&T's Internet hub in San Francisco—hundreds of millions of private, domestic communications—have been . . . copied in their entirety by AT&T and knowingly diverted wholesale by means of multiple ''splitters'' into a secret room controlled exclusively by the NSA.

Those are not my words; those are the words of the Electronic Frontier Foundation. To me, those facts speak clearly. If true, they represent an outrage against privacy, a massive betrayal of trust.

I know many see this differently. No doubt they do so in good faith. They find the telecoms' actions defensible and legally justified. To them, immunity is a fitting defense for companies that were only doing their patriotic duty. Perhaps they are right. I think otherwise, but I am willing to concede they may be right.

But the President and his supporters need to prove far more than that. I think they need to show that they are so right and that our case is so far beyond the pale that no court ever need settle the argument, that we can shut down the argument here and now. That is what this will do. It will shut down this argument, and we will never, ever know what data was collected, why, who ordered this, who was responsible, if we grant retroactive immunity.

Retroactive immunity shuts the courthouse door for good. It settles the issue with politicians, not with judges and jurist, and it puts Americans permanently in the dark on this issue. Did the telecoms break the law? I have my own strong views on this but, candidly, I don't know. That is what courts exist for. Pass immunity, and we will never know the answer to that question. The President's favorite corporations will be unchallenged. Their arguments will never be heard in a court of law. The truth behind this unprecedented domestic spying will never see the light of day. The book on our Government's actions will be closed for good and sealed and locked and handed over to safekeeping of those few whom George Bush trusts to keep a secret.

Over the next couple of days, I will do my best to explain why retroactive immunity is so dangerous and, conversely, why it is so important to President Bush. But first it would be useful to consider the history of the bill before us, as I did at the outset of my remarks, and how it fits into the history of the President's warrantless spying on Americans.

For years, President Bush allowed Americans to be spied on with no warrant, no court order, and no oversight. The origins of this bill, the FISA Amendments Act, lie in the exposure of that spying in 2005.

That year, the New York Times revealed President Bush's ongoing abuse of power. To quote from that investigation:

> Under a presidential order signed in 2002, the National Security Agency has monitored the international telephone calls and international e-mail messages of hundreds, perhaps thousands of people inside the United States without warrants over the past 3 years.

In fact, we later learned that the President's warrantless spying was authorized as early as 2001. Disgraced former Attorney General Alberto Gonzales, in a 2006 white paper, attempted to justify that spying. His argument rested on the specious claim that in authorizing the President to go to war in Afghanistan, Congress had also somehow authorized the President to listen in on the phone calls of Americans. But many of those who voted on the original authorization of force found this claim to new Executive powers to be laughable.

Here is what former majority leader Tom Daschle wrote at the time or shortly thereafter:

> As Senate majority leader . . . I helped negotiate that law with the White House counsel's office over two harried days. I can state categorically that the subject of warrantless wiretaps of American citizens never came up. . . . I am also confident that the 98 senators who voted in favor of authorization of force against al Qaeda did not believe that they were also voting for warrantless domestic surveillance.

Such claims to expand Executive power based on the authorization for military force have since been struck down by the courts.

Recently, the administration has changed its argument, now grounding its warrantless surveillance power in the extremely nebulous authority of the President to defend the country that they find in the Constitution. Of course, that begs the question, exactly what doesn't fit in under defending the country? If we take the President at his word, we would concede to him nearly unlimited power, power that belongs in this case in the hands of our courts. Congress has worked to bring the President's surveillance program

back where it belongs—under the rule of law. At the same time, we have worked to modernize FISA and ease restrictions on terrorist surveillance.

The Protect America Act, a bill attempting to respond to the two-pronged challenge—poorly, in my view—passed in August. But it is set to expire this coming February. The bill now before us would create a legal regime for surveillance under reworked and more reasonable rules.

But crucially, President Bush has demanded that this bill include full retroactive immunity for corporations complicit in domestic spying. In a speech on September 19, he stated that ''it's particularly important for Congress to provide meaningful liability protection to those companies.'' In October, he stiffened his demand, vowing to veto any bill that did not shield the telecom corporations. And last month, he resorted to shameful, misleading scare tactics, accusing Congress of failing ''to keep the American people safe.'' That is absolutely outrageous. An American President, at a time when there are serious threats and reliable information that the threat still persists, an American President is saying: Despite your efforts to modernize FISA by providing the additional tools we need for proper surveillance on terrorist activities, I will veto this bill, I will deny you this legislation, if you don't provide protection for a handful of corporations that violated the law. That is an incredible admission, the fact that he is willing to lose all of the efforts we are making to modernize FISA in order to grant retroactive immunity so you are not in a court of law. Who is putting the country at greater risk? That is what the debate is about. That is what the President has said. He will veto the bill if we don't provide protection for a handful of corporations that, for 5 long years, when their legal departments knew exactly what the law was—AT&T was involved in the drafting of the FISA legislation in 1978. How can that company possibly claim they didn't know what the law of the land was when it came to FISA, going before the secret FISA courts, getting those warrants to allow for the Government to go in and do the proper surveillance and grant the immunity that these companies would receive under that kind of a situation. To avoid that court altogether was wrong. For 5 long years, they did that.

Now the President says: I don't care what Jay Rockefeller or what Kit Bond or what the Intelligence Committee has done to modernize FISA. If you don't give me those protections I want for those handful of corporations, then you are not going to get this bill that modernizes the surveillance on terrorist activity.

The very same month, the FISA Amendments Act came before the Senate Select Committee on Intelligence. Per the President's demand, it included full retroactive immunity for the telecom corporations. Don't give me it, I will veto the bill. And the committee went along. Senator NELSON of Florida offered an amendment to strip that immunity and instead allow the matter to be settled in the courts. It failed on a 3-to-12 vote in committee. As it passed out of the Intelligence Committee by a vote of 13 to 2, the bill still put corporations literally above the law and assured that the President's invasion of privacy would remain a secret.

At that time, I made public my strong objections on immunity, but the bill also had to pass through the Judiciary Committee. Through an open and transparent process, the Judiciary Committee amended several provisions relating to title I and reported out a bill lacking the egregious immunity provisions. However, I am still concerned that when Senator FEINGOLD proposed an amendment to strip immunity for good, it failed by a vote of 7 to 12 in the committee.

So here we are, facing a final decision on whether the telecommunications companies will get off the hook for good without us ever knowing anything more about it, because if you grant immunity, that is it. We will never learn anything else. The President is as intent as ever he was on making that happen. He wants immunity back in this bill at all costs, including a willingness to veto very important legislation, without the meaningful provisions of this bill that would provide this country with the kind of protection and security we ought to have. He is willing to lose all of that. He is willing to trade off all of that to give a handful of corporations immunity.

What he is truly offering is secrecy in place of openness. Fiat in place of law. And in place of the forthright argument of judicial deliberation that ought to be this country's pride, there are two simple words he offers: Trust me.

I would never take that offer, not even from a perfect President. Because in a republic, power was made to be shared; because power must be bound by firm laws, not the whims of whomever happens to sit in the Executive chair; because only two things make the difference between a President and a king—the oversight of the legislative body, and the rulings of the courts.

It is why our Founders formed this Government the way they did, with three branches of government coequally sharing the powers to govern. Each is a check on the other. That is what the Founders had been through: the absence of that.

''Trust me.'' Those two small words bridge the entire gap between the rule of law and the rule of men, and it is a dangerous irony that when we need the rule of law the most, the rule of men is at its most seductive.

> It is a universal truth that the loss of liberty at home is to be charged to the provisions against danger . . . from abroad.

Let me repeat that.

> It is a universal truth that the loss of liberty at home is to be charged to the provisions against danger . . . from abroad.

That is from James Madison, the father of our Constitution. He made that prediction more than two centuries ago. If we pass immunity, and put our President's word above the courts and witnesses and evidence and deliberations, we bring that prophecy a step closer to coming true.

I repeat it again:

> It is a universal truth that the loss of liberty at home is to be charged to the provisions against danger . . . from abroad.

James Madison.

So that is the deeper issue behind this bill. That is the source of my passion, if you will. I reject President Bush's ''trust me'' because I have seen what we get when we accept it.

I go back and mention just the maze, the list of egregious violations of the rule of law over the last 6 years. With that aside, were this a Democratic administration that would suggest this, I would be as passionate about it, not because I distrust them necessarily but because once we succumb to the passions or the desires of the rule of men over the rule of law, then we trade off the most important fundamental essence of who we are as a people.

We are a nation of laws and not men. How many times have we heard that? You learn that in your first week of constitutional law. You learn in your American history class as a high school student the importance of the rule of law. If we walk away from that, then, of course, we walk away from who we are as a people.

After all of that, President Bush, of course, comes to us in all innocence and begs, once again: Trust me. He means it literally. Here in the world's greatest deliberative body only a small handful of Senators know even the barest facts; only a tiny minority of us have even seen the classified documents that explain exactly what the telecoms have done, exactly what actions we are asked to make legally disappear.

I have been a Member of this body for over a quarter of a century. I am a senior member of the Foreign Relations Committee. I have no right to see this? As a Member of this body, as a senior member of the Foreign Relations Committee, I am prohibited. Only the administration can see this and one or two people here who are granted the right to actually see and understand what went on.

So we are being asked as a body to blindly grant this immunity, take this issue away entirely so no one can ever learn anything more about 5 long years of millions—millions—of Americans, with their private phone conversations, their faxes, and e-mails. Every word uttered is now being held and kept. And this administration knows it. The people in charge of it know it. And we want to find out why this happened, who ordered this, who provided this. If we grant this immunity, we will never know the answers to those questions.

So as far as the rest of us—we are flying blind. And in that state of blindness, we can only offer one kind of oversight. The President's favorite kind: the token kind. And here, in the dark, we are expected to grant President Bush's wish. Because, of course, he knows best. Does that sound familiar to any of my colleagues?

In 2002, we took the President's word and faulty intelligence on weapons of mass destruction, and we mistakenly approved what has become the disaster in Iraq.

Is history repeating itself in a small way today? Are we about to blindly legalize gravely serious crimes?

If we have learned anything—if we have learned anything at all—it must be this: Great decisions must be built on equally strong foundations of fact. Of course, we are not voting to go to war today. Today's issue is not nearly as immense, I would argue. But one thing is as huge as it was in 2002; and that is, the yawning gap between what we know and what we are asked to do.

So I stand again and oppose this immunity—wrong in itself, grievously wrong, I would add, in what it represents: contempt for debate, contempt for the courts, and contempt for the rule of law. As I did in December, I will speak against that contempt as strongly as I can.

So I will reserve further debate and discussion for tomorrow, as we go forward with this. I say this respectfully to my colleagues. I do not know if a cloture motion will be filed or not, but I hope there will be enough people who will join me.

This bill can go forward without this immunity in it. And it ought to go forward. There are some amendments that will be offered, some of which I will support. There are ideas to improve on the FISA provisions of the bill to see to it that the Foreign Intelligence Surveillance Act will do exactly what we want it to do: to allow us to get that surveillance on those who would do us harm and simultaneously make sure that basic liberties are going to be protected.

But I will do everything in my power, to the extent that any one Member of this body can, to see to it we do not go forward in the provision of this bill that grants retroactive immunity for the egregious misbehavior, to put it mildly, that went on here.

The courts may prove otherwise. I do not know. Maybe someone will prove what they did turned out to be legally correct. But we are never going to know that if we, as a body—Democrats and Republicans—walk away from the rule of law and deny the courts of this land which have the ability to do this. The argument that you cannot rely on the courts to engage in a deliberation involving information that should be held secret is wrong. We have done it on thousands of cases over the years, and we can do it here.

So I hope there will be those who will join me in saying to the President: If you want to veto this bill, go ahead. You veto it because you did not get your corporations' immunity. You explain that to the American public, why we did not have the tools available that kept America safe from those who would do us harm—because a handful of corporations decided to violate the law, in my view, and did so because the Bush administration asked them to do that. You are going to veto this bill to deny us those tools that our intelligence communities ought to have to protect American citizens at a dangerous time. You make that decision.

So when this debate continues tomorrow, I will offer some additional thoughts in support of the Leahy amendment. I will be offering my own amendment, to strike retroactive immunity, and I will be considering other amendments along the way.

If all of that fails, then I will engage in the historic rights reserved in this body for individual Members to talk for a while, to talk about the rule of law, and to talk about the importance of it. I do not think I have ever done this before. I have been here a long time, and I rarely engage in such activities. I respect those who have.

The Founders of this wonderful institution granted the rights of individual Senators to be significant, including the power of one Senator to be able to hold the floor on an important matter about which they care deeply. I care deeply about this issue. I think all of my colleagues do. I just hope they will care enough about it to see to it this bill does not go forward with the precedent-setting nature of granting immunity in this case. It is not warranted. It is not deserved. It was not a minor mistake over a brief period of time.

There is a pattern of behavior, and it went on for too long, and it would still go on if it had not been for a report done by a newspaper and a whistleblower who stood up within the phone company, who had the courage to say this was wrong, or we would still be engaged in these practices today.

I think we as a body—Democrats and Republicans—need to say to this administration, and all future administrations, that you are not going to step all over the liberties and rights of American citizens in the name of security. That is a false choice, and we are not going to tolerate that and set the precedent tonight or tomorrow by agreeing to such a grant of immunity in this bill.

Mr. President, I appreciate the patience of the Chair and yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:39 p.m., adjourned until Thursday, January 24, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE WILLIAM A. NAVAS, JR., RESIGNED.

DEPARTMENT OF STATE

MARGARET SCOBEY, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

D. KATHLEEN STEPHENS, OF MONTANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

DEPARTMENT OF JUSTICE

STEVEN G. BRADBURY, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JACK LANDMAN GOLDSMITH III, RESIGNED.

IN THE AIR FORCE

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 major general

BRIG. GEN. CECIL R. RICHARDSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT G. KENNY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DANIEL P. GILLEN, 0000
COL. MICHAEL J. YASZEMSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ROBERT B. BARTLETT, 0000
BRIGADIER GENERAL THOMAS R. COON, 0000
BRIGADIER GENERAL JAMES F. JACKSON, 0000
BRIGADIER GENERAL BRIAN P. MEENAN, 0000
BRIGADIER GENERAL CHARLES E. REED, JR., 0000
BRIGADIER GENERAL JAMES T. RUBEOR, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COLONEL ROBERT S. ARTHUR, 0000
COLONEL GARY M. BATINICH, 0000
COLONEL RICHARD S. HADDAD, 0000
COLONEL KEITH D. KRIES, 0000
COLONEL MURIEL R. MCCARTHY, 0000
COLONEL DAVID S. POST, 0000
COLONEL PATRICIA A. QUISENBERRY, 0000
COLONEL ROBERT D. REGO, 0000
COLONEL PAUL L. SAMPSON, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL RANDOLPH D. ALLES, 0000
BRIGADIER GENERAL JOSEPH F. DUNFORD, JR., 0000
BRIGADIER GENERAL ANTHONY L. JACKSON, 0000
BRIGADIER GENERAL PAUL E. LEFEBVRE, 0000
BRIGADIER GENERAL RICHARD P. MILLS, 0000
BRIGADIER GENERAL ROBERT E. MILSTEAD, JR., 0000
BRIGADIER GENERAL MARTIN POST, 0000
BRIGADIER GENERAL MICHAEL R. REGNER, 0000
BRIGADIER GENERAL MELVIN G. SPIESE, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DIRECTOR OF ADMISSIONS AT THE UNITED STATES AIR FORCE ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 9333 (C) AND 9336 (B):

To be colonel

CHEVALIER P. CLEAVES, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAWN M. SISCHO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOAQUIN SARIEGO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN A. CALCATERRA, JR., 0000
KATHLEEN M. CRONIN, 0000
DAVID K. GOLDBLUM, 0000
MARIA D. RODRIGUEZRODRIGUEZ, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JERRY ALAN ARENDS, 0000
CRAIG LYNN GORLEY, 0000
BILLY L. LITTLE, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DONNIE W. BETHEL, 0000
JAMES C. CAINE, 0000
DEREK KAZUYOSHI HIROHATA, 0000
DONNA R. HOLCOMBE, 0000
MITCHEL NEUROCK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAUL A. ABSON, 0000
WILLIAM H. BAILEY, 0000
GEORGE Z. FRIEDMAN, JR., 0000
KENNETH TAMOTSU FURUKAWA, 0000
MATTHEW R. GEE, 0000
ISMAIL HALABI, 0000
ERIC T. IFUNE, 0000
BRUCE K. NEELY, 0000
LAURENCE M. NELSON, JR., 0000
CRAIG D. SILVERTON, 0000
PHILIP A. SWEET, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARI L. ARCHER, 0000
ELIZABETH J. BRIDGES, 0000
PATRICIA A. BRUNNER, 0000
ADELE CHRISTINE HILL, 0000
CYNTHIA D. LINKES, 0000
JACQUELINE A. PAYNE, 0000
CHERIE L. ROBERTS, 0000
TAMI R. ROUGEAU, 0000
PAULETTE R. SCHANK, 0000
DONALD G. SMITH, JR., 0000
MARTHA P. SOPER, 0000
LAUREL A. STOCKS, 0000
KAREN A. WINTER, 0000
GILBERT W. WOLFE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WILLIAM A. BEYERS III, 0000
SCOTT E. SAYRE, 0000
DEAN H. WHITMAN, 0000
ROSS A. ZIEGLER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT R. CANNON, 0000
WILLIAM THOMAS EVANS, 0000
DAVID C. FULTON, 0000
THOMAS MALEKJONES, 0000
DAVID GERARD REESON, 0000
LYLE E. VON SEGGERN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

VITO EMIL ADDABBO, 0000
JOE TODD ALBRIGHT, 0000
JAMES M. ALLMAN, 0000
ROBERT D. AMENT, 0000
FRANK LOUIS AMODEO, 0000
YVETTE R. ANDERSON, 0000
MARYANN P. ANTE AMBURGEY, 0000
ELIZABETH E. ARLEDGE, 0000
PATRICK ASSAYAG, 0000
TIMOTHY W. BALDWIN, 0000
THOMAS P. BALL III, 0000
MAUREEN G. BANAVIGE, 0000
KATHLEEN T. BARRISH, 0000
JOSEPH H. BATTAGLIA II, 0000
AHMED ALSAYE BEERMANNAHMED, 0000
RENE L. BERGERON, 0000
PHILLIP E. BINGMAN, 0000
CRAIG A. BOGAN, 0000
ROBERT STUART BOSTON, 0000
ERIC W. BRANDES, 0000
DAWN M. BROTHERTON, 0000
TIMOTHY DAVID BROWN, 0000
VINCENT EMANUEL BUGEJA, 0000
CORDEL BULLOCK, 0000
KENNETH C. BUNTING, 0000
CHRISTOPHER KELLY CAUDILL, 0000
WALID TONY CHEBLI, 0000
MARK W. CLEMENTS, 0000
MARK G. CONNOLLY, 0000
JAMES N. COOMBES II, 0000
CHRISTINE VOSS COPP, 0000
AMY LYNN WIMMER COX, 0000
THOMAS DANIELSON, 0000
ANTHONY F. DESIMONE, 0000
KIM P. DICKIE, 0000
JAMES F. DIFRANCESCO, 0000
JOHN G. DORTONA, 0000
JEFFREY M. DRAKE, 0000
DOUGLAS K. DUNBAR, 0000
SCOTT W. ELDER, 0000
JEFFERY E. ELLIOTT, 0000
WILLIAM B. FEATHERSTON, 0000
JOHN R. FLODEN, 0000
JOSEPH J. FRAUNDORFER, 0000
GEORGE W. FRAZIER, JR., 0000
JAMES WALTER FRYER, 0000
JOHN S. FUJITA, 0000
FREDERICK H. FUNK, 0000
MICHAEL A. GERMAIN, 0000
QUINTON L. GLENN, 0000
CHRISTIE I. GRAVES, 0000
JOHN E. GREAUD III, 0000
WILLIAM B. HARRIS III, 0000
PAUL L. HASTERT, 0000
AMAND F. HECK, 0000
THOMAS K. HENDERSON, JR., 0000
FARRIS C. HILL, 0000
JOHN J. HOFF, JR., 0000
STEPHEN M. HOOGASIAN, 0000
ARTHUR R. HOPKINS III, 0000
RICHARD L. HUGHEY, 0000
JAMES B. HURLEY, 0000
CONNIE C. HUTCHINSON, 0000
ALAN R. ISROW, 0000
JOSEPH J. JACZINSKI, 0000
JAY D. JENSEN, 0000
ANDREW A. JILLIONS, 0000
GEORGE E. JOHNSON, JR., 0000
KATHRYN JANE JOHNSON, 0000
DAVID J. JURAS, 0000
KEVIN L. KALLSEN, 0000
KATHRYN ADELE KARR, 0000
TIMOTHY P. KELLY, 0000
RICHARD L. KEMBLE, 0000
THOMAS D. KING, 0000
WALTER G. KLEPONIS, 0000
REUBEN P. KNOX, 0000
THOMAS M. KNOX, 0000
MICHAEL P. KOZAK, 0000
CHRISTOPHER DAVID KREIG, 0000
TIMOTHY W. LAMB, 0000
WESLEY S. LASHBROOK, 0000
RUTH LATHAM, 0000
MARCIA MARIE LEDLOW, 0000
PAMELA J. LINCOLN, 0000
MARK LEWIS LOEBEN, 0000
BRETT A. LOYD, 0000
ALBERT V. LUPENSKI, 0000
JEFFREY L. MACRANDER, 0000
KEVIN W. MAHAFFEY, 0000
BLAKE C. MAHAN, 0000
JEAN M. MAHAN, 0000
MICHAEL F. MAHON, 0000
MICHAEL K. MAJOR, 0000
WILLIAM J. MARTIN, 0000
JOSEPH Q. MARTINELLI, 0000
CHRISTINE D. MATTHEWS, 0000
TODD J. MCCUBBIN, 0000
JAMES F. MCDONNELL, 0000
JEFFREY J. MCGALLIARD, 0000
WILLIAM C. MCGOWAN, 0000
DALE A. MILLER, 0000
JAMES N. MILLER, 0000
DEBRA M. MILLETT, 0000
MYRA S. MILLS, 0000
STEPHEN E. MITTUCH, 0000
BONNIE B. MORRILL, 0000
SUSAN E. MORRIS, 0000
ROBERT S. MORTENSEN, 0000
RUSSELL A. MUNCY, 0000
MERRILL M. MURPHY, 0000
JEFFREY S. NAVIAUX, 0000
ROBERT J. NORDBERG II, 0000
TISH ANN NORMAN, 0000
TIMOTHY E. OBRIEN, 0000
GENE M. ODOM, 0000
THEODORE E. OSOWSKI, 0000
JON E. OSTERTAG, 0000
DOUGLAS C. OTTO, JR., 0000
MARK H. PANTONE, 0000
STEVEN B. PARKER, 0000
SCOTT E. PATNODE, 0000
DAVID P. PAVEY, 0000
JEFFREY T. PENNINGTON, 0000
FREDDIE D. PERALTA, 0000
PERRY A. PETER, 0000
WAYNE R. PIERINGER, 0000
ALLEN B. PIERSON III, 0000
MICHAEL G. POPOVICH, 0000
DAVID C. POST, 0000
CLARICE G. PRESTON, 0000
MICHAEL L. RISCHAR, 0000
MICHAEL R. ROBERDS, 0000
JAMES M. ROBISON, 0000
SEBASTIAN ROMEO, 0000
MARK A. ROSS, 0000
VINCENT N. ROSS, 0000
ROBERT C. RUSNAK, 0000
PATRICK H. RYAN, 0000
MARLA A. SANDMAN, 0000
ANNETTE M. SANKS, 0000
JAMES F. SCULERATI, 0000
ANTHONY J. SEELY, 0000
ROBERT HARDING SHEPHERD, 0000
EDWARD J. SLOSKY, 0000
BRIAN D. SPINO, 0000
PAUL E. SPRENKLE, JR., 0000
ROBERT A. STRAW, 0000
MATTHEW D. SWANSON, 0000
MARK E. SWINEY, 0000
FREDERICK J. TANIS, 0000
NEVIN J. TAYLOR, 0000
CRAIG A. THOMAS, 0000
JOHN W. THOMPSON, 0000
RALPH THOMPSON, JR., 0000
ROBERT K. THOMPSON, 0000
JON W. THORELL, 0000
KENT A. TOPPERT, 0000
PETER B. TRAINER, 0000
KEVIN B. TRAYER, 0000
JOHN N. TREE, 0000
JENNIFER LYNN TRIPLETT, 0000
TAMI F. TURNER, 0000
MATT A. TYYKILA, 0000
ERIC D. VANDER LINDEN, 0000
AARON G. VANGELISTI, 0000
MARK D. VIJUMS, 0000
ARTHUR C. WEBER, JR., 0000
JUDY ANN WEHKING, 0000
STEVEN R. WHITE, 0000
JOE N. WILBURN, 0000
DELBERT R. WILLIAMSON, 0000
DEDRA K. WITHAM, 0000
CYNTHIA A. WONG, 0000
GLENN K. YOUNG, 0000
JAMES A. ZIETLOW, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant general

AZAD Y. KEVAL, 0000
TROY L. SULLIVAN III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LANCE A. AVERY, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

BILLY R. MORGAN, 0000

To be lieutenant colonel

MILTON M. ONG, 0000
FRANCISCO J. REY, 0000

To be major

JOSEPH R. LOWE, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

INAAM A. PEDALINO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DEMEA A. ALDERMAN, 0000
ERICKA R. ALEXANDER, 0000
ELBERT R. ALFORD IV, 0000
DAVID R. ANDREWS, 0000
GREGORY T. BALDWIN, 0000
ANGELA M. BLACKWELL, 0000
DAVID W. BRIDGES, 0000
FELICIA L. BURKS, 0000
PEDRO BURTONTAYLOR, 0000
LYNNE M. BUSSIE, 0000
CHARLES F. CAMBRON, JR., 0000
ASHWIN A. CHAND, 0000
GREGORY W. CHAPMAN, 0000
MARK S. CHOJNACKI, 0000
TIMOTHY J. CHRISTISON, 0000
GREGORY A. COLEMAN, 0000
ROBERT A. CORBY, 0000
MARK E. CRUISE, 0000
MELISSA M. CURRERILEVESQUE, 0000
TANYA M. DEAR, 0000
NATHANIEL R. DECKER, 0000
JACQUELINE DENT, 0000
CHARLES V. DIBELLO, 0000
TROY M. DILLON, 0000
MICHAEL D. DINKINS, 0000
JEFFREY A. EYINK, 0000
THOMAS S. FARMER, 0000
DEAN K. FARREY, 0000
SAMUEL R. GONZALES, 0000
DOLPHIS Z. HALL, 0000
TERESA M. HEATH, 0000
RACHELLE A. HEBERT, 0000
ALISHA N. HENNING, 0000
TEOFILO A. HENRIQUEZ, 0000
LAURA J. HURST, 0000
TRAVIS J. INGRODI, 0000
DONALD E. KOTULAN, 0000

VICTORIA LIA, 0000
CHARLES E. MAREK, JR., 0000
CHESTER L. MARTIN, 0000
LEE M. NENORTAS, 0000
JOAN H. NEWBERNE, 0000
LAURIE V. PETERS, 0000
MARK D. REYNOLDS, 0000
STEPHANIE K. RYDER, 0000
KEVIN M. SCHULTZ, 0000
VIRGIL L. SCOTT, 0000
DENISE SEATON, 0000
ANTHONY L. SHAVER, JR., 0000
GERALD I. SMITH, JR., 0000
TIMOTHY W. SMITH, 0000
JAY B. SNODGRASS, 0000
DANIEL T. STERNEMANN, 0000
DOUGLAS E. STEVENS, 0000
MARY E. STEWART, 0000
TRACIE L. SWINGLE, 0000
MICHAEL D. TAPLIN, 0000
TRACIE G. TATE, 0000
JENNIFER M. THERIAULT, 0000
PAMELA D. TOWNSENDATKINS, 0000
KEITH L. WAID, 0000
PHILIP H. WANG, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

THERESA D. CLARK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LEE E. ACKLEY, 0000
DONNATA H. ANTOINE, 0000
ALVIN F. BARBER, JR., 0000
RICHARD T. BARKER, 0000
JAMIE A. BARNES, 0000
ERIC G. BARNEY, 0000
CHARLES J. BEATTY, JR., 0000
STACY C. BENEDICT, 0000
ANGELICA BLACK, 0000
MICHAEL S. BOGAARD, 0000
TIRSIT A. BROOKS, 0000
CHET K. BRYANT, 0000
CANG QUOC BUI, 0000
ERIC J. CAMERON, 0000
SCOTT L. CARBAUGH, 0000
FRANCISCO J. CATALA, 0000
DEBORAH A. CLARK, 0000
DOUGLAS A. CLARK, 0000
HEIDI L. CLARK, 0000
JASON E. COOPER, 0000
LEAH V. CROSS, 0000
MICHAEL J. CUOMO, 0000
LINDA L. CURRIER, 0000
JOHN A. DALOMBA, 0000
MINDY L. DAVISON, 0000
MICHAEL F. DETWEILER, 0000
WARREN C. DIAL, 0000
THOMAS J. DOKER, 0000
MICHAEL E. DUNLOP, 0000
KEVIN L. ECKERSLEY, 0000
DAVID A. EISENACH, 0000
JAMES E. ELWELL, 0000
TROY P. FAABORG, 0000
MICHAEL L. FINK, 0000
STEFFANIE S. FISCHER, 0000
LAURIE A. FLAGGINACIO, 0000
DAVID A. FOLMAR, 0000
LORENZO D. GABIOLA, 0000
KELLY J. GAMBINOSHIRLEY, 0000
JAMES M. GARMAN, 0000
GREG J. GARRISON, 0000
BRUCE A. GOPLIN, 0000
PHILIP A. GRIFFITH, 0000
JULIE K. HARRIS, 0000
GREGORY S. HENDRICKS, 0000
MELISSA HERGAN, 0000
ANGELA L. HESTER, 0000
GEORGE A. HESTILOW, 0000
KEITH D. HIGGINBOTHAM, 0000
BRIAN W. HOBBS, 0000
PATRICK J. HOUDE, 0000
VINA E. HOWARTH, 0000
WEILUN HSU, 0000
TERESA M. HUGHES, 0000
CHAD A. JOHNSON, 0000
BRIAN A. KATEN, 0000
NOREEN M. KERN, 0000
BRADLEY R. KIME, 0000
EDWARD D. KOSTERMAN III, 0000
CHRISTOPHER M. KURINEC, 0000
KEYE S. LATIMER, 0000
LISA S. LEE, 0000
TAMY K. LEUNG, 0000
THOMAS N. MAGEE, 0000
CARLOS J. MALDONADO, 0000
MICHAEL D. MCCARTHY, 0000
JENNY L. MCCORKLE, 0000
ANN D. MCMANIS, 0000
SEAN J. MCNAMARA, 0000
HANS J. MEISSNEST, 0000
MELISSA R. MEISTER, 0000
CORY J. MIDDEL, 0000
CHARLES E. MILLER, 0000
MITZI M. MITCHELL, 0000
WILLIAM R. MOORE, 0000
PRZEMYSLAW K. NIEMCZURA, 0000
JOHN V. NOTABARTOLO, 0000
ERIC J. OGLESBEE, 0000
SCOTT E. OLECH, 0000
SCOTT E. OLSON, 0000
ANTHONY G. PERRY, 0000
RAMESH PERSAUD, 0000
JOANNA L. RENTES, 0000
BRADLEY S. REYMAN, 0000
VAN G. ROBERTS, 0000
MOCHA L. ROBINSON, 0000
ETHIEL RODRIGUEZ, 0000
MATTHEW W. SAKAL, 0000
FERNANDO SANTANA, 0000
XIOMARA SANTANA, 0000
ERIC J. SAWVEL, 0000
LISA M. SELTHON, 0000
ROBERT J. SHAPIRO, 0000
DANIEL A. SHAW, 0000
KATHRYN B. SHAW, 0000
JENNIE S. SHEFFIELD, 0000
JOHN E. SIMONS, 0000
ANTHONY J. SPENCER, 0000
SCOTT W. STEIGERWALD, 0000
TIMOTHY W. STOUT, 0000
DENNIS P. TANSLEY, 0000
LEONARDO E. TATO, 0000
MARK A. TAYLOR, 0000
TROY P. TODD, 0000
TERRY R. VANWORMER, 0000
CAROL A. WEST, 0000
JANET I. WEST, 0000
ROBBIE L. WHEELER, 0000
IAN P. WIECHERT, 0000
KRISTI P. WIECHERT, 0000
CHRISTOPHER M. WILCOX, 0000
JOSEPH A. WILLIAMS, 0000
CLAYTON D. WILSON III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

SAID R. ACOSTA, 0000
ROY G. ALLEN III, 0000
MICHELL A. ARCHEBELLE, 0000
JAMES R. ASSELIN, 0000
JONATHAN O. BAET, 0000
SUZETTE M. BARBER, 0000
MICHAEL A. BASLER, 0000
SHIRLEY L. BELLONI, 0000
ISABELLA M. BERGERON, 0000
KIMBERLY BOSWELLYARBROUGH, 0000
STEVEN J. BRADLEY, 0000
JENNIFER J. BRATZ, 0000
BETH A. BRENEK, 0000
PHIL A. BROBERG, 0000
STEVEN A. BROWN, 0000
MELANIE J. BURJA, 0000
JOVINA G. BUSCAGAN, 0000
HELDA J. CAREY, 0000
MIEV Y. CARHART, 0000
REGIS S. CARR, 0000
KERRY E. CASTILLO, 0000
MARY H. CERDA, 0000
PAULA M. CHAVIS, 0000
TARA R. CHAVIS, 0000
TAMI R. CHILDERS, 0000
KURT D. COLE, 0000
KEVIN M. COX, 0000
DAVID A. DELANG, 0000
GAIL L. DYER, 0000
SHANNON J. DZURY, 0000
CARLOS EDWARDS, 0000
REBECCA S. ELLIOTT, 0000
JEFFREY R. ENSINGER, 0000
KATHRYN P. ESCALERA, 0000
CHERYL R. ESTY, 0000
SUSAN J. EVITTS, 0000
DEBORAH E. FELTH, 0000
LISA L. FERGUSON, 0000
BARBARA B. FIELDS, 0000
LEONTYNE H. FIELDS, 0000
COURTNEY D. FINKBEINER, 0000
STEVEN R. FISHER, 0000
MILA B. FRENCH, 0000
DONNA M. FRIEDLINE, 0000
EARNEST FRY, 0000
MICHELLE GAUTHIER, 0000
BRIAN M. GLENN, 0000
SHELLY D. GOINS, 0000
ERIC A. GONZALES, 0000
CHRISTOPHER A. GOODENOUGH, 0000
WESLEY H. GREGG, 0000
ANDREW J. GUNTHER, 0000
KRISTINE M. HACKETT, 0000
JULIE L. HANSON, 0000
MELIZA HARRIS, 0000
ROBERT M. HEIL, 0000
SHANNON S. HILL, 0000
LORIE A. HIPPLE, 0000
CHARLES L. HORNBACK, 0000
CHRISTIE L. HUME, 0000
ZENOBIA A. JAMES, 0000
JOSE P. JARDIN III, 0000
JEFFREY S. JEDYNAK, 0000
DAVID L. JOHNSON, 0000
MISCHA A. JOHNSON, 0000
JANET S. JONES, 0000
SAADIA R. JONES, 0000
KARYN L. KELLY, 0000
CHRISTOPHER J. KIMBLE, 0000
BRIAN D. KITTELSON, 0000
ERIN J. KNIGHTNER, 0000
WINIFRED G. KOEHLER, 0000
CHARLOTTA M. LEADER, 0000
VICTOR A. LEDFORD, 0000
LAURA J. LEWIS, 0000
CHERYL C. LOCKHART, 0000
CAROL A. MARTA, 0000
KATHY E. MARTIN, 0000
MA ADELVER Q. MARTIN, 0000
KRISTEN R. MCCABE, 0000
MICHAEL J. MCCARTHY, 0000
JERRY L. MCCARTNEY, 0000
JULIE K. MILLER, 0000
NANCY L. MILLER, 0000
GEOFFREY J. MITTELSTEADT, 0000
RUTH A. MONSANTOWILLIAMS, 0000
SHARON F. MOSS, 0000
KATHLEEN A. MYERS, 0000
LISA G. ODOM, 0000
SUSAN M. PARDAWATTERS, 0000
TERRY L. PARTHEMORE II, 0000
LUIS E. PEREZ, 0000
MICHAEL A. POWELL, 0000
SCOTT D. POYNTER, 0000
TONYA M. PRESSLEY, 0000
MARK A. PRILIK, 0000
KRISTINE M. RATLIFF, 0000
KIMBERLY D. REED, 0000
JASON N. RICHARD, 0000
DONALD G. RUCH, 0000
MARIA R. SACCO, 0000
JOSE E. SANCHEZ, 0000
YVETTE M. SANCHEZ, 0000
GARY L. SCHOFIELD, JR., 0000
RICKY L. SCHOTT, 0000
SHELLEY A. SHELTON, 0000
KELLY S. SIMPSON, 0000
TANIA R. SIMS, 0000
WALTER SINGH, 0000
VONNITA SNELL, 0000
RANDAL A. SNOOTS, 0000
JENNY P. SPAHR, 0000
NEAL A. STINE, 0000
AMY L. SWARTHOUT, 0000
STEVE J. SZULBORSKI, 0000
DONNA C. TEW, 0000
WILLIAM E. THOMS, JR., 0000
MELONY A. VALENCIA, 0000
PHUONG K. VANECEK, 0000
RONALD G. VENESKEY, 0000
BETTY A. VENTH, 0000
CYNTHIA D. WARWICK, 0000
WENDY WHITELOW, 0000
LEWIS S. WILBER, 0000
JOHN M. WILLIAMSON, 0000
KRISTINE WILLINGHAM, 0000
BERNADETTE T. WISOR, 0000
MELINDA L. WOODS, 0000
CYNTHIA F. YAP, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JASON E. MACDONALD, 0000
DEREK P. MIMS, 0000

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JEFFREY P. SHORT, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SAQIB ISHTEEAQUE, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

WANDA L. HORTON, 0000
WILLIAM H. MUTH, 0000
RUTH SLAMEN, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

DAVID J. BARILLO, 0000

To be lieutenant colonel

BRUCE E. PORTER, 0000
DANIEL J. REDDY, 0000
JOHN J. VOGEL, 0000

To be major

IAN D. COLE, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOSEPH B. DORE, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

WILLIAM J. HERSH, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES C. CUMMINGS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

EUGENE W. GAVIN, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BRUCE H. BAHR, 0000
JEFFREY M. BREOR, 0000
ALLEN D. FERRY, 0000
GEORGE R. GWALTNEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID A. BRANT, 0000
MICHAEL A. BROWN, 0000
LESLIE BURTON, 0000
CHERYL A. CARSON, 0000
JUDITH A. DAVENPORT, 0000
PATRICK W. EDWARDS, 0000
CORLISS GADSDEN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

HAROLD A. FELTON, 0000
ARLAND O. HANEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ANNE M. BAUER, 0000
MICHAEL W. BIHR, 0000
JO A. MCELLIGOTT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DEBORAH G. DAVIS, 0000
MARDONNA R. HULM, 0000
PATRICK J. MCKENZIE, 0000
DEBRA M. SIMPSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RUBEN ALVERO, 0000
ANDRE K. ARTIS, 0000
CARLOS E. BERRY, 0000
RICHARD D. BRANTNER, 0000
PAUL S. BROWN, JR., 0000
ROBERT C. CAMPBELL, 0000
WENDY P. CARTER, 0000
JONG H. CHOI, 0000
DAVID K. COCHRAN, 0000
JOAQUIN CORTIELLA, 0000
HOWARD F. DETWILER, 0000
LEON H. ENSALADA, 0000
JOHN M. FITZSIMMONS, 0000
GILBERT R. GHEARING, 0000
SHAWN D. GLISSON, 0000
LORI E. HARRINGTON, 0000
CAREY S. HILL, 0000
PAUL C. KIDD, 0000
MAURICE L. KLIEWER, 0000
JOEL M. KUPFER, 0000
CAL S. MATSUMOTO, 0000
MAX B. MITCHELL, 0000
CLARK A. MORRES, 0000
MARK R. MOUNT, 0000
DAVID P. ODONNEL, 0000
LORRIE J. OLDHAM, 0000
FRANK A. PIGULA, 0000
DAVID M. PRESTON, 0000
RONALD M. RENE, 0000
EUGENE R. ROSS, 0000
MARK C. RUMMEL, 0000
DAVID A. SEIDL, 0000
STEPHEN L. STYRON, 0000
LONNIE L. VICKERS, 0000
SIMON T. VILLA, 0000
FRANC WALLACE, 0000
HAE S. YUO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RONALD L. BONHEUR, 0000
MATHEW J. BRADY, 0000
WALTER E. COLBERT, 0000
PRISCILLA J. CUTTS, 0000
MICHAEL E. DUNN, 0000
CATHLEEN A. HARMS, 0000
DARLENE A. MCCURDY, 0000
MICHAEL D. STOWELL, 0000
DAVID S. WERNER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GERARD P. CURRAN, 0000
CYNTHIA J. MORIARTY, 0000
MARK TRANOVICH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JEFFREY A. WEISS, 0000
RICHARD E. WOLFERT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHARLES S. OLEARY, 0000
SHEPARD B. STONE, 0000
GARY B. TOOLEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PATRICK S. ALLISON, 0000
BRUCE J. BIKSON, 0000
THOMAS E. DUNDON, 0000
SUSAN M. FEELEY, 0000
WILLIAM S. HUNT, 0000
CATHY JOSEPH, 0000
LOUIS D. KAVETSKI, 0000
WALTER M. LEE, 0000
CHARLES E. MIDDLETON, 0000
SHAOFAN K. XU, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

EDWARD B. BROWNING, 0000
DARRYL M. BURTON, 0000
MIRIAM CRUZ, 0000
ZYGMUNT F. DEMBEK, 0000
REBECCA A. DYER, 0000
RUSSELL J. FLEMMING, 0000
MARK GIBSON, 0000
ROMAN G. GOLASH, 0000
ROGER M. GREEN, 0000
ANNE M. GUEVARA, 0000
JEFFERY S. HAYNES, 0000
JEAN M. HULET, 0000
JOHN L. JANSKY, 0000
KENNETH S. JETTER, 0000
MONICA B. JIMENEZ, 0000
MILFORD J. JONES, 0000
JAMES H. MASON, 0000
MARYANN MCNAMARA, 0000
KULTHOUM A. MEREISH, 0000
RANDY J. MIZE, 0000
MICHAEL T. NEWELL, 0000
JOHN L. ORENDORFF, 0000
JACKSON A. PATTERSON, JR., 0000
JAMES C. PIERCE, 0000
LESLIE R. RABINE, 0000
ROBIN A. RAMSEY, 0000
ROBERT F. RICHARDSON, 0000
CHARLES R. STASENKA, 0000
DANNY C. TYE, 0000
BILLIE J. WISDOM, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SANDRA G. APOSTOLOS, 0000
EUNICE J. BANKS, 0000
ELIZABETH A. BATTALORA, 0000
MARY T. BENNETT, 0000
MARCIA E. CALLENDER, 0000
GAYA CARLTON, 0000
MARCIA E. CATLETT, 0000
CHERYL CELOTTO, 0000
MICHELE CIANCI, 0000
LINDA K. CONNELLY, 0000
GEORGEANN L. CONSTANTINO, 0000
BRENDA A. DIXON, 0000
MICHAEL T. FRAZIER, 0000
WANDA E. FRIDAY, 0000
JAMES J. GARDON, 0000
HENRY W. GILES, JR., 0000
DEBRA A. GOMES, 0000
CHARLENE K. GONZALEZ, 0000
DEBORAH J. HALL, 0000
NANCY J. HEPLER, 0000
CHERYL A. HICKERT, 0000
DARLENE M. HINOJOSA, 0000
JERALDINE JACKSON, 0000
THOMAS M. KURLICK, 0000
GEORGE A. LUENA, 0000
HELEN D. MEELHEIM, 0000
ROBERT B. MONSON, 0000
BARBARA A. MOORE, 0000
KENNETH P. MURPHY, 0000
JEARLINE MURRAY, 0000
SARAH M. NORDQUIST, 0000
CHRISTOPHER A. OCONNELL, 0000
MICHELLE A. OLDEN, 0000
NAN W. PARK, 0000
ANTHONY M. PASQUALONE, 0000
DEANNA J. PATTERSON, 0000
MARTIN A. PHILLIPS, 0000
PHYLIS C. RAGLAND, 0000
CHRISTINE T. REM, 0000
MIRIAM B. ROSA, 0000
EMILY S. RUSSELL, 0000
CHRISTINE A. SAUTTER, 0000
MICHELE M. SCHNEEWEIS, 0000
SANTIAGO B. STAUNING, 0000
CAROL M. STICKEL, 0000
DOLORES TARIN, 0000
THERESA W. TAYLOR, 0000
VIRGINIA M. THOMAS, 0000
DAWN A. VUICICH, 0000
DEBRA H. WRIGHT, 0000
MARILYN YERGLER, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RUSSELL L. BERGEMAN, 0000
JAMES K. WALKER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JULIAN D. ALFORD, 0000
JAMES S. ALLEY, 0000
RICHARD E. ANDERS, 0000
FRANK S. ARNOLD, 0000
PHILIP J. BETZ, JR., 0000
ANDREW D. BIANCA, 0000
JAMES W. BIERMAN, JR., 0000
SEAN C. BLOCHBERGER, 0000
PHILLIP W. BOGGS, 0000
COREY K. BONNELL, 0000
CARMINE J. BORRELLI, 0000
EDMUND J. BOWEN, 0000
MICHAEL R. BOWERSOX, 0000
ROBERT M. BRASSAW, 0000
GREGORY T. BREAZILE, 0000
JAMES M. BRIGHT, 0000
RAPHAEL P. BROWN, 0000
KURT J. BRUBAKER, 0000
BRIAN K. BUCKLES, 0000
SCOTT D. CAMPBELL, 0000
JOHN W. CARL, 0000
IRA M. CHEATHAM, 0000
MARY J. CHOATE, 0000
ROBERT C. CLEMENTS, 0000
DAVID L. COGGINS, 0000
JEFFREY T. CONNER, 0000
ROBERT A. COUSER, 0000
DENNIS A. CRALL, 0000
DANIEL J. DAUGHERTY, 0000
JEFFREY P. DAVIS, 0000
MARSHALL DENNEY III, 0000
JEFFERSON L. DUBINOK, 0000
JEFFREY W. DUKES, 0000
CHRISTOPHER B. EDWARDS, 0000
NORMAN R. ELIASEN, 0000
SCOTT E. ERDELATZ, 0000
DANIEL P. ERMER, 0000
CHRISTOPHER L. FRENCH, 0000
RICHARD W. FULLERTON, 0000
JEFFREY W. FULTZ, 0000
DAVID J. FURNESS, 0000
STEPHEN J. GABRI, 0000
JOSEPH E. GEORGE, 0000
JAMES P. GFRERER, 0000
ANDREW J. GILLAN, 0000
PATRICK A. GRAMUGLIA, 0000
RONALD A. GRIDLEY, 0000
WILLIAM D. HARROP III, 0000
JAY L. HATTON, 0000
DREXEL D. HEARD, SR., 0000
JAMES H. HERRERA, 0000
HARRY J. HEWSON III, 0000
JEFFREY Q. HOOKS, 0000
STEPHEN M. HOYLE, 0000
PAUL E. HUXHOLD, 0000
CHARLES H. JOHNSON III, 0000
ANDREW R. KENNEDY, 0000
MICHAEL W. KETNER, 0000
KEVIN J. KILLEA, 0000
SEAN C. KILLEEN, 0000
JOSEPH H. KNAPP, 0000
ROBERT C. KUCKUK, 0000
JASON J. LAGASCA, 0000
MICHAEL J. LEE, 0000
MICHAEL A. LESAVAGE, 0000
MICHAEL P. MAHANEY, 0000
CHRISTOPHER J. MAHONEY, 0000
KATHY J. MALONEY, 0000
GREGORY L. MASIELLO, 0000
DOUGLAS E. MASON, 0000
WILLIAM H. MAXWELL, 0000
CHRISTOPHER T. MAYETTE, 0000
EDWARD J. MAYS, 0000
MITCHELL J. MCCARTHY, 0000
BRIAN K. MCCRARY, 0000

DAVID W. MCMORRIES, 0000
ERIC M. MELLINGER, 0000
DUNCAN S. MILNE, 0000
JAMES J. MINICK, 0000
GREGORY B. MONK, 0000
JACK P. MONROE IV, 0000
TIMOTHY S. MUNDY, 0000
ANDREW J. MURRAY, 0000
MARK G. MYKLEBY, 0000
SAMUEL C. NELSON III, 0000
JOHN M. NEUMANN, 0000
RANDALL P. NEWMAN, 0000
LAWRENCE J. OLIVER, 0000
DAVID A. OTTIGNON, 0000
JAMES R. PARRINGTON, 0000
WILLIAM G. PEREZ, 0000
PAUL A. POND, 0000
PETER D. PONTE, 0000
DAVID L. REEVES, 0000
MARY H. REINWALD, 0000
JOSEPH P. RICHARDS, 0000
PHILLIP J. RIDDERHOF, 0000
DAVID A. ROBINSON, 0000
JAMES L. RUBINO, JR., 0000
JOSEPH RUTLEDGE, 0000
JON E. SACHRISON, 0000
BRYAN F. SALAS, 0000
MICHAEL SALEH, 0000
ROBERT C. SCHUTZ IV, 0000
JOSEPH F. SHRADER, 0000
PHILIP C. SKUTA, 0000
ANDREW H. SMITH, 0000
ERIC M. SMITH, 0000
RUSSELL E. SMITH, 0000
STEPHANIE C. SMITH, 0000
DANIEL J. SNYDER, 0000
NANCY A. SPRINGER, 0000
ALAN L. THOMA, 0000
PAUL TIMONEY, 0000
THOMAS C. WALSH, JR., 0000
THOMAS D. WEIDLEY, 0000
STEPHEN A. WENRICH, 0000
BRENT S. WILLSON, 0000
CHRISTOPHER I. WOODBRIDGE, 0000
JEFFREY R. WOODS, 0000
PETER E. YEAGER, 0000
MICHAEL W. YOUNG, 0000
PHILIP J. ZIMMERMAN, 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 captain

JOHN M. DOREY, 0000

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 captain

THOMAS M. CASHMAN, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

THOMAS P. CARROLL, 0000
GARY V. PASCUA, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

DAVID J. ROBILLARD, 0000

To be lieutenant commander

GREGORY A. FRANCIOCH, 0000
TUAN NGUYEN, 0000
SHERRY W. WANGWHITE, 0000

WITHDRAWALS

Executive message transmitted by the President to the Senate on January 23, 2008 withdrawing from further Senate consideration the following nominations:

ANDREW G. BIGGS, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2013, VICE JAMES B. LOCKHART III, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

ANDREW G. BIGGS, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR A TERM EXPIRING JANUARY 19, 2013, VICE JAMES B. LOCKHART III, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE, WHICH WAS SENT TO THE SENATE ON MAY 16, 2007.

E. DUNCAN GETCHELL, JR., OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE H. EMORY WIDENER, JR., RETIRED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 6, 2007.

EXTENSIONS OF REMARKS

HONORING VERNON RAY ROSE

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Master Sergeant Vernon Ray Rose, a remarkable man with a long history of service to his country and community.

Mr. Rose had a distinguished 18-year career in the United States Army leading men into combat during a tour of duty in Southeast Asia. He was a platoon sergeant of an infantry platoon with A Troop, 7th Squadron, 17th Cavalry, Air, during the Vietnam war. His platoon had the responsibility of rescuing downed U.S. helicopter pilots. In March 1968, Mr. Rose was severely wounded by an enemy hand grenade and was medically retired from the Army.

Vernon Ray Rose was the recipient of many honors during his exemplary military career including the Bronze Star Medal, a Purple Heart, the Army Commendation Medal, the Good Conduct Medal, the Army Occupation Medal, the National Defense Service Medal, the Vietnam Service Medal, the Combat Infantryman Badge, the Republic of Vietnam Campaign Ribbon, the Parachutist Badge, and the Ranger Arc Tab.

Mr. Rose's service did not end once he retired from the military. Mr. Rose chose to become a National Veteran Service Officer, dedicating his life to serving veterans over the course of three decades.

It is my privilege to honor Vernon Ray Rose today, before the entire United States House of Representatives, for his service to our country and to his fellow veterans. His contributions are worthy of our collective appreciation and respect.

INTRODUCTION OF RESOLUTION COMMEMORATING THE BICENTENNIAL OF THE GALLATIN PLAN

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. BLUMENAUER. Madam Speaker, today I am introducing, along with Mr. OBERSTAR, Mr. DEFAZIO, Mr. WALSH, Mr. PETRI, and Mr. FARR, a resolution to commemorate the bicentennial of the Gallatin plan for infrastructure investment. This plan built on George Washington's vision of connecting the interior settlements with the markets and ports of the East Coast through a network of roads and canals. As Congress looks at major infrastructure investments for this century, it is worthwhile to remember that the achievements of the past were based on sound planning, and important to note that the value of infrastructure investments is dependent on national planning efforts. As we embark on efforts to improve our Nation's civil infrastructure, we should acknowledge and honor the plans that laid the groundwork for our Nation's greatness.

HONORING AMANDA TAVARES

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. ORTIZ. Madam Speaker, I rise today to congratulate Amanda Tavares of Robstown, TX, for her hard work in successfully completing the Congressional page program. Amanda has been a shining example of the potential and leadership skills those selected for this selective honor entail.

Amanda, who hails from my hometown, has taken full advantage of this once-in-a-lifetime opportunity to learn firsthand how Congress works while gaining valuable experience about the legislative process. She excelled in the challenging environment of the Capitol, got to know new and interesting people, and attend the prestigious House Page School with some of the country's brightest young minds.

Prior to her time in Washington, DC, Amanda was involved in numerous activities at her school and church. She has served as a mentor, tutor, and missionary to an orphanage in Reynosa, Mexico. In addition, she has done home improvement work with the Nehemiah project of World Changers in Norfolk, VA.

Amanda's sparkling personality and engaging demeanor have been appreciated by my office and her fellow pages. The people whom a page meets here will be the movers and shakers in the country for the rest of their life. Washington, DC, is an exciting place and every page who leaves the program tells us the experience profoundly changed their life. Amanda has shared that sentiment and I have no doubt that her time as page will influence her goals.

As Amanda heads back to Texas, I am sure that she will take many of the lessons learned here and apply to her all life and activities. I am proud of hard work and accomplishments, despite being so far from her home and her family. I wish her the best of luck when she returns to school, and know she will use her experiences here to go on and do great things.

HONORING JIM CARROLL

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Mr. Jim Carroll, a proud veteran and dedicated public servant. Mr. Carroll is retiring this year after 38 years of Federal service, most of which has been spent with the National Park Service at Mammoth Cave National Park.

Jim Carroll grew up in Hart County, Kentucky, and graduated from Munfordville High School in 1966. He was drafted into the Army in 1968 and served in Vietnam. Upon his return, he enrolled at Western Kentucky University and graduated in 1975.

Mr. Carroll began his tenure with the Park Service in 1972 as a seasonal guide at Mammoth Cave National Park. After a brief assignment at Biscayne National Park in Florida, he returned to Mammoth Cave as a full time Park Ranger. Mr. Carroll then served as a Split Ranger, working with the law enforcement and resources management divisions of the park. Mr. Carroll has been supervised nearly all aspects of Mammoth Cave National Park.

In 1995, Mr. Carroll was named Chief of the Division of External Programs. His responsibilities have included media relations, publications, information technology, concessions management, and community relations.

It is my privilege to honor Jim Carroll today, before the entire United States House of Representatives, for his service to Mammoth Cave National Park. I wish Jim, and his wife Sina a safe and happy retirement.

INTRODUCTION OF RESOLUTION COMMEMORATING THE CENTENNIAL OF PRESIDENT THEODORE ROOSEVELT'S CONFERENCE OF GOVERNORS

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. BLUMENAUER. Madam Speaker, today I am introducing, along with Mr. OBERSTAR, Mr. DEFAZIO, Mr. WALSH, Mr. PETRI, and Mr. FARR, a resolution to commemorate the centennial of President Theodore Roosevelt's Conference of Governors. That conference, which included many State Governors, the members of President Roosevelt's Cabinet, Members of Congress, professional organizations, and Government bureaus—and which served as the first meeting of what today has become the National Governors Association—resulted in a report that incorporated the growing interest in conservation as well as articulated the need for future investments in civil infrastructure. The conference laid the groundwork for many of the critical investments of the 20th century and serves as an important reminder that the value of infrastructure investments is dependent on national planning efforts. In the past few decades, our critical infrastructure has fallen into disrepair. As we embark on efforts to improve our Nation's civil infrastructure, we should acknowledge and honor the plans that laid the groundwork for our Nation's greatness.

HONORING NANDO GOMEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. ORTIZ. Madam Speaker, I rise to pay tribute to one of my most trusted staff members, my Chief of Staff, Fernando P. ''Nando'' Gomez, Jr. After working in Congress for 7 years, the past 2 as my chief of staff, Nando will be joining the private sector.

Nando's dedication to and interest in public service has led him from the small town of Gregory, TX, to the corridors of two Capitols. During his senior year at the University of Texas in 1994, he began working for the Texas House Speaker James E. ''Pete'' Laney. Nando worked for Speaker Laney for nearly 5 years and was appointed the House reading clerk during the 74th and 75th Legislative Sessions.

He then moved to Washington, DC, in 2001 and worked for Congressman Martin Frost, serving as legislative assistant and then as legislative director. He joined my staff in 2005 and rose from legislative director to chief of staff.

Words cannot begin to describe what Nando has meant to me, my staff, and the people of the 27th District of Texas. I have relied on Nando for his professionalism, work ethic, and friendship. He takes pride in his work, which is especially personal to him because he was born and raised in the district I represent. For him, it has not just been about serving as my chief of staff—it is about advocating for the issues of his hometown, his family, and his roots.

Nando has also taken an active role with local youth. He serves in Brothers/Big Sisters Mentor program, where he has had the honor of serving as big brother to his little brother, Franklin, for nearly 5 years. Nando is an avid sports fan whose allegiances lie with the Texas Longhorns, Houston Astros, San Antonio Spurs, and the Dallas Cowboys.

Though I bid Nando a sad farewell from my office, it will certainly not be a good-bye. I look forward to seeing him around the Capitol when he comes up to catch up with old friends.

Nando remains a trusted member of my family, and I will always seek his counsel on matters political and personal. I wish him, his wife Kristy and son Dominic the best of luck during the new phase of his life.

FREEDOM FOR RAUDEL MARTINEZ GOMEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Raudel Martinez Gomez, a political prisoner in totalitarian Cuba.

Mr. Martinez Gomez is a member of the Plantados Movement for Cuban Freedom. He along with fellow dissidents Victor Yunier Ferenandez Martinez and Joenny Alonso Asiz, were arrested in February 2006 for a crime the Cuban dictatorship calls ''dangerousness.'' In sham trials they were each convicted, with Mr. Martinez Gomez sentenced to 3 years in prison.

Unfortunately, his imprisonment for what is really political dissent is nothing new for his family. While Mr. Martinez Gomez was facing trial before the dictatorship's facade of a judicial system, his father was imprisoned in a Cuban gulag for nothing more than participating in a peaceful pro-democracy protest outside the French embassy in Havana. The Cuban regime released his father this past May without formally charging him with any crime.

Shortly after his father's arrest, the local chief of the so-called ''Committee for the Defense of the Revolution'' came to the home Mr. Martinez Gomez shared with his father. Mr. Martinez Gomez was forced out of his home along with his wife, who was 7 months pregnant at the time. But these local vigilance committee goons were not content with forcing Martinez Gomez and his pregnant wife from their home, they wanted to add insult to injury. So they sent a group of ruffians to shout insults and obscenities at Martinez Gomez and his wife as they left the home they had known for the last 11 years.

What exactly did Mr. Martinez Gomez do to cause his conviction for the so-called crime of ''dangerouness?'' This is impossible to fully know in the totalitarian circus of present day Cuba but perhaps the regime was afraid of the courage repeatedly demonstrated by Mr. Martinez Gomez.

Madam Speaker, this is just another condemnable occurrence in the constant pattern of brutality by the totalitarian tyranny just 90 miles from our shores. And yet, though the tyranny has attempted to stop Mr. Martinez Gomez, he will never cease in his commitment to freedom for Cuba. My colleagues, we must demand the immediate release of Raudel Martinez Gomez and all prisoners of conscience in totalitarian Cuba.

EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED STATES HAS A MORAL RESPONSIBILITY TO MEET THE NEEDS OF THOSE PERSONS, GROUPS AND COMMUNITIES THAT ARE IMPOVERISHED, DISADVANTAGED OR OTHERWISE IN POVERTY

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. BACA. Madam Speaker, I ask unanimous consent to address the House for 1 minute.

I rise today in strong support of H. Con. Res. 198.

Poverty is all too real an issue in America today.

As a co-chair of the Congressional Out of Poverty Caucus, I have worked with my colleagues to create a world where no child goes to bed hungry, and where every parent can put a roof over their family's heads.

We have made progress this Congress—but we still have a long road ahead of us.

And while poverty disproportionately affects our minority communities—it does not discriminate on a basis of color.

We must remember poverty is not just a Hispanic, or a Black, or an Asian issue—it is a ''people'' issue.

Whether it's a family trying to put food on the table, or a child in need of basic health care—when poverty affects one of us, it affects all of us.

I urge my colleagues to join the Out of Poverty Caucus in voicing their dedication to creating a better America for everyone, not just the privileged few.

I ask my colleagues to vote in favor of H. Con. Res. 198.

PERSONAL EXPLANATION

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. HARE. Madam Speaker, on Tuesday, January 22, 2008, I was unavoidably detained. I ask for unanimous consent that the RECORD reflect had I been present, I would have voted ''aye'' on rollcall No. 19, H.R. 4211—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''; and I would have vote ''aye'' on rollcall No. 20, H. Res. 866—Honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records.

HONORING DALLAS CHRISTIAN SCHOOL ON ITS 50TH ANNIVERSARY

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. HENSARLING. Madam Speaker, today I would like to rise to recognize Dallas Christian School and join with them in celebrating their 50th anniversary.

In 1957, Dallas Christian School was established with a mission to train students academically, physically, and spiritually. Five decades later, this nationally recognized Blue Ribbon School continues to accomplish its mission by supplementing its academic curriculum with daily Bible classes and chapel services, college courses, extracurricular activities, and an athletic department.

Located in Mesquite, Texas, 90 percent of Dallas Christian School graduates attend institutions of higher education, and since 1992, 20 seniors have qualified for the National Merit Scholarship.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize Dallas Christian School's 50th anniversary, and I would like to commend the students, board of directors, faculty, and staff for helping to shape a brighter future for our community and our country.

RECOGNIZING REV. CHARLES L. MOSELEY ON THE OCCASION OF HIS RETIREMENT

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. FORBES. Madam Speaker, I rise today to recognize my pastor and dear friend, Rev. Charles L. Moseley on the occasion of his retirement from nearly 40 years of service as pastor of Great Bridge Baptist Church in Chesapeake, VA.

Charles Moseley was born in Camden, SC, the fifth child and only son of Fred and Julia Moseley. Growing up in a small town, Charles felt the influence of his godly mother and father. One evening in October 1949 after a revival service at First Baptist of Camden, while Charles and his friends were watching an eclipse of the moon, he felt the call of God to full-time Christian ministry.

Charles started his higher education achieving his associate of arts degree from Wingate Jr. College in January 1952. He went on to receive his bachelor of arts degree in English from Coker College in January 1954. Continuing to be led by the Lord, Charles then entered Southeastern Seminary at Wake Forest, NC, and graduated with a bachelor of divinity in January 1958. He later earned a master of divinity from Southeastern Seminary in the early 1970s. Throughout these years of college, Charles continued to see God's hand on his life in many ways through financial help, mentoring from professors, and preaching in churches in the area.

During his time at seminary, Charles preached in many churches but was led to pastor two churches in Dillon County, SC. He would travel between the two churches on Sunday preaching at one at 10 a.m. and the other at 11 a.m. It was during this time in December 1956 that he met his future wife, Louise Martin. At the time, Lou was serving as education director of the First Baptist Church of Dillon, SC. They were married in June 1957.

As a senior at seminary, many offers from churches came for him to serve as pastor but Charles was not led to any of them until he received an offer from a small church in Valdese, NC, in early 1958. Abee's Grove Baptist was a small country church located in the mountains of North Carolina with a Sunday morning attendance between 100 to 150 people.

Pastor Moseley and his family left this church in 1962 to begin a ministry at the First Baptist Church of Carthage, NC. Located near Pinehurst, NC, First Baptist was a dignified little church with a beautiful pipe organ, stained glass windows and friendly congregation.

From the beginning of his studies, Charles had the desire to be a chaplain in the Air Force but that was not the Lord's path for him. He did however, serve in the National Guard and proudly retired from the U.S. Army Reserve with 23 years of service.

Even in the beginning of his ministry, Charles had always thought he would be the pastor of a small church, never imaging that the Lord would lead him to shepherd a large, vibrant, and growing church. However, in 1969 Charles and his family felt the call to Great Bridge Baptist Church, a church of 650 members in a rural area near Norfolk, VA. Throughout his ministry at Great Bridge Baptist, Pastor Moseley has always maintained that he is a pastor first, serving his people wherever their needs are. His greatest desire is to be a servant reaching out to his congregants during their most important times—marriage, birth, death, crisis, sickness, sorrow, fear, joy.

When asked what he would say is a highlight of his ministry at Great Bridge Baptist, Pastor Moseley recalled that one of the greatest of his delights is experiencing someone coming to know the Lord. The blessing of leading a person to know Christ as his/her Savior is the joy of his life.

Madam Speaker, in the nearly 40 years of service at Great Bridge Baptist Church, Pastor Moseley has steadfastly led his congregation in the footsteps of Christ, touching thousands of lives with the joy and peace of the Lord. Through the many years that my family and I have attended Great Bridge Baptist, I have come to know Rev. Moseley as a model of selfless service and great spiritual leadership. Today we thank him for his service to us and most importantly his service to the Lord and we ask God's special blessing on him and his family as they pursue the joys and challenges of this next phase of his life.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, January 22, 2008, my flight to Washington, DC was delayed, and I was unable to cast my votes on H.R. 4211 and H. Res. 866 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 19 on suspending the rules and passing H.R. 4211, naming the Judge Richard B. Allsbrook Post Office, I would have voted "aye".

Had I been present for rollcall No. 20 on suspending the rules and passing H. Res. 866, honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records, I would have voted "aye."

AMERICAN JOBS CREATION AND ECONOMIC STIMULUS ACT OF 2008

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. MANZULLO. Madam Speaker, last week, the Congressional Budget Office, CBO, released its report outlining options for responding to the Nation's short-term economic weakness. One key finding of the report contains a warning: Any stimulus that a short-term economic package "can provide to the economy depends on how much of the resultant spending goes to purchase domestically produced goods. The degree of stimulus that a policy can provide to the economy also depends on how much of the resultant spending goes to purchase domestically produced goods. If the additional consumption, or investment, demand is satisfied by imported goods, the income of foreign producers will rise, and the stimulus essentially will be exported."

Simply put, the benefits of the proposed $145 billion U.S. economic stimulus package should not go abroad. The benefits of this package should help Americans as much as possible. That's why I, along with Representatives BILL LIPINSKI, ERIC CANTOR, WALLY HERGER, and JEFF FORTENBERRY, am proud to introduce today the American Jobs Creation and Economic Stimulus Act of 2008. This bill will provide a quick power boost to the economy that does not cost too much and rewards companies for keeping and adding jobs in America. This proposal simply accelerates the phase-in of the domestic manufacturing tax benefit by 2 years. Any economic stimulus package that is crafted by Congress should include this provision.

The domestic manufacturing tax deduction, now section 199 of the U.S. Tax Code, started in 2005 at 3 percent as part of the 2004 law that replaced the Foreign Sales Corporation/Extraterritorial Income, FSC/ETI tax structure, which was ruled as an illegal export subsidy by the World Trade Organization, WTO. Last year, the domestic manufacturing tax deduction increased to 6 percent. The final phase—raising the domestic manufacturing deduction to 9 percent—is scheduled to start in 2010. The American Jobs Creations and Economic Stimulus Act of 2008 simply changes the start date of the 9 percent domestic manufacturing tax deduction from January 1, 2010, to January 1, 2008, thus providing an additional 3 percent tax incentive for all domestic manufacturers right now.

According to the Internal Revenue Service, IRS, 378,627 small and large manufacturers, as broadly defined by the U.S. Treasury, were helped by this benefit in 2005. One year later, that number grew to over 400,000. The domestic manufacturing benefit applies to firms of all types—C Corporations, S Corporations, Limited Liability Companies, LLCs, and sole proprietorships.

This tax deduction is ideal because it only applies to revenue generated by operations based in the United States and discourages the "off-shoring" of American production. No other economic stimulus idea ties tax relief to requiring companies to keep production and jobs in the United States. The American Jobs Creation and Economic Stimulus Act of 2008 is a simple bipartisan low-cost idea that will make a real difference right now. It also fits within the parameters, as outlined by the President on Friday, of what could be included in an economic stimulus package.

Madam Speaker, I respectfully urge the inclusion of accelerating the phase-in of the domestic manufacturing tax deduction in any economic stimulus legislation that will be voted on by the House this year.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to explain my absence from votes cast on January 22, 2008. I was in Houston meeting with constituents at a town-hall meeting our office scheduled prior to knowing votes would take place last night.

On rollcall vote No. 19, to approve H.R. 4211, had I been present, I would have voted ''aye.''

On rollcall vote No. 20, to approve H. Res. 866, had I been present, I would have voted ''aye.''

''ONE LESS ANGEL WILL CRY''

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. DUNCAN. Madam Speaker, I was recently visited in my office by one of my constituents from the second district of Tennessee, Julie Rich. Julie is one of six winners in a nationwide contest for the March for Life Education and Defense Fund of 2008. I would like to call to the attention of my colleagues and other readers of the RECORD her winning poem.

ONE LESS ANGEL WILL CRY

A guardian angel looks up from Earth
And prays each day to the Lord in the hope
That one particular baby will survive until birth
The mother does not want it; she is scared
She has by now reached the end of her rope
O Lord! Please let the child be spared!
She throws up her hands and yells, ''I'm through!
I don't want to be in this position
I will abort. It's something I must do!''
The angel wept
What a horrid decision!
Up to heaven the angel and the baby's soul leapt
The gates were wide open and the soul was ushered in
And why not
For one whose lifespan was tremendously thin?
The devastating thought of abortion should be left far behind
It is like a blot
On all of mankind
''Build Unity on the Life Principles throughout America.
No Exception! No Compromise!''
We must be strong with these words, America
Because millions upon millions have died this way
Abortion has claimed too many lives
Babies perish like this every single day
What if it had been you? One of the ones killed?
You would not know
Your body would have been chilled
Mothers please do not tell your infants goodbye
Let the babies live, let them grow!
And one less angel will cry

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Ms. BERKLEY. Madam Speaker, because I was attending to important constituent matters in my congressional district involving the historic Nevada Presidential Caucus, I was unable to vote on rollcall Nos. 1 through 18. Had I been present, I would have voted ''present'' on rollcall No. 1; ''yes'' on rollcall Nos. 2–7, 11–12, and 17–18; and ''no'' on rollcall Nos. 8–10 and 13–16.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. ELLISON. Madam Speaker, on January 22, 2008, I failed to vote on rollcall Nos. 19 and 20 because my flight was unexpectedly delayed. Had I voted, I would have voted ''yea'' on rollcall No. 19 and ''yea'' on rollcall No. 20.

RECOGNIZING TIBOTEC THERAPEUTICS FOR THEIR INNOVATION AND CORPORATE RESPONSIBILITY IN DEVELOPING NEW TREATMENTS FOR AMERICANS WITH HIV/AIDS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. ANDREWS. Madam Speaker, I rise today to commend and congratulate Tibotec Therapeutics for their innovation and corporate responsibility in developing new, effective treatments for people living with HIV/AIDS. On Friday, January 18, 2008, the Food and Drug Administration approved Tibotec's second HIV drug, INTELENCE™, for the treatment of HIV infection.

We are all aware of the success HIV therapies have had on prolonging and enhancing the quality of life for those infected with HIV/AIDS. As the infected population lives longer and becomes increasingly resistant to current treatment regimens, there is a growing need to focus on access to newer therapies for treatment experienced. HIV drug manufacturers are being challenged to meet the treatment needs of this changing population.

Tibotec Therapeutics, an operating company of Johnson & Johnson, has a strong history of advancing the science of HIV treatment, and INTELENCE™ is another shining example of this cutting-edge research and development.

INTELENCE™, also known as TMC125. is the first new drug in the NNRTI class to be approved in a decade. It brings new hope to HIV patients whose HIV virus has become resistant to other HIV therapies, including drugs in the same NNRTI class.

I would also like to recognize Tibotec Therapeutics for their outstanding work with the HIV patient and physician communities during the development and approval of both PREZITSA™ and INTELENCE™. Tibotec Therapeutics worked closely with leaders in the HIV community on the development of the pivotal clinical trials that led to FDA approval of this product. Notably, the FDA approved INTELENCE™ through an accelerated approval procedure—a process that is reserved for the early approval of drugs that show a meaningful therapeutic advantage over existing treatments for serious or life-threatening diseases.

In addition, Tibotec Therapeutics acted responsibly in pricing INTELENCE™, a fact recognized by many leaders in the HIV community. In fact, one leading HIV patient advocate stated, ''With the introduction of INTELENCE, Tibotec Therapeutics has demonstrated exceptional leadership in working with the HIV community in an effort to address pricing and access issues. Tibotec has repeatedly recognized the necessity of responsibly pricing HIV products and should be commended for its leadership in this regard.''

Once again, I commend Tibotec Therapeutics for its innovation and corporate responsibility. I applaud the fact that Americans living with HIV/AIDS will now have access to a new and important treatment option, affording them the possibility of living healthier and productive lives.

HONORING THE UNITED STATES COAST GUARD

SPEECH OF

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today in support of H. Res. 866, a resolution commending the dedicated men and women of the Coast Guard on their remarkable drug interdiction efforts, which have resulted in the record seizure of 355,755 pounds of cocaine, valued at more than $4.7 billion.

Embodying its motto of Semper Paratus or ''Always Ready'', the Coast Guard has used improved information-sharing and intelligence to anticipate and combat smuggling, piracy and other threats before they reach America's shores. For example, in September, the Coast Guard stopped a vessel loaded with 3,600 gallons of cocaine dissolved in diesel fuel. This liquid cocaine could have been converted into 15,800 pounds of pure cocaine. Earlier last year, the Coast Guard made its largest maritime cocaine seizure when it intercepted a Panamanian vessel carrying approximately 20 tons of the drug.

Since the tragic events of 9/11, the Coast Guard's mission has taken on increased significance, as they have added critical homeland security responsibilities to their traditional missions. As chairman of the Committee on Homeland Security, I am well acquainted with the extraordinary job the Coast Guard does in fulfilling these missions on behalf of our Nation. H. Res. 866 affirms our appreciation for the valiant members of the United States Coast Guard, who risk their lives every day to rescue and protect the American people and preserve the Nation's security. I encourage my

colleagues to join me in supporting this important legislation.

TRIBUTE TO SERGEANT JAMIE O'DELL MAUGANS

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. TIAHRT. Madam Speaker, today I have the honor to introduce a bill naming the post office in Derby, KS, after a fallen hero, SGT Jamie O'Dell Maugans. Sergeant Maugans was the first casualty of the Global War on Terror from the 4th District of Kansas. A Derby native, Sergeant Maugans graduated from Derby High School and attended the University of Kansas and Cowley County Community College before joining the Army.

Sergeant Maugans was an ordnance disposal specialist and stationed in San Diego when our Nation was attacked on September 11, 2001. He was deployed to Afghanistan in connection with Operation Enduring Freedom—Afghanistan.

On April 15th, 2002, while disposing of ordnances near Kandahar, Afghanistan, Sergeant Maugans was killed along with three others, including fellow Kansan SSG Justin Galewski, from Olathe. He was only 27 years old.

Sergeant Jamie Maugans' family, including his mother Kathy Wurdeman, his father Bryce Maugans and stepmother, Mary Maugans, his brother and four sisters, are very proud of him. His commitment to family, friends and country are well known. By naming this post office, I hope that everyone in South Central Kansas will come to know and remember this young man and his sacrifice. We all owe a debt of gratitude to Sergeant Maugans and his fellow servicemen and women.

Naming the post office in Derby after Sergeant Jamie Maugans is but a simple way we can honor his memory and the memory of all those who have fallen in battle for the defense of this nation. I ask my colleagues to support this important effort.

HONORING CAPTAIN WILLIAM HENRY MULLIGAN

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. BISHOP of New York. Madam Speaker, I rise to honor and recognize Captain William Henry Mulligan for his extraordinary career and accomplishments as he plans to step down as president of the Suffolk County Police Superior Officers Association (SOA).

Bill Mulligan was raised in the great town of Hempstead, NY. He proudly served our country in the United States Navy, from 1961 to his honorable discharge in 1964.

Bill joined the Suffolk County Police Department (SCPD) in August of 1967 as a patrolman, and his commitment to law enforcement led to numerous promotions within the department and the Suffolk County Superior Officers Association (SOA). Among the police department, Bill was known for his dedicated work as an officer and as a lover of sports. Bill managed and played for the SCPD softball team which won medals in the New York State Police Olympics and gained national notoriety for its outstanding play.

In 2005, Captain Mulligan was named president of the Suffolk County SOA. The SOA is responsible for representing the labor interests of its members in the Suffolk County Police Department. The organization acts as the exclusive majority representative in negotiating for improved wages, hours, working conditions, welfare and job security, as well as for all other aspects of collective bargaining. As president, Captain Mulligan represented over 500 supervisors and administrators in the Suffolk County Police Department and he has held the position with distinction for the last 3 years.

Today Bill lives in the town of Riverhead, NY with his wife of 42 years, Janet, and their three beautiful daughters, Janine, Elizabeth and Michele.

I am proud to honor Captain William Henry Mulligan for his service to our country and our community. Madam Speaker, on behalf of all New Yorkers, it is with great pride that I recognize and thank Captain Mulligan for a truly distinguished career. We wish him and his family the best in the future.

IN MEMORY OF WILLIAM ''SYKES'' HARRIS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. ROSS. Madam Speaker, I rise today to honor the memory of William ''Sykes'' Harris of Warren, AR, who passed away January 15, 2008, at the age of 89.

Sykes Harris was a true pioneer in the wood flooring business in south Arkansas. After nobly serving his country in World War II, he returned to his childhood home of Warren, where he began a lifetime in business making a positive impact on countless Arkansans through Wilson Oak Flooring, which he would successfully own and operate for nearly 25 years.

Although Sykes Harris had a career in business, his calling and real passion was in community development. The City of Warren and its residents were extremely fortunate to gain from his selfless gifts of time and energy to make his community a better place to live. He took a keen interest in seeing businesses flourish throughout Warren and Bradley County, and this was evident through his service in the Warren Rotary Club, the Warren Country Club and the Warren Bank and Trust Company.

In addition, Sykes Harris was deeply honored to be appointed by then-Governor Bill Clinton to serve on the board of trustees of the University of Arkansas in 1983. Upon completing his 10-year term, the City of Fayetteville recognized his invaluable contributions and efforts by naming him an honorary citizen and presenting him with a key to the city. When Sykes was not working in business or giving back to the community, he could be found relaxing and sitting on his floating duck blind in Arkansas City with any number of family and friends.

I send my deepest condolences to his daughter, Sally Harris Barnett, of Casscoe, AR; his sister, Frances Harris Hedrick of Warren, AR; and to his numerous grandchildren and great-grandchildren.

Sykes Harris will be missed by his family, his community and all those who knew him and called him a friend. His focus on the community and his spirit of selfless service to others will never be forgotten. I will continue to keep his family in my deepest thoughts and prayers.

BAYTOWN, TEXAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. POE. Madam Speaker, the city of Baytown, Texas will celebrate its 60th anniversary on January 24, 2008. Baytown's rich history of rugged Texas pioneers, oil boom settlements and economic contributions to Texas span more than 150 years.

Some of the first settlers to the area included Nathaniel Lynch who set up a ferry crossing in 1822 at the junction of the San Jacinto River and Buffalo Bayou. The crossing, now known as the Lynchburg Ferry, continues in operation today by Harris County.

William Scott, one of Stephen F. Austin's Old Three Hundred families, received a land grant in 1824. A settlement grew near his home on San Jacinto Bay which included a small store and a sawmill. This settlement became known as Bay Town.

The story of the present Baytown also encompasses the cities of Goose Creek and Pelly. The discovery of oil was the common thread that wove the three cities' history together.

In 1916, the Goose Creek oilfield became famous as the first offshore drilling operation in Texas. Both of the towns of Pelly and Goose Creek developed around the oil field. Ross S. Sterling and his business associates built a refinery near Goose Creek in 1917 and founded the Humble Oil and Refining Company which later became Exxon Company U.S.A.

Humble Oil purchased 2,200 acres in the area and called it Baytown. The town grew up around the refinery as the company built streets, sold lots, provided utilities and offered financing for workers to purchase a home.

Each city operated independently for several years but talks began to arise among residents of consolidating the three cities after World War I. After several failed attempts at consolidation, the cities reached an agreement in 1947. On January 24, 1948, the city of Baytown was officially established.

Today, Baytown continues to live up to its rich legacy of industry and community spirit. Exxon is still a major part of the city's petroleum industry along with several other major oil companies. Baytown is now also home to Goose Creek Consolidated ISD and Lee College which provide outstanding educational opportunities for students. The future of Baytown shines bright as a great city in which to live, work and play.

There are two well-known landmarks in Baytown, a giant live oak tree and the Fred Hartman Bridge. One landmark illustrates the rich history of the city's past and the other symbolizes its promising future.

The live oak tree, estimated to be more than 1,000 years old, grows in the center of West Texas Avenue. It has lived since Native Americans roamed the coastal plains, the battles of the Texas Revolution were fought and the Texas oil field discoveries were made.

The 440-foot tall Fred Hartman Bridge, a steel cable bridge that spans across the Houston Ship Channel, is Baytown's symbol of modern engineering and Texas-sized strength.

It is an honor to represent a part of Baytown as a portion of the Second Congressional District. My fellow colleague and friend, Gene Green represents the other part of Baytown in the United States Congress. Congressman Green and I are proud to have worked with Baytown Mayor Stephen DonCarlos and the city council on numerous projects concerning the city. They are commended for their leadership in helping Baytown grow.

I look forward to seeing Baytown prosper in the future and wish the city Happy Birthday as it celebrates its 60th anniversary.

And that's just the way it is.

TRIBUTE TO TIBOTEC THERAPEUTICS

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. BUTTERFIELD. Madam Speaker, I rise today to commend and congratulate Tibotec Therapeutics for their innovation and corporate responsibility in developing new, effective treatments for people living with HIV/AIDS. On Friday, January 18, 2008, the Food and Drug Administration approved Tibotec's second HIV drug, INTELENCE™ (etravirine), for the treatment of HIV infection.

In my home state of North Carolina, there are an estimated 31,000 people living with HIV/AIDS, many of whom may not be aware that they are infected with this life-threatening illness. Unfortunately, the Black Community in North Carolina as well as others across the southern United States are disproportionately impacted by HIV/AIDS. A high percentage of people in these communities are diagnosed in the later stages of HIV disease—a fact that further complicates their chances for successful ongoing treatment. Furthermore, Black women are disproportionately impacted by HIV/AIDS in our state, with an HIV infection rate almost seventeen times higher than among non-Hispanic white women.

We are all aware of the success HIV therapies have had on prolonging and enhancing the quality of life for those infected with HIV/AIDS. As the infected population lives longer and becomes increasingly resistant to current treatment regimens; there is a growing need to focus on access to newer therapies for treatment experienced. HIV drug manufacturers are being challenged to meet the treatment needs of this changing population. Federal and State governments, public health programs, medical and community-based providers in addition to drug manufacturers are all challenged to find ways to better serve disproportionately impacted and underserved communities.

Tibotec Therapeutics is also a leader in reaching out to underserved communities highly impacted by HIV. A primary example of this is Tibotec's GRACE study, a first-of-its-kind clinical trial that will compare gender differences in the efficacy, safety and tolerability of an FDA-approved HIV therapy in women, and will also explore racial differences in treatment outcomes.

Tibotec Therapeutics, an operating company of Johnson & Johnson, has a strong history of advancing the science of HIV treatment, and INTELENCE™ is another shining example of this cutting-edge research and development. INTELENCE™, also known as TMC 125, is the first new drug in the NNRTI class to be approved in a decade. It brings new hope to HIV patients, whose HIV virus has become resistant to other HIV therapies, including drugs in the same NNRTI class. Notably, the FDA approved INTELENCE™ through an accelerated approval procedure—a process that is reserved for the early approval of drugs that show a meaningful therapeutic advantage over existing treatments for serious or life-threatening diseases.

Finally, Tibotec Therapeutics acted responsibly in pricing INTELENCE™, a fact recognized by many leaders in the HIV community. In fact, one leading HIV patient advocate stated, "With the introduction of INTELENCE, Tibotec Therapeutics has demonstrated exceptional leadership in working with the HIV community in an effort to address pricing and access issues. Tibotec has repeatedly recognized the necessity of responsibly pricing HIV products and should be commended for its leadership in this regard." This type of responsible corporate behavior is especially welcomed in my state of North Carolina, which has struggled in the past to provide access to HIV therapies for eligible lower-income individuals.

In closing, I would like to once again, I commend Tibotec Therapeutics for its innovation and corporate responsibility. I applaud the fact that North Carolinians living with HIV/AIDS will now have access to a new and important treatment option, affording them the possibility of living healthier and productive lives.

TRIBUTE TO DONALD GILMER

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. UPTON. Madam Speaker, I rise today to honor the inspiring career of Donald Gilmer, of Augusta, MI. A dedicated and selfless individual, Don has enthusiastically served the public for the past 33 years.

Don's career has served as an example of the definition of "public servant" and could be added to any dictionary listing.

Don has served Michigan citizens in a wide variety of significant roles, including 11 terms as a member of the Michigan House of Representatives, 3 of which he served as the chairman of the Appropriations Committee. Don has also served on the Kalamazoo County Board of Commissioners, as Michigan's lottery commissioner, as Governor John Engler's budget director, and most recently, as Kalamazoo County's Administrator. His services to Kalamazoo County and to the State of Michigan are truly commendable.

As my good friend retires, he closes one chapter of his inspiring career and embarks on a new phase of his life. I am confident that this retirement is far from the end of Don's public service and that he will remain committed to the citizens of our great State and community. Don's humor and kind heart will be greatly missed by his colleagues. I wish Don all the best in retirement.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. KIND. Madam Speaker, on January 16, 2008, I erroneously voted in favor of an amendment offered by Representative JOE WILSON (SC) to H.R. 2768 (roll No. 8), the Supplemental Mine Improvement and New Emergency Response (S–MINER) Act. Please let the record show that I intended to vote against this amendment.

HONORING JACQUELINE MONTEIRO DACOSTA

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. KENNEDY. Madam Speaker, I rise today to express my sympathies to a wonderful Rhode Island family who has lost a devoted loved one named Jacqueline Monteiro Dacosta and to briefly share with you the impact she had on so many lives just by being kind.

Jackie was a loving mother, sister and daughter who always exuded a sense of comfort to all. That's why she was perfect for her job as a constituent case worker in my district office in Rhode Island. For the past 11 years she reached out to countless people who sought her advice and help on a multitude of issues and she always put them at ease while they told her their life problems. She reassured them—people she had just met—that she would do what she could to help, and then she did. I have a file of letters in my office from people who wrote to me just to praise Jackie for her hard work and more than that, to recognize her kindness.

Her sudden passing took us all by surprise. We knew instantly our office would never be the same without her presence, her funny stories, her smile. When thousands showed up for her wake and funeral to celebrate her life, it was such a testament to how truly loved she was in the community. No one had seen anything like it. Her family has been overwhelmed with an outpouring of support and sympathy from all over the state.

On my next trip to Cape Verde, her family members and I will plant a tree in Jackie's memory. Her spirit on earth will be forever surrounded by the unspoiled beauty of her homeland and the sounds of the island music she loved so much. We will never forget Jackie and her special qualities that touched so many lives and made life that much better.

We join Jackie's parents, Jose and Adelisa Monteiro; her children Stephanie and Justin and her siblings, Filomena, Osvaldo and Jose Jr. in continuing to honor Jackie's memory and her joyous spirit.

COMMEMORATING THE 35TH ANNIVERSARY OF ROE V. WADE

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. SHAKOWSKY. Mr. Speaker, thirty-five years ago today, the Supreme Court guaranteed American women the right to choose abortion in its landmark decision Roe v. Wade. In doing so, the Supreme Court brought an end to decades of State and Federal laws that outlawed or restricted abortions and put reproductive choice back in the hands of women and gave them safe, medical options.

Since that time, however, a concerted and organized campaign aimed at diminishing this momentous decision has succeeded in whittling down the original intent of the decision and now presents a very serious threat to the long-term security of Roe itself.

I rise today not only to commemorate this important day in American history, but also to remind the supporters of Roe v. Wade that it is absolutely critical that the pro-choice movement remain united and vigilant against all attempts to take away a woman's right to choose. As a member of the Pro-Choice Caucus, I promise to do my part and continue to oppose any attempts in Congress to limit, restrict or deny a woman's reproductive rights.

In conclusion, I believe that it is imperative, not only for women's rights, but for women's health as well, that the United States not return to an era in which the government gets to decide what a woman can and cannot do with her own body.

JUDGE RICHARD B. ALLSBROOK POST OFFICE

SPEECH OF

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 2008

Mr. BUTTERFIELD. Mr. Speaker, I rise today to honor a great leader and powerful figure in North Carolina by naming the post office located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina as the Judge Richard B. Allsbrook Post Office. Unfortunately, Judge Allsbrook passed away on October 26, 2007, just a few months before we were able to bestow upon him this great honor.

Judge Allsbrook was a native of Halifax County, North Carolina—one of the largest and most populated areas of my congressional district. He was born in 1929 to State Senator Julian and Mrs. Frances Allsbrook.

In his formative years, Richard Allsbrook attended Roanoke Rapids High School where he excelled academically. After graduating, Richard attended the University of North Carolina, Chapel Hill where he received a bachelors of arts degree. He went on to attend law school at the prestigious University of North Carolina School of Law, and subsequently served for 4 years with the United States Navy as a second lieutenant.

Mr. Speaker, after honorably serving his country in the military, Richard returned to Roanoke Rapids to practice law with his father in the firm of Allsbrook, Benton and Knott. During his 20 years as a practicing attorney, he always took time for his clients and worked diligently to ensure that they were represented to the best of his ability. His meticulous nature and even temperament served him well when he was appointed resident superior court judge for the Sixth Judicial District in 1978. Over the next 22 years, he tempered justice with mercy, earning a reputation as a fair, compassionate jurist. All those present in his courtroom—attorneys, defendants, jurors, witnesses and court personnel—consistently found him to be well-prepared, respectful, and courteous. I had the privilege of practicing law before Judge Allsbrook on many occasions prior to my election as Resident Superior Court Judge when I became his colleague.

After serving as Senior Resident Superior Court Judge for over two decades, he retired in September 2000 and worked as a mediator in the North Carolina judicial system.

Judge Allsbrook attended the Rosemary Baptist Church for over 50 years. He was a dedicated deacon, trustee and Sunday School teacher where he worked to enrich each person with whom he came into contact. He was also dedicated to improving the community through his involvement in the Kiwanis Club where he served as president, and also the Roanoke Rapids Chamber of Commerce where he also served as president. Because of his dedication and commitment to the community, Judge Allsbrook received the Jaycees' Distinguished Service Award and also received the Boy Scouts of America Distinguished Citizen Award.

Mr. Speaker, sadly, Judge Allsbrook's devoted and loving wife Barbara passed away in February of last year—just 8 months before Judge Allsbrook. Judge Allsbrook and his wife Barbara reared two children, Barbara Alison who resides in Roanoke, and Richard Jr., who resides in Boston.

Judge Richard Allsbrook was indeed a pillar of the Halifax community. He was my dear friend and I am so proud to have known him. Roanoke Rapids, Halifax County, and the State of North Carolina is a better place because of Richard Allsbrook's sacrifices and contributions on behalf of so many.

This legislation—H.R. 4211—has bipartisan support and is cosponsored by the entire North Carolina Congressional Delegation. It is my hope that my colleagues here in the House will join me and my North Carolina colleagues in voting "aye" on H.R. 4211.

HONORING ISAIAS R. GOMEZ

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. BACA. Madam Speaker, I stand here today to honor and remember a community activist, friend, loving husband, and father—Isaias R. Gomez.

Isaias passed away on January 18, 2008 at his home in Colton, California.

He was born in Gallup, New Mexico, and was a resident of Colton, which is in my Congressional District, for almost 55 years.

While born in New Mexico, Isaias was raised in Jalostotitlan, Jalisco, Mexico. There he met and married his wife, Jessie Gomez. He and Jessie returned to Gallup, where Isaias began to work in the coal mines. Then in 1953, he and Jessie moved to Colton, and Isaias went to work for the Santa Fe Railroad.

Isaias and Jessie's 6 children—Rosa, Eloise, Isaias Jr., Yolanda, Tommy, and Terri—where all raised in Colton. After initially working with the railroad, Isaias eventually became a successful real estate developer and builder.

I had the great privilege of knowing Isaias personally through his daughter Eloise and her husband Frank Reyes, who are both good friends of mine.

In fact, I gave Eloise Reyes a "Woman of the Year" award in 1993, when I was in the California State Legislature. She was recognized for all her great work in the community, and for being a true trailblazer as the first Hispanic, female attorney in the Inland Empire.

Isaias always let everyone know that his family was his greatest blessing. He cherished his time with them—especially the time he spent with his 9 grandchildren.

Isaias will always be remembered for his amazing work ethic and his unending dedication to friends and family. His great influence on those around him is evidenced in the outstanding character of his children and grandchildren.

In addition to his children and grandchildren, Isaias is survived by his wife Jessie; his sisters Angelita, Alfonsina, and Isabel; and his brothers Joel, Jesus, and Arturo.

Let us take the time to pay tribute to this wonderful man. Let us celebrate the life he lived and the example he led.

Although he is no longer with us, Isaias's legacy and spirit will continue to live on through the lives of everyone he has touched.

The thoughts and prayers of my wife Barbara, my family and I are with his family at this time.

HONORING MR. STU PIKEN

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. FERGUSON. Madam Speaker, I rise to honor Mr. Stu Piken upon his retirement from civil service in February.

For the past 10 years, Mr. Piken has served as Deputy District Engineer for Project Management in the New York District of the U.S. Army Corps of Engineers. He is the senior civilian responsible for more than $650 million in projects for civil works, military, hazardous and toxic waste remediation and interagency agreements.

After my first election to the House in 2000, I have worked closely with him on a project of great importance to the 7th District that I represent, the Green Brook Flood Control Project.

In September 1999, portions of my district were devastated by Hurricane Floyd. Among the areas hardest hit were the communities of Manville and Bound Brook, New Jersey. The flooding in these communities resulted in two deaths, the evacuation of thousands of citizens, damages exceeding $100 million, major disruption to municipal services, and disruption to the lives of thousands of my constituents.

The Green Brook Flood Control Project began in response to Floyd and other storms.

The Army Corps of Engineers is implementing the project—which includes a system of levees, flood walls, flood gates, pumping stations and retention basins—to protect low-lying communities along flood plains of the Raritan River and its tributaries. Green Brook has received more than $65 million in federal funding since 2001, and Mr. Piken has been instrumental in its progress.

Before his current assignment, Mr. Piken served in the North Atlantic Division, U.S. Army Corps of Engineers, on a special assignment as the Director of Programs. In that position, he was responsible for the development of the water resources program for the Northeast as well as the management of all military design and construction in the Northeast and Europe.

I join the U.S. Army Corps of Engineers in thanking Stu Piken for his dedicated service—especially to the constituents I represent—and I wish him the best in his future endeavors.

TRIBUTE TO SERGEANT PHILLIP A. BOCKS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. KNOLLENBERG. Madam Speaker, I want to pay tribute to a hero from my congressional district, Sergeant Phillip A. Bocks of Troy, Michigan. Today, I ask that the House of Representatives honor and remember this incredible young man who died serving his country.

Phillip Bocks was not one to back down from a challenge. From the time he was five years old, Phillip insisted on skiing adult courses, and at age fourteen, joined a hockey league even though he had never worn a pair of ice skates. While in high school, Phillip was a member of the swim team, acted in plays, and developed a flair for cooking.

After graduating from high school, Phillip joined the Marines in 2000 and was assigned to the Marine Corps Mountain Warfare Training Center in Bridgeport, California. As an instructor, Phillip trained Marines how to survive and fight in rugged terrain. On November 9, 2007, while on a mission to a village near Aranus, Afghanistan to make sure the residents had medical supplies and food, Sgt. Bocks was killed in an ambush.

My thoughts, prayers, and deepest gratitude for their sacrifice go to Phillip's family. There are no words that can relieve their pain and I can only offer to convey my deep respect and highest appreciation.

Madam Speaker, Sgt. Bocks gave the ultimate sacrifice not only for the freedom and security of his family and our country, but for the people of Afghanistan. I wish to remember his bravery and selflessness as he is honored today.

COMMENDING DISTRICT 02 FIRE DEPARTMENTS FOR A JOB WELL DONE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. ISRAEL. Madam, Speaker. I rise today to congratulate the brave men and women from the Deer Park, Lindenhurst, North Babylon, West Babylon and Wyandanch Fire Departments. There is no question as to why the firefighters belonging to the FDNY are considered New York's bravest. The exemplary behavior and actions of these fine individuals represent just that, bravery.

When a fire broke out at Our Lady of Miraculous Medal Church in Wyandanch fire fighters' from not only this town, but surrounding towns, joined together. They used their resources and managed to put out a fire that was large enough to severely damage the church rectory, food pantry and community outreach center. They managed to achieve this with no fatalities or injuries.

Our Lady of Miraculous Medal Church has provided outreach services for over 30 years. While it saddens me that an individual would intentionally start a fire at a place that has provided such charity, I feel a sense of ease at knowing that the brave fire fighters worked so quickly to counter these acts.

In closing, Madam Speaker, I want to commend the emergency responders for their bravery and a job well done. I would also like to express my deep gratitude to these men and women for their services not only on December 30th but on every day that they go out and risk their lives for others.

HONORING CATHY AND LEN UNGER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. BERMAN. Madam Speaker, my colleague, Congressman HENRY WAXMAN and I rise to pay tribute to our good friends, Cathy and Len Unger, who are being honored by the American Jewish Committee, AJC, at the Ira E. Yellin Community Leadership Award Dinner on January 24, 2008.

The AJC has chosen to recognize Cathy and Len, two remarkable leaders for their deep commitment to ensuring equal opportunities for all people and protecting their essential rights and liberties. For over 100 years, the AJC has been a vital organization in the Jewish community. It has continued its efforts to combat anti-Semitism, promote pluralism and democratic values, support Israel's quest for peace and security, advocate for energy independence and strengthen Jewish life.

As with all of us, Cathy and Len are the products of their family experiences. Len was born in a displaced persons camp after his parents survived the Holocaust. Although Cathy's father is a native Angeleno, Cathy's mother fled Germany with her family in 1933.

Cathy and Len were introduced to the AJC by Cathy's father, but their active participation started after a trip to Israel, organized by Ira Yellin, where they witnessed firsthand the impact of this outstanding organization. Upon their return, they joined the board of the Los Angeles chapter and have worked diligently to help the AJC attain its important mission.

Len graduated from UCLA and received his JD degree from Boalt Hall at UC Berkeley. Cathy also graduated from Berkeley. Len began his legal career in New York, where his pro bono work in a death penalty case earned him a Thurgood Marshall Award from the New York City Bar Association. When he relocated to Los Angeles, he joined the law firm of Levine and Krom, now Levine and Unger, where he currently practices.

Cathy became involved in politics, first working as a staff member for former Congressman Mel Levine during his tenure as a State Assemblyman, and then as a political and non-profit fundraiser. Both Cathy and Len have been politically active at local, State and national levels.

Their community interests involve many organizations. Cathy was appointed to the board of governors of the California Community Colleges. She is active on the local and national boards of Planned Parenthood and currently serves as chair of its Advocacy Project. She co-chaired the Women's Political Committee. Len is a member of the board and former chair of the southern California chapter of the Arthritis Foundation and is a recipient of the organization's Jane Wyman Humanitarian Award. He served as vice-chair of the national board of trustees of the Arthritis Foundation, and he currently sits on the board of Reprise! Broadway's Best, as well as on the boards of several charitable foundations. He also serves as a trustee of the investment board of the Los Angeles County Retirement Association.

Cathy and Len are the proud grandparents of Jack, Emma and Nate, children of Laura and Randy Dudley; and of Dylan, daughter of Susan and Daniel Unger.

We ask our colleagues to join us in saluting Cathy and Len Unger for their long-time commitment to public service.

PERSONAL EXPLANATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. ROSS. Madam Speaker, on Tuesday, January 22, 2008, I was not present for votes as my flight from Arkansas to Washington, D.C. was delayed.

Had I been present for rollcall No. 19, H.R. 4211, a bill to designate the facility of the U.S. Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the Judge Richard B. Allsbrook Post Office, I would have voted "yea."

Had I been present for rollcall No. 20, H. Res. 866, a bill honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records, I would have voted "yea."

TWELVE PENELLAS COUNTY CITIES HONORED BY THE ARBOR DAY FOUNDATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. YOUNG of Florida. Madam Speaker, twelve Pinellas County, Florida cities were honored by the Arbor Day Foundation this year for their commitment to improving the environment.

This Tree City USA designation recognizes the commitment of towns and cities throughout our nation to preserving open lands and to beautify their streets and public lands through the planting of trees and other natural vegetation. Pinellas County, which I have the privilege to represent, has taken significant steps to maintain and enhance our state's natural beauty, even though it is Florida's most densely populated county.

The U.S. Forest Service's Urban and Community Forestry program provides key federal support for these efforts through state and local grants as well as with advice to local community leaders. Together, this federal, state and local initiative is making our communities better places to live.

The 12 Pinellas County communities honored this year as Tree Cities USA are the Town of Belleair led by Mayor George Mariani; the City of Clearwater led by Mayor Frank Hibbard; the City of Dunedin led by Mayor Robert Hackworth; the City of Gulfport led by Mayor Michael Yakes; the City of Largo led by Mayor Patricia Gerard; the City of Oldsmar led by Mayor Jim Ronecker; the City of Safety Harbor led by Mayor Andy Steingold; the City of St. Petersburg led by Mayor Rick Baker; the City of Seminole led by Jimmy Johnson; the City of South Pasadena led by Mayor Dick Holmes; the City of St. Pete Beach led by Mayor Ward Friszolowski; and the City of Treasure Island led by Mayor Mary Maloof.

Madam Speaker, in closing, I would ask my colleagues in the House to join me in congratulating these 12 cities and the commitment of their residents to making them such special places to live, to work, and to play.

HONORING MARY LOIS McMILLAN

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me in congratulating Mary Lois McMillan upon her retirement as a Career Counselor at WorkForce Essentials.

Since joining the Franklin Career Center more than fifteen years ago, she has been a cornerstone in the center's efforts to prepare Williamson County citizens for new and challenging careers. During her tenure, the Williamson County office was recognized as Career Center of the Year and received the Business Services Award on multiple occasions. Employers in the county trusted that any candidate she sent to them would be a viable and well-prepared applicant. Mary Lois McMillan is known throughout WorkForce Essentials as a dedicated team player with a tremendous work ethic. She will clearly be missed.

In addition to her efforts at the Career Center, she has consistently given back to the community through her volunteer work with the Williamson County Chamber of Commerce, the Carnton Plantation, the Heritage Foundation of Franklin and Williamson County, and the Dress for Success program.

Please join me in thanking Mary Lois McMillan for her contributions to our community and to Tennessee. We should all be proud of the work she has done.

IN RECOGNITION OF THE RETIREMENT OF CAPTAIN DAVID MARTIN KARASEK FROM THE FLORIDA HIGHWAY PATROL

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Captain David Martin Karasek upon his retirement from the Florida Highway Patrol.

Captain Karasek's commitment to his country and community spans several decades. After serving in the United States Air Force for six years, Captain Karasek attended the Florida Highway Patrol Training Academy where he was appointed State Trooper on January 9, 1978. For over ten years, Captain Karasek served various communities in the State of Florida and attained numerous promotions. In 1990, Lieutenant Karasek transferred to the Florida Highway Patrol Training Academy where his experience and dedication made him instrumental in the fashioning of future State Troopers. A year later, Lieutenant Karasek was promoted to Captain and District Commander, where he has served for almost seventeen years.

Throughout his thirty year career with the Florida Highway Patrol, Captain Karasek has been awarded Trooper of the Month on six separate occasions, and in 1981 he was elected Exchange Club Trooper of the Year. From 1992 to 1994, Captain Karasek served as Vice President of the First Judicial Circuit Law Enforcement Association. Escambia County and Northwest Florida communities are deeply indebted to Captain Karasek, whose continual commitment provided safety and security for our roads in Florida.

Madam Speaker, on behalf of the United States Congress, I am proud to honor Captain David Martin Karasek for his enduring allegiance to the State of Florida and our great Nation.

HONORING CAPTAIN LOREN V. HECKELMAN

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mrs. DRAKE. Madam Speaker, I would like to take this moment and thank my constituent, Captain Loren V. Heckelman, for his 28 years of service in the U.S. Navy. Captain Heckelman retired on January 1, 2008.

Captain Loren V. Heckelman served as Fleet Comptroller in the U.S. Atlantic Fleet from July, 2004 to June, 2007, administering a budget of $8.4 billion.

Prior to July, 2004, he commanded the Fleet and Industrial Supply Center Norfolk, the Navy's largest supply center. In that position, Heckelman was also responsible for Program Manager, Supply and Logistics for the Commander, Navy Region Mid-Atlantic.

He has served in the United States Navy in several abroad tours. He served as supply officer for the nuclear powered aircraft carrier USS *Abraham Lincoln* while on deployment to the Persian Gulf and North Arabian Ocean and he was recognized as having the best service and sales operations among Navy aircraft carriers. In June, 1995, he acted as the Executive Officer in Yokosuka, Japan.

Heckelman was selected by the Undersecretary of the Navy to serve in the Department of the Navy's 1995 Base Realignment and Closure team, acting as the Infrastructure Analyst and the senior Supply Corps officer.

He served as the Executive Assistant to the Commander, Naval Informative Systems Management Center in Washington, DC.

Before receiving his master's degree of business administration from the University of Michigan, he served on the USS *Carl Vinson* as Stock Control and Readiness Officer.

His first command was on the destroyer USS *Bigelow*, first as Distributing Officer and quickly advancing to Sales Officer.

Highlighting his career in the United States Navy, Captain Heckelman has earned many awards including the Legion of Merit, Meritorious Service Medal, Naval Commendation Medal, Navy Achievement Medal, Military Outstanding Volunteer Service Medal, and the Meritorious Unit Commendation award.

I would like to convey my gratitude and congratulations to Captain Loren V. Heckelman for his 28 year commitment to the United States Navy and wish him the best in his future endeavors.

HONORING THE ACADEMY REVIEW BOARD AND ACADEMY NOMINEES FOR 2008

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. FRELINGHUYSEN. Madam Speaker, every year, more high school seniors from the 11th Congressional District trade in varsity jackets for Navy pea coats, Air Force flight suits, and Army brass buckles than most other districts in the country. But this is nothing new—our area has repeatedly sent an above average portion of its sons and daughters to the Nation's military academies for decades.

This fact should not come as a surprise. The educational excellence of area schools is well known and has long been a magnet for families looking for the best environment in which to raise their children. Our graduates are skilled not only in mathematics, science, and social studies, but also have solid backgrounds in sports, debate teams, and other extracurricular activities. This diverse upbringing makes military academy recruiters sit up and take note—indeed, many recruiters know our towns and schools by name.

Since the 1830s, Members of Congress have enjoyed meeting, talking with, and nominating these superb young people to our military academies. But how did this process evolve? In 1843, when West Point was the sole academy, Congress ratified the nominating process and became directly involved in the makeup of our military's leadership. This was not an act of an imperial Congress bent on controlling every aspect of Government. Rather, the procedure still used today was, and is, a further check and balance in our democracy. It was originally designed to weaken and divide political coloration in the officer corps, provide geographical balance to our armed services, and to make the officer corps more resilient to unfettered nepotism and handicapped European armies.

In 1854, Representative Gerritt Smith of New York added a new component to the academy nomination process—the academy review board. This was the first time a Member of Congress appointed prominent citizens from his district to screen applicants and assist with the serious duty of nominating candidates for academy admission. Today, I am honored to continue this wise tradition in my service to the 11th Congressional District.

The Academy Review Board is composed of six local citizens (several of whom are distinguished veterans) who have shown exemplary service to New Jersey, to their communities, and to the continued excellence of education in our area. Though from diverse backgrounds and professions, they all share a common dedication that the best qualified and motivated graduates attend our academies. And, as true for most volunteer groups, their service goes largely unnoticed.

I would like to take a moment to recognize these men and women and thank them publicly for participating in this important panel. Being on the Board requires hard work and an objective mind. Members have the responsibility of interviewing upwards of 50 outstanding high school seniors every year in the academy review process.

The nomination process follows a general timetable. High school seniors mail personal information directly to the Military Academy, the Naval Academy, the Air Force Academy, and the Merchant Marine Academy once they become interested in attending. Information includes academic achievement, college entry test scores, and other activities. At this time, they also inform my office of their desire to be nominated.

The academies then assess the applicants, rank them based on the data supplied, and return the files to my office with their notations. In late November, our Academy Review Board interviews all of the applicants over the course of two days. They assess a student's qualifications and analyze character, desire to serve, and other talents that may be hidden on paper.

This year the board interviewed 38 applicants. Nominations included 10 to the Naval Academy, 8 to the Military Academy, 5 to the Merchant Marine Academy, and 5 to the Air Force Academy—the Coast Guard Academy does not use the congressional nomination process. The recommendations are then forwarded to the academies by January 31, where admissions staff reviewed files and notified applicants and my office of their final decision on admittance.

As these highly motivated and talented young men and women go through the academy nominating process, never let us forget the sacrifice they are preparing to make: to defend our country and protect our citizens. This holds especially true at a time when our Nation is fighting the war against terrorism. Whether it is in Afghanistan, the Iraq, or other hot spots around the world, no doubt we are constantly reminded that wars are fought by the young. And, while our military missions are both important and sometimes dangerous, it is reassuring to know that we continue to put America's best and brightest in command.

ACADEMY NOMINEES FOR 2008, 11TH CONGRESSIONAL DISTRICT NEW JERSEY

AIR FORCE ACADEMY

Chelsea A. Bailey, Chatham, Academy of Arts Science & Engineering.

Phillip XG Choy, Basking Ridge, Ridge H.S.

Kenneth A. Natelli, Andover, Lenape Valley H.S.

Ethan J. Proll, West Caldwell, Trinity Christian School.

William D. Thimmel, Pompton Plains, Don Bosco.

MERCHANT MARINE ACADEMY

Michael C. Jones, Basking Ridge, Ridge H.S.

Leslie M. Martin, Parsippany, DePaul H.S.

Jack A. Morado, West Caldwell, St. Benedicts Prep.

Evan Prill, Boonton, Boonton H.S.

Matthew J. White, Bloomingdale, Butler H.S.

MILITARY ACADEMY

Brian P. Greely, Lake Hopatcong, Pope John XXIII.

Travis Hughes, Randolph, Randolph H.S.

Vincent J. Lally, Sparta, Sparta H.S.

James J. Mariani, Fairfield, West Essex H.S.

Mark E. McConnell, Lake Hopatcong, Jefferson H.S.

Alexander G. Pagoulatos, Basking Ridge, Ridge H.S.

Jason S. Rothamel, Basking Ridge, Ridge H.S.

Brendan J. Ward, Chatham, Chatham H.S.

NAVAL ACADEMY

William B. Brundage, New Vernon, The Pingry School.

Aaron Z. Dewitt, Mendham, W. Morris Mendham H.S.

Katherine S. Drainsfield, Bridgewater, Bridgewater-Raritan H.S.

Zachery R. Hoyt, Morristown, Delbarton School.

Anthony J. Kline, Boonton, Seton Hall Prep.

Kenneth L. Miltenberger, Mendham, Mendham H.S.

Kevin A. Petty, Succasunna, Roxbury H.S.

Colin R. Price, North Caldwell, Home School.

Nicholas G. Tepfenhart, Long Valley, West Morris Central.

David C. Wenger, Montville, Montville H.S.

HONORING THE 100TH ANNIVERSARY OF THE CLARENCE CENTER VOLUNTEER FIRE COMPANY

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. REYNOLDS. Madam Speaker, it is with great pride that I rise today to commemorate the 100th Anniversary of the Clarence Center Volunteer Fire Company of Clarence, New York. For a century the members of the Clarence Hose Company have been volunteering to protect their neighbors.

The Clarence Center Volunteer Fire Company became the first fire company in the Town of Clarence in 1908. The company began as a stock company and was able to purchase a hand drawn hose cart and chemical fire extinguishers. Land for a fire hall was donated to the Fire Company by a local businessman, and fundraising for the construction began in July 1908 with the First Firemen's picnic in Clarence. With the help of a local farmer, Wesley Williams, the Company raised enough money to construct Williams Hall.

The year 1922 marked a milestone for the Clarence Center Volunteer Fire Company. In February of this year the Company was able to purchase its first fire truck. The acquisition of this truck was important to the protection that the fire company offered the people in Clarence. Additionally, the first annual Labor Day Picnic was held in 1922. This is a time-honored event in the town of Clarence; not only is it a way for the fire company to raise funds for improvements to the equipment used to serve the people of Clarence, but it is an event that families throughout the town look forward to every year.

Since its beginnings the Clarence Volunteer Fire Company has become an indispensable part of the town. The Company remains committed to providing fire, rescue, and EMS services to the citizens that reside within the district boundaries. They've continued to meet the needs of the rapidly growing population of Clarence Center. As we reach the 100th anniversary of this fire company the volunteers continue to dedicate themselves to serve and assist the members of their community.

Thus Madam Speaker, in recognition of its 100th Anniversary of tremendous service in the Town of Clarence, I ask this honorable body join me in honoring the Clarence Center Volunteer Fire Company.

HONORING HRANT DINK

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor Hrant Dink. He was a Turkish-Armenian journalist and a defender of the freedom of the press. His belief in this freedom never wavered despite his prosecution and conviction under Article 301 of the Turkish Penal Code, which makes it a crime to discuss the Armenian Genocide. Sadly, Mr. Dink's life was taken one year ago on January 19, 2007.

I am proud to cosponsor H. Res. 102, which condemns the assassination of Hrant Dink. This bill urges the Turkish government to continue to investigate and prosecute those responsible for Mr. Dink's murder and to protect the freedom of speech in Turkey by repealing Article 301. The repeal of this Article will ensure that Hrant Dink's legacy will live on and that his death will not have been in vain.

HONORING MARY LOUISE PLUNKETT

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. CROWLEY. Madam Speaker, I rise to pay tribute and say thanks to Mary Louise Plunkett one of the most influential people in my life for more than 25 years, and one of the most valued members of the Queens community for more than 50.

I was blessed to meet Mary Lu in my early twenties, when I stopped into the Queens Democratic County Headquarters while running errands for my Uncle Walter. That day was the start of one of the important friendships in my personal and political life.

But, long before Mary Lu became a valued part of my life, she was already a valued and well-established force in Queens County.

Brooklyn-born Mary Lu moved to Jackson Heights in 1949 with her husband, Jack. Mary Lu was quick to engage in her community and church, and we were just as quick to forgive Mary Lu for her Brooklyn past.

Mary Lu's foray into politics started when she joined the Amerind Democratic Club. She went on to volunteer at Queens County Democratic Headquarters, where she became a full time member of the staff in 1956. While working at County headquarters, Mary Lu served some of Queens finest leaders, including Moses Weinstein, Jim Roe and Tom Manton. And, her influence on them and our community was felt by all.

No political event or dinner was held without Mary Lu and her charm. She helped to welcome such dignitaries as Jack Kennedy, TED KENNEDY, Jimmy Carter, Hugh Carey, Ed Koch, Mario Cuomo, and Bill and HILLARY CLINTON in to our Queens family.

Her intelligence, warmth and kindness made all people feel welcome and comfortable.

However, Mary Lu's reach went far beyond local politics. When she was not at County headquarters, she was working to create a better Queens. For example, she hosted an annual fundraiser to help the children of St. Gertrude's Parish in Far Rockaway.

On top of all she does for others, most important to her is her role as mother and grandmother. There is nothing Mary Lu won't or hasn't done for her two children—Steven and Jamie and her three grandchildren—Matthew, Christopher and Caroline.

I have tremendous respect for Mary Lu and all she has accomplished, but as her friend I am most proud of how she has led her family.

In the coming weeks, my fellow friends and colleagues in Queens will gather to honor Mary Lu for her lifetime of service to Queens, New York.

We will applaud her for her charity, wit and political skill. And, I will thank her for being a mentor and friend.

Mary Lu, congratulations on a lifetime of achievements.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. FRANKS of Arizona. Madam Speaker, because the end of the hour grows close, I would now come before this body with a sunset memorial. We intend to repeat this from time to time to chronicle the loss of life by abortion on demand in this country.

Madam Speaker, it is January 23, 2008, in the land of the free and the home of the brave, and before the sun sets today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand just today.

Exactly 35 years today, the tragic judicial fiat called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million children. Madam Speaker, that is more than 16,000 times the number of innocent lives lost on September 11.

Each of the 4,000 children that we lost today had at least four things in common. They were each just little babies who had done nothing wrong to anyone. And each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Madam Speaker, those noble heroes lying in frozen silence out in Arlington National Cemetery did not die so America could shred her own Constitution, as well as her own children, by the millions. It seems that we are never quite so eloquent as when we decry the genocidal crimes of past generations, those who allowed their courts to strip the black man and the Jew of their constitutional personhood, and then proceeded to murderously desecrate millions of these, God's own children.

Yet even in the full glare of such tragedy, this generation clings to blindness and invincible ignorance while history repeats itself and our own genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath. The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law."

The bedrock foundation of this Republic is the Declaration, not the casual notion, but the Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet today, Madam Speaker, in this body we fail to honor that commitment. We fail our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 innocent American babies who died without the protection we should have been given them.

Madam Speaker, I believe that this discussion presents this Congress and the American people with two destiny questions.

The first that all of us must ask ourselves is very simple: Does abortion really kill a baby? If the answer to that question is "yes," there is a second destiny question that inevitably follows. And it is this, Madam Speaker: Will we allow ourselves to be dragged by those who have lost their way into a darkness where the light of human compassion has gone out and the predatory survival of the fittest prevails over humanity? Or will America embrace her destiny to lead the world to cherish and honor the God-given miracle of each human life?

Madam Speaker, it has been said that every baby comes with a message, that God has not yet despaired of mankind. And I mourn that those 4,000 messages sent to us today will never be heard. Madam Speaker, I also have not yet despaired. Because tonight maybe someone new, maybe even someone in this Congress, who heard this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers more than anyone else, and that nearly 50 million dead children in America is enough. And that America is great enough to find a better way than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on another day yet to come, may that be the day that we hear the cries of the unborn at last. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

This is a sunset memorial, Madam Speaker. It is January 23, 2008, in the land of free and the home of the brave.

NEW TREATMENT FOR HIV/AIDS

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mrs. BONO MACK. Madam Speaker, I rise today to celebrate the approval of a new treatment that will provide renewed health and hope for people living with HIV/AIDS. On Friday, January 18, 2008, the Food and Drug Administration approved INTELENCE™, for the treatment of HIV infection. Tibotec Therapeutics innovative efforts in developing new, effective treatments for people living with HIV/AIDS should be commended.

We are all aware of the success HIV therapies have had on prolonging and enhancing the quality of life for those infected with HIV/AIDS. As the infected population lives longer and becomes increasingly resistant to current treatment regimens, there is a growing need to focus on access to newer therapies for treatment experienced. HIV drug manufacturers are being challenged to meet the treatment needs of this changing population.

INTELENCE™, also known as TMC125, is the first new drug in the NNRTI class to be approved in a decade. It brings new hope to HIV patients, whose HIV virus has become resistant to other HIV therapies, including drugs in the same NNRTI class.

Tibotec Therapeutics has worked with the HIV patient and physician communities in the 45th Congressional district among many others during the development and approval of INTELENCE™. The results of these efforts and clinical trials have been positive; patients are achieving and maintaining suppressed viral loads with minimal side effects. Notably, the FDA approved INTELENCE™ through an accelerated approval procedure—a process that is reserved for the early approval of drugs that show a meaningful therapeutic advantage over existing treatments for serious or life-threatening diseases.

I applaud the fact that Americans living with HIV/AIDS will now have access to a new and important treatment option, affording them the possibility of living healthier and productive lives.

HONORING THE LIFE OF DIANE WOLF

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. MICA. Madam Speaker, I rise today to honor the life and special contributions of Diane Wolf who passed away unexpectedly at age 53 on January 12, 2008.

Our nation's capital city has lost one of its great cultural patrons. The Wolf family has lost a beloved daughter, sister and loved one and I have lost a wonderful friend. Diane Wolf was blessed to be part of one of America's most successful families. Through the years, I have had the privilege of knowing and working with her. She devoted her boundless energy, time and resources to advance history, art and culture not only for Washington, D.C., but also for the people of our country. I had the honor of working with her to raise private funds for construction of the new visitor center for our U.S. Capitol building. Her service on numerous boards aided the National Archives, the Kennedy Center, the National Gallery of Art, and the Smithsonian Institution.

In New York City, Diane Wolf was renowned for her work and support of the Metropolitan Museum of Art, the Whitney Museum of American Art, and the Frick Collection.

Miss Wolf was appointed by President Reagan in 1985 to serve on the U.S. Commission of Fine Arts. She also served on the U.S. Senate Preservation Board of Trustees, and the Washington National Opera Board of Trustees.

A graduate of the University of Pennsylvania and with a master's degree from Columbia University, she went on to earn a law degree from Georgetown University.

Miss Wolf also served as president of the Capitol Hill Federal Bar Association.

Of all the individuals I have worked with in our nation's capitol during the past three decades, no one has been more personally dedicated to making a difference in promoting artistic and cultural endeavors than Diane Wolf.

Miss Wolf was born in Cheyenne, Wyoming and raised in Denver, maintained residences in New York City and Washington, D.C.

To her parents, Erving and Joyce Wolf; and two brothers, Daniel Wolf and Matthew Wolf; and on behalf of the House of Representatives, we extend our deepest sympathy.

HONORING JUDGE PHILLIP FIGA

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to U.S. District Judge Phillip Figa, who passed away earlier this month at his home in Greenwood Village, Colorado after a struggle with cancer.

A native of Chicago, Illinois, Judge Figa received his legal credentials from Cornell Law School in 1976 before becoming a highly-successful litigation lawyer and co-founding the Burns, Figa & Will P.C. law group, where he built a reputation for fairness and impartiality. He became Chair of the Colorado Bar Association Ethics Committee in 1984 and eventually President of the Association in 1995.

In 2003 President Bush appointed Judge Figa to the U.S. District Court for Colorado where he served our nation as a fair and dedicated jurist. Colorado has lost a fine public servant with the passing of Judge Figa. Our best wishes and heartfelt condolences go out to all who knew and loved him.

TRIBUTE TO TOM TERRELL

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. WEINER. Madam Speaker, I rise today to honor Tom Terrell, a versatile music journalist, promoter and DJ, who was among the first industry insiders to focus attention on reggae and world music. Tom was a cornerstone of the New York music community for 16 years before returning to his native Washington, DC, where he passed away on November 29, 2007, after a brave battle with prostate cancer. He was 57 years old.

Mr. Terrell, who was ubiquitous in Washington music circles in the 1970s and 1980s, seemed to know everyone and to be ahead of every trend. After beginning his journalistic career at Howard University, he worked as a disc jockey at local stations and wrote about music for the Unicorn Times, the Washington City Paper, and other publications. As the house DJ at d.c. space and the 9:30 Club, he introduced audiences to an eclectic selection of records reflecting his interest in soul, jazz, New Wave, reggae, and African music.

Mr. Terrell's unique, humorous, insightful, and always honest voice was ubiquitious in places such as Vibe, Essence, JazzTimes, the Village Voice and National Public Radio. Mr. Terrell's journalism was often a spirited blend of autobiography and musicology, leavened with slang, profanity, and the knowledge of every trend in popular music for the past half-century. He wrote about virtually every form of music from Africa and the Americas.

Between his DJ work and writing, he promoted concerts for artists as diverse as Cab Calloway, the Art Ensemble of Chicago and Mali's Salif Keita. After moving to New York in 1990, he worked in marketing for Island Records, Gee Street Records, and Verve, wrote for magazines and served as the DJ for jazz giant Ornette Coleman's 70th birthday party. Mr. Terrell was also an accomplished photographer who photographed hundreds of musicians in performance.

Back in Washington, one of his final projects was to write liner notes and record video interviews for a six-CD box set of Miles Davis's ''On the Corner'' recordings of the early 1970s.

Mr. Terrell was much more than a talented writer and musicologist with a gift for discovering artists and musical developments. He was a radiant, joyful presence, whose enthusiasm and appreciation for life, music, and a good joke will continue to inspire those who were fortunate enough to know him. Above all, his life represented the ideal that music could be a beneficial force in the world, uniting people across racial, social and geographical boundaries. This was his magic.

As his sister Bevadine Z. Terrell says, ''He loved bringing new music to people. He loved bringing people together, not just African Americans, but white people, Asian people, African people.''

Mr. Terrell set a great example of community for artists to follow. ''How can I help you?'' was a question Tom was always asking. May his memory serve as a reminder to all of us to keep asking that question.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Ms. ROYBAL-ALLARD. Madam Speaker, I was unavoidably detained and was not present for rollcall Nos. 19 and 20 on Tuesday, January 22. Had I been present, I would have voted ''yea'' on rollcall No. 19 to suspend the rules and pass H.R. 4211 to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, NC, as the ''Judge Richard B. Allsbrook Post Office'' and ''yea'' on rollcall No. 20 to suspend the rules and pass H. Res. 866 honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records.

HONORING JEANNIE HASTINGS

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mrs. BLACKBURN. Madam Speaker, this weekend, the Family and Children's Services of Nashville, Davidson County, TN will honor the dedication and service of a trusted and treasured volunteer, the late Jeannie Hastings.

Jeannie loved the organization and served it well, providing both guidance and leadership as it worked to fulfill its mission to provide

needed services to Nashville families. Jeannie Hastings loved people and loved doing good for her community. It was apparent in how she chose to spend her time and energy—working for a better quality of life for everyone.

Mrs. Hastings graduated from Milan High School and with honors from the University of Tennessee, Knoxville. With her husband Jim, she raised three sons and co-founded Hastings Architecture Associates, LLC. As a community leader, she served as president of the University of Tennessee National Alumni Association, chairman of the Nashville Symphony Board and was a member of the Volunteer Council Board of Directors for the American Symphony Orchestra League and the Nashville Chamber of Commerce Board.

She also chaired the Nashville Downtown Partnership Board, the Women's Fund of the Community Foundation Advisory Board, the TSU Foundation Board, the Nashville Symphony Guild, the Arthritis Foundation Nashville branch and the Heart Gala Board of Directors.

She also found time to serve on the Family and Children's Services Board, the Nashville Sports Council Board and the University of Tennessee Alumni Board of Governors. She was also a member of the Downtown Exchange Club and Leadership Nashville.

Madam Speaker, I ask my colleagues to join me in reflecting on the remarkable example of balancing family, business and community service that Jeannie set. I am so pleased to count myself among the many Tennesseans who are better for having known her.

INTRODUCTION OF THE CIVIL RIGHTS ACT OF 2008

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. LEWIS of Georgia. Madam Speaker, today I rise to introduce the Civil Rights Act of 2008. This legislation will keep the promise of equality that this Congress has made in passing our civil rights laws and ensure that discriminators are held accountable for their actions. Over the years, Congress has addressed some of our most pressing civil rights concerns by passing bipartisan legislation, legislation that protects American workers from discrimination on the basis of color, race, religion, age, disability, and sex. Our civil rights laws have strengthened our country, providing opportunity to those who had been denied opportunity and affording the Nation the benefit of abilities that would have otherwise been wasted. They have brought us closer to the beloved community where all people are able to succeed based on their abilities.

Unfortunately, over the years, the Supreme Court has weakened some of these basic protections in ways that Congress never intended. They have undermined the protections for workers, for older Americans, for the disabled, for racial and ethnic minorities, for women, and for those in the military. So today, I join Senator EDWARD KENNEDY in introducing the Civil Rights Act of 2008 to restore workers' rights and strengthens and reaffirms our commitment to the promise of equal opportunity. The bill corrects the misinterpretations of our civil rights laws that have left too many American workers without a remedy when they have suffered discrimination.

The relationship between workers and civil rights in America runs wide and deep. It was the laborers—the sharecroppers, the sanitation workers, the teachers, the students, the construction workers, and the street sweepers—who tore down the walls of racial segregation in the South. It is these ordinary men and women with extraordinary vision who have sacrificed their lives in confrontations throughout American history to help build this democracy. We cannot stand by and let their hard-earned victories be erased.

This bill better protects workers from discrimination in agencies that receive Federal money, defends students against harassment, fortifies civil rights for State employees, and prevents employers from forcing workers to give up their right to a day in court. It also ensures remedies for undocumented workers who are victims of unfair labor practices. It restores the individual right to challenge practices that have an unjustified discriminatory effect based on race, color, national origin, disability, age, or gender. It ensures that members of the Armed Forces who work for State governments are protected from discrimination.

If you work for a State government, you should have the same protections from discrimination as a person working in private industry—but the courts didn't see it that way. Students who are victims of sexual harassment shouldn't have to meet a higher standard of proof than their teachers—but the courts didn't see it that way. Members of the uniformed services should be able to get relief if they are discriminated against while they are on active military duty, whether they are employees of State governments or the private industry—but the courts didn't see it that way.

The struggle for civil rights is beyond one bill, one vote, or one judicial decision. It's beyond one Presidential term or act of Congress. Ours is the struggle of a lifetime, and each generation, each citizen, each president and each member of Congress must do his or her part. Together all of our efforts comprise the struggle of a nation to build the beloved community, a nation at peace with itself and its own ideals. This bill is just another step in that struggle to ensure the freedoms of all Americans to pursue their dreams.

FAMILY SECURITY AND SMALL BUSINESS STIMULUS ACT OF 2008

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 2008

Mr. KNOLLENBERG. Madam Speaker, I rise today to introduce the Family Security and Small Business Stimulus Act of 2008. It is impossible to ignore the economic indicators that suggest our economy is slowing down. In my own home State of Michigan, citizens have been faced with a sluggish economy for some time now. We can and should take steps to give the economy a shot in the arm. This is a problem facing all Americans, and it will take a strong, bipartisan effort to solve it.

One important way to address this problem is to reduce the tax burden on families and small businesses. My bill utilizes three ideas to accomplish these goals: a new, permanent 5 percent tax bracket; an instant advance on this tax cut for 2008; and increasing the limit of small business expensing.

The Family Security and Small Business Stimulus Act of 2008 will create a new, permanent 5 percent tax bracket, reducing taxes by either $400 for an individual or $800 for a family per year. This is critical as we try to enable families to keep more of their hard-earned money in their pockets, allowing them to use it for their ever-increasing expenses. Families would receive this tax cut in the form of an instant advance payment, to be delivered upon 30 days after enactment.

Additionally, my bill will increase the Section 179 small business expensing limit from $125,000 to $375,000 per year for 2 years. Increasing the amount a small business could expense encourages capital purchases. When a small business knows it can expense a new purchase, it is more likely to make the investment. Enabling small businesses to invest in new equipment and expand their operations will promote significant economic growth at a time when job creation is crucial.

We shouldn't stop here. We need to make the 2001 and 2003 tax cuts permanent, and pass other important pro-growth legislation. But this is something we can come together and accomplish quickly.

It is time for us to lift ourselves out of our current economic slowdown and restore our strength in the global economy. That is why I have introduced this legislation. I hope you will help America succeed by joining me on this important legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 24, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 29

10 a.m.

Budget

To hold hearings to examine the long-term budget outlook.

SD–608

Finance

To hold hearings to examine the nomination of Douglas H. Shulman, of the District of Columbia, to be Commissioner of Internal Revenue, Department of the Treasury.

SD–215

JANUARY 30

10 a.m.

Budget

To hold hearings to examine the economic stimulus, focusing on budget policy for a strong economy over the short-and long-term budget outlook.

SD–608

Environment and Public Works

To hold hearings to examine the threats and protections for the polar bear.

SD–406

Finance

To hold hearings to examine private fees for service in Medicare Advantage plans.

SD–215

Judiciary

To hold oversight hearings to examine the Department of Justice.

SH–216

Small Business and Entrepreneurship

To hold hearings to examine the Small Business Administration's accountability, focusing on the efficacy of women's contracting and lender oversight.

SR–428A

JANUARY 31

10:30 a.m.

Aging

To hold hearings to examine elderly voters, focusing on opportunities and challenges for the 2008 election.

SH–216

FEBRUARY 5

9:30 a.m.

Veterans' Affairs

To continue oversight hearings to examine veterans disability compensation.

SR–418

FEBRUARY 7

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration, and Simon Charles Gros, of New Jersey, to be an Assistant Secretary, both of the Department of Transportation.

SR–253

FEBRUARY 12

10 a.m.

Judiciary

To hold hearings to examine pending judicial nominations.

SD–226

FEBRUARY 13

9:30 a.m.

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for veterans programs.

SR–418

FEBRUARY 27

2:30 p.m.

Commerce, Science, and Transportation

Space, Aeronautics, and Related Agencies Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the National Space and Aeronautics Administration (NASA).

SR–253

CORRECTION

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S157–S223

Measures Introduced: Six bills and four resolutions were introduced, as follows: S. 2545–2550, and S. Res. 421–424. **Page S207**

Measures Passed:

American Printing House for the Blind 150th Anniversary: Senate agreed to S. Res. 421, honoring the 150th anniversary of the American Printing House for the Blind. **Pages S214–15**

Commending Louisiana State University Tigers Football Team: Senate agreed to S. Res. 422, commending the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national championship game. **Page S215**

Return of the USS Pueblo: Senate agreed to S. Res. 423, seeking the return of the USS Pueblo to the United States Navy. **Page S215**

Electing the Secretary for the Majority: Senate agreed to S. Res. 424, electing Lula Johnson Davis, of Maryland, as Secretary for the Majority of the Senate. **Page S215**

Measures Considered:

Indian Health Care Improvement Act Amendments: Senate continued consideration of S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act, taking action on the following amendments proposed thereto: **Pages S158–79**

Pending:

Bingaman/Thune Amendment No. 3894 (to Amendment No. 3899), to amend title XVIII of the Social Security Act to provide for a limitation on the charges for contract health services provided to Indians by Medicare providers. **Page S158**

Vitter Amendment No. 3896 (to Amendment No. 3899), to modify a section relating to limitation on use of funds appropriated to the Service. **Page S158**

Brownback Amendment No. 3893 (to Amendment No. 3899), to acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States. **Page S158**

Dorgan Amendment No. 3899, in the nature of a substitute. **Page S158**

Sanders Amendment No. 3900 (to Amendment No. 3899), to provide for payments under subsections (a) through (e) of section 2604 of the Low-Income Home Energy Assistance Act of 1981. **Page S158**

FISA Amendments Act: Senate began consideration of S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act. **Pages S179–94**

By the authority of the Committee on the Judiciary, the amendment in the nature of a substitute reported by the Committee on the Judiciary was modified. **Page S184**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Thursday January 24, 2008. **PageS S215–216**

Nominations Received: Senate received the following nominations:

Anita K. Blair, of Virginia, to be an Assistant Secretary of the Navy.

Margaret Scobey, of Tennessee, to be Ambassador to the Arab Republic of Egypt.

D. Kathleen Stephens, of Montana, to be Ambassador to the Republic of Korea.

Steven G. Bradbury, of Maryland, to be an Assistant Attorney General.

19 Air Force nominations in the rank of general.

9 Marine Corps nominations in the rank of general.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S219–23**

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

Andrew G. Biggs, of New York, to be Deputy Commissioner of Social Security for the term expiring January 19, 2013, which was sent to the Senate on January 9, 2007.

Andrew G. Biggs, of New York, to be Deputy Commissioner of Social Security for a term expiring

January 19, 2013 (Recess Appointment), which was sent to the Senate on May 16, 2007.

E. Duncan Getchell, Jr., of Virginia, to be United States Circuit Judge for the Fourth Circuit, which was sent to the Senate on September 6, 2007.

Page S223

Messages from the House: Pages S204–05

Measures Referred: Page S205

Measures Placed on the Calendar: Page S205

Enrolled Bills Presented: Page S205

Executive Communications: Pages S205–07

Additional Cosponsors: Pages S207–09

Statements on Introduced Bills/Resolutions: Pages S209–10

Additional Statements: Pages S202–03

Amendments Submitted: Pages S210–14

Notices of Hearings/Meetings: Page S214

Authorities for Committees to Meet: Page S214

Privileges of the Floor: Page S214

Adjournment: Senate convened at 12:00 noon and adjourned at 7:39 p.m., until 9:30 a.m. on Thursday, January 24, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S215–16.)

Committee Meetings

(Committees not listed did not meet)

JUSTICE FOR ALL ACT

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Justice for All Act (Public Law 108–405), focusing on the administration of the Bloodsworth and Coverdell DNA Grant Programs by the Department of Justice, after receiving testimony from Glenn A. Fine, Inspector General, and John Morgan, Deputy Director, National Institute of Justice, Office of Justice Programs, both of the Department of Justice; Peter M. Marone, Virginia Department of Forensic Science, Richmond, on behalf of the Consortium of Forensic Science Organizations; Larry A. Hammond, Osborn Maledon, Phoenix, Arizona; and Peter Neufeld, Cardozo School of Law Innocence Project, New York, New York.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 36 public bills, H.R. 5101–5136; and 8 resolutions, H. Con. Res. 281–283; and H. Res. 935–939 were introduced. Pages H454–56

Additional Cosponsors: Pages H456–57

Reports Filed: There were no reports filed today.

Chaplain: The prayer was offered by the guest Chaplain, Rev. Saúl Santos, Jr., Fountain of Truth Church, Fontana, California. Page H391

Children's Health Insurance Program Reauthorization Act of 2007—Presidential Veto: The House voted to sustain the President's veto of H.R. 3963, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, by a yea-and-nay vote of 260 yeas to 152 nays, Roll No. 22 (two-thirds of those present not voting to override). Earlier, the House agreed to order the previous question by a yea-and-nay vote of 217 yeas to 195 nays, Roll No. 21. Pages H395–H407

Subsequently, the message (H. Doc. 110–80) and the bill were referred to the Committees on Energy and Commerce and Ways and Means. Pages H407–08

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 February 6, 2008. Page H408

Providing for a Joint Session of Congress to receive a message from the President: The House agreed to H. Con. Res. 282, providing for a Joint Session of Congress to receive a message from the President on the State of the Union on Monday, January 28, 2008. Pages H409–10

Suspensions: The House agreed to suspend the rules and pass the following measures:

Section 515 Rural Housing Property Transfer Improvement Act of 2007: H.R. 3873, to expedite the transfer of ownership of rural multifamily housing projects with loans made or insured under section 515 of the Housing Act of 1949 so that such projects are rehabilitated and preserved for use for affordable housing; Pages H410–12

Amending the National Flood Insurance Act of 1968 to provide for the phase-in of actuarial rates for certain pre-FIRM properties: H.R. 3959, amended, to amend the National Flood Insurance Act of 1968 to provide for the phase-in of actuarial rates for certain pre-FIRM properties; **Pages H412–13**

Honoring the contributions of Catholic schools: H. Res. 916, to honor the contributions of Catholic schools; **Pages H414–17**

Supporting the goals and ideals of National Mentoring Month: H. Res. 908, to support the goals and ideals of National Mentoring Month; **Pages H417–20**

Expressing support for designation of the week of February 4 through February 8, 2008 as "National School Counseling Week": H. Res. 932, to express support for designation of the week of February 4 through February 8, 2008 as "National School Counseling Week"; **Pages H420–22**

Raising awareness and encouraging prevention of stalking by establishing January 2008 as "National Stalking Awareness Month": H. Res. 852, amended, to raise awareness and encourage prevention of stalking by establishing January 2008 as "National Stalking Awareness Month"; **Pages H422–24**

Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007: H.R. 3992, amended, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses; and **Pages H424–28**

Death in Custody Reporting Act of 2007: H.R. 3971, amended, to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies. **Pages H428–31**

Agreed to amend the title so as to read: "To encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.". **Page H431**

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H406–07 and H407. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:28 p.m.

Committee Meetings

ARMY CONTRACTING TASK FORCE; DOD OUTSOURCING—GAO

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on Army Contracting Task Force. Testimony was heard from the following officials of the Department of the Army: Ross Thompson, Deputy Assistant Secretary, Acquisition, Logistics and Technology; and Daniel Quinn, Chief of Staff, U.S. Army Criminal Investigation Command.

The Subcommittee also met in executive session to hold a hearing on DOD Outsourcing—GAO. Testimony was heard from David M. Walker, Comptroller General, GAO.

FOREIGN ASSISTANCE IN THE 21ST CENTURY—PROPOSALS FOR REFORM AND RESTRUCTURING

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs held a hearing on Foreign Assistance in the 21st Century: Proposals for Reform and Restructuring. Testimony was heard from public witnesses.

AFGHANISTAN—U.S. STRATEGY AND OPERATIONS

Committee on Armed Services: Held a hearing on Assessment of U.S. Strategy and Operations in Afghanistan and the Way Ahead. Testimony was heard from LTG David W. Barno, USA (Ret.), Director, Near East South Asia Center for Strategic Studies, National Defense University, Department of Defense; and public witnesses.

IRAQ—POST SURGE ALTERNATIVES

Committee on Armed Services: Subcommittee on Oversight and Investigations continued hearings on A Continuing Dialogue: Post-Surge Alternatives for Iraq (Part 2). Testimony was heard from public witnesses.

CBO BUDGET AND ECONOMIC OUTLOOK

Committee on the Budget: Held a hearing on the Congressional Budget Office's Budget and Economic Outlook. Testimony was heard from Peter Orszag, Director, CBO.

EARLY EDUCATION

Committee on Education and Labor: Held a hearing on Investing in Early Education: Paths to Improving Children's Success. Testimony was heard from public witnesses.

VETERINARY PUBLIC HEALTH WORKFORCE EXPANSION ACT OF 2007

Committee on Energy and Commerce: Subcommittee on Health held a hearing on H.R. 1232, Veterinary Public Health Workforce Expansion Act of 2007. Testimony was heard from public witnesses.

COMBATING NUCLEAR PROLIFERATION

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''Combating Nuclear Proliferation: The Effectiveness of the Department of Energy's Initiatives for Proliferation Prevention (IPP) Program.'' Testimony was heard from Adam Scheinman, Assistant Deputy Administrator, Office of Nonproliferation and International Security, National Nuclear Security Administration, Department of Energy; Richard Stratford, Acting Deputy Assistant Secretary, Bureau of International Security and Nonproliferation, Department of State; and Robert A. Robinson, Managing Director, Natural Resources and the Environment, GAO.

IRAQ—PROPOSED U.S. SECURITY COMMITMENT

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights, and Oversight and the Subcommittee on the Middle East and South Asia held a joint hearing on the Proposed U.S. Security Commitment to Iraq: What Will Be In It and Should It Be a Treaty? Testimony was heard from Kenneth Katzman, Specialist in Middle East Affairs, Foreign Affairs, Defense and Trade Division, CRS, Library of Congress; and public witnesses.

CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2008

Committee on Homeland Security: Subcommittee on Transportation Security and Infrastructure Protection approved for full Committee action, as amended, the Chemical Facility Anti-Terrorism Act of 2008.

FUTURE OF U.S. EMBASSIES

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs held a hearing on Fortress America Abroad: Effective Diplomacy and the Future of U.S. Embassies. Testimony was heard from public witnesses.

SMALL BUSINESSES HEALTH CARE OPTIONS

Committee on Small Business: Held a hearing entitled ''Limited Health Care Options for Small Businesses in the Small Group Market.'' Testimony was heard from public witnesses.

TRANSPORTATION WORKERS IDs

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Transportation Workers Identification Credentials—Follow-Up. Testimony was heard from the following officials of the Department of Homeland Security: RADM Brian Salerno, USCG, Assistant Commandant, Safety, Security, and Stewardship, U.S. Coast Guard; and Maurine Fanguy, Transportation Workers Identification Credentials Program Manager, Transportation Security Administration; John Porcari, Secretary, Department of Transportation, State of Maryland; and a public witness.

GREAT LAKES IMPROVING WATER QUALITY PROGRESS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Progress Toward Improving Water Quality in the Great Lakes. Testimony was heard from Representatives Visclosky, Stupak, Kirk and Emanuel; David Maurer, Acting Director, Natural Resources and Environment, GAO; Benjamin H. Grumbles, Assistant Administrator, Office of Water, EPA; Stephen B. Brandt, Director, Great Lakes Environmental Research Laboratory, NOAA, Department of Commerce; Charles Wooley, Acting Regional Director, Midwest Region, U.S. Fish and Wildlife Service, Department of the Interior; Christina Muedeking, Central Regional Assistant Chief, Natural Resources Conservation Service, USDA; and Irene Brooks, Chair, U.S. Section, International Joint Commission of the U.S. and Canada.

CHINA

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to hold a hearing on China. Testimony was heard from departmental witnesses.

AUCTION AND REVENUE RECYCLING UNDER CARBON CAP AND TRADE

Select Committee on Energy Independence and Global Warming: Held a hearing entitled ''Cap, Auction, and Trade: Auctions and Revenue Recycling Under Carbon Cap and Trade.'' Testimony was heard from Ian Bowles, Secretary of Energy and Environmental Affairs, State of Massachusetts; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, JANUARY 24, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the nomination of Ed Schafer, of North Dakota, to be Secretary of Agriculture, 3:30 p.m., SR–328A.

Committee on the Budget: to hold hearings to examine the Congressional Budget Office budget and economic outlook, 10 a.m., SD–608.

Committee on Energy and Natural Resources: to hold oversight hearings to examine ways to reform the Mining Law of 1872, 9:30 a.m., SD–366.

Committee on Environment and Public Works: to hold an oversight hearing to examine the Environmental Protection Agency's decision to deny the California waiver, 10 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine international climate change negotiation, focusing on Bali and the path toward a post-2012 climate treaty, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine S. 1843, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations, to hold hearings to examine the United Nations Development Program in North Korea, 10 a.m., SD–342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, with the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold joint hearings to examine management and oversight of contingency contracting in hostile zones, 2:30 p.m., SD–342.

Committee on Veterans' Affairs: to hold oversight hearings to examine the report of the Veterans' Disability Benefits Commission, focusing on veterans disability compensation, 9:30 a.m., SD–562.

House

No Committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Thursday, January 24

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 2248, FISA Amendments Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, January 28

House Chamber

Program for Monday: Joint Meeting of Congress to receive the President's State of the Union Message.

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